

DON JOHNSON

# TOWN OF ACTON ANNUAL TOWN MEETING WARRANT



**FOR APRIL 6, 1998**

**WILL BE CONVENED AT 7:00 P.M. IN THE ACTON-  
BOXBOROUGH HIGH SCHOOL AUDITORIUM**

# **NOTICE OF MEETINGS AND ELECTION**

## **Finance Committee - Budget Hearing**

**Tuesday, March 24, 1998**

**7:30 P.M.**

**Room 204 of the Acton Town Hall**

## **Annual Town Election**

**Tuesday, March 31, 1998**

**7:00 A.M. - 8:00 P.M.**

**Precincts 1-2 Conant School**

**Precincts 3-5 Blanchard Auditorium**

## **Annual Town Meeting**

**Monday, April 6, 1998**

**7:00 P.M.**

**Acton Boxborough Regional High School Auditorium**

### **NOTE:**

**Copies of the detailed Municipal Operating Budget available at:  
Memorial Library, West Acton Library, Acton Police Station,  
Town Hall and at the Polling places on March 31, 1998  
Copies will be available at Town Meeting.**

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## Board of Selectmen's Message

This Town Meeting Warrant is your annual invitation to participate in the legislative portion of Acton's town government. In an era when many citizens may feel out of touch with distant governmental functions, Acton has preserved a cherished tradition of citizens directly governing themselves by speaking and voting at an Open Town Meeting. We encourage all Acton residents to attend. All registered Acton voters may, and are urged to, participate in the debate and vote on the Articles presented. Citizen government can only function when the citizenry involve themselves in the process, please come and be involved. We look forward to seeing you there!

Annual Town Meeting will begin on **Monday, April 6, 1998** and is expected to continue on April 7th and 8th. All sessions begin at **7:00 PM** in the Acton-Boxborough High School Auditorium. Come early to get checked in by the Town Clerk's staff and obtain additional information.

The Town Meeting Warrant is the agenda for the meeting. It is drawn up by the Selectmen who also determine the order of consideration of the Articles. The Articles will be considered and acted upon in the order in which they appear, unless the Moderator or the meeting itself changes the order. This year the order and grouping of the Articles have been made out somewhat differently by the Selectmen. Generally speaking the Articles have been grouped such that old business is expected to be considered the first night, next year municipal spending debated matters the second night, and school spending and zoning proposals discussed the third night. In that regard the Selectmen this year have indicated that they hope the Meeting will act on Articles 1 through 21 the first night, April 6th, vote on Articles 22 through 31 the second night, April 7th, and complete the Warrant on the third night, April 8th.

As in prior years, the Warrant is a combination of proposals by the Town and the School administrations, as well as a citizen petition concerning restaurant smoking. Each Article is intended to give fair notice of the topic to be discussed and voted upon. At the Town Meeting, the motion made under each Article will describe the specific action that is proposed to be taken. The wording of the motion, and any amendments that might be offered to the main motion, may differ from the exact wording of the Article, but must be within the scope of the article. Accordingly, it is suggested that each attendee listen closely to the reading of the motion, and any amendments made, before voting.

Your attention is invited to the Warrant section on Parliamentary Procedure and a Basic Guide to the Town Meeting Process written by the Town Moderator.

The best debate is conducted by those who have informed themselves concerning the issues. To assist speakers to inform themselves in advance, and avoid delays during the meeting engendered by persons seeking basic information, the Board of Selectmen strongly encourages and solicits questions in advance concerning any of the proposed articles. Information in regard to the Articles is available from any of the people listed after each Article summary, or a general inquiry to the Town Manager's office (264-9612) can be made for an appropriate referral. Copies of the detailed Municipal Operating Budget will be made available in advance of the meeting at the Memorial Library, West Acton Library, Acton Police Station, Acton Town Hall, and at the polling places on March 31st. Copies will also be available at the Town Meeting. Furthermore personnel designated by staff and the Moderator will be available in the auditorium during the Meeting to

answer informational questions which may not be of interest to the entire assemblage on a one to one basis.

Again this past year, members of the Board of Selectmen, the School Committees, and the Finance Committee have met on a regular basis to coordinate the annual budget preparations and develop future years financial projections. Those projections consistently show that the limitations imposed on municipal finance by Proposition 2 1/2, combined with factors over which the Town has little or no control (such as general inflationary trends, the number of school age children living in Town, special education mandates, NESWC funding, and state aid formulas biased against Acton) create a structural funding problem. In common with many other communities, Acton is unlikely to be able to continue to finance the same level of services currently enjoyed by its citizens completely based on the foreseeable revenue streams. It is anticipated that it will occasionally be necessary to use accounting balances to supplement revenue deficits and on other occasions to obtain the citizens consent, through appropriate Proposition 2 1/2 override referendums, to further raise local taxes to continue to maintain the level of services currently provided. This year it will be proposed to considerably decrease the additional appropriation authority allowed us by the Massachusetts Department of Revenues' once a year accounting formula calculation, known as "free cash", in order to fully fund the three school budgets and the municipal budget. In the following year, Fiscal Year 2000, which will begin on July 1, 1999, current projections indicate that an operating override will probably be necessary to raise the level of Proposition 2.1/2 allowed taxation base, in order to sustain the current and anticipated required increases in the municipal and school operating budgets. These are troublesome matters and deserve the attention of all citizens and taxpayers, further underscoring the importance of Town Meeting participation.

In addition to adequate revenue streams, another necessity for the healthy function of Acton Town government is a flow of active and interested citizens willing to volunteer their time and talents to participate as members and associate members of the Town's many volunteer regulatory and advisory Boards, Commissions and Committees. Volunteers are the very foundation of our grassroots government. No special knowledge or education is necessary to serve on any Town bodies, only a interest to serve the community and advance the public good, combined with a willingness to learn. The rewards of service are intangible but very real. We encourage you to volunteer by filling out the Citizen Resource Sheet which is included in this Warrant, tearing it out and mailing it to Town Hall, depositing it in the marked box in the lobby outside the auditorium at Town Meeting, or handling it to any Selectmen at the meeting.

F. Dore' Hunter, Chair  
Wayne Friedrichs, Vice Chair  
Herman Kabakoff, Clerk  
William Mullin  
Nancy Tavernier

## Town Manager's Message

... serving the community, making a difference ...

The primary function of Local Government is *serving the community and making a difference* in the quality of everyday life. There are basic services that we provide everyday. These include protecting health safety and welfare, maintaining infrastructure, preserving history and safeguarding the environment. Education of our youth is virtually the only community service for which Local Government is not responsible.

For many years we have done our basic work and done it well. Acton is a desirable community, attracting new residents to our schools, quiet quality of life and geographic location.

Basic services, however, are only the foundation for a strong community. The goal of a full service community is to go the extra mile and provide for all of the needs of its citizens. In a comparison test, the Acton of yesterday fell short of this goal in several areas ... culture, recreation and public works. Not so, any longer! Over the last 3 1/2 years Acton voters have:

- ⇒ ... approved two major land purchases (**the Boy Scout Land and the Morrison Property**) which, respectively, add priceless opportunities for passive and active recreation;
- ⇒ ... approved two major water-based recreation projects ... the reclamation of **Ice House Pond** and the construction of the 40 acre **North Acton Recreation Area** which has, as its focal point, a 9-acre, manmade swimming and fishing pond,
- ⇒ ... approved expansion and renovation plans for **Memorial Library** which is currently under construction. When finished we will triple the size of this cultural center and create a campus effect for Local Government that will make an outstanding architectural statement in our historic Town Center,
- ⇒ ... and authorized possibly the most important, understated project of all ... the first public **Wastewater Treatment** project in the Town's history.

These actions - more than any others in recent history - will surely be seen by future generations as the turning point. The point at which Acton's Local Government moved from just serving the community to truly **making a difference**.

In FY99 we will be bringing many of these new or expanded services on line. As is the Selectmens' custom, the recommended implementation programs for these services have been packaged separately from the basic budget and are presented individually within this Warrant. These programs include the addition of a number of new staff positions, associated primarily with the Memorial Library and Recreation Programs

The preparation of the FY99 Municipal Budget followed closely the guidelines of the Acton Leadership Group. Salary requests consist of qualified step increases and a 3% COLA budgeted for each position in the organization. All other requests have been based on justified needs of the various departments.

## "STATE OF THE TOWN"

Our financial picture remains strong as we look toward FY99. Unlike the last two years, however, when the Selectmen were able to leave some taxing capacity "on the table", we once again see the need for full taxation in FY98, FY99 and the foreseeable future.

The Municipal portion of our debt service has been excluded from the limits of Proposition 2½ and, insofar as possible, we are attempting to fund our ongoing operations and the implementation costs for our new services and programs from a proportionate share of available revenues. Whether or not we are able to continue to fund the operational requirements of Municipal Government out of available revenues in future years will only be determined as we go forward.

### **FY99 BUDGET:**

The proposed **FY99 Municipal Operating Budget** will be voted as Article 22 of this Warrant. In addition to the basic Operating Budget there are several other articles which, taken together, constitute the entire appropriation needs of the Town for FY99. Three very exciting, very important programs that have been packaged separately as noted above are the initial implementation plans for our "signature" projects ... opening the new, expanded **Memorial Library** (Article 6); initiation of a comprehensive town-wide **Recreation Program**, including opening of the North Acton Recreation Area (Article 8); and implementation of a **Watershed Based Trading Program** as a first step in providing Municipal Sewers (Article 11).

The **Memorial Library** construction project is progressing well with an anticipated occupancy date in mid-FY99. This Article proposes the funding necessary for additional library staffing and custodial support for that portion of FY99 during which the new building will be open.

The **Recreation Implementation Program** will add a new Recreation Division to the Natural Resources Department and provide appropriate staffing and equipment for recreation programming and a much higher level of maintenance of municipal recreation fields and playgrounds. This includes both existing properties and the increased responsibilities at the North Acton Recreation Area and the Morrison property.

Finally, the **Watershed Based Trading Program**, will fund a study to determine how we might reduce non-point pollutant discharges in exchange for receiving a point discharge into the Assabet River. This is a first-of-its-kind program that we are developing in conjunction with EPA. If the program is successful in gaining us the right to discharge to the river, we will be able to enlarge the Sewer District.

### **SUMMARY:**

These are important times in the history of Acton. Staff is privileged and honored to be part of these times ... **servicing the community** and **making a difference**.

Respectfully submitted,  
Don P. Johnson, Town Manager

## Finance Committee Message

### HIGHLIGHTS

- \* Projected expenses for FY1999 exceed projected revenues.
- \* To eliminate the projected FY1999 deficit, Acton's Free Cash will be reduced to 2.7% of the budget, well below the recommended 5% Guideline.
- \* If such trends continue, an Operational Override will be needed in the Spring of 1999.
- \* Current tax impact projections for the next five years WITHOUT any Operational Overrides increase the tax bill for the average \$330,000 home owner from \$6042 this year to \$7847 in 2003, an increase of slightly less than 30%.

### FINANCE COMMITTEE MISSION

One of the primary goals of the Finance Committee is to present as clear a picture as possible of Acton's financial health in order to enable Acton citizens to be aware of the consequences of their individual votes. We work closely with the Board of Selectmen, the School Committees and the staffs of both the town and the schools. We emphasize the consideration of Acton as a total community and the financial aspects of local government. These aspects include coordinated planning during the budget generation process, the use of 'best practices' as applied to the civic environment, and finally, the annual update of the Five Year Capital Plan.

The key ingredient in the endeavors of any Finance Committee is communication. Accordingly, we invite you to attend Acton's Budget Hearing at the Town Hall on March 24, 1998. In addition, we will be presenting a series of articles in the BEACON starting on March 19, 1998. A number of citizens have mentioned that they would like to know the Finance Committee's position on all Warrant Articles prior to Town Meeting. Since the Warrant will go to press before all our recommendations have been determined, we will publish the results of our deliberations prior to Town Meeting in the BEACON.

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**TABLE I. CURRENT BUDGET OVERVIEW**

**(\$MILLIONS)**

	<b>FY'97</b>	<b>FY'98</b>	<b>FY '99</b>
REVENUES	37.1	38.5	39.7
EXPENSES	36.4	38.5	40.3
SPECIAL CITIZENS PETITIONS/OTHER	0.4	-	-
OVER/(UNDER)	0.3		(0.6)

.....

Table I summarizes Acton's projected revenues and expenses. Examination of Table I reveals that FY1999 projected revenues have increased over FY1998 only 3.1% whereas projected expenses have increased by 4.7%. Furthermore, the revenue growth since 1997 increased only 7.0% whereas the expense growth is 10.7%. Clearly, this situation cannot go on indefinitely. Either we must increase our revenues or reduce our expenses.

Increasing our revenues can come either from increasing Acton's tax base or by approving Operational Overrides. The Board of Selectmen have initiated an Economic Development Committee which is investigating ways to bring commercial and industrial businesses to Acton and to retain the ones already in Acton. No matter how successful the EDC will be, it will require time. In the interim we face the need either for an Operational Override in the Spring of 1999 or a significant reduction in our expenses. Both the Board of Selectmen and the School Committees have examined this year's expense budgets and feel that any further reduction would be detrimental to vital services. One potential area for expense reduction is the consolidation of common functions among the Town and the Schools.

In accordance with the law Acton's overall budget must be balanced at the start of every fiscal year. Accordingly, the projected \$0.6M deficit will be handled by an additional Free Cash contribution as has been the situation for the past three years. Similar Free Cash contributions of \$2.0M and \$1.2M were made in FY1997 and FY1998, respectively.

**TABLE II. REVENUES (\$MILLIONS)**

	FY '97	FY'98	FY '99
PROPERTY TAX LEVY	29.3	31.2	33.2
NON-TAX FUNDS			
CHERRY SHEET	2.4	2.7	2.8
MV EXCISE	2.0	2.1	2.1
MUNICIPAL FEES	1.4	1.3	1.3
FREE CASH	2.0	1.2	0.1
OTHER	-	-	0.2
TOTAL REVENUE	37.1	38.5	39.7

Table II reveals the degree to which Free Cash contributes to the legally required balanced budget for any fiscal year. On October 14, 1997 the Department of Revenue informed Acton that certified amount of available Free Cash for FY1999 budgeting was \$1,887,727. Free Cash was derived from three sources: first, unexpended Free Cash from FY1997, larger revenue collections than anticipated during FY1997, and unspent amounts of the FY 1997 authorized budget. Over the past two years our Certified Free Cash has decreased from \$3.6M to \$1.9M, a decrease of almost 48%. Free Cash is not a guaranteed annually recurring revenue.

If the Articles proposed in this Warrant are approved, Acton's Free Cash balance will be reduced to \$1.09M which is less than 3.0% of our projected expenses. This is well below the 5% level which is the guideline recommended by both the Acton Leadership Group and the Massachusetts Association of Finance Committees. This 5% guideline was established to provide financial stability and retain a positive bond rating.

**EXPENSE BUDGET GENERATION**

The process of generating Acton's budgets continues to evolve systematically. Acton is fortunate to have a high degree of communication among the Board of Selectmen, the School Committees, and the Finance Committee; this is not the usual situation throughout New England. Specifically, there are two organizations that meet periodically throughout the fiscal year. The Acton Leadership Group (ALG) meets monthly and consists of the Chairs & Vice-Chairs of the Board of

Selectmen, the School Committees, and the Finance Committee along with town and school officials. A second group, called Acton 2001, consists of all the members of the three boards along with the town and school officials. The ALG concentrates on the annual operating budgets while the Acton 2001 concentrates on the Five Year Capital Plan in addition to other long range subjects.

**TABLE III. EXPENSES (\$MILLIONS)**

	FY '97	FY'98	FY '99
MUNICIPAL	13.7	14.0	14.7
ACTON PUBLIC SCHOOLS	12.4	13.5	13.8
A-B REGIONAL ASSESSMENT	9.8	10.7	11.4
MINUTEMAN ASSESSMENT	0.5	0.3	0.4
TOTAL EXPENSES	36.4	38.5	40.3

Table III depicts how Acton revenue funds have been allocated to one of four expense budgets: Municipal, Acton Public Schools, Acton-Boxborough regional schools, and Minuteman Science-Technology High School.

### **MUNICIPAL**

Over the past three years the current municipal budget generation process has been evolving. On the second Saturday in January the Town Manager and his Department Heads present their individual budgets to a combined session of the Board of Selectman and the Finance Committee. Basically, these budget proposals are in two parts:

- a) the annual operating needs such as salaries, utility costs, and other expendable items (see Warrant Article 22); and,
- b) capital improvements expenses for those items that have an life expectancy of more than a year such as police cruisers and fire engines, and maintenance of capital infrastructure such as roofs and heating systems (see Warrant Articles 23, 24 and 25)

The North East Solid Waste Committee (NESWC) fund continues to be a significant financial drain upon the citizens of Acton. The annual cost of trash disposal is increasing by approximately 28% or \$400,000. However, through the efforts of Town staff, the cost borne by the citizens has been stabilized. For the third consecutive year, neither the tax subsidy of \$667,000 nor the household sticker fee will be increased.

Overall the municipal operating budget represents an increase of 5% over FY1998. This is caused predominantly by the need to staff and maintain the North Acton Recreation Area and the new Library, both of which are on-schedule.

### **ACTON PUBLIC SCHOOLS**

The February 10th defeat of the Debt Exclusion Override vote has led the Acton Public School Committee to propose another option for increasing classroom space (see Warrant Article 9). Beyond the need for more classroom space in the Acton Public Schools other major concerns include the growth of the Special Education requirements and the need to maintain Buildings and Grounds infrastructures.

Of significant interest is the on-going initiative to bring the Acton Public Schools accounting system in line with the Town's computer system. Completing this effort will avoid the redundant expenses of manually integrating the accounting data between the computers. This is a process that could serve as a model for cost savings and elimination of duplication of effort among the Town and the School operations.

## **A-B REGIONAL SCHOOLS**

The A-B Regional Schools represent 28% of the overall Acton expense budgets and has increased 6.5% over last year. The A-B Regional Schools continue to be faced with the following: (a) growth in Special Education expenses; (b) need to maintain Buildings and Grounds infrastructures; and, (c) adherence to the Acton-Boxborough Regional Agreement.

In accordance with the A-B Regional Agreement Acton is required to pay 95% for A-B capital expenses while Boxborough pays 5%. The Five Year Capital Plan identifies two A-B projects totaling \$47.5M. If the 95-5 split remains in effect, then Acton taxpayers will be required to pay \$16.7M assuming that the State reimburses Acton at the 63% level. Current projections for the students who will use the facilities point to a range of 25-30% Boxborough youngsters. To be on the conservative side let's assume that Boxborough youngsters make up only 25% of the total and that a 75-25 split can be negotiated. Acton's cost for the two regional projects reduces to \$13.2M, a potential savings of \$3.5M. As for the annual operating budget Acton and Boxborough split the costs on a pro rata basis; so with the increase of the Boxborough students Acton's relative expenses will diminish.

## **MINUTEMAN SCIENCE-TECHNOLOGY SCHOOL**

Minuteman represents 1.0% of the overall Acton expense budgets. The FY1999 assessment is a 33% increase over FY1998; this is due to an unusual reduction of 40% in the FY1998 assessment from that of FY1997. To provide a more balanced perspective, the Minuteman budget has decreased 20% from the FY1997 assessment. Minuteman continues to be a financially viable adjunct to the A-B Regional Schools.

## **FIVE YEAR CAPITAL PLAN**

Acton 2001 annually addresses the Five Year Capital Plan. Six projects have been identified:

- a) an Elementary School project estimated at \$12.3 prior to an anticipated \$7.8M State reimbursement (see Warrant Article 9);
- b) the Safety Building project (upgrade to Police/Fire facilities) estimated at \$5.0M and scheduled for a 1999 Town Meeting authorization;
- c) an Acton-Boxborough Regional Junior High School project estimated at \$17.5M prior to state reimbursement and scheduled for a 2000 Town Meeting authorization;
- d) an infrastructure sustainment project (upkeep of capital investments such as heating systems and roofs) estimated at \$2.0M and scheduled for a 2000 Town Meeting authorization;
- e) the municipal portion of phase 2 of the Sewers project estimated at \$2.0M and scheduled for a 2001 Town Meeting authorization; and,
- f) an Acton-Boxborough Regional High School project estimated at \$30.0M prior to state reimbursement and scheduled for a 2002 Town Meeting authorization.

## FIVE YEAR TAX IMPACT PROJECTIONS

The contents of Table IV were developed based on the following assumptions:

- a) the basic tax rates remain indexed to the standard 2 1/2% increase per annum;
- b) all six projects will be approved;
- c) the current 95-5 split for A-B capital expense remains in effect;
- d) no operational overrides; and,
- e) the tax impacts associated with the Five Year Capital Plan include BOTH construction expenses and associated operational expenses.

TABLE IV. FIVE YEAR TAX IMPACT PROJECTIONS

	BASIC TAX RATE	FIVE YEAR CAPITAL PLAN TAX IMPACT	TOTAL TAX RATE	TAX BILL FOR AVERAGE \$330,000 HOME
1999	18.80	.19	18.99	6267
2000	19.24	.90	20.14	6646
2001	19.69	1.50	21.19	6993
2002	20.16	2.40	22.56	7445
2003	20.63	3.15	23.78	7847

The basic message to be derived from Table IV is that the tax bill for residents with a average \$330,000 home will increase from \$6042 in 1998 to \$7847 in 2003, an increase of slightly less than 30%.

### CONCLUSION

- \* There is a good chance for the need of an Operational Override in the Spring of 1998.
- \* Revenue growth initiatives are underway though time will be required before benefits can be realized.
- \* Consolidation attempts for some of the Town and School operations could lead to viable reductions in overall expenses.
- \* Capital expenses in relation to annual operating expenses will rise from 1% in FY1999 to 13% in 2003, assuming that all projects in the current Five Year Capital Plan are approved.

Please don't forget the Acton Budget Hearing in Room 204 of Acton's Town Hall on March 24, 1998 at 7:30 P.M. Until then, we will keep you informed of our deliberations through articles in the Beacon.

We wish to thank Bill Ryan (Assistant School Superintendent) and Mr. John Murray (Assistant Town Manager) for their time and dedication to insuring that the Finance Committee not only has the necessary information but also understands it.

Thomas Mackey, Chairman  
Jean Sifleet, Vice Chairman  
Rheta Roeber, Clerk

Robert Miller  
Sidney Johnston  
Peter Ashton

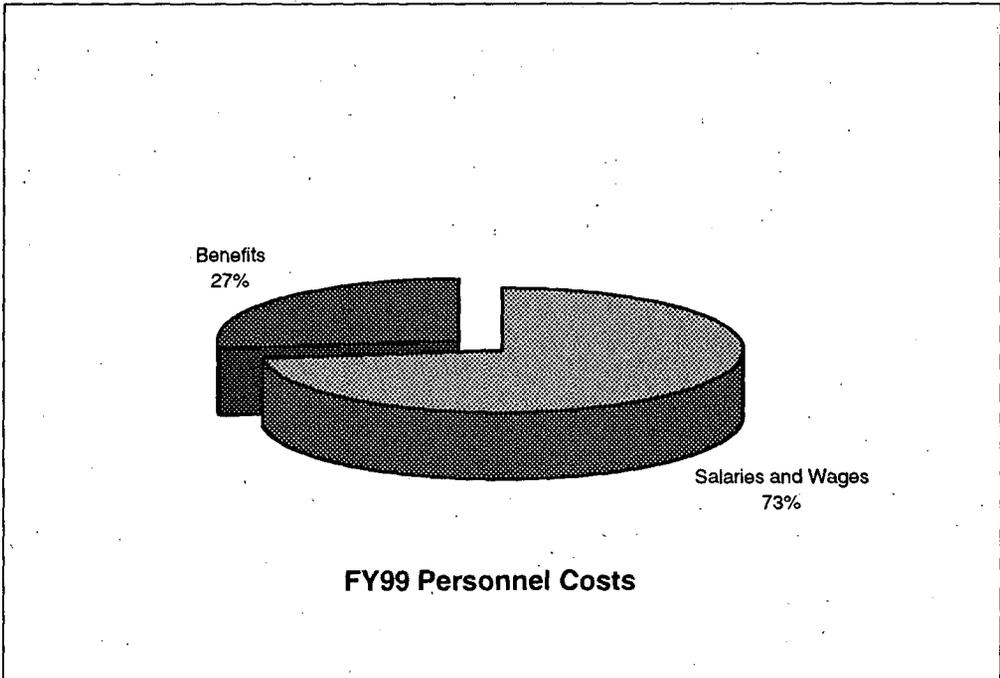
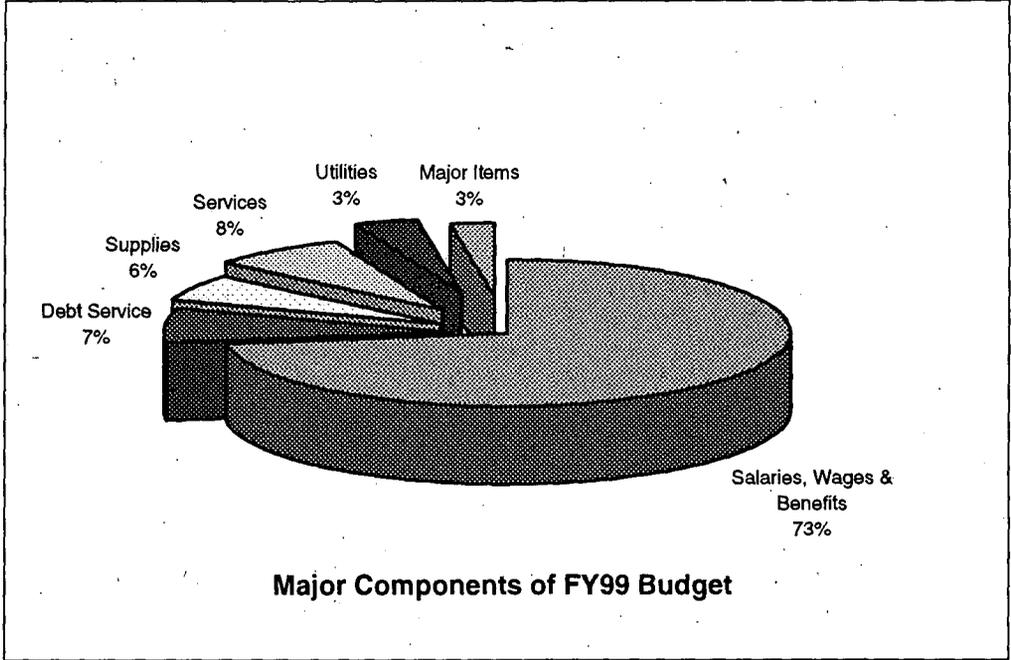
Charles Olmstead  
John Prendiville  
Jesse Liberty

**FY99 MUNICIPAL BUDGET PRESENTATION**

April 6, 1998

<b>Town of Acton Object Budget</b>						
<i>Description</i>	<i>FY97 Budget*</i>	<i>FY98 Budget*</i>	<i>% Change FY97-FY98</i>	<i>FY99 Request</i>	<i>% Change FY98-FY99</i>	<i>Avg % Change FY97-FY99</i>
Personal Services	6,435,452	6,558,184	1.91%	6,897,280	5.17%	3.54%
Services	1,469,774	1,335,557	-9.13%	1,421,100	6.41%	-1.36%
Supplies	610,453	658,291	7.84%	750,737	14.04%	10.94%
Intergovernmental	44,156	44,156	0.00%	44,156	0.00%	0.00%
Other Appropriations	2,514,339	2,728,639	8.52%	2,554,003	-6.40%	1.06%
Major Items	342,996	406,855	18.62%	335,659	-17.50%	0.56%
Debt Service	1,042,644	1,053,131	1.01%	961,302	-8.72%	-3.86%
* Budgetary Articles Included						
<b>Grand Total</b>	<b>\$ 12,459,814</b>	<b>\$ 12,784,813</b>	<b>2.61%</b>	<b>\$ 12,964,237</b>	<b>1.40%</b>	<b>2.01%</b>

FY99 MUNICIPAL  
BUDGET PRESENTATION  
April 6, 1998



**TOWN OF ACTON  
DEPARTMENT OBJECT BUDGET**

<i>SUB ACCT</i>	<i>DESCRIPTION</i>	<i>1997 BUDGET*</i>	<i>1998 BUDGET*</i>	<i>1999 REQUEST</i>	<i>% Change 98-99</i>
<b>ACCOUNTANT/COMPTROLLER</b>					
5100	Personal Services	\$ 117,392	\$ 121,169	\$ 126,817	4.66%
5200	Services	\$ 1,030	\$ 1,134	\$ 1,184	4.41%
5400	Supplies	\$ 3,000	\$ 2,900	\$ 3,000	3.45%
	<b>DEPARTMENT TOTAL</b>	<b>\$ 121,422</b>	<b>\$ 125,203</b>	<b>\$ 131,001</b>	<b>4.63%</b>
<b>ASSESSORS</b>					
5100	Personal Services	\$ 106,423	\$ 111,442	\$ 118,152	6.02%
5200	Services	\$ 169,133	\$ 14,770	\$ 14,750	-0.14%
5400	Supplies	\$ 1,560	\$ 1,400	\$ 1,400	0.00%
	<b>DEPARTMENT TOTAL</b>	<b>\$ 277,116</b>	<b>\$ 127,612</b>	<b>\$ 134,302</b>	<b>5.24%</b>
<b>BUILDING INSPECTOR</b>					
5100	Personal Services	\$ 135,613	\$ 140,383	\$ 146,311	4.22%
5200	Services	\$ 1,200	\$ 800	\$ 900	12.50%
5400	Supplies	\$ 2,150	\$ 2,400	\$ 2,850	18.75%
	<b>DEPARTMENT TOTAL</b>	<b>\$ 138,963</b>	<b>\$ 143,583</b>	<b>\$ 150,061</b>	<b>4.51%</b>
<b>TOWN CLERK</b>					
5100	Personal Services	\$ 92,171	\$ 94,833	\$ 95,521	0.73%
5200	Services	\$ 1,680	\$ 1,680	\$ 1,045	-37.80%
5400	Supplies	\$ 725	\$ 1,355	\$ 1,335	-1.48%
	<b>DEPARTMENT TOTAL</b>	<b>\$ 94,576</b>	<b>\$ 97,868</b>	<b>\$ 97,901</b>	<b>0.03%</b>
<b>CIVIL DEFENSE</b>					
5200	Services	\$ 2,100	\$ 2,100	\$ 2,100	0.00%
5400	Supplies	\$ 2,400	\$ 2,400	\$ 2,400	0.00%
	<b>DEPARTMENT TOTAL</b>	<b>\$ 4,500</b>	<b>\$ 4,500</b>	<b>\$ 4,500</b>	<b>0.00%</b>
<b>COA/COUNCIL ON AGING</b>					
5100	Personal Services	\$ 72,837	\$ 82,973	\$ 85,635	3.21%
5200	Services	\$ 4,841	\$ 4,731	\$ 5,050	6.74%
5400	Supplies	\$ 4,375	\$ 4,735	\$ 5,250	10.88%
	<b>DEPARTMENT TOTAL</b>	<b>\$ 82,053</b>	<b>\$ 92,439</b>	<b>\$ 95,935</b>	<b>3.78%</b>
<b>COLLECTOR</b>					
5100	Personal Services	\$ 122,732	\$ 127,622	\$ 132,588	3.89%
5200	Services	\$ 42,000	\$ 42,000	\$ 58,767	39.92%
5400	Supplies	\$ 24,500	\$ 19,000	\$ 20,500	7.89%
	<b>DEPARTMENT TOTAL</b>	<b>\$ 189,232</b>	<b>\$ 188,622</b>	<b>\$ 211,855</b>	<b>12.32%</b>
<b>COMMISSION ON DISABILITIES</b>					
5200	Services	\$ 1,500	\$ 1,500	\$ 1,500	0.00%
<b>DOG OFFICER (in Town Mgr Budget)</b>					
5100	Personal Services	\$ -	\$ -		
5200	Services	\$ 5,300	\$ 5,300	\$ 10,550	99.06%
	<b>DEPARTMENT TOTAL</b>	<b>\$ 5,300</b>	<b>\$ 5,300</b>	<b>\$ 10,550</b>	<b>99.06%</b>
<b>ELECTIONS</b>					
5100	Personal Services	\$ 11,058	\$ 8,250	\$ 1,250	-84.85%
5200	Services	\$ 8,825	\$ 7,475	\$ 15,100	102.01%
5400	Supplies	\$ 6,400	\$ 4,100	\$ 4,100	0.00%
	<b>DEPARTMENT TOTAL</b>	<b>\$ 26,283</b>	<b>\$ 19,825</b>	<b>\$ 20,450</b>	<b>3.15%</b>

**TOWN OF ACTON  
DEPARTMENT OBJECT BUDGET**

<i>SUB ACCT</i>	<i>DESCRIPTION</i>	<i>1997 BUDGET*</i>	<i>1998 BUDGET*</i>	<i>1999 REQUEST</i>	<i>% Change 98-99</i>
<b>ENGINEERING</b>					
5100	Personal Services	\$ 132,716	\$ 137,547	\$ 144,545	5.09%
5200	Services	\$ 16,440	\$ 13,990	\$ 14,490	3.57%
5400	Supplies	\$ 4,450	\$ 2,950	\$ 2,450	-16.95%
	<b>DEPARTMENT TOTAL</b>	<b>\$ 153,606</b>	<b>\$ 154,487</b>	<b>\$ 161,485</b>	<b>4.53%</b>
<b>FINANCE DIRECTOR</b>					
5100	Personal Services	\$ 92,025	\$ 96,280	\$ 99,685	3.54%
5200	Services	\$ 36,100	\$ 38,000	\$ 37,750	-0.66%
5400	Supplies	\$ 52,200	\$ 40,000	\$ 40,130	0.32%
5600	Intergovernmental	\$ 43,116	\$ 43,116	\$ 43,116	0.00%
5700	Other Appropriations	\$ 2,459,339	\$ 2,595,139	\$ 2,497,103	-3.78%
5900	Debt Service	\$ 1,042,644	\$ 1,053,131	\$ 961,302	-8.72%
	<b>DEPARTMENT TOTAL</b>	<b>\$ 3,725,424</b>	<b>\$ 3,865,666</b>	<b>\$ 3,679,086</b>	<b>-4.83%</b>
<b>FINANCE COMMITTEE</b>					
5200	Services	\$ 275	\$ 1,000	\$ 1,000	0.00%
5700	Other Appropriations	\$ 33,000	\$ 33,000	\$ 33,000	0.00%
	<b>DEPARTMENT TOTAL</b>	<b>\$ 33,275</b>	<b>\$ 34,000</b>	<b>\$ 34,000</b>	<b>0.00%</b>
<b>FIRE</b>					
5100	Personal Services	\$ 1,991,085	\$ 2,019,642	\$ 2,097,620	3.86%
5200	Services	\$ 22,144	\$ 30,658	\$ 32,550	6.17%
5400	Supplies	\$ 48,192	\$ 62,160	\$ 54,600	-12.16%
5600	Intergovernmental	\$ 1,040	\$ 1,040	\$ 1,040	0.00%
5800	Major Items	\$ 15,000	\$ 16,000	\$ 14,500	-9.38%
	<b>DEPARTMENT TOTAL</b>	<b>\$ 2,077,461</b>	<b>\$ 2,129,500</b>	<b>\$ 2,200,310</b>	<b>3.33%</b>
<b>HEALTH</b>					
5100	Personal Services	\$ 59,400	\$ 62,900	\$ 68,750	9.30%
5200	Services	\$ 31,100	\$ 31,900	\$ 31,900	0.00%
5400	Supplies	\$ 740	\$ 760	\$ 760	0.00%
	<b>DEPARTMENT TOTAL</b>	<b>\$ 91,240</b>	<b>\$ 95,560</b>	<b>\$ 101,410</b>	<b>6.12%</b>
<b>HIGHWAY</b>					
5100	Personal Services	\$ 577,619	\$ 592,864	\$ 610,053	2.90%
5200	Services	\$ 236,200	\$ 237,200	\$ 237,700	0.21%
5400	Supplies	\$ 248,800	\$ 271,000	\$ 259,900	-4.10%
5700	Other Appropriations	\$ 8,000	\$ 9,000	\$ 9,000	0.00%
5800	Major Items	\$ 246,000	\$ 253,000	\$ 215,000	-15.02%
	<b>DEPARTMENT TOTAL</b>	<b>\$ 1,316,619</b>	<b>\$ 1,363,064</b>	<b>\$ 1,331,653</b>	<b>-2.30%</b>
<b>HISTORICAL COMMISSION</b>					
5400	Supplies	\$ 600	\$ 600	\$ 600	0.00%
	<b>DEPARTMENT TOTAL</b>	<b>\$ 600</b>	<b>\$ 600</b>	<b>\$ 600</b>	<b>0.00%</b>
<b>HUMAN RESOURCES</b>					
5100	Personal Services	\$ 74,199	\$ 82,873	\$ 87,730	5.86%
5200	Services	\$ -	\$ 12,200	\$ 15,830	29.75%
5400	Supplies	\$ 3,000	\$ 6,000	\$ 3,300	-45.00%
	<b>DEPARTMENT TOTAL</b>	<b>\$ 77,199</b>	<b>\$ 101,073</b>	<b>\$ 106,860</b>	<b>5.73%</b>

**TOWN OF ACTON  
DEPARTMENT OBJECT BUDGET**

SUB ACCT	DESCRIPTION	1997 BUDGET*	1998 BUDGET*	1999 REQUEST	% Change 98-99
<b>TOWN MANAGER</b>					
5100	Personal Services	\$ 223,153	\$ 239,470	\$ 249,280	4.10%
5200	Services	\$ 298,015	\$ 303,370	\$ 304,570	0.40%
5400	Supplies	\$ 9,000	\$ 13,700	\$ 14,400	5.11%
5800	Major Items	\$ -	\$ 5,159	\$ 5,159	0.00%
	<b>DEPARTMENT TOTAL</b>	<b>\$ 530,168</b>	<b>\$ 561,699</b>	<b>\$ 573,409</b>	<b>2.08%</b>
<b>MEMORIAL LIBRARY</b>					
5100	Personal Services	\$ 373,086	\$ 384,315	\$ 403,406	4.97%
5200	Services	\$ 23,244	\$ 25,920	\$ 24,911	-3.89%
5400	Supplies	\$ 77,370	\$ 80,026	\$ 83,121	3.87%
	<b>DEPARTMENT TOTAL</b>	<b>\$ 473,700</b>	<b>\$ 490,261</b>	<b>\$ 511,438</b>	<b>4.32%</b>
<b>MIS</b>					
5200	Services	\$ 172,458	\$ 149,546	\$ 157,944	5.62%
5400	Supplies	\$ -	\$ 20,975	\$ 98,175	368.06%
	<b>DEPARTMENT TOTAL</b>	<b>\$ 172,458</b>	<b>\$ 170,521</b>	<b>\$ 256,119</b>	<b>50.20%</b>
<b>TOWN MEETING MODERATOR</b>					
5100	Personal Services	\$ 200	\$ 200	\$ 200	0.00%
5400	Supplies	\$ 20	\$ 20	\$ 20	0.00%
	<b>DEPARTMENT TOTAL</b>	<b>\$ 220</b>	<b>\$ 220</b>	<b>\$ 220</b>	<b>0.00%</b>
<b>MUNICIPAL PROPERTIES</b>					
5100	Personal Services	\$ 312,709	\$ 316,447	\$ 329,968	4.27%
5200	Services	\$ 351,865	\$ 375,940	\$ 415,334	10.48%
5400	Supplies	\$ 37,320	\$ 43,000	\$ 41,500	-3.49%
5800	Major Items	\$ 45,000	\$ 29,500	\$ 44,500	50.85%
	<b>DEPARTMENT TOTAL</b>	<b>\$ 746,894</b>	<b>\$ 764,887</b>	<b>\$ 831,302</b>	<b>8.68%</b>
<b>NATURAL RESOURCES/CEMETERY</b>					
5100	Personal Services	\$ 187,459	\$ 196,767	\$ 206,415	4.90%
5200	Services	\$ 2,925	\$ 2,850	\$ 5,525	93.86%
5400	Supplies	\$ 9,215	\$ 17,260	\$ 30,446	76.40%
5800	Major Items	\$ -	\$ -	\$ 5,000	
	<b>DEPARTMENT TOTAL</b>	<b>\$ 199,599</b>	<b>\$ 216,877</b>	<b>\$ 247,386</b>	<b>14.07%</b>
<b>PLANNING BOARD</b>					
5100	Personal Services	\$ 93,320	\$ 98,703	\$ 111,323	12.79%
5200	Services	\$ 7,895	\$ 7,700	\$ 7,800	1.30%
5400	Supplies	\$ 3,680	\$ 3,700	\$ 3,700	0.00%
	<b>DEPARTMENT TOTAL</b>	<b>\$ 104,895</b>	<b>\$ 110,103</b>	<b>\$ 122,823</b>	<b>11.55%</b>
<b>POLICE</b>					
5100	Personal Services	\$ 1,636,020	\$ 1,697,010	\$ 1,758,861	3.64%
5200	Services	\$ 31,942	\$ 22,380	\$ 22,380	0.00%
5400	Supplies	\$ 59,916	\$ 47,300	\$ 66,300	40.17%
5800	Major Items	\$ 36,996	\$ 103,196	\$ 51,500	-50.09%
	<b>DEPARTMENT TOTAL</b>	<b>\$ 1,764,874</b>	<b>\$ 1,869,886</b>	<b>\$ 1,899,041</b>	<b>1.56%</b>
<b>PUBLIC CELEBRATIONS</b>					
5400	Supplies	\$4,000	\$5,000	\$5,000	0.00%
	<b>DEPARTMENT TOTAL</b>	<b>\$4,000</b>	<b>\$5,000</b>	<b>\$5,000</b>	<b>0.00%</b>

**TOWN OF ACTON  
DEPARTMENT OBJECT BUDGET**

<i>SUB ACCT</i>	<i>DESCRIPTION</i>	<i>1997 BUDGET*</i>	<i>1998 BUDGET*</i>	<i>1999 REQUEST</i>	<i>% Change 98-99</i>
<b>VETERANS SERVICE</b>					
5100	Personal Services	\$ 2,100	\$ 2,600	\$ 2,600	0.00%
5200	Services	\$ 50	\$ 95	\$ 120	26.32%
5400	Supplies	\$ 200	\$ 200	\$ 200	0.00%
5700	Other Appropriations	\$ 14,000	\$ 14,500	\$ 14,900	2.76%
	<b>DEPARTMENT TOTAL</b>	<b>\$ 16,350</b>	<b>\$ 17,395</b>	<b>\$ 17,820</b>	<b>2.44%</b>
<b>WEST ACTON LIBRARY</b>					
5100	Personal Services	\$ 22,135	\$ 20,894	\$ 20,570	-1.55%
5200	Services	\$ 1,512	\$ 1,318	\$ 350	-73.44%
5400	Supplies	\$ 6,340	\$ 5,050	\$ 5,000	-0.99%
	<b>DEPARTMENT TOTAL</b>	<b>\$ 29,987</b>	<b>\$ 27,262</b>	<b>\$ 25,920</b>	<b>-4.92%</b>
<b>ZONING BOARD OF APPEALS</b>					
5400	Supplies	\$ 300	\$ 300	\$ 300	0.00%
	<b>GRAND TOTAL</b>	<b>\$12,459,814</b>	<b>\$12,784,813</b>	<b>\$12,964,237</b>	<b>1.40%</b>
	<i>*Budgetary Articles Included</i>				

FY99 MUNICIPAL BUDGET PRESENTATION

April 6, 1998

Town of Acton							
Departmental Revenue							
NAME	FY1995	FY1996	Budget FY1997	Actual FY1997	Budget FY1998	2Q Actual FY98	Budget FY1999
Accountant	\$2,841	\$2,988	\$2,988	\$10,871	\$3,000	7,423.34	3,000
Assessors	\$645	\$625	\$625	\$961	\$700	479.75	900
Building	\$129,618	\$103,784	\$103,784	\$139,875	\$120,000	66,683.46	125,000
Cemeteries	\$36,681	\$32,149	\$32,149	\$27,082	\$34,500	14,806.60	27,700
Civil Defense	\$0	\$0	\$0	\$0	\$0	-	-
Collector	\$100,770	\$104,671	\$104,671	\$85,699	\$105,000	47,217.88	87,000
Conservation Comm	\$300	\$300	\$300	\$0	\$300	300.00	300
C.O.A.	\$0	\$45	\$45	\$0	\$0	-	-
Dog Officer	\$0	\$0	\$0	\$0	\$0	-	-
Education		\$51,847		\$38,278	\$0	9,117.42	-
Election	\$0	\$0	\$0	\$0	\$0	-	-
Engineering	\$905	\$816	\$816	\$866	\$1,000	560.25	1,000
Finance	\$662,775	\$543,326	\$543,326	\$561,645	\$640,000	265,517.42	600,000
Fire	\$69,395	\$63,519	\$63,519	\$26,841	\$37,000	14,822.10	37,000
Health	\$33,429	\$6,228	\$6,228	\$6,594	\$6,000	1,270.75	7,000
Highway	\$875	\$915	\$915	\$2,406	\$1,000	285.00	2,000
Library, Memorial	\$31,280	\$33,167	\$33,167	\$33,485	\$32,000	16,749.08	33,500
Library, W. Acton	\$104	\$38	\$38	\$0	\$100	193.13	125
Manager	\$132,987	\$107,126	\$107,126	\$105,830	\$133,000	47,464.00	110,000
Moderator	\$0	\$0	\$0	\$0	\$0	-	-
Municipal Properties	\$0	\$0	\$0	\$489	\$0	10.00	100
Planning Board	\$95,595	\$29,963	\$29,963	\$51,425	\$30,000	14,143.73	60,000
Police	\$128,071	\$99,232	\$99,232	\$88,094	\$100,000	56,337.70	125,000
Town Clerk	\$39,266	\$39,937	\$39,937	\$37,069	\$42,000	11,613.57	40,000
Veterans Services	\$0	\$0	\$0	\$0	\$0	-	-
Zoning Board of Appeals	\$7,325	\$1,825	\$1,825	\$1,550	\$2,000	825.00	1,750
Historical Comm	\$0	\$75	\$75	\$545	\$0	75.00	75
<b>Total-Gen'l Fd</b>	<b>\$1,472,862</b>	<b>\$1,222,577</b>	<b>\$1,170,729</b>	<b>\$1,219,605</b>	<b>\$1,287,600</b>	<b>\$575,895</b>	<b>1,261,450</b>
<b>Special Revenue</b>							
Conservation Wetland*	\$14,300	\$15,000	\$0	\$0	\$0	1,791.00	10,000
Cemetery Trust Funds*	\$65,000	\$67,000	\$69,435	\$70,075	\$69,435	-	84,730
<b>Revolving Accounts</b>							
Building Inspectional	\$62,835	\$86,121	\$71,300	\$83,540	\$88,000	20,873.50	90,000
Sealer of Weights	\$5,854	\$5,805	\$7,000	\$6,560	\$7,700	2,270.00	7,700
Historical Dist Comm	\$460	\$295	\$250	\$310	\$400	50.00	400
Fire Alarm Network	\$0	\$0	\$20,000	\$36,502	\$30,000	6,426.65	37,000
Health-Haz Mats	\$0	\$25,460	\$13,500	\$20,220	\$16,500	2,630.00	20,500
Health-Food Service	\$0	\$21,055	\$21,000	\$20,990	\$24,000	370.00	23,100
Recreation				\$4,999	\$0	110.00	3,000
<b>Enterprise Funds</b>							
C.O.A. Van	\$31,872	\$34,143	\$33,465	\$36,493	\$36,566	12,498.09	38,095
Health-Upper Blackstone	\$107,266	\$99,254	\$170,000	\$101,654	\$184,000	28,511.09	188,300
Highway-NESWC	\$612,725	\$931,348	\$650,000	\$1,054,649	\$801,814	443,565.31	1,505,000
Nursing	\$499,349	\$452,521	\$520,132	\$489,358	\$560,000	70,426.96	540,000
<b>Sub-Totals Spec Rev</b>	<b>\$1,399,661</b>	<b>\$1,738,002</b>	<b>\$1,576,082</b>	<b>\$1,925,350</b>	<b>\$1,818,415</b>	<b>\$589,523</b>	<b>2,547,825</b>

\*Amount appropriated from Reserved Funds.

# RECOMMENDED MUNICIPAL SPENDING REQUESTS

ARTICLE	TITLE	\$
3	Budget Transfer	30,000
6	Memorial Library Implementation	80,031
7	17 Woodbury Lane Reuse Study	20,000
8	Recreation Implementation	224,699
11	Watershed Trading Program	100,000
12	Council on Aging	10,000
15	NESWC (Net)	667,000
21	Plowing of Private Ways	10,000
<b>22</b>	<b>Town Operating Budget</b>	<b>12,964,237</b>
23	Capital Improvements - Sidewalks	160,000
24	Capital Improvement- Facilities & Equipment	113,000
25	Capital Improvements- Vehicle Replacements	122,000
26	Capital Improvements- Landfill Closure	126,000
27	Storage Building	100,000
28	Grand Opening of NARA	10,000
29	Town Board Support	5,000
<b>TOTAL RECOMMENDED REQUESTS</b>		<b>14,741,967</b>

Town of Acton- Board of Selectmen

**TOWN OF ACTON  
ANNUAL TOWN MEETING WARRANT**

**Commonwealth of Massachusetts  
Middlesex, ss.**

To either of the Constables of the Town of Acton, in said County,

**GREETINGS:**

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify the legal voters of said Town of Acton, qualified to vote at Town Meetings for the transaction of town affairs, to meet in their respective precincts to wit:

**Precinct 1 - Conant School  
Precinct 2 - Conant School  
Precinct 3 - Blanchard Auditorium  
Precinct 4 - Blanchard Auditorium  
Precinct 5 - Blanchard Auditorium**

at 7:00 o'clock A.M. the thirty-first day of March, 1998, by posting a copy of this warrant by you attested, at each of the places as directed by vote of the Town, fourteen days at least before the thirty-first day of March, 1998

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

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

**QUESTION 1:**

Shall Sections 4-1, 4-2, 5-3, 5-4, 6-2, 6-3, and 7-7 of the Acton Town Charter be amended as unanimously voted under Article 28 of the warrant for the 1997 Annual Town Meeting?

**SUMMARY:**

The April, 1997 Annual Town Meeting voted unanimously to make various amendments to the Acton Town Charter, including those relating to appointments to advisory committees, operating policies and procedures, town budget preparation and record-keeping. Acton Town Charter changes which have been acted upon favorably at town meetings must be submitted to the voters for approval on the ballot at the next annual election.

Also, the Acton Water District will elect a Moderator for one year, a Commissioner for three years and a Clerk for one year.

You are also to notify legal voters aforesaid to meet at the Acton Boxborough Regional High School Auditorium in said Acton on Monday, April 6, 1998 at 7:00 P.M., at which time and place to act on the following articles:

## CONSENT CALENDAR

In an effort to streamline Town Meeting, the Board of Selectmen has decided to continue the concept of a Consent Calendar. The use of this Calendar speeds the passage of articles which the Selectmen feel, in consultation with Town Counsel and the Finance Committee, should generate no controversy and can be properly voted without debate. The purpose of the Consent Calendar is to allow motions under these articles to be acted upon as one unit and to be passed without debate.

**THE CONSENT CALENDAR WILL BE TAKEN UP AS THE FIRST ORDER OF BUSINESS AT THE COMMENCEMENT OF THE TOWN MEETING ON MONDAY, APRIL 6, 1998.**

Please do your homework. If you have any questions about the consent articles, motions or procedure, please feel free to call the official listed in the article summaries or the Town Manager's Office, 264-9612 before Town Meeting.

At the call of the Consent Calendar, the Moderator will call out the numbers of the Articles, one by one. If two or more voters object to any particular Article being included in the Consent Calendar, they should say the word "Hold" in a loud voice when the number is called. The Article is then removed automatically from the Consent Calendar and restored to its original place in the Warrant, to be brought up, debated and voted on in the usual manner. After the calling of the individual items in the Consent Calendar, the Moderator will ask that all items remaining be passed AS A UNIT by the voters.

Please review the list of articles and motions proposed for each Consent Item which follows. Complete summaries are found under each article printed in this warrant. Please review them carefully.

### ARTICLE

### MOTION

- ✓ 12\*\* Council on Aging Enterprise Budget: Move that the Town raise and appropriate \$50,017 for the purpose of operating the Town of Acton Senior and Handicapped Citizen Van service, and to raise such amount \$50,017 be transferred from the Council on Aging Enterprise Fund.
- ✓ 13\*\* Nursing Enterprise Fund - Move that the Town raise and appropriate \$537,706 for the purpose of operating the Public Health Nursing Service, and to raise such amount \$537,706 be transferred from the Nursing Enterprise Fund.
- ✓ 14\*\* Septage Disposal Enterprise Budget: Move that the Town raise and appropriate \$203,800 for the purpose of septage disposal, and to raise such amount \$203,800 be transferred from the Septage Disposal Enterprise Fund.
- ✓ 16\*\* Section 53 1/2 Self-Funding Programs: Move that the revolving funds for the Local School System, Historic District Commission, Building Department, Sealer of Weights and Measures, Health Department, and Fire Department be continued for FY1999 in the amounts and for the purposes set forth in the expense column of this article.

- ✓ 17\*\* Street Acceptances: Move that the Town accept as a public way the streets listed in the Article, as laid out by the Board of Selectmen according to the plans on file with the Town Clerk, and authorize the Board of Selectmen to take the fee or easements for drainage, utility, or other purposes where shown on said plan or described in the Order of Layout.
- ✓ 18\*\* Central Street Sidewalk Easements: Move in the words of the article.
- ✓ 19\*\* John Swift Road Easement (Isaac Davis Trail): Move in the words of the article.
- ✓ 20\*\* Road Layout and Acceptance (Piper Road and Charter Road): Move in the words of the article.
- ✓ 21\*\* Plowing of Private Ways: Move that the Town raise and appropriate \$10,000 to be expended by the Town Manager for plowing of private ways open to public use as designated by the Board of Selectmen.
- ✓ 30\*\* Chapter 90 Highway Reimbursement Program: Move the Selectmen are authorized to accept Highway funds from all sources and such funds are hereby appropriated for highway purposes.
- ✓ 31\*\* Emergency /Disaster Aid Appropriations: Move in the words of the article.
- ✓ 35\*\* Merriam School Offset Receipts Budget: Move that the Town raise and appropriate \$27,758 for the purpose of maintaining the Merriam School Building, and to raise such amount \$27,758 be transferred from the Merriam School Offset Receipts Budget.
- ✓ 39\*\* Corrections, Clarifications, and Minor Modifications: Move in the words of the Article.

Donald MacKenzie  
Town Moderator

## **Legend**

**\*\* Consent**

**# Submitted by Citizen Petition**

### ✓ **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.

#### **SUMMARY**

This article provides for the election of Trustees of the Elizabeth White Fund, Trustees of the West Acton Fireman's Relief Fund, Trustees of the Goodnow Fund and Trustees of the Citizens' Library Association of West Acton and establishes the salaries of the Town's elected officials.

**Selectmen:** Recommended

**Finance Committee:** Recommendation Deferred

### ✓ **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.

#### **SUMMARY**

This article provides for the acceptance of the Annual Town Report and any other reports which Town Boards and Committees may need to offer as well as acceptance, if any, of reports of committees chosen at previous Town Meetings.

**Selectmen:** Recommended

**Finance Committee:** Recommendation Deferred

### ✓ **ARTICLE 3 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.

#### **SUMMARY**

This is a standard Article that is routinely placed on the Warrant to allow Town Meeting to transfer funds and supplement monies, if necessary, to cover needed expenses in the current fiscal year.

Direct inquiries to: John Murray, Assistant Town Manager - 264-9612

Selectman Assigned: Wayne Friedrichs

**Selectmen:** Recommended

**Finance Committee:** Recommendation Deferred

335 ✓  
154 X ✓

**ARTICLE 4 ASSABET RIVER RAIL TRAIL**  
~~(Majority Vote Required)~~ 2/3

To see if the Town of Acton, for the purpose of establishing a route for the Assabet River Rail Trail, will vote to take by eminent domain, purchase in fee simple, accept as a gift, or acquire by lease, easement, license or otherwise certain parcels of land, or portions thereof, consisting of:

- the former or present railroad right of way that leads from the Maynard town line just west of Main Street to the intersection of Maple Street with Main Street in South Acton;
- a parcel of land at 20 Main Street;
- a parcel of land between the railroad right of way, Stow Street and Mill Pond; and
- a parcel of land between Maple Street and the MBTA commuter rail right of way in the vicinity of the South Acton train station;

Said parcels are also shown in the 1997 Acton Town Atlas on map I-2 as the B & M Railroad and parcels 20, 21-3, 32, 33, 35, 83, and 84, and on map H-2A as B & M R.R. Marlboro Branch, and parcels 37, 42, 42-1 and 62; and further, to appropriate \$150,000 or any other sum of money, to be expended by the Town Manager for costs incurred for these land acquisitions, and to determine whether to raise this appropriation by borrowing or otherwise, and to authorize the Selectmen to apply for, accept, expend and borrow in anticipation of Federal and State aid; or take any other action relative thereto.

**SUMMARY**

The Assabet River Rail Trail (ARRT) is a proposed bike way from Marlborough through Hudson, Stow and Maynard to the South Acton train station. In Acton it will follow for the most part the abandoned railroad right of way that parallels Main Street between Maple Street and the Maynard town line. In January 1997 a feasibility study by the Massachusetts Central Transportation Planning Staff and the Massachusetts Highway Department determined that the ARRT is a feasible project and it was incorporated in the regional bicycle and pedestrian facilities plan.

Subsequently, Marlborough, Hudson, Stow, Maynard and Acton jointly applied for federal transportation enhancement funds and received \$668,000 for right of way acquisitions in the five communities and \$105,000 for the design of the Marlborough to Hudson segment. Acton's share is \$150,000 for acquisition. These are reimbursement grants and must be committed on the project in the current federal fiscal year, which ends in September 1998. This article will authorize the acquisition of the parcels or easements as set forth in the article using the federal grant moneys, and the interim borrowing of these funds until the reimbursement is repaid to the Town.

The City of Marlborough, having received additional State and private funds, will begin construction this year. Hudson, Stow and Maynard have articles similar to this article on their spring town meeting warrants.

Direct inquiries to: Roland Bartl, AICP, Town Planner - 264-9636  
Selectman Assigned: Wayne Friedrichs

**Selectmen:** Recommended  
**Finance Committee:** Recommendation Deferred

✓ **ARTICLE 5 CIVIL SERVICE/QUINN BILL**  
(Majority Vote Required)

To see if the Town will vote to approve the Memorandum of Agreement between the Town and the International Brotherhood of Police Officers Local 334 signed February 6, 1998, which is on file in the office of the Town Clerk and which will require the Town to petition the General Court for an act to repeal Chapter 493 of the Acts of 1938, and to accept, contingent upon the passage of said act, Section 108L of Chapter 40 of the Massachusetts General Laws effective upon the date specified in the Memorandum of Agreement, or to take any other action relative thereto.

**SUMMARY**

Generally, the only elements of Collective Bargaining Agreements that require action on the part of Town Meeting are those associated with funding. Those actions are usually satisfied through the budget appropriations made for the Operating Budget. The agreement with the Police Union this year is different. Through a protracted process, both parties have agreed to elements that require additional actions in order to implement the terms of the agreement. Specifically, the Police Union sought acceptance of legislation known as the "Quinn Bill" which provides monetary incentives for educational achievements and the Town sought to have the Police Chief's position removed from the constraints of Civil Service. The Quinn Bill requires acceptance of the appropriate legislation by Town Meeting while taking the position of Police Chief out of Civil Service requires a Town meeting vote to petition the Legislature, followed by legislative approval. This article seeks Town Meeting approval to take the necessary steps, in both regards, to achieve the intent of the agreement. The terms of the Collective Bargaining Agreement, which this article seeks to have Town Meeting ratify, treat these two issues as inseparable. By agreement, the failure of either program nullifies the entire agreement and sends the parties back to the bargaining table. Both the Police Union and the Town support this article and ask that you approve the combined request.

Direct Inquiries to: Don P. Johnson, Town Manager - 264-9612  
Selectman Assigned: Dore' Hunter

**Selectmen:** Recommended  
**Finance Committee:** Recommendation Deferred

✓ **ARTICLE 6 MEMORIAL LIBRARY IMPLEMENTATION**  
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$80,031, or any other sum, to be expended by the Town Manager for the additional operational costs of the first year's operation of the expanded Memorial Library, as listed below, or take any other action relative thereto:

A. Increased library staff, including benefits	\$53,919
B. Increased materials budget	7,353
C. Additional building maintenance, including benefits	<u>\$18,759</u>
<b>Total</b>	<b>\$80,031</b>

## SUMMARIES

A. When the expanded library reopens in November 1998, it will be three times larger than it was in FY 97 and its collections and services will be split between two floors. As outlined at the 1996 Annual Town Meeting when the library project was approved, the increased size of the library will require additional staff. This article will provide staffing for an additional service desk on the main floor to provide a second service point for adult patrons as well as increasing building security and staff safety. In addition, the library is seeking to add two new part-time positions: a Young Adult Librarian, scheduled for 20 hours per week and a library shelver scheduled for 10 hours per week. A total of 90 additional staff hours per week will be added if this portion of the request is approved.

B. Increasing the staffing level will increase the total municipal appropriation for the Memorial Library. This will require the book budget to be increased approximately \$7,353 to keep that budget at 15% of the total municipal appropriation, for the library as required by the State Certification program.

C. The size of the expanded library will require additional routine building maintenance beginning January 1, 1999. The expanded library will have approximately 30,000 square feet of space and six rest rooms that will need to be maintained daily. In addition, the expanded library includes two meeting rooms which may be used when the library is closed. If approved, this portion of the request would fund staffing or contractual services to provide for these custodial and maintenance needs.

Direct inquiries to: Wanda Null, Library Director - 264-9642  
Selectman Assigned: Dore Hunter

**Selectmen:** Recommended  
**Finance Committee:** Recommended

## ✓ ARTICLE 7. CAPITAL IMPROVEMENTS- 17 WOODBURY LANE REUSE STUDY (Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$20,000, or any other sum, to be expended by the Town Manager for a reuse study for 17 Woodbury Lane, or take any other action relative thereto.

### SUMMARY

In 1997 the Town acquired the residence located at #17 Woodbury Lane as part of the Acton Memorial Library project. This purchase was necessary in order to provide additional parking area for the Town Hall and Library complex. The purpose of the Reuse Study will be to identify appropriate reuse options for this structure and to identify the associated costs.

Direct inquiries to: Dean A. Charter, Municipal Properties Director, 264-9629  
Selectman Assigned: Nancy Tavernier

**Selectmen:** Recommended  
**Finance Committee:** Recommendation Deferred

✓ **ARTICLE 8: RECREATION IMPLEMENTATION**

(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$224,699, or any other sum, to be expended by the Town Manager for personnel and equipment to initiate a recreation implementation program as outlined in the summary below, or take any other action relative thereto.

**SUMMARY**

This Article will establish a Recreation Division within the Natural Resources and Cemetery Department, comprised of a Recreation Director, Secretary, two full time groundskeepers and two seasonal workers. Duties will include establishing and overseeing recreation programs, scheduling athletic events, programming and coordinating amphitheater events. New recreation staff will assume responsibility for improving and maintaining the existing 24 acres of established town recreation assets, along with bringing the 40 acre North Acton Recreation Area on line and initial work related to the newly acquired 32 acre Morrison Farm.

This request includes 50% of the cost of a vehicle to transport recreation equipment and personnel along with an additional riding lawnmower to help provide a higher level of existing services as well as accommodate the new services that will be provided in connection with the North Acton Recreation Area and the future development of the Morrison Property.

Finally, \$40,000 is included for engineering design of the Morrison Farm which will include professional services to develop a best use scenario for recreational facilities and associated parking. An important element of this design will include consideration of the relationship between the farm property, Ice House Pond, and the future Lowell-Sudbury Rail-Trail.

Direct inquiries to: Thomas Tidman, Natural Resources/Cemetery Director - 264-9631  
Selectman Assigned: William Mullin

**Selectmen:** Recommended  
**Finance Committee:** Recommended

✓ TAKE NO ACTION  
**ARTICLE 9 LOCAL SCHOOL CONSTRUCTION**

(2/3 Vote Required)

To see if the Town will vote to appropriate \$12,325,000, or any other sum of money, for constructing, originally equipping and furnishing a new four section elementary school including costs incidental and related thereto, and to determine whether to raise this appropriation by borrowing or otherwise, or to take any other action relative thereto.

**SUMMARY**

*(Summary is provided by Acton Public Schools)*

For the past few years, the Acton School Committee and its staff have been studying school space. We have anticipated the need for more classrooms because of increased enrollment trends.

There are 2,372 students (as of 2/1/98, including out-of-district special education and special education preschool) in the Acton elementary schools today. Ten years ago there were 1,618 students. We are exceeding the School Committee class size policy of no more than 22 in grades K-3; and no more than 25 in grades 4-6. Eighty-six percent of the classes are above that guideline. We do not have classrooms for art, music and integrated preschool program. The school population is projected to continue to increase at both the elementary and regional levels over the next few years.

This article makes new space available, providing flexibility on the main campus, to address space needs for the elementary schools and, if needed, the regional schools as well. The building plan will receive a 63% reimbursement from the state on both the Bond and the interest.

This article is effectively the same article as contained in the warrant for the Special Town Meeting held January 13, 1998, except provisions related to the Merriam School have been deleted, and the amount of the requested appropriation has been adjusted accordingly. The motion for this article will include a provision that the article shall not take affect until the Town votes to exempt the amounts required to pay principal and interest on the borrowing from the limitations of Proposition 2 1/2. The motion will also limit initial expenditures until the State Department of Education has agreed that the project is eligible for the 63% reimbursement noted above.

Direct inquiries to: Dr. Isa K. Zimmerman, Superintendent of Schools, 264-4700  
Selectman Assigned: F. Dore' Hunter, Chairman, 263-0882 or (617)482-3366 X3006

**Selectmen:** Recommended  
**Finance Committee:** Recommendation Deferred  
**School Committee:** Recommended

✓ 1214  
X135  
**ARTICLE 10# SMOKING RESTRICTIONS**  
(Majority Vote Required)

To see if the town will amend Chapter E, Section 30, Subsection B, Restaurants, of the Town Bylaws by deleting the existing wording and replacing it with wording as follows:

**B. Restaurants**

1. Effective on July 1, 1998, no less than 100% of the total seating capacity of a food service establishment shall be a nonsmoking area. This section shall supersede any and all previous regulations controlling the percentage of nonsmoking seats to be provided by establishments.
2. This regulation shall also include the lounge/bar service areas in a food service establishment, unless ventilation is provided such that air from the area does not enter the restaurant portion of the establishment and the nonsmoking area (including any nonsmoking areas within the restaurant) remains at least 75% of the total seating capacity.

3. Each restaurant shall conspicuously post signs to indicate non-smoking areas and the areas where smoking is allowed.
4. The proprietor, manager or person in charge shall ensure that all patrons conform to the conditions of the bylaw.
5. All outdoor seating shall be exempt from the provisions of this bylaw.

or take any other action relative thereto.

#### **SUMMARY**

This article seeks to amend the existing bylaw in order to protect the public health. It aims to eliminate smoking in all Acton restaurants with the exception of bars and lounges which are adequately ventilated or restaurants with outdoor seating.

Direct inquiries to: Tina Grosowsky, Sponsor of Article -264-9837

Selectman Assigned: Dore' Hunter

**Selectmen:** Recommendation Deferred

**Finance Committee:** No Recommendation

#### **ARTICLE 11 WATERSHED TRADING PROGRAM**

(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, to be expended by the Town Manager to study, plan and implement a Watershed Based Trading Program, to identify non-point discharges within Acton's watershed and plan and implement their reduction through education, management practices and infrastructure changes with the goal of constructing a wastewater treatment plant with a point discharge into the Assabet River, or take any other action relative thereto.

#### **SUMMARY**

In 1996 the EPA developed a policy called "water-shed based trading" that would allow a surface water discharge permit to be issued to a negatively impacted river such as the Assabet, if it can be demonstrated that the pollutants of concern can be removed. Watershed-based trading is a way of exchanging the rights to discharge effluent to the river by agreeing to identify and remove pollution from non-point sources. In conjunction with the Middle Fort Pond Brook Sewer Project, the Town will evaluate, and implement a watershed-based trading approach to allow EPA to issue a surface water discharge permit. The evaluation of this program will consist of engineering and scientific evaluations to demonstrate the maximum removal of phosphorous and other pollutants from point and non-point sources. This component of the program would cost \$45,000 and would consist mainly of sampling and analysis of the town's brook and stream system. The implementation element of the program would cost \$55,000 and would consist of implementing Best Management Practices identified during the planning phase of the project. These might include improving street sweeping and catch basin cleaning methods, timely replacement of septic systems, use of non-phosphorous landscaping services and improved management of stormwater

runoff. To work effectively, Best Management Practices require public education and outreach efforts as well as changes in the habits and practices of institutions and citizens.

Direct inquiries to: Douglas Halley, Director of Public Health - 264-9634  
 Selectman Assigned: Nancy Tavernier

**Selectmen:** Recommended  
**Finance Committee:** Recommended

✓ **ARTICLE 12\*\*COUNCIL ON AGING VAN ENTERPRISE BUDGET**  
 (Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$50,017, or any other sum, to operate the Senior Van Service, in accordance with Mass General Laws Chapter 44, Section 53 F1/2, Enterprise Fund Law, or take any other action relative thereto.

**SUMMARY**

This article requests an appropriation to fund van service for use by Senior Citizens and handicapped citizens of the Community. An Enterprise Fund is a fiscal entity with a self-balancing set of accounts that is utilized to account for a governmental service when it is the intent to recover the total costs of service, including depreciation, primarily through user charges. Enterprise Funds may be supplemented by taxes. This article requests that \$10,000 of taxation and the fares from the users of the van's system be used for the purpose of maintaining the service. This 40 hour per week senior and handicapped van service is funded by the Federal Government, State Government and Local Government. Fifty percent of the service is paid by federal funds, twenty-five percent of the service is paid by the Commonwealth, and the final twenty-five percent is absorbed by the Town of Acton. Fare rates are determined by the Lowell Regional Transit Authority and the revenues will be used to reduce the Town of Acton's service cost. If income in any year is in excess of spending, the excess shall be deposited in a separate fund and used for capital expenditures of the enterprise or to reduce user fees. Fund status is noted below: (For Budget detail see Municipal Supplement.)

FUND BALANCE 6/30/97	BUDGETED REVENUE FY98	BUDGETED EXPENSE FY98	EST. FUND BALANCE 6/30/98	BUDGETED REVENUE FY99	BUDGETED EXPENSE FY99	EST. FUND BALANCE 6/30/99
\$22,272	\$36,566	\$46,916	\$11,922	\$38,095	\$50,017	\$-0-

Direct inquiries to: Carol Lake, Director, Council on Aging - 264-9643  
 Selectman Assigned: Herman Kabakoff

**Selectmen:** Recommended  
**Finance Committee:** Recommended

✓ **ARTICLE 13\*\*NURSING ENTERPRISE BUDGET**  
 (Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$537,706, or any other sum, to provide Public Health and Visiting Nurse Services, in accordance with Mass General Laws Chapter 44, Section 53F1/2, Enterprise Fund Law, or take any other action relative thereto.

**SUMMARY**

This article requests an appropriation for the Nursing Service Enterprise Fund. An Enterprise Fund permits the Nursing Service to offset its costs with fees for service. The proposed budget will continue to fund a Volunteer Mentoring Program designed to meet the needs of at risk teenagers within the town. In addition, a sum of money is being set aside for the purpose of instituting a Maternal Health Care Program. These fees are deposited in a separate account and may be expended to pay part or all of the anticipated costs of running the Nursing Service. If income in any year is in excess of spending, the excess shall be deposited in a separate fund and used for capital expenditures of the enterprise or to reduce user fees. Fund status is noted below: (For Budget detail see Municipal Supplement.)

FUND BALANCE 6/30/97	BUDGETED REVENUE FY98	BUDGETED EXPENSE FY98	EST. FUND BALANCE 6/30/98	BUDGETED REVENUE FY99	BUDGETED EXPENSE FY99	EST. FUND BALANCE 6/30/99
\$503,591	\$560,000	\$587,682	\$475,909	\$540,000	\$537,706	\$478,203

Direct inquiries to: Doug Halley, Director of Public Health - 264-9634  
 Selectman Assigned: Herman Kabakoff

**Selectmen:** Recommended  
**Finance Committee:** Recommended

✓ **ARTICLE 14\*\*SEPTAGE DISPOSAL ENTERPRISE BUDGET**  
 (Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$203,800, or any other sum, for the purpose of septage disposal, in accordance with Mass General Laws Chapter 44, Section 53F1/2, Enterprise Fund Law, or take any other action relative thereto.

**SUMMARY**

This article requests that the receipts from septage haulers, licensing of septage haulers, licensing of septic system inspectors, licensing of septic installers, sewer treatment plant permit fees, and disposal works construction permit fees be used for the purpose of allowing septage collected within Acton to be taken to the Upper Blackstone Water Pollution Abatement Facility and to maintain the Town of Acton septage waste disposal program. These fees will be deposited in a separate account and may be expended to pay part or all of the anticipated costs of septage waste disposal. The proposed budget this year will fund the purchase of a Colorimeter and document scanner. In addition, the budget has been increased by \$25,000 in order to cover the costs of a waste water tank for the DPW Garage. This tight tank will collect waste water in the mechanics bays floor drains and be removed off site on an annual basis. A grant will fund the cost of this

installation. If income in any year is in excess of spending, the excess shall be deposited in a separate fund and used for capital expenditures of the enterprise or to reduce user fees. Due to the present status of the fund balance the Board of Selectmen has frozen the fees for this program even though the annual cost of the program has increased by \$14,000. Fund status is noted below: (For Budget detail see Municipal Supplement.)

FUND BALANCE E 6/30/97	BUDGETED REVENUE FY98	BUDGETED EXPENSE FY98	EST. FUND BALANCE 6/30/98	BUDGETED REVENUE FY99	BUDGETED EXPENSE FY99	EST. FUND BALANCE 6/30/99
\$50,781	\$184,000	\$183,650	\$51,131	\$188,300	\$203,800	\$35,631

Direct inquiries to: Doug Halley, Director of Public Health - 264-9634  
 Selectman Assigned: Nancy Tavernier

**Selectmen:** Recommended  
**Finance Committee:** Recommended

✓ **ARTICLE 15 NESWC ENTERPRISE BUDGET**  
 (Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$1,880,549, or any other sum, for the purpose of solid waste disposal, in accordance with Mass General Laws Chapter 44, Section 53F1/2, Enterprise Fund Law, or take any other action relative thereto.

**SUMMARY**

This article requests funding for the Town's trash disposal and recycling operation. Included in this year's request is funding for day-to-day operations plus \$78,000 for the replacement of the loader at the Transfer Station. The citizens of Acton fund approximately \$997,000 (53%) of the cost of operating the transfer station. The \$997,000 represents \$667,000 of tax revenue and \$330,000 of fees. The remainder is funded by outside vendors and fund balance. Fees will be deposited in a separate account and may be expended to pay part or all of the anticipated costs of solid waste disposal. If income in any year is in excess of spending, the excess shall be deposited in a separate fund and used for capital expenditures of the enterprise fund or to reduce user fees. It is anticipated that the fund balance will be consumed by future increased dumping fees to be incurred between now and the end of the NESWC Contract in 2005. Fund status is noted below: (For Budget detail see Municipal Supplement.)

FUND BALANCE 6/30/97	BUDGETED REVENUE FY98	BUDGETED EXPENSE FY98	EST. FUND BALANCE 6/30/98	BUDGETED REVENUE FY99	BUDGETED EXPENSE FY99	EST. FUND BALANCE 6/30/99
\$1,850,973	\$1,468,814	\$1,473,014	\$1,846,773	\$1,505,000	\$1,880,549	\$1,471,224

Direct inquiries to: John Murray, Assistant Town Manager - 264-9612  
 Selectman Assigned: William Mullin

**Selectmen:** Recommended  
**Finance Committee:** Recommended

**ARTICLE 16\*\*SECTION 53E1/2 SELF-FUNDING PROGRAMS**

(Majority Vote Required)

To see if the Town will vote pursuant to Section 53E1/2 of Chapter 44 of the 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, or take any other action relative thereto.

	<u>FUND BALANCE</u> <u>6/30/97</u>	<u>REVENUE</u>	<u>EXPENSE</u>
<b>School Department</b>			
Douglas At Dawn	\$-0-	\$ 1,000	\$ 1,000
Merriam Afternoons/Summer	\$-0-	\$20,000	\$ 20,000
Gates Amazing Mornings	\$ 597	\$20,000	\$ 20,000
<b>Historic District Commission</b>	\$ 604	\$ 400	\$ 600
<b>Building Department</b>			
(Includes fees for Micro Filming, Electrical Permits, Plumbing Permits Gas Permits, Sign Licenses and Licenses and Periodic Inspection Fees)	\$52,968	\$90,000	\$116,852
<b>Sealer of Weights and Measures</b>	\$ 1,382	\$ 7,700	\$ 7,660
<b>Health Department</b>			
Food Service Inspections	\$ 2,625	\$23,100	\$23,030
Hazardous Materials Inspections	\$17,883	\$20,500	\$20,300
<b>Fire Department</b>			
Fire Alarm Network	\$18,106	\$37,000	\$43,000

**SUMMARY**

This article allow the Schools and Town to fully fund the extended day/summer programs of the Local Schools, Historic District Commission activities, Building Department Inspectional Programs, Sealer of Weights and Measures services, specified ongoing Health Inspectional programs, and the Town-wide Fire Alarm Network from their respective receipts and fund balance. This article removes the cost of these services from the tax base. Fees are deposited in a separate account and may be expended to pay all of the anticipated costs of operating each program. If income exceeds costs, the excess is retained for use of the specific program in any subsequent period. This year, using accumulated Fund Balance, the Building Department proposes to replace a worn-out inspectional vehicle and expand the Microfilming program, the Fire Department proposed to replace an outdated alarm monitoring system and the Historic District Commission will initiate a public outreach program. The Fund status for each of the above listed Revolving Accounts is shown in the chart that follows this summary. (For budget Detail see Municipal Supplement)

PROGRAM	FUND BAL 6/30/97	BUD. REV. FY98	BUD. EXP. FY98	EST. FUND BAL 6/30/98	BUD. REV. FY99	BUD. EXP. FY99	EST. FUND BAL. 6/30/99
Douglas at Dawn	\$0	\$1,000	\$1,000	\$-0-	\$1,000	\$1,000	\$-0-
Merriam Afternoons	\$0	\$20,000	\$20,000	\$-0-	\$20,000	\$20,000	\$-0-
Gates Amazing Mornings	\$597	\$20,000	\$20,000	\$597	\$20,000	\$20,000	\$597
Historic District Commission	\$604	\$400	\$300	\$704	\$400	\$600	\$504
Building Department	\$52,968	\$88,000	\$87,348	\$53,620	\$90,000	\$116,852	\$26,768
Sealer of Weights	\$1,382	\$7,700	\$7,670	\$1,412	\$7,700	\$7,660	\$1,452
Food Service Inspections	\$2,625	\$24,000	\$23,860	\$2,765	\$23,100	\$23,030	\$2,835
Hazardous Materials	\$17,883	\$16,500	\$15,770	\$18,613	\$20,500	\$20,300	\$18,813
Fire Alarm Network	\$18,106	\$30,000	\$30,000	\$18,106	\$37,000	\$43,000	\$12,106

Direct inquiries to: John Murray, Assistant Town Manager - 264-9612  
Selectman Assigned: Herman Kabakoff

**Selectmen:** Recommended  
**Finance Committee:** Recommended

✓ **ARTICLE 17\*\*STREET ACCEPTANCES**  
(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 by eminent domain or otherwise, including Parcel A, as well as easements for drainage, utility, sidewalks, or other purposes where shown on said plans or described in the Order of Layout:

**In the WASHINGTON DRIVE EXTENSION SUBDIVISION**

**WASHINGTON DRIVE EXTENSION** - from the previous limit of acceptance at the northerly sideline of a 64.50 foot radius cul-de-sac a distance of 246 feet, more or less, in a northeasterly direction to the easterly sideline of a 75.00 foot radius cul-de-sac (including the cul-de-sac), this being the entire road.

McKINLEY DRIVE - from the southwesterly sideline of Newtown Road a distance of 404 feet, more or less, in a southwesterly direction to the southwesterly sideline of a 75.00 foot radius cul-de-sac (including the cul-de-sac), this being the entire road.

or take any other action relative thereto.

#### **SUMMARY**

This is a routine Article to accept roads as Town ways which have been built to Planning Board standards. Parcel A provides an emergency access and pedestrian/bikeway connection from the end of Washington Drive to the end of McKinley Drive. In order to create a new road, a potential land developer must first obtain approval of a definitive subdivision plan from the Planning Board. The land developer's contractor then constructs the road according to this plan and the Rules and Regulations of the Planning Board. Inspections are made by the Engineering Department during construction to insure compliance with these standards. Upon completion of the road, the developer petitions the Board of Selectmen to start the legal process that will lead to acceptance of the road as a town way. Prior to the Town Meeting, the Selectmen hold a Public Hearing and adopt an "Order of Layout" containing a legal description of the road. Following Town Meeting, the Selectmen obtain title to the road by deed or eminent domain. Such roads are built and donated to the Town at no cost, however, the Town will assume future maintenance costs as with any Town road. The subdivision process is contained in Massachusetts General Law Chapter 41, and the layout of Town ways is Chapter 82. These roads have followed this process, and are now ready for acceptance.

Direct inquiries to: David F. Abbt, Engineering Administrator, 264-9628

Selectmen Assigned: Wayne Friedrichs

**Selectmen:** Recommended

**Finance Committee:** Recommended

#### **ARTICLE 18\*\* CENTRAL STREET SIDEWALK EASEMENT**

(Majority Vote Required)

To see if the Town will vote to accept as a gift from the owners of the West Acton Village Townhouse Condominium a sidewalk easement 5 feet wide along their frontage at 283-295 Central Street, or take any other action relative thereto.

#### **SUMMARY**

The donation of this easement is for the recently constructed sidewalk along this section of Central Street. The Condo owners chose to donate this easement in order to retain the existing on-street parking in front of the condos, otherwise the construction of a sidewalk entirely within the Central Street right-of-way would have eliminated the on-street parking at this location.

Direct inquiries to: David F. Abbt, Engineering Administrator 264-9628

Selectman Assigned: Herman Kabakoff

**Selectmen:** Recommended

**Finance Committee:** Recommended

✓ **ARTICLE 19\*\* ISAAC DAVIS TRAIL EASEMENT - FENTON**

(Majority Vote Required)

To see if the Town will vote to accept as a gift from James Fenton a Public Access Trail Easement at 10 John Swift Road, being further described in a deed to the Town of Acton recorded in the Middlesex South District Registry of Deeds, or take any other action relative thereto.

**SUMMARY**

This article accepts an easement for the Isaac Davis Trail across a corner of the lot at 10 John Swift Road. The location of the easement is in the same area as has been used in past years by the townspeople for the annual Patriots Day march from the house of Capt. Isaac Davis to the Old North Bridge in Concord.

Direct inquiries to: Dean A. Charter, Municipal Properties Director 264-9629  
Selectman assigned: Herman Kabakoff

**Selectmen:** Recommended  
**Finance Committee:** Recommended

✓ **ARTICLE 20\*\*RELOCATION AND LAYOUT OF A PORTION OF PIPER ROAD**

(Majority Vote Required)

To see if the Town will vote to accept as a Town way a portion of Piper Road from State Highway Route 2 a distance of 714 feet, more or less, in a southwesterly direction, as relocated and laid out by the Board of Selectmen according to a plan on file with the Town Clerk, including the acceptance of the land shown on said plan as "Parcel X - 0.235 Acres" from AB Properties, LLC and described in more detail in the Order of Layout on file with the Town Clerk, or take any other action relative thereto.

**SUMMARY**

The new owner of this property (the ex-shopping center once used by Digital) has recently constructed a sidewalk along Piper Road and now chooses to donate the strip of land containing the sidewalk to the Town rather than donating an easement for the sidewalk which is more often the practice in the case of residential properties. This land donation will, if voted, be incorporated into the Piper Road right-of-way.

Direct inquiries to: David F. Abbt, Engineering Administrator 264-9628  
Selectman Assigned: Herman Kabakoff

**Selectmen:** Recommended  
**Finance Committee:** Recommended

✓ **ARTICLE 21\*\*PLOWING OF PRIVATE WAYS**

(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$10,000, or any other sum, to be expended by the Town Manager for the cost 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.

#### **SUMMARY**

In 1986 at a Regular Town Election, the voters of the Town accepted the provisions of MGL Chapter 40 Section 6C, allowing Town Meeting to appropriate money for the removal of snow and ice from private ways open to public use, as may be designated by the Board of Selectmen. If this Article is approved the Selectmen will receive petitions from private way residents by mid-September and vote a final plowing list following a public hearing. The amount of plowing is limited to the funds appropriated.

Direct inquiries to: David F. Abbt, Engineering Administrator, 264-9628  
Selectman Assigned: Dore' Hunter

**Selectmen:** Recommended  
**Finance Committee:** Recommended

#### ✓ **ARTICLE 22 TOWN OPERATING BUDGET** (Majority Vote Required)

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

#### **SUMMARY**

This article requests funds for the Fiscal Year 1999 (July 1, 1998-June 30, 1999) Municipal Operating Budget. The Municipal Budget also includes certain school costs. These are primarily the costs of debt service requirements, property and liability insurance on school buildings and contents and pension costs and Workers' Compensation Insurance for school employees, other than teachers and Regional School Employees. The standard motion for the Municipal Budget appropriation under this article typically includes the transfer of monies such as: Cemetery Trust Funds and Wetland Filing Fees. Budget detail is provided in the Municipal Budget Supplement which is available at the Memorial Library, West Acton Library, Acton Police Station, Town Hall and at the Polling places on March 31, 1998. Copies will also be available at Town Meeting.

Direct inquiries to: Don P. Johnson, Town Manager - 264-9612  
Selectman Assigned: Dore' Hunter

**Selectmen:** Recommended  
**Finance Committee:** Recommendation Deferred

#### ✓ **ARTICLE 23 CAPITAL IMPROVEMENTS, INFRASTRUCTURE- SIDEWALKS** (Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$160,000, or any other sum, to be expended by the Town Manager for the construction of sidewalks on Town Ways, or take any other action relative thereto.

## SUMMARY

This Article will provide funds for new sidewalk construction. There is a strong public demand for new sidewalks on the busier (collector) streets in Acton. This year the Selectmen propose to start sidewalk construction on Central Street between Windsor Avenue and Martin Street, and continue sidewalk construction on Concord Road from Minot Avenue to Nagog Hill Road.

Direct inquiries to David F. Abbt, Engineering Administrator 264-9628  
Selectman Assigned: Wayne Friedrichs

**Selectmen:** Recommended

**Finance Committee:** Recommended

## ARTICLE 24 CAPITAL IMPROVEMENTS, FACILITIES AND EQUIPMENT

(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$113,000, or any other sum, to be expended by the Town Manager for the various purposes listed below:

A.	Town Hall Telephone System	\$45,000
B.	Town Hall Clock Repair	\$12,000
C.	Town Hall Bell Repair	\$8,000
D.	Elm Street Tennis Courts	<u>\$48,000</u>

**Total** **\$113,000**

or take any other action relative thereto.

## SUMMARIES

A. Town Hall Telephone System - The existing telephone system at Town Hall was first installed in 1984 and has exceeded its practical and technical service life. The failure rate of the existing system is excessive and technological advances over the last fourteen years have made continued repair and patching of the present system an unwise expenditure. The proposed system will have the capacity for greater expansion and will enhance our data transmission and service capabilities.

B. Town Hall Clock Repair - The 134 year old Town Hall steeple clock is run by a hand-wound mechanism. This mechanism has been repaired numerous times in recent years but remains unreliable. This article, if approved will fund the installation of electronic movements in all four clock faces. The outward appearance of the clock will not change, and the original mechanism will be preserved as an historical artifact.

C. Town Hall Bell Repair - This article will provide funds to install an electrically activated striker on the Town Hall bell. The present bell striker mechanism was installed in 1864, has to be hand wound, and is not reliable. The new installation can be calibrated to strike the hour and the

half hour, and can be programmed to not strike during certain night hours, which is not an option with the present mechanical unit.

D. Elm Street Tennis Courts - This article will provide funds for the restoration and extraordinary repair to the Elm Street Tennis Courts, which are now over thirty years old. The existing courts have severe cracks, and the fencing has become unstable due to frost damage. The combination of these two situations creates problems with the usefulness and safety of the courts.

Direct inquiries to Dean Charter, Director of Municipal Properties - 264-9629  
Selectman Assigned: Wayne Friedrichs

**Selectmen:** Recommended  
**Finance Committee:** Recommended

✓ **ARTICLE 25 CAPITAL IMPROVEMENTS - VEHICLES**  
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$122,000, or any other sum, to be expended by the Town Manager for the various purposes listed below:

A. Inspectional Car Replacement	\$15,000
B. 10-Ton Dump Truck Replacement	\$72,000
C. One Ton Dump Truck Replacement	\$35,000
<b>Total</b>	<b>\$122,000</b>

or take any action relative thereto

**SUMMARIES**

A. Inspectional Car Replacement- The current vehicle is a 1986 Chevrolet Cavalier, used primarily by the Engineering and Assessing Departments. This vehicle is showing a considerable amount of body rot. It has begun to burn oil, and does not shift properly due to slippage of the transmission. In the near future this vehicle may not be able to pass the Massachusetts State Inspection, due to the body rot and emissions (oil consumption). The replacement vehicle will be of similar size and will be used for transportation, field inspections, and related uses.

B. 10 Ton Dump Truck- This article will fund the replacement of a 1974 Mack dump truck/sander. This truck is utilized as a dump truck for hauling various materials during the warmer seasons and for sanding and plowing roads during the winter. The existing vehicle has extensive body rot including the cab, doors, frame and cross members on the frame. This vehicle may not pass Massachusetts State Inspection due to the above conditions. This truck is in serious need of replacement.

C. One Ton Dump Truck - This article will replace an existing 1987 Chevrolet one ton platform dump truck. The existing unit is eleven years old, and needs a variety of mechanical and rust repairs. This truck is used by the Municipal Properties Department for towing a brush chipper or

flatbed mowing trailer, and hauling of debris and materials from grounds projects. During the winter the truck is equipped with a snow plow, and is used during each storm on a regular plow route. Due to age and heavy use the truck is no longer reliable for routine operations.

Direct inquiries to: David Brown, Highway Supt., 264-9624  
Selectman Assigned: Herman Kabakoff

**Selectmen:** Recommended  
**Finance Committee:** Recommended

✓ **ARTICLE 26 CAPITAL IMPROVEMENTS - FOREST ROAD LANDFILL CLOSURE**  
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$126,000, or any other sum, to be expended by the Town Manager for design, specifications and preparation of bid documents to permanently close the Forest Road Landfill, or take any other action relative thereto.

**SUMMARY**

This Article will provide the funds necessary to prepare detailed closure plans for the Forest Road Landfill. In 1985 the Forest Road Landfill was closed and an interim cap was installed. This cap does not meet the current requirements of the Massachusetts Department of Environmental Protection (DEP). Since then the Town has applied for clay capping material from the Central Artery / Tunnel Project. Delivery is expected to start this spring. This material, which is a Boston blue clay, comes to the Town free of charge (a savings of approximately \$400,000 in the expected total cost of the capping program) and will be used to create an impervious cap on the landfill. Other items that will be required to meet DEP regulations will be a drainage layer on top of the clay cap, loam & seed on top of the drainage layer, and gas venting pipes. These funds will be used to hire a qualified consultant to prepare the plans, specifications and bidding documents for this work.

Direct inquiries to: David F. Abbt, Engineering Administrator 264-9628  
Selectman Assigned: William Mullin

**Selectmen:** Recommended  
**Finance Committee:** Recommendation Deferred

✓ **ARTICLE 27 STORAGE BUILDING**  
(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 to be expended by the Town Manager for construction of a storage building and making necessary improvements to the parking lot at Woodlawn Cemetery, or take any other action relative thereto.

**SUMMARY**

This article will provide the necessary funds to design and construct a two bay storage building to house equipment used to maintain Acton's cemeteries, conservation land and recreation areas. The proposed building will be 40' X 60' with overhead doors, a concrete

foundation and floor slab. Construction will include removal of existing pavement, regrading the existing parking area and installation of drainage structures to service the new parking area.

Direct inquiries to: Thomas Tidman, Natural Resources/Cemetery Director - 264-9631  
Selectman Assigned: Herman Kabakoff

**Selectmen:** Recommended

**Finance Committee:** Recommendation Deferred

✓ **ARTICLE 28 GRAND OPENING AT NORTH ACTON RECREATION AREA**  
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$10,000, or any other sum, to be expended by the Town Manager to host a grand opening celebration at the North Acton Recreation Area, or take any other action relative thereto.

**SUMMARY**

The requested funds will be used as "seed" money for a weekend of activities to celebrate the grand opening of the town's sole intergenerational park. The purpose is to showcase our 40 acre park which will open to the public during the summer of 1999. This inaugural event is intended to enhance our sense of community and introduce the town to the facilities, including the nine acre pond, the entertainment amphitheater, the picnic pavilion and seven acres of athletic fields through a weekend of enjoyable activities.

Direct inquiries to: Thomas Tidman, Natural Resources/Cemetery Director - 264-9631  
Selectman Assigned: William Mullin

**Selectmen:** Recommended

**Finance Committee:** Recommendation Deferred

✓ **ARTICLE 29 TOWN BOARD SUPPORT - SPECIAL PROJECTS**  
(Majority Vote Required)

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

**SUMMARY**

The ABCC seeks \$5,000 to produce cultural activities and programming in the Acton community. These funds will help foster collaborations among local artists and cultural

organizations and to address the cultural needs of the Town. This will augment the funds received by the ABCC from the State through the Massachusetts Cultural Council.

Direct inquiries to: Kay Hartung, 263-3464  
Selectman Assigned: Dore Hunter

**Selectmen:** Recommended  
**Finance Committee:** Recommendation Deferred

✓ **ARTICLE 30\*\*CHAPTER 90 HIGHWAY REIMBURSEMENT PROGRAM**  
(Majority Vote Required)

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

**SUMMARY**

Each year the State provides communities with 100% reimbursement for certain highway projects. The State legislature annually establishes the level of highway improvement funds available to cities and towns under this "Chapter 90" Program. This process is not completed until after Acton's Annual Town Meeting; therefore, we are unable to specify a dollar amount at Town Meeting. State law requires that these State Highway Reimbursement Funds be appropriated by Town Meeting. The purpose of this article is to make that appropriation and allow the town to fully utilize whatever level of appropriation the State may make available during the upcoming fiscal year. If Town Meeting were not to adopt this article, it is conceivable that monies allocated to Acton may be redistributed to State projects or other cities and towns.

Direct inquiries to: John Murray, Assistant Town Manager - 264-9612  
Selectman Assigned: Herman Kabakoff

**Selectmen:** Recommended  
**Finance Committee:** Recommended

✓ **ARTICLE 31\*\* EMERGENCY/DISASTER AID APPROPRIATIONS**  
(Majority Vote Required)

To see if the Town will vote to appropriate any Federal Government and State Government reimbursement for costs incurred as a result of any declared emergencies or other unusual occurrences during Fiscal Year 1999; or take any other action relative thereto.

**SUMMARY**

The Federal Emergency Management Agency (FEMA) and Massachusetts Emergency Management Agency (MEMA) reimburse cities and towns for certain costs during declared

emergencies. This article would authorize the Town to expend any disaster aid funds.

Direct inquiries to: John Murray, Assistant Town Manager - 264-9612  
Selectman Assigned: Wayne Friedrichs

**Selectmen:** Recommended  
**Finance Committee:** Recommended

✓ **ARTICLE 32 MINUTEMAN REGIONAL SCHOOL ASSESSMENT**  
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$428,167, or any other sum, to defray the necessary expenses of the Minuteman Science and Technology High School, or take any other action relative thereto.

**SUMMARY**

This article requests funds for Fiscal Year 1999 (July 1, 1998-June 30, 1999) for the Minuteman Regional Vocational Technical School District Assessment. This assessment, or "bill" voted by the Minuteman School Committee is governed by the terms of the Minuteman School District Agreement.

Direct inquiries to: Ron Fitzgerald, Superintendent (781) 861-6500  
Selectman Assigned: Wayne Friedrichs

**Selectmen:** Recommended  
**Finance Committee:** Recommended

✓ **ARTICLE 33 AMEND REGIONAL SCHOOLS AGREEMENT**  
(Majority Vote Required)

To see if the Town will vote to accept a proposal that the Agreement for the Regional School District for the Towns of Acton and Boxborough be amended in accordance with G.L. C. 71, s14E, to provide that the vote of each member of the Regional School District Committee shall be weighted according to the population of the Town the member represents, as determined by the most recent town census, or take any other action relative thereto.

**SUMMARY**

The present method of voting by the members of the Regional School Committee has been held by a competent Federal court to be in violation of the one person one vote requirements of the United States Constitution, enunciated by the United States Supreme Court.

At present the Regional Committee composed of nine members, six from the Town of Acton and three from the Town of Boxborough. The six members from Acton are elected by the Town of Acton to the Acton School Committee and to serve ex officio as members of the Committee. Three of the five members of the Boxborough School Committee are elected by the Town of Boxborough to serve on both the Boxborough School Committee and the Acton-Boxborough Regional School Committee. (The other two persons elected by Boxborough serve

solely as members of the Boxborough School Committee.) Each member currently has an equal vote, which disproportionately weights the votes of the Boxborough member compared to the population they represent.

According to figures published by each Town in their annual reports, the 1996 (most recent census available for both towns) population of Acton was 18,883 and the 1996 population of Boxborough was 4,493. Thus, in order to currently provide approximately equal representation on the Regional School Committee, Acton should now have 4.2 times the voting strength on the Committee as Boxborough. Presently, Acton has only two times the Boxborough vote. (Six members vs 3 members).

Based on the current population, the proposed method of voting would therefore, without changing the election procedures give each of the three Boxborough members one vote and each of the six Acton members 2.1 votes, or an Acton total of four times the Boxborough vote. This weighted voting retains the current composition of the Committee while ensuring Constitutionality.

Direct inquiries to: Dr. Isa Zimmerman, Superintendent of Schools - 264-4700  
Selectman Assigned: Dore' Hunter

**Selectmen:** Recommended  
**Finance Committee:** Recommended

✓ **ARTICLE 34 ACTON-BOXBOROUGH REGIONAL SCHOOL ASSESSMENT**

(Majority Vote Required)

11,407,415  
To see if the Town will raise and appropriate, or appropriate from available funds, the sum of ~~\$11,909,338~~, or any other sum, to defray the necessary expenses of the Acton-Boxborough Regional School District, or take any other action relative thereto.

**SUMMARY**

This article requests funds for Fiscal Year 1999 (July 1, 1998-June 30, 1999) for the Acton Boxborough Regional School District assessment. Unlike the Acton Public Schools, the Regional School District and its' Committee votes an assessment, or a "bill", for Acton, or a District member to pay. Should Acton's Town Meeting not accept the assessment, the matter will have to be considered at a later time.

Direct inquiries to: William Ryan, School Dept. - 264-4700  
Selectman Assigned: Nancy Tavernier

**Selectmen:** Recommendation Deferred  
**Finance Committee:** Recommendation Deferred

✓ **ARTICLE 35\*\*MERRIAM SCHOOL OFFSET RECEIPTS BUDGET**

(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$27,758, or any other sum, for the purpose of maintaining and operating the Merriam School, in

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

**SUMMARY**

This Article requests that the receipts from the rental of the Merriam School be used for the purpose of maintaining the building. The proposed expenditure for FY99 will be entirely offset by rents.

Direct inquiries to: William Ryan, School Dept. - 264-4700  
Selectman Assigned: Nancy Tavernier

**Selectmen:** Recommended  
**Finance Committee:** Recommended

✓ **ARTICLE 36 ACTON PUBLIC SCHOOLS BUDGET**  
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$13,687,248, or any other sum, to defray the necessary expenses of the Local Schools, or take any other action relative thereto.

**SUMMARY**

This article requests funds for Fiscal Year 1999 (July 1, 1998-June 30, 1999) for the Town of Acton Local Schools Operating Budget. Unlike the Regional School District's assessment, the bottom line of this budget can be amended at Town Meeting's discretion.

Direct inquiries to: William Ryan, School Dept. - 264-4700  
Selectman Assigned: Nancy Tavernier

**Selectmen:** Recommended  
**Finance Committee:** Recommended

✓ **ARTICLE 37 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, 1998, or take any other action relative thereto.

**SUMMARY**

This article requests that the Town Meeting appropriate a sum of money from Free Cash to offset the tax levy, the specific amount to be designated at Town Meeting. Free Cash is additional appropriation authority allowed us by operation of certain formula calculations performed one a year by the Massachusetts Department of Revenue, and is not the same as cash in the bank.

Direct inquiries to: John Murray, Assistant Town Manager - 264-9612  
Selectman Assigned: Nancy Tavernier

**Selectmen:** Recommended  
**Finance Committee:** Recommendation Deferred

✓ **ARTICLE 38 CHANGE OF USE REGULATIONS IN THE GENERAL INDUSTRIAL DISTRICT**  
(2/3 vote required)

To see if the Town of Acton will vote to amend section 3, Table of Principal Uses, of the zoning bylaw as follows (*N means the use is not allowed, Y means the use is allowed*):

In column GI and line 3.5.11, Services, change N to Y;

In column GI and line 3.5.12, Studio, change N to Y;

or take any other action relative thereto.

**SUMMARY**

This article will allow two additional land uses in the General Industrial (GI) zoning district: Services and Studio. Services, as defined in the zoning bylaw, includes a diverse group of businesses such as a barber shop, equipment rental and leasing, bicycle repair and food catering. A Studio is defined in the zoning bylaw as a facility used as a place of work by an artist, photographer or artisan. The GI district is found along portions of Powder Mill Road (Rt. 62), on properties along Knox Trail, along Hayward Road between the Route 2 overpass and Charter Road, and as an underlying district at Acorn Park. However, the latter is being developed under the Planned Unit Development (PUD) special permit option of the zoning bylaw. Special use regulations apply to PUDs so that this article will not apply to Acorn Park.

It is hoped that allowing additional uses in the GI district will help facilitate the reuse of currently vacant buildings and generally increase occupancy rates in the GI district. Full occupancy of buildings tends to enhance their value on the market and for assessment purposes. Thus, this article could contribute to a healthier commercial tax base in the Town of Acton.

Direct inquiries to: Roland Bartl, AICP, Town Planner - 264-9636

Selectmen assigned: Herman Kabakoff

**Selectmen:** Recommended

**Finance Committee:** Recommended

**Planning Board:** Recommended

✓ **ARTICLE 39\*\* CORRECTIONS, CLARIFICATIONS, AND MINOR MODIFICATIONS**  
(2/3 Vote Required)

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

A. Amend the Zoning Bylaw as follows:

1. In section 1.3.15, delete sub-paragraph 3) in its entirety and replace with:

"3) a public or private way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law;"

*Note: Sub-paragraph 3) of section 1.3.15 currently reads as follows, with proposed changes noted in bold:*

3) a [**public or private**] way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law;

2. Insert in section 3.1 after the forth paragraph the following sentence:

"A USE denoted by the letters "SPP" may be permitted by special permit from the Planning Board."

*Note:* Section 3.1 currently reads as follows, with proposed changes noted in bold:

3.1 Provisions for Table of PRINCIPAL USES and PRINCIPAL USE Definitions - No land, STRUCTURE or BUILDING shall be used except for the purposes permitted in the district as set forth in this Section unless otherwise permitted in this Bylaw. The words used to describe each PRINCIPAL USE contained in Sections 3.2 through 3.7, inclusive, are intended to be definitions of such USES. A USE is permitted by right in any district under which it is denoted by the letter "Y".

A USE is prohibited in any district under which it is denoted by the letter "N".

A USE denoted by the letters "SPA" may be permitted by special permit from the Board of Appeals.

**[A USE denoted by the letters "SPP" may be permitted by special permit from the Planning Board.]**

A USE denoted by the letters "SPS" may be permitted by special permit from the Board of Selectmen.

Where any USES permitted by right or by special permit are followed by the letter "R" in the Site Plan Special Permit column, a Site Plan Special Permit is required from the Board of Selectmen in accordance with Section 10.4 and where the letters "NR" appear in the Site Plan Special Permit column, a Site Plan Special Permit is not required.

3. In the Table of Principal Uses, column OP-1, line 3.5.4 - Restaurant, replace SPS(3) with N; delete footnote (3) in its entirety; and renumber footnotes (4) through (11) to become (3) through (10) respectively.

*Note:* SPS in column OP-1, line 3.5.4 means that a restaurant may be allowed by special permit from the Board of Selectmen in the Office Park 1 district, and foot note (3) states that such use may only be allowed as an accessory to another principal use. The proposed change to N means that a restaurant will not be allowed as a principal use in the Office Park 1 district. See summary A.3 regarding accessory use regulations for restaurants in the Office Park 1 district.

4. Delete "and USES requiring a Special Permit" from section 4.3.7.2.

*Note:* Section 4.3.7.2 currently reads as follows, with proposed changes noted by use of strike-through:

4.3.7.2 ~~Prohibited USES and USES requiring a Special Permit~~ - In the following table of USE regulations "N" indicates that the USE is prohibited. "Y" indicates that a USE is permitted.

5. In section 5.8.3, change the section cross-references from 5.6.1 and 5.6.2, to 5.8.1 and 5.8.2 respectively; and

in section 5.5.3.4 a), change the section cross-reference from 10.4.3.9 to 10.4.3.8.

*Note:* Section 5.8.3 currently reads as follows, with proposed changes noted in bold and by use of strike-through:

5.8.3 Except as provided in ~~5.6.1~~ **[5.8.1]** and ~~5.6.2~~ **[5.8.2]** any LOT protected under an ANR exemption shall be subject to the dimensional standards set forth for the zoning district in which the LOT is located.

Section 5.5.3.4 a) currently reads as follows, with proposed changes noted in bold and by use of strike-through:

Determination of Development Rights for Affected LOTS - Before granting a Special Permit under Section 5.5.3, the Board of Selectmen shall determine the Development Rights for all LOTS to be affected by the proposed transfer. The Special Permit shall specify the residential, nonresidential and total development rights for each LOT, expressed in NET FLOOR AREA as computed in Section ~~10.4.3.9~~ **[10.4.3.8]** of this Bylaw, less any Development Rights previously removed from such LOTS. The application for a Special Permit under this Section shall contain sufficient information to permit the Board of Selectmen's determination of the Development Rights that may be transferred.

6. In section 6.3.1.6 delete the words "General Services; Personal Services" and replace with "Services".

Note: Section 6.3.1.6, which states the minimum parking space requirements, currently reads as follows, with proposed changes noted in bold and by use of strike-through:

6.3.1.6	Retail Stores not listed below; <del>General Services; Personal Services</del> <b>[Services]</b> ; Studio; Restaurant without seating	One space for each 300 square feet of NET FLOOR AREA.
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7. In section 6.7.6 change the two cross references to sections 6.7.7 and 6.8.7, to read 6.7.8 in both instances.

Note: Section 6.7.6 currently reads as follows, with proposed changes noted in bold:

6.7.6 Perimeter Landscaping Requirements - All parking lots/cells with more than five (5) spaces and all loading areas shall be bordered on all sides with a minimum of a ten (10) foot wide buffer strip on which shall be located and maintained appropriate landscaping of suitable type, density and height to effectively screen the parking area. The perimeter landscaping requirements shall be in addition to any minimum OPEN SPACE or landscaped buffer area required elsewhere in this Bylaw. However, where the minimum required front, side or rear yard is less than forty (40) feet, the landscaped buffer areas required in Section 10.4.3.6 and the areas required for perimeter landscaping may overlap. In such instances, the landscaping requirements of Sections 10.4.3.6 and ~~6.7.8~~ **6.7.8** shall be applied in a manner that will, in the opinion of the Special Permit Granting Authority (if the parking area is related to a permitted USE for which a site plan or other special permit is required) or the Building Commissioner (for other parking areas), provide a landscaped buffer as effective as it would be achieved through the separate implementation of the requirements of Sections 10.4.3.6 and ~~6.7.8~~ **6.7.8**.

8. In section 9A.7.1 insert after item 3.4.8 the following:

"3.4.9 Assisted Living Residence".

Note: Section 9A.7.1 lists the uses that are allowed in a Planned Unit Development (PUD). Under Governmental, Institutional, and Public Service Uses, section 9A.7.1 currently list the following as allowed uses, with proposed changes as noted in bold:

- 3.4 GOVERNMENTAL, INSTITUTIONAL AND PUBLIC SERVICE USES
- 3.4.1 Municipal
- 3.4.2 Educational
- 3.4.3 Religious

- 3.4.4 Nursing Home
- 3.4.5 Public or Private Utility Facilities
- 3.4.6 Child Care Facility
- 3.4.8 Full Service Retirement Community
- [3.4.9 Assisted Living Residence]**

B. Amend the zoning map (Map No. 1) by zoning to SM (Small Manufacturing) in its entirety a parcel of land shown on the 1998 Town Atlas as parcel C-5/38-1.

*Note: The subject parcel is currently zoned for the most part SM with only a small portion in the North Acton Village (NAV) district.*

or take any other action relative thereto.

### **SUMMARY**

This annual article makes minor changes to the Zoning Bylaw that were overlooked by previous amendments to the Bylaw. In most instances, the proposed amendments will clarify existing language in the Bylaw. In other instances, the amendments will delete language that has become obsolete due to earlier revision of the Bylaw text. The proposed revisions this year are as follows:

A.1 Recently, the question was raised if a privately owned and maintained street that was previously approved as a subdivision street ( for instance Nagog Park Drive or Post Office Square), are exempt like public streets from zoning as stated under section 1.4 of the zoning bylaw. Various case law decisions indicate that, in spite of the present wording in the Acton zoning bylaw, privately owned and maintained streets, even though they were once approved as subdivision streets, would not be exempt from zoning. Part A.1 will clarify and restore the original intent of the zoning bylaw that all approved subdivision streets, public or private, are exempt from zoning. The zoning exemption applies only to the layout of the street itself, not to any land abutting it. Zoning regulates stationary land uses. Streets and roads enhance mobility and provide access. Traffic Rules and Orders, not zoning, are the more appropriate tool to regulate streets and roads.

A.2 The 1997 Annual Town Meeting adopted provisions that authorize the Planning Board to allow wireless communications facilities by special permit. This added to the Table of Principal Uses the Planning Board as an additional special permit granting authority, abbreviated as SPP. The proposed amendment in part A.2 of this article explains what the abbreviation SPP means.

A.3 At the 1997 Annual Town Meeting the Town adopted a zoning regulation that allows and describes food services as accessory uses in Office and Industrial Districts. It reads as follows:

*3.8.4 ACCESSORY USES allowed in the Office and Industrial Districts:*

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

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

*a) The retail sale of goods and merchandise.*

*b) Financial Services.*

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

Because of this change, the present notation of SPS(3) in the Table of Principal Uses has become obsolete. The change proposed in part A.3 of this article adjusts the Principal Use Table for the Office Park 1 District (OP-1) in accordance with the changes previously adopted.

A.4 At the 1997 Annual Town Meeting the Town amended the zoning bylaw regarding use regulations in the Groundwater Protection District. Section 4.3.7.2 contains a table, which lists what uses are allowed or not allowed in the various zones of the Groundwater Protection District. Prior to the 1997 amendment this table listed some uses that were allowed subject to a special permit. This is now no longer the case. Part A.4 of this article deletes an obsolete reference to these special permits.

A.5 These are corrections of cross-references in section 5.8.3 and in section 5.5.3.4.a). Over the years the section numbering changed slightly due to previous amendments, but the cross-references had been overlooked.

A.6 At the 1997 Annual Town Meeting the Town amended the zoning bylaw by consolidating the separate land use regulations for "General Services" and "Personal Services" into one new use regulation for "Services". Part A.6 of this article makes the necessary adjustment in section 6.3.1.6 that had been overlooked in 1997.

A.7 These are corrections of cross-references in section 6.7.6. Over the years the section numbering changed slightly due to previous amendments, but the cross-references had been overlooked.

A.8 At the 1997 Annual Town Meeting the Town adopted new zoning regulations allowing Assisted Living Residences in all zoning districts where residential uses are allowed. Part A.8 of this article will allow this use in Planned Unit Developments (PUD), section 9A, subject to the requirements of that section. This change was inadvertently omitted in 1997.

B. At the 1997 Annual Town Meeting the Town adopted minor zoning map changes in connection with the new layouts of Rex Lane and the Town's access to the North Acton Recreation Area. Part B of this article will add a change that was overlooked in 1997 and will ensure that zoning district boundaries follow established property boundaries. Most of the affected parcel C-5/38-1 is currently zoned Small Manufacturing (SM). The change will rezone to SM a small ±750 square feet portion from North Acton Village (NAV) to SM so that the entire parcel is in the SM zoning district.

Adoption of this article is not likely to affect municipal finances.

Direct inquiries to: Roland Bartl, AICP, Town Planner - 264-9636  
Selectman Assigned: Wayne Friedrichs

**Selectmen:** Recommended

**Finance Committee:** Recommended

**Planning Board:** Recommended

#### **ARTICLE 40 KELLEY'S CORNER DISTRICT AMENDMENTS - DIMENSIONAL REGULATIONS**

(2/3 Vote Required)

To see if the Town of Acton will vote to amend section 5 of 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 replacing 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 (17) [30]	NR (18) [NR]	NR	0.20 (15) [0.40 (15)]	40 [36]

and add the following new footnotes (17) and (18) as follows:

(17) 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 measured from the sideline of any other STREET shall be 4 feet.

(18) Where a business or industrial USE abuts a Residential District the minimum side or rear yard shall be 20 feet.

B. In the Table of Standard Dimensional Regulations of section 5 delete footnote (15) and replace it with a new footnote (15) as follows:

(15) The FLOOR AREA RATIO may be increased above 0.20 subject to special provisions and a special permit as set forth in Section 5.6 and its sub-sections.

*Note: Footnote (15) currently reads as follows:*

*(15) Subject to certain provisions in Section 5.6, Special Provisions for the Kelley's Corner District.*

C. Delete the lead-in paragraph of section 5.6.3 and replace it with the following new paragraph:

5.6.3 In the KC District the FLOOR AREA RATIO may be increased above 0.20, up to a maximum FLOOR AREA RATIO of 0.60, by a special permit from the Board of Selectmen and subject to the following standards and requirements:

*Note: The lead-in paragraph of section 5.6.3 currently reads as follows:*

*5.6.3 The following standards shall apply on all LOTS in the KC District where the FLOOR AREA RATIO exceeds 0.20:*

*Note: Section 5.6.3 and its subsections currently contains 2 1/2 pages of standards and requirements for sidewalks, other pedestrian amenities, driveways, parking lots, building design, and infrastructure contributions. Some of them will be amended and added to in this and in subsequent articles.*

D. In sections 5.6.3.4.a), b), e), i), k), and o), and in section 5.6.3.5, replace the words "Site Plan Special Permit Granting Authority" with "Special Permit Granting Authority".

or take any other action relative thereto.

## SUMMARY

If adopted, this article will facilitate the redevelopment of Kelley's Corner as envisioned in the Kelley's Corner Specific Area Plan and the Kelley's Corner Business District Circulation Plan. It makes changes to the required front setback dimensions and increases the maximum height of buildings. In addition, it will increase the development potential of the Kelley's Corner District by raising the maximum Floor Area Ratio (FAR).

This is the first of six articles that will implement the zoning recommendations of the Kelley's Corner Business District Circulation Plan. The Plan report may be viewed at the Acton Planning Department during regular business hours. The Circulation Plan is the second phase of the Town's Kelley's Corner planning efforts. It was funded by a 1996 Town Meeting appropriation of \$50,000, following adoption of the Kelley's Corner Specific Area Plan recommendations. The goal was to seek reasonably scaled traffic and circulation solutions in the Kelley's Corner Business District that would support additional business growth.

The Circulation Plan concludes that additional business growth can be accommodated with adjustments to the Kelley's Corner Business District zoning regulations and with certain improvements to the street system, including:

- widening of the major arteries (Main Street and Massachusetts Avenue) to a 4-lane cross section primarily to address existing and projected regional traffic demand;
- creation of local streets, called Urban Village Streets in the plan, to better serve local businesses while reducing driveway cuts along the major arteries; and
- extensive pedestrian facilities to encourage walking in the Kelley's Corner Business District.

The recommendations are summarized in the Kelley's Corner Urban Village Concept Plan that depicts graphically the conceptual circulation improvements and the land development patterns that are necessary to support the additional growth. It is important to implement the zoning aspects of the Plan now, so that future growth occurs in coordination with the Circulation Plan.

Specifically, in parts A and B this article will make four changes in the Table of Standard Dimensional Regulations for the Kelley's Corner District:

- **Minimum Front Yard:** The front yard setback requirements will be adjusted from 30 feet district wide to variable setbacks depending on the street and street side that the front yard abuts. This will facilitate the design and placement of buildings as recommended in the Kelley's Corner Plans while being cognizant of the need for widening existing streets and for additional street rights of way in future years.
- **Minimum Side and Rear Yard:** A new minimum side and rear yard requirement of 20 feet will be added where a business or industrial use abuts a residential district. This is consistent with the existing requirement under section 10.4.3.5.3), which provides for landscaped buffers of at least 20 feet to abutting residential districts.
- **Maximum Floor Area Ratio (FAR):** The maximum FAR will be 0.20 by right, but it may be increased to 0.60 by special permit and subject to a list of design requirements in section 5.6 of the zoning bylaw. The 0.60 FAR is one and one half times the amount that is currently allowed under the special design requirements of section 5.6. The Circulation Plan assumed an average maximum build-out of the Kelley's Corner Business District of FAR 0.60 and demonstrates how traffic can be managed in a denser environment.

- **Maximum Height:** The maximum building height will be increased by 4 feet to accommodate 3-story buildings comfortably. This increase in height is consistent with the proposed increase in the maximum floor area ratio.

Parts C and D introduce a discretionary special permit for all developments that exceed FAR 0.20, to give the Town better control over site development at higher densities. It is the intent that this special permit will be processed and administered concurrently with the site plan special permit, which is also required.

Adoption of this article is unlikely to affect municipal finances in the short term. However, adoption of this article should encourage, in the longer term, new businesses and business expansions in the Kelley's Corner District area and, if combined with the following five articles, result in overall aesthetic and functional improvements. Business growth in the Kelley's Corner District would increase the Town's tax revenues from commercial real estate sources.

Direct inquiries to: Roland Bartl, AICP, Town Planner - 264-9636  
 Selectman Assigned: Wayne Friedrichs

**Selectmen:** Recommendation Deferred  
**Finance Committee:** Recommended  
**Planning Board:** Recommended

**ARTICLE 41 KELLEY'S CORNER DISTRICT AMENDMENTS - STREET RESERVATIONS, URBAN VILLAGE STREETS, AND TRANSPORTATION INFRASTRUCTURE FUNDING**  
 (2/3 Vote Required)

To see if the Town of Acton will vote to amend section 5 of 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. 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, which shall not be built upon or used for any purpose except access to the remainder of the LOT, for future STREET rights of way for all purposes for which STREETS and ways are used in the Town of Acton, as set forth below.

a) Along Main Street (Rt. 27) and Massachusetts Avenue (Rt. 111) the additional STREET rights of way shall be 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 County Layout north of Rt. 111 and from the sideline of the 1958 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 County Layout north of Rt. 111 and from the sideline of the 1958 county layout south of Rt. 111, and adequate roundings at all intersections.

- b) The Special Permit Granting Authority shall also require the reservation of strips of land, which shall not be built upon or used for any purpose except access to the remainder of the LOT, for future Urban Village STREETS in locations generally consistent with those shown on the Kelley's Corner Urban Village Concept Plan that is contained in the Kelley's Corner Business District Circulation Plan of February 1997, as set forth below:
- 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 Rt. 27 or Rt. 111, and there shall be adequate roundings at all intersections.
  - 2) In approving the location of the Urban Village STREETS the Special Permit Granting Authority shall require the horizontal and vertical alignment of the Urban Village STREETS with existing STREETS, and adequate construction and grading easements to ensure proper and practical connections or continuations to existing or future Urban Village STREETS on adjacent LOTS.
  - 3) If an Urban Village STREET will divide LOTS that are undivided at the time of the application for a Site Plan Special Permit, the Special Permit Granting Authority shall encourage a unified site design that integrates the Urban Village STREET as much as possible in the overall site plan. Except for setbacks from the Urban Village 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 Site Plan Special Permit application.
- c) Where such additional STREET rights of way are reserved, the FLOOR AREA RATIO on the remaining land shall be calculated by including the rights of way to be granted in the DEVELOPABLE SITE AREA, including any easements granted previously for the same purpose.
- d) The 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 Special Permit Granting Authority may impose appropriate conditions and require adequate surety to ensure compliance with this requirement.

B. Insert a new section 5.6.3.7 as follows:

5.6.3.7 Urban Village Streets - The Special Permit Granting Authority may require the construction of the Urban Village STREETS, or portions thereof, in the STREET rights of way reserved for this purpose and located on or 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 Urban Village STREETS shall conform with the typical structural section of the Town of Acton Subdivision Rules and Regulations.
- b) All Urban Village STREETS shall feature sidewalks, at least 8 feet wide, on at least one side as determined by the Special Permit Granting Authority.
- c) In all other respects the design of the Urban Village STREETS shall conform with said Subdivision Rules and Regulations to the extent possible and practical as determined by the Special Permit Granting Authority.
- d) When considering development plans, the Special Permit Granting Authority shall give due consideration to the integration of Urban Village 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.

- e) Urban Village STREETS shall be constructed to aligned horizontally and vertically to ensure proper and practical connections or continuations to existing or future Urban Village STREETS on adjacent LOTS.

C. Delete Section 5.6.3.5 in its entirety and replace with:

5.6.3.5 Public Infrastructure Funding Assistance - The Special Permit Granting Authority may require a contribution in the amount of \$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 following purposes:

- a) The design and construction of new and expanded public STREET infrastructure improvements in the Kelley's Corner District and adjacent areas generally in accordance with the Kelley's Corner Urban Village Concept 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.
  - 1) 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 Urban Village STREETS, that is provided by the owner in the course of site development or redevelopment in accordance with the Kelley's Corner Urban Village Concept Plan and approved by the Special Permit Granting Authority. No reductions shall be given for the construction of sidewalks and other pedestrian amenities required under this bylaw.
- b) 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.
- c) 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.

*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.*

D. In section 5.6.1, second paragraph, delete the third and last sentences and replace them with the following new sentences:

"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 public street improvements and 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 Specific Area Plan, June 1995, as amended, and the Kelley's Corner Business District Circulation Plan, February 1997, 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 that also designates a number of Urban Village 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 Urban Village STREETS. The standards for site and building design features vary relative to their disposition to arterial and Urban Village 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 Urban Village STREETS, 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.*

or take any other action relative thereto.

## SUMMARY

In order to achieve the desired changes in the roadway system within Kelley's Corner, the Town will need additional rights of way and contributions from property owners and developers who will benefit from the improvements in Kelley's Corner. This article establishes a street hierarchy within the Kelley's Corner District, requires grants of street rights of way, sets up guidelines for the construction of Urban Village Streets, and requires monetary contributions to the Town for street improvements if a proposed development exceeds a certain size. The Kelley's Corner Business District Circulation Plan provides a solid basis for the engineering design and construction of street infrastructure improvements that are needed as the area develops further.

Part A establishes new requirements for street right of way reservations to accommodate widening of the arterial streets Main Street and Massachusetts Avenue as recommended in the Circulation Plan. With few exceptions, the recommended widening for vehicular travel lanes can be made within the existing layout. The widening of the layout primarily would accommodate the addition of bike lanes and safe pedestrian facilities. Also, Part A requires rights of way for new secondary streets in Kelley's Corner as recommended in the Circulation Plan. In the Circulation Plan, the secondary streets are called Urban Village Streets. This terminology is carried over into the language of this article. The right of way reservations apply only where projects exceed a floor area ratio (FAR) of 0.20.

Part B provides for the construction of Urban Village Streets in the context of development or redevelopment where appropriate, and sets up design guidelines for the construction of Urban Village Streets.

Part C augments the existing development fees towards a sewerage system with fees that will be applied to public street system improvements. The fee applies only to projects that exceed a floor area ratio of 0.20. The total fee, \$2.50 per square foot for each square foot in excess of a floor area ratio of 0.20, is unchanged from the present fee towards a sewerage system. The fee will be

reduced or waived where actual infrastructure improvements are provided by development proponents.

Part D amends the purpose section of the Kelley's Corner District provisions. It updates the references to planning documents that the regulations rely upon by including the Kelley's Corner Business District Circulation Plan, and it explains the order of the street hierarchy recommended in the Circulation Plan.

As the previous article, this article is intended to encourage business growth and expansion in the Kelley's Corner District. It will ensure adequate infrastructure development that will be necessary as business growth occurs. Business growth in the Kelley's Corner District would increase the Town's tax revenues from commercial real estate sources.

Direct inquiries to: Roland Bartl, AICP, Town Planner - 264-9636  
Selectman Assigned: Wayne Friedrichs

**Selectmen:** Recommendation Deferred  
**Finance Committee:** Recommended  
**Planning Board:** Recommended

**ARTICLE 42 KELLEY'S CORNER DISTRICT AMENDMENTS - SIDEWALKS AND BUILDING DESIGN**  
(2/3 Vote Required)

To see if the Town of Acton will vote to amend section 5 of the zoning bylaw 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:

- 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 loading areas.
- b) Along the FRONTAGE of at least one side of the Urban Village STREETS as determined by the Special Permit Granting Authority. Such sidewalks shall be at least 8 feet wide, but no buffer shall be required to the automobile travel lanes.
- c) All 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 sidewalks shall be installed with concrete walking surfaces and vertical granite curbing. No bituminous concrete surface or curbing shall be allowed. The Special Permit Granting Authority may authorize 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. 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 a LOT facing an Arterial 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 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 FRONTAGE of a LOT may be allowed provided the 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, with proposed changes noted in bold and by use of strike-through:

5.6.3.4 a) At least 60 percent of the front side of a LOT facing a ~~STREET~~ **[an Arterial 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~~ **[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 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.

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 Urban Village STREETS and situated within 30 feet of such Urban Village 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, with proposed changes noted in bold and by use of strike-through:

**BUILDING facades facing [Arterial] STREETS or pedestrian plazas [, and BUILDING facades facing Urban Village STREETS and situated within 30 feet of such Urban Village STREET** 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, with proposed changes noted in bold:*

*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 **[contiguous]** 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 a BUILDING".

*Note: Sub-section 5.6.3.4 n) currently reads as follows, with proposed changes noted in bold and by use of strike-through:*

*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~~ **[Multistory]** BUILDINGS, or ~~two or three story~~ **[multistory]** 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.*

or take any other action relative thereto.

## SUMMARY

This article, like the previous one, facilitates the improvements recommended in the Kelley's Corner Plan. In this article, the Town will make changes to the existing design provisions for Kelley's Corner to incorporate the new street hierarchy. The design requirements are only applicable to projects above a certain size as defined by the Bylaw.

Part A of this article modifies the existing sidewalk construction and improvement standards for development projects in the Kelley's Corner District where the floor area ratio exceeds 0.20. The width of the buffer to the roadway along arterial streets is reduced from 10 feet to 8 feet. 8 foot wide sidewalks will be required on Urban Village Streets. Sidewalks must be installed with vertical granite curbing and concrete surfaces like the new sidewalks in West Acton Village, and they must be located within the street layout or appropriate easements.

Part B makes minor modifications to the existing building design requirements. These are helpful clarifications and minor adjustments to accommodate the Urban Village Concept Plan of the Kelley's Corner Business District Circulation Plan.

Like the previous two articles, this article is intended to encourage business growth and expansion in the Kelley's Corner District. It will ensure adequate pedestrian infrastructure development that will be necessary as business growth occurs, and will adjust architectural and site design requirements to enhance the attractiveness of the Kelley's Corner business district.

Business growth in the Kelley's Corner District would increase the Town's tax revenues from commercial real estate sources.

Direct inquiries to: Roland Bartl, AICP, Town Planner - 264-9636  
Selectman Assigned: Wayne Friedrichs

**Selectmen:** Recommendation Deferred  
**Finance Committee:** Recommended  
**Planning Board:** Recommended

**ARTICLE 43 KELLEY'S CORNER DISTRICT AMENDMENTS - 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. 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 Special Permit Granting Authority shall require that vehicular ACCESS to all LOTS and parking areas be provided exclusively from Urban Village STREETS. If such ACCESS is not available, the Special Permit Granting Authority may allow one ACCESS driveway directly from an arterial STREET, until such time when vehicular ACCESS is available from an Urban Village STREET. In cases involving approval of a temporary vehicular ACCESS from an arterial STREET, the Special Permit Granting Authority shall require that the parking areas and interior driveways be designed to permit vehicular ACCESS from an Urban Village STREET, and that the arterial STREET ACCESS be closed as soon as vehicular ACCESS is available from an Urban Village 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, except that a driveway and parking lot may be located in the front of a BUILDING that is located in the rear of another BUILDING when viewed from an Arterial STREET. No driveways or parking lots shall be located between a pedestrian plaza and an Arterial STREET, nor shall any driveway or parking lot intersect or be mixed with a pedestrian plaza.
- c) Vehicular driveways and parking lots may be located to the side and rear of BUILDINGS or to the rear of a pedestrian plaza.
- d) 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, with proposed changes noted in bold and by use of strike-through:*

**5.6.3.3 Driveways and Parking Lots -**

- a) Except as provided herein, the Site Special Permit Granting Authority shall require vehicular ACCESS to all LOTS and parking areas to be provided exclusively from Urban Village 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 ACCESS is available from an Urban Village STREET. In cases involving approval of a temporary ACCESS from an arterial STREET, the Site Plan Special Permit Granting Authority shall require the parking areas and interior driveways to be designed to permit ACCESS from an Urban Village STREET and closure of the arterial STREET ACCESS in the future.**

**ab) No driveway or parking lot shall be located placed 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, except that a driveway and parking lot may be located placed in the front of a BUILDING that is located in the rear of another BUILDING when viewed from an Arterial STREET. No driveways or parking lots shall be located between a pedestrian plaza and an Arterial STREET, nor shall any driveway or parking lot intersect or be mixed with a pedestrian plaza.**

**bc) Vehicular driveways and parking lots may be located to the side and rear of BUILDINGS or to the rear of a pedestrian plaza.**

**ed) In all other respects driveways and parking lots shall be designed in compliance with sections 6.9.3.5 and 6.9.3.6.**

**B. Delete section 6.9.3.5 and replace it with the following new sections:**

**6.9.3.5 Design Requirements for Parking Lots - Off-STREET parking spaces, except parking spaces serving a single or two FAMILY residential USE, shall be either contained within a BUILDING or STRUCTURE or subject to 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 (24') wide. The ACCESS, interior and common driveways for one-way traffic shall be fourteen (14') feet wide.**
- c) Set-Backs - 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 or within 20 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 (5%) 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 rated for U.S.D.A. Hardiness Zone 5 that is expected to reach at least 20 feet in height at maturity; be seven (7) 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 (100 sq. ft.) to accommodate the root system of the tree. Additional landscaping may be required by a Special Permit Granting Authority to better screen the parking lot from the STREET and adjacent USES.**

- 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 (7.5) feet wide. However, if the planting strip is protected from vehicular damage through the use of planting beds that are raised above the surface of the parking lot at least twelve (12) inches or through the use of bollards or balustrades, the width of the planting strip may be reduced to five (5) feet. Said planting strip shall feature a physical separation between the parking lot and adjacent ways of at least two and one-half (2.5) feet in height. This physical separation may be created through the use of plantings, walls, or fencing (other than chain link or smooth concrete) or a combination of plantings and fencing. No more than twenty percent (20%) 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 the plantings will not be damaged by vehicles.

*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.*

or take any other action relative thereto.

### **SUMMARY**

At present, the zoning bylaw requirements for the design of parking lots in Kelley's Corner are the same as those required for large-scale office and industrial parks. This article will establish parking lot design regulations for Kelley's Corner that are similar to those already in existence for West Acton Village and South Acton Village. They result in less landscaping volume but more flexibility in landscaping design. In addition, the article will encourage access to parking lots from the Kelley's Corner Urban Village Streets and discourage direct access from Routes 111 and 27.

Part A of this article amends section 5.6.3.3, which prescribes the placement of parking lots and buildings on a site in the Kelley's Corner district. Adjustments are made to regulate the location of vehicular lot access and to reflect the street hierarchy in Kelley's Corner and to refer the reader to the revised and new sections 6.9.3.5 through 6.9.3.7, which are introduced in Part B of this article.

Consistent with the recommendations of the Kelley's Corner Business District Circulation Plan, Part B seeks to shift vehicular access to business properties in Kelley's Corner from the multiple curb cuts along the arterial streets Rt. 111 and Rt. 27 to new access points along the future Urban Village Streets. Furthermore, it revises driveway, parking lot design and landscaping requirements for developments in the Kelley's Corner District. The regulations will accommodate more parking spaces in a smaller area while ensuring adequate landscaping, screening and

planting of shade trees. The proposed regulations largely mirror the standards established in recent years for the West and South Acton Villages.

Like the previous three articles, this article seeks to encourage business growth and expansion in the Kelley's Corner District. It shifts site access away from the major thoroughfares to safer locations along the secondary Urban Village Streets, and provides parking lot design and landscaping requirements that are more appropriate for a denser business center. Business growth in the Kelley's Corner District would increase the Town's tax revenues from commercial real estate sources.

Direct inquiries to: Roland Bartl, AICP, Town Planner - 264-9636  
Selectman Assigned: Wayne Friedrichs

**Selectmen:** Recommendation Deferred  
**Finance Committee:** Recommended  
**Planning Board:** Recommended

#### **ARTICLE 44 KELLEY'S CORNER DISTRICT AMENDMENTS - TRIP GENERATION AND FLOOR AREA LIMITS** (2/3 Vote Required)

To see if the Town of Acton will vote to amend the zoning bylaw as set forth in this Article:

- A. In section 3.9.1 delete the first two sentences and replace them with the following (*Notes in italic print are not part of the article but are intended for explanation only*):

"No PRINCIPAL USE which would have an anticipated average peak hour generation in excess of 1,000 vehicle trip ends or an average weekday or Saturday generation in excess of 7,500 vehicle trip ends shall be allowed. PRINCIPAL USES in the Kelley's Corner (KC) District shall be exempt from the forgoing limitation. In all zoning districts, any PRINCIPAL USE which would have an anticipated average peak hour generation in excess of 500 vehicle trip ends or an average weekday or Saturday generation in excess of 4,000 vehicle trip ends shall be required to receive a special permit from the Board of Selectmen."

*Note: The first two sentences of section 3.9.1 currently read as follows, with proposed changes noted in bold:*

*No PRINCIPAL USE which would have an anticipated average peak hour generation in excess of 1,000 vehicle trip ends or an average weekday or Saturday generation in excess of 7,500 vehicle trip ends shall be allowed.*

**[PRINCIPAL USES in the Kelley's Corner (KC) District shall be exempt from the forgoing limitation. In all zoning districts,]** Any PRINCIPAL USE which would have an anticipated average peak hour generation in excess of 500 vehicle trip ends or an average weekday or Saturday generation in excess of 4,000 vehicle trip ends shall be required to receive a special permit from the Board of Selectmen.

- B. Insert a new section 5.6.2.4 as follows:

5.6.2.4 Maximum Floor Area of Businesses and Industries - The maximum NET FLOOR AREA of a separately owned or operated business or industrial establishment shall not exceed 80,000 square feet.

or take any other action relative thereto.

### SUMMARY

The type and size of businesses within Acton are regulated by a special provision of the Bylaw that prohibits a business or business center if it generates more than a specified amount of traffic. This amendment will remove the prohibition in the Kelley's Corner District thereby allowing larger business complexes to locate in Kelley's Corner and capture consumers that travel through Kelley's Corner on a daily basis. At the same time the size of an individual business will be capped.

Part A: Section 3.9.1 sets maximum vehicle trip generation limits on land uses of the same kind on all lots in Acton. If adopted, this article will remove this limit within the Kelley's Corner zoning district. The existing threshold for special permit review will remain intact. This proposal is consistent with the increase in the maximum floor area ratio proposed in a separate article. A higher floor area ratio and the possibility for assembly of many smaller parcels into fewer larger development sites could result in a higher trip generation rate from land uses in a business center on one lot than is currently allowed. Removing this maximum limit will encourage more efficient and integrated site design in the future development and redevelopment of Kelley's Corner. A higher degree of coordination and integration of business locations at Kelley's Corner would enhance the implementation of the Kelley's Corner Specific Area and Business District Circulation Plans, and would allow for more efficient traffic management. Overall, future vehicle trips generated from within the Kelley's Corner district would be about the same, with or without the trip generation limit for individual project sites. The only difference would be whether the traffic is generated from fewer, better integrated business locations or from a greater number of smaller, less coordinated facilities.

Part B: The maximum trip generation limit that Part A proposes to remove for the Kelley's Corner business district would in most instances prohibit a "big box" retail development. To substitute for this prohibition, while allowing for larger business centers, Part B of this article proposes a maximum floor area limit of 80,000 square feet for individual businesses. This will still allow fairly large stores, but will keep out the "big box" retail businesses that typically require a larger floor area.

This article augments the previous four articles. It encourages business growth and expansion in the Kelley's Corner district at a scale that is more in keeping with the small business character that prevails in Acton, while encouraging larger business centers with multiple tenants. Business growth in the Kelley's Corner District would increase the Town's tax revenues from commercial real estate sources.

Direct inquiries to: Roland Bartl, AICP, Town Planner - 264-9636  
Selectman Assigned: Wayne Friedrichs

**Selectmen:** Recommendation Deferred  
**Finance Committee:** Recommended  
**Planning Board:** Recommended

**ARTICLE 45 KELLEY'S CORNER DISTRICT AMENDMENTS - VARIABLE DENSITY PROVISIONS**  
(2/3 Vote Required)

To see if the Town of Acton will vote to amend section 5 of the zoning bylaw by inserting a new section 5.6.4 as follows:

**5.6.4 Variable Density Provisions for the Kelley's Corner District.**

**5.6.4.1 Purpose** - These provisions are intended to permit flexible density levels for individual LOTS in the Kelley's Corner District, while maintaining an overall ceiling on total NET FLOOR AREA. The purpose of allowing variable density levels is to permit further clustering of USES in a compact urban pattern, while limiting total traffic generation and providing for sufficient OPEN SPACE and off-STREET parking areas. The provisions set forth herein should be interpreted as permitting the Transfer of Development Rights within the Kelley's Corner District, and not as permitting an overall increase in the total amount of maximum development in the Kelley's Corner district.

**5.6.4.2 Transfer of Development Rights within the Kelley's Corner District**

- a) For a LOT in the Kelley's Corner District the Board of Selectmen may grant a Special Permit for the Transfer Development Rights to another LOT within the Kelley's Corner District. The effect of such Special Permit shall be to permit an increase in NET FLOOR AREA on a LOT above the total amount otherwise permitted by:
  - (i) the applicable maximum FLOOR AREA RATIO set forth in the Table of Standard Dimensional Regulations, and
  - (ii) if applicable, any Certificate of Development Rights previously transferred to the LOT from within the Kelley's Corner District.
- b) Any such increase in NET FLOOR AREA on a LOT shall not result in a FLOOR AREA RATIO in excess of 0.80.
- c) Any such increase in NET FLOOR AREA shall be compensated by an equal reduction in the maximum NET FLOOR AREA permitted on another LOT in the Kelley's Corner District, from which such development rights are transferred.
- d) Any LOT that receives development rights in accordance with this section shall be subject to the requirements of section 5.6.3, including all its sub-sections.

**5.6.4.3 Standards of Review** - In deciding on the merits of a proposal for Transfer of Development Rights within the Kelley's Corner District, the Board of Selectmen shall consider the following criteria and objectives:

- a) Increased density on a LOT shall enhance the implementation of the Kelley's Corner Specific Area and Business District Circulation Plans. Density increases hereunder shall be granted only where they are compatible with the Urban Village Concept envisioned in the aforementioned plans. The implementation of this provision shall facilitate the development of a viable and pedestrian-friendly business center at Kelley's Corner.
- b) The Transfer of Development Rights shall serve a public purpose on the LOT from which development rights are to be transferred, by providing vehicular parking, public

open space, parks or playgrounds, additional buffers to abutting residential districts, or other amenities that are a benefit to the public.

- c) The Board of Selectmen shall grant a Special Permit hereunder only if it can make appropriate findings that the criteria and objectives of a) and b) are promoted by granting the transfer.

#### 5.6.4.4 Administration

- a) Determination of Development Rights for Affected LOTS - Before granting a Special Permit under Section 5.6.4, the Board of Selectmen shall determine the Development Rights for all LOTS to be affected by the proposed transfer. The Special Permit shall specify the total development rights for each LOT, expressed in NET FLOOR AREA as computed in Section 10.4.3.8 of this Bylaw, less any Development Rights previously removed from such LOTS. The application for a Special Permit under this Section shall contain sufficient information to permit the Board of Selectmen's determination of the Development Rights that may be transferred.
- b) The Board of Selectmen shall require that upon transfer of the Development Rights authorized in its special permits, the owner of a LOT from which development rights have been removed, shall file with the Middlesex South District Registry of Deeds or the Land Court (as applicable) an irrevocable restrictive covenant, approved by the Board of Selectmen, running with the land, permanently restricting the development of the LOT. The covenant shall restrict the LOT by the amount of development rights transferred to another LOT, permitting only the amount of development rights that remain on the LOT, if any, all as specified in the Special Permit authorizing the transfer.
- c) Implementation of Transfer - Following the approval of a Special Permit under this Section, the applicant shall complete the transfer procedures set forth in Sections 5.4.4 and 5.4.5, except that the formulas in Section 5.4.4.2 shall not apply to transfers within the Kelley's Corner District.

or take any other action relative thereto.

#### SUMMARY

This amendment proposes that the Town allow transfers of development rights (TDR) within the Kelley's Corner district as a tool to provide additional development flexibility. TDR allows a greater amount of development on some parcels in exchange for a proportionately lower amount of development on other parcels. The provision is similar to the established TDR procedures in the zoning bylaw for other zoning districts.

The maximum increase in density on a lot through TDR will be limited to a Floor Area Ratio (FAR) of 0.80. This is two points above the standard density of FAR 0.60 as proposed in another zoning article of this warrant. This increased flexibility will facilitate the creation of additional parks, open spaces and public parking lots within Kelley's Corner and in general supports and enhances well coordinated development efforts. With this mechanism, development rights can be traded among land owners like real property. Lots from which development rights are sold will be deed restricted to allow only the remaining development rights, if any, to be realized on the lot. Lots that have taken on additional development rights are similarly documented. A special permit process administered by the Board of Selectmen will ensure that the public interest is served and that the purposes of this provision are met. The transfer of development rights is a previously established

tool in the zoning bylaw that may be used in the North and East Acton Village Districts and the Limited Business District. Therefore, administrative procedures and requirements are already established and will also apply in the Kelley's Corner District.

Like the previous five articles, this articles is intended to encourages business growth and expansion in the Kelley's Corner district. The added flexibility gained with TDR will enhance and encourage efficient site layout and design and overall user friendliness in the Kelley's Corner District. Business growth in the Kelley's Corner District would increase the Town's tax revenues from commercial real estate sources.

Direct inquiries to: Roland Bartl, AICP, Town Planner - 264-9636  
Selectman Assigned: Wayne Friedrichs

**Selectmen:** Recommendation Deferred

**Finance Committee:** Recommended

**Planning Board:** Recommended

And you are directed to serve this Warrant by posting attested copies thereof fourteen days at least before the time of said meeting, in not less than six public places in Town, to be designated by the Board of Selectmen.

Hereof fail not and make due return of this Warrant with your doings thereon to the Town Clerk at or before the time of meeting aforesaid.

Given under our hands at Acton this 17th day of March, 1998.

F. Dore' Hunter  
Wayne L. Friedrichs  
William C. Mullin  
Nancy E. Tavernier  
Herman L. Kabakoff  
**BOARD OF SELECTMEN**

**A TRUE COPY ATTEST** \_\_\_\_\_  
**CONSTABLE OF ACTON**

*ATM1998.DOC.WARRANT LDRIVE*

**APPENDIX A  
GLOSSARY OF TERMS**

## A Glossary of Terms Commonly Used in Municipal Finance

**Abatement:** A complete or partial cancellation of a levy imposed by a governmental unit; applicable to tax levies and special assessments.

**Appropriation:** An authorization granted by a legislative body to make expenditures and to incur obligations for specific purposes. An appropriation is usually limited in amount and the time when it can be expended. Any amount which is appropriated may be encumbered. Any part of the general appropriation not spent or encumbered by June 30 automatically reverts to surplus.

A specific or particular appropriation is carried forward from year to year until spent for the designated purpose or transferred by town meeting vote to another account.

**Assessed valuation:** The value placed upon a particular property by the local Board of Assessors for the purpose of apportioning the town's tax levy among individual property owners equitably and in accordance with the legal requirement that property be assessed at "full and fair cash value", certified periodically by the Commonwealth's Commissioner of Revenue (no less frequently than once every three years.)

**Audit:** Work done by accountants in examining financial reports, reviewing compliance with applicable laws and regulations, reviewing effectiveness in achieving program results. A basic audit examines only the financial reports and legal compliance. An outside Certified Public Accountant (CPA) audit is directed primarily toward the expression of an opinion as to the fairness of the financial statements and submission of a management letter. An auditor must be independent of the executive branch of government. A state auditor, private CPA or public accountant, or elected auditor meets this test.

**Balance Sheet:** A statement that discloses the assets, liabilities, reserves and equities of a fund or government unit at a specified date.

**Budget:** A plan of financial operation embodying an estimate of proposed expenditures for a given period and the proposed means of financing them. A budget may be preliminary (the financial plan presented to the town meeting) or final (the plan approved by that body).

**Capital Budget:** A plan of proposed capital outlays and the means of financing them for the current fiscal period. It is usually a part of the current budget.

**Capital Exclusion:** A vote to exclude from the levy limit the cost of a capital project. This exclusion only affects the levy limit for the year in which the project was undertaken.

**Cemetery Land Fund:** A fund established to which an added annual appropriation earmarked for the acquisition of land development costs on designated cemetery land purchases.

**Cherry Sheet:** An annual statement received from the Massachusetts Department of Revenue detailing estimated receipts for the next fiscal year for the various state aid accounts and estimated state and county government charges payable by the Town in setting the tax rate. The actual receipts and charges may vary from the estimates.

**Classification:** The division of the real estate tax and personal property voted by the Selectmen. The Selectmen may choose one rate for residences, another rate for business, and another rate for open space.

**Debt Exclusion:** A vote to exclude from the levy limit the costs of debt service for capital projects. This exclusion remains in effect for the life of the debt only.

**Debt Service:** Payment of interest and principal related to long term debt.

**Encumbrance:** Obligations such as purchase orders, contracts, salary commitments which are chargeable to an appropriation and for which a part of the appropriation is reserved.

**Enterprise Fund:** A fiscal entity with a self-balancing set of accounts that is utilized to account for a governmental service when it is the intent to recover the total costs of service, including depreciation, primarily through user charges and may be supplemented by taxes.

**Equalized valuation:** The value of all property as determined by the Commissioner of Revenue biennially, using a standard of "full and fair value."

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

**FTE:** A full-time equivalent employee based on a 40 hour work week. May be more than 1 employee, but the total weekly hours equal 40.

**Fiscal Year:** A 12-month period, beginning July 1 and ending June 30, to which the annual budget applies and at the end of which a governmental unit determines its financial position and the results of its operations. The numbers of the fiscal year is that of the calendar year in which its ends; FY95 is the fiscal year which ends June 30, 1995.

**Free Cash:** Now referred to as "undesignated fund balance." Certified each July 1 by the State, this is the portion of Fund Balance available for appropriation. It is not cash but rather is approximately the total of cash and receivables less current liabilities and earmarked reserves, reduced also by reserves for uncollected taxes.

**Fund:** An accounting entity with a self-balancing set of accounts which are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with specific regulations, restrictions or limitations.

**General Fund:** The fund into which the general (non-earmarked) revenues of the town are deposited and from which money is appropriated to pay expenses.

**General Obligation Bonds:** Bonds issued by the Town that are backed by the full faith and credit of its taxing authority.

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

**Override:** A vote to increase the amount of property tax revenue that may be raised over the levy limit.

**Personnel Services:** The cost of salaries, wages and related employment benefits.

**Purchased Services:** The cost of services that are provided by a vendor.

**Property Tax levy:** The amount produced by multiplying the assessed valuation of property by the tax rate. The tax rate is expressed per thousand dollars of assessed valuation, for example:

House Value:	\$300,000
Tax rate:	\$10 (which means \$10 per thousand)
Levy:	\$10 multiplied by \$300,000 and divided by \$1,000.
Result:	\$3000

**Reserve Fund:** A fund appropriated each year which may be used only by vote of the Finance Committee for "extraordinary or unforeseen expenditures."

**Revolving Fund:** Those funds that may be used for special uses. For example, Recreation fees may be paid into a revolving fund, and expenditures can be made without appropriation with the approval of the Town Manager. Revolving funds are established by state law or town bylaw. Some revolving funds must be annually reauthorized by Town Meeting.

**Tax Levy:** Total amount of dollars assessed in property taxes imposed by the Town each fiscal year.

**Unreserved fund balance or surplus revenue account:** The amount by which cash, accounts receivable and other assets exceed liabilities and restricted reserves. It is akin to the stockholders equity account on a corporate balance sheet. It is not, however, available for appropriation in full because a portion of the assets listed as "accounts receivable" may be taxes receivable and uncollected. (see free cash)

**Warrant:** A list of items to be voted upon at Town Meeting.

**APPENDIX B**  
**PARLIAMENTARY PROCEDURE**

## ACTON TOWN MEETING PROCEDURES

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

### MODERATOR'S RULES

These are quite arbitrary, but hopefully are consistently applied:

1. Any registered voter may speak to any article - but all must speak politely and respectfully to other voters and members of town boards. Civility is not an option.
2. Since many voters may wish to speak, brevity of comment is appreciated. In addition, speakers are encouraged to add new points to the debate as opposed to repeating what others have already stated.
3. Voters may speak to an issue more than once - but generally "first time" speakers will be recognized before "repeaters".
4. Remember to listen closely to the motion as stated. The motion puts the warrant article "in play" and it is the motion which is voted on not the article as written in the warrant. However, there should be a strong similarity between motion and article.
5. Most motions must be "seconded". Seconding motions is an easy way for new - comers to participate in the meeting - one does not even need to stand or be directly recognized. Generally calling out "second" at the right time will suffice.
6. Voting is most often done by voice - as the moderator's hearing fails, "standing" counts may be taken. The last resort - due to time constraints - is to take a counted vote by teller.
7. Although not encouraged, the Moderator's judgment can be questioned as to the accuracy of the vote as announced. If seven (7) people request a "recount" of a voice or standing votes it shall be done.
8. The Moderator will generally accept the motion to "move the previous question", or more easily understood, "to cut off debate". Many people think this motion is somewhat unfair - but it has been my experience over the last 21 years that more often than not it is passed unanimously or by overwhelming numbers. In the past the moderator has been accused of knowing who plans to make such a motion - generally such accusations are accurate!

9. After a motion has been made and seconded - the mover of the motion speaks first - followed by the appropriate Town Boards (generally the Selectmen and the Finance Committee) who state their opinions. The motion is then available for general discussion - pro, con, or questions.

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

### MORE FORMAL PARLIAMENTARY PROCEDURE

There are many types of motions which may come before a meeting. The table below is far from all inclusive but indicates the most commonly used motions over the past 21 years.

MOTION	SECOND REQUIRED	DEBATABLE	AMENDABLE	VOTE REQUIRED	MAY RECONSIDER	MAY INTERRUPT
DISSOLVE	yes	no	no	majority	no	no
FIX THE TIME TO ADJOURN	yes	yes	yes	majority	yes	no
LAY ON THE TABLE	yes	no	no	2/3	yes	no
PREVIOUS QUESTION	yes	no	no	2/3	no	no
LIMIT DEBATE	yes	no	no	2/3	yes	no
POSTPONE TO A TIME CERTAIN	yes	yes	yes	majority	yes	no
AMEND	yes	yes	*yes	majority	yes	no
POSTPONE INDEFINITELY	yes	yes	no	majority	yes	no
POINT OF ORDER	no	no	no	none	no	yes
MAIN MOTION	yes	yes	yes	varies	yes	no
**RECONSIDER	yes	yes	no	2/3	no	no

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

\* In Action we generally do not accept amendments to amendments ---too confusing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Don MacKenzie  
Moderator

TOWN OF ACTON VOLUNTEER APPLICATION

Updated : 03/05/98

Residents interested in serving on a Town Board, Committee, or Commission are requested to complete this form and forward it to the office of the Town Manager at the Acton Town Hall, 472 Main Street, Acton MA 01720

(Please print or type)

Date : \_\_\_\_\_

Mr / Mrs  
Ms / Dr

\_\_\_\_\_   
Last Name

\_\_\_\_\_   
First Name

\_\_\_\_\_   
Middle Name

\_\_\_\_\_   
Street Address

\_\_\_\_\_   
Home Phone

\_\_\_\_\_   
Business Phone

Please refer to the other side of this sheet (Page 2) and indicate below, in order of preference, the Board(s), Committee(s), or Commission(s) in which you are interested :

- 1) \_\_\_\_\_
- 2) \_\_\_\_\_
- 3) \_\_\_\_\_

Have you been a member of a Board, Committee, or Commission previously (either in Acton or elsewhere) ?  
If you have, please list name(s) and dates (approx.) :

\_\_\_\_\_  
\_\_\_\_\_

Do you have time restrictions ? \_\_\_\_\_

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

Are you a US citizen ? \_\_\_\_\_

Please list you present occupation and employer (optional -- attach resume ) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

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

Education or special training

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



# NOTES

**BULK RATE**  
**US POSTAGE PAID**  
**PERMIT #67**  
**ACTON, MA 01720**

**POSTAL PATRON**  
**ACTON, MA 01720**