

Town of Acton

Annual Town Meeting Warrant



Monday, April 4, 2016

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

Notice of Election and Meeting

Annual Town Election
Tuesday, March 29, 2016
7:00 AM – 8:00 PM

Precincts 1, 2 and 6 – Conant School – 80 Taylor Road
Precincts 3, 4 and 5 – R. J. Grey Junior High School – 16 Charter Road

For assistance in determining your election voting location, please use the State Elections Division's website www.WhereDoIVoteMA.com or contact the Town Clerk's Office by e-mail at clerk@acton-ma.gov or by telephone at (978) 929-6620.

Annual Town Meeting
Monday, April 4, 2016
7:00 PM
Acton-Boxborough Regional High School Auditorium
36 Charter Road

Note: Copies of the detailed Municipal Operating Budget will be available at Town Hall. Copies will also be available at Town Meeting.

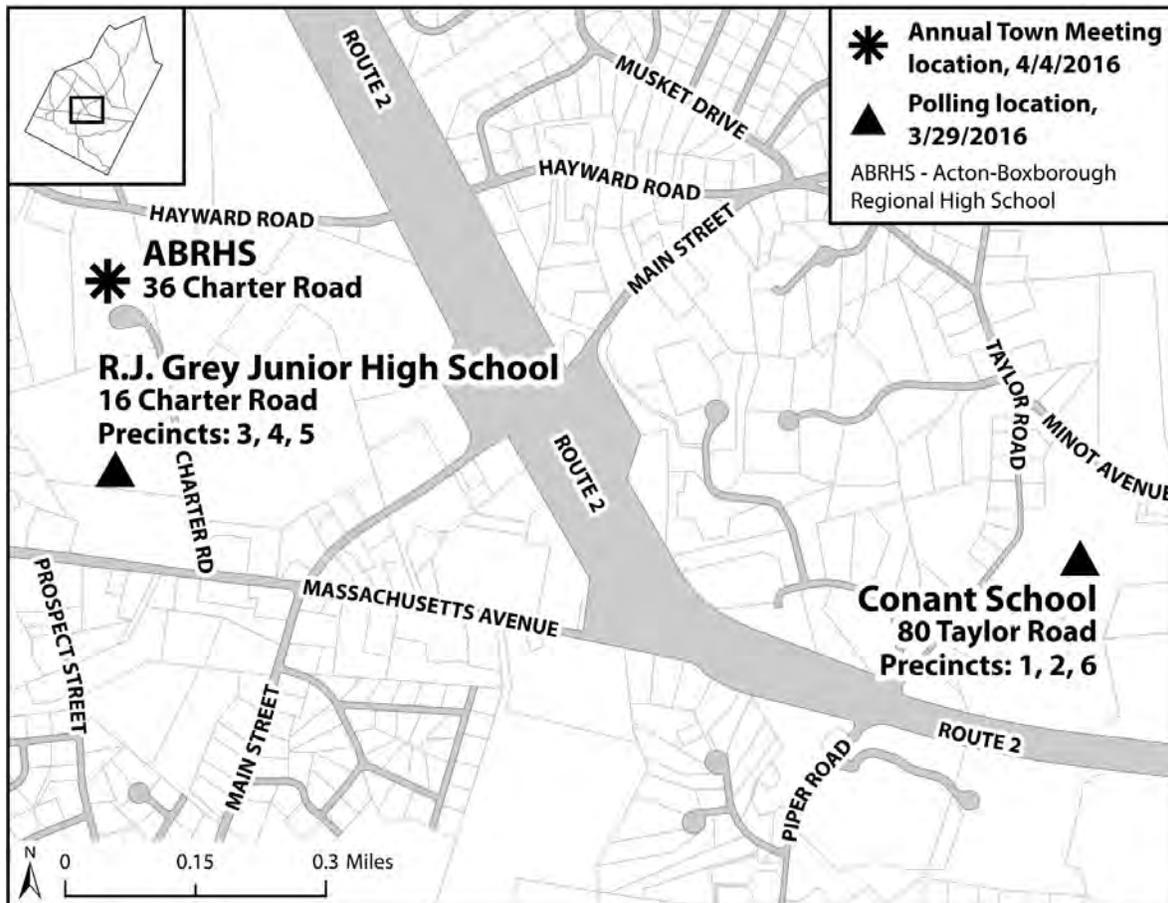


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Free Transportation to Town Meeting

Don't miss Town Meeting because you can't get a ride!



The Town of Acton is offering **free** door-to-door van rides to the Annual Town Meeting. The Meeting starts at 7:00 PM and generally concludes by 10:30 PM.

The MinuteVan will have a driver covering the hours from 6:15 PM – 10:30 PM for each of three nights of Town Meeting. The Dial-A-Ride dispatch service will be open until 4:00 PM on each day of the meeting. Rides can be booked with the MinuteVan dispatcher at (978) 844-6809 or on-line at www.minutevan.net. The service will run even if there are no reservations, as we will take walk-ons from Town Meeting that want a trip home. There will be no charge to passengers for any of these Town Meeting trips. When the van is not in use between 6:15 PM to 10:30 PM, it will be parked in the Acton-Boxborough High School parking lot where Town Meeting is being held. The driver will be waiting in the van for anyone that would like a ride home.

MinuteVan Dial-A-Ride is a unique transportation service offered by the Town of Acton. It is available to all citizens Monday through Friday (except holidays) for rides around town and to nearby locations. Hours of operation are 8:00 AM – 11:00 AM and 1:15 PM – 6:15 PM. The Dispatcher is available Monday through Friday from 8:30 AM – 4:00 PM by calling (978) 844-6809. Trips within Acton cost \$2/trip, \$1/trip for seniors and disabled. Out-of-town trips (within 3.5 mile radius of Acton Town Hall) are \$4/trip, \$1.50/trip for seniors/disabled. Locations served include: West Concord Center, Emerson Hospital, Maynard Center, Skating Rink, the Food Pantry in Boxborough, and more. Policies may be reviewed online at www.minutevan.net.

*Need a Sitter for Town Meeting? Kid Friendly
Movie Night*

Would you like to go to Acton Town Meeting but cannot find a sitter?

Bring your school-aged kids with you and let them enjoy a

KID FRIENDLY MOVIE NIGHT

while you attend Acton Town Meeting

Monday (4/4) and Tuesday (4/5)

6:30 pm until 9:00 pm

Lower Gym at the AB Regional High School

The Good Dinosaur (Monday) and Inside Out (Tuesday)

- ◆ Parents need to RSVP to Alycen Nigro (alyheels@yahoo.com) by **Monday (4/4) at noon** indicating the nights and spots needed.
- ◆ A release waiver will be required for each child. This waiver will be emailed to you when you reserve your spot and should be presented to the chaperones upon drop off.
- ◆ Drop off starts at 6:30 pm. Pick up is promptly at 9 PM.
- ◆ The children will be chaperoned by adult volunteers (all CO-RI checked) including school district teachers and parents. In addition, high school volunteers will be on hand to help out.
- ◆ Coloring activities will also be available for the children's use in the gym.
- ◆ Food will not be served but children are welcome to bring a water bottle.



For questions or to reserve a spot, contact: Alycen Nigro (alyheels@yahoo.com)

This event is sponsored by the Town of Acton, the Acton Boxborough Regional School District (ABRSD), the League of Women Voters (LWV), the Acton Boxborough Education Association (ABEA) and the local ABRSD Parent Teacher Organizations (PTOs).

Notes from the Town Clerk's Office

The Town Clerk's Office welcomes requests by the Acton community for special provisions in order for citizens to attend Town Meeting. Services provided include wheelchairs, a wheelchair lift, special check-in and seating for the mobility-impaired.

In order to accommodate as many citizens as possible, we ask that all requests be received by our office no later than Friday, March 25, 2016.

Parties needing support may contact the Clerk's Office at clerk@acton-ma.gov or (978) 929-6620.

Any person, committee or action group that would like to reserve a display table at Town Meeting needs to email a copy of their handout material, along with the request, to the Town Clerk in order to receive approval by the Moderator.

Requests need to be received by the Clerk's Office no later than Friday, April 1, 2016 to ensure coordination with Acton-Boxborough Regional High School staff to provide the requested number of tables.

We would like to thank the Acton Water District and Green Acton for providing reusable water bottles for our staff, Board of Selectmen and Finance Committee. As a Green Community, we are happy to participate in this endeavor!

Board of Selectmen's Message

This Town Meeting Warrant is your invitation to participate in the legislative portion of Acton's Town government. Acton citizens have a cherished tradition of governing themselves by means of an open Town Meeting. We encourage all Acton residents to attend. All registered voters are urged to participate in the debate and vote on the Articles presented. Other residents, even if they are not registered voters, are invited to attend and observe, or to view the proceedings on our government cable television channels, Comcast channel 99 and Verizon channel 41.

Town Meeting Dates, Times and Location

The Annual Town Meeting will begin Monday, April 4 at 7:00 PM in the Acton-Boxborough Regional High School Auditorium. Town Meeting is then expected to continue on additional consecutive nights. All adjourned sessions will begin at 7:00 PM in the Acton-Boxborough Regional High School Auditorium. Come early to get checked in by the Town Clerk's staff and to obtain additional information. Check-in will take place in the High School cafeteria.

Regular attendees at Annual Town Meeting will note that many of the Articles in this Warrant relate to matters which are routinely addressed every year, such as the established Enterprise Budgets and the Schools' and Municipal Operating Budgets, while other Articles relate to issues and matters that are new or unique this year. Although some Articles, such as Zoning or Bylaw amendment proposals, do not involve appropriation of funds, much of the Annual Town Meeting's attention is focused on fiscal matters.

Town Meeting Warrant and Procedures

The Town Meeting Warrant is the agenda for the meeting. It is drawn up by the Selectmen from various proposals made by the Selectmen, the School Committee, other Boards, staff and citizens. The Selectmen determine the order that the Articles appear in the Warrant. The Articles will be considered in the order in which they appear, unless the Moderator, or the Meeting itself, changes that order. Each article is intended to give fair notice of the topic to be discussed and voted upon, thus any motion made at Town Meeting under one of these articles must be found by the Moderator to be within the scope of the printed article. At Town Meeting, the motion made under each article will describe the specific proposed action. 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 as indicated above 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 Town Meeting Parliamentary Procedure, serving as a basic guide to Town Meeting process written by the Town Moderator. The best debate is conducted by those who have informed themselves concerning the issues. Informed debate is delayed when speakers rise only to ask basic questions that could be individually addressed. To assist speakers to inform themselves in advance, and to 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 regarding the Articles may be obtained from any of the contacts listed after each Article summary, or a general inquiry may be made to the Town Manager's Office at (978) 929-6611 or manager@acton-ma.gov for an appropriate referral. Copies of the Municipal Operating Budget will be made available in advance of the meeting at the Memorial Library, West Acton Citizens' Library, Town Hall and the Town website. Copies will also be available at Town Meeting. Furthermore, personnel designated by staff or 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-on-one basis.

Thank You to Our Volunteers

In addition to trying to balance our budgetary needs against limited resources, another necessity for the healthy function of our local government and community is the flow of active, interested citizens willing to volunteer their time, talents, and energy to participate as members of the Town's many volunteer regulatory and advisory Boards, Commissions and Committees. Volunteers are the very foundation of our government, and as the needs of the Town expand, so does the need for volunteers. No special knowledge is necessary to volunteer, only an interest to serve the community and advance the public good, combined with a willingness to learn. The rewards may be intangible, but are very real.

We encourage you to volunteer by reviewing the list of opportunities available on our website at www.acton-ma.gov/volunteer. The application is available online as well as an appendix in this Warrant. Handwritten applications may be submitted to the Town Manager's Office at Town Hall or handed to any Selectman during Town Meeting. Please consider helping your Town by volunteering some time – we believe you will find it very rewarding.

Katie Green, Chair
Peter J. Berry, Vice-Chair
Janet K. Adachi, Clerk
Frances J. Osman
Chingsung Chang

Board of Selectmen

Town Manager's Message

We keep moving forward, opening new doors, and doing new things, because we're curious and curiosity keeps leading us down new paths.

- Walt Disney

March 13, 2016

Dear Town Residents:

One of the reasons that I love working in local government is that new doors continue to open and new challenges emerge to be worked on and solved; it is never static. Eight years ago, when I started my service in Acton, one would not have imagined that a Town our size would be launching a transportation program that has now been nationally recognized or that the concept of OPEB would become a major issue in the long-term sustainability of the Town. Similarly, emergent technology has redefined what we do as an organization, something we never would have imagined twenty years ago.

During the course of the current Fiscal Year, we have successfully:

- Placed some of our reserves into a Stabilization Fund
- Removed Civil Service from the Police Department resulting in efficient hiring
- Implemented additional senior tax relief
- Commenced a Complete Streets Program; our policy is ranked sixth best in the Country
- Implemented the SMART program for recycling
- Developed a Fixed Route Transportation program
- Funded OPEB as part of the operational budget
- Incorporated the Acton Nursing Service as a General Fund department, pursuant to the Town meeting vote of November 12, 2014
- Created a Director of Land Use Management and Economic Development position to ensure improved communication and cooperation between all the land use and permitting departments as well as promote economic development in Town

The proposed budget continues these initiatives as well addresses some capital needs.

As of this writing, this budget reflects the Acton Leadership Group's recommendations for FY 17. For those not familiar with the Acton budgeting process, the Acton Leadership Group (ALG) consists of representatives from the Board of Selectmen, School Committee, Finance Committee and Town and School administration. The primary function of this group is to reach consensus on revenues, use of reserves, budget growth and to make recommendations to their respective boards as to a split of revenues between the Town and Schools.

FY17 BUDGET PROCESS

Work commenced on the FY 17 budget in September when departmental submittals were turned in. A two day budget retreat, commonly known as "On the Hill" was held on October 13 and 14. Operational budget requests of \$32,440,290 as well as capital and personnel requests of \$9,052,142 were presented. Part of the "On the Hill" process is to have peer review of capital requests. On the last day of the process, all capital requests are rated by secret ballot into A and B categories, with A being the highest priority. "A" capital priorities totaled \$5,974,454. No new recommended labor is in the FY17 proposed Town Manager's Budget.

Upon conclusion of “On the Hill”, the Town Manager convened a budget team consisting of the Finance Director, Assistant Finance Director, Town Accountant, Human Resources Director, Assistant Town Manager, and Police Chief Frank Widmayer, to discuss, review and brainstorm the issues surrounding the budget. The group devoted one full day per week from late October to early December.

On March 3, 2016, the Board of Selectmen recommended an operational budget for Fiscal Year 2017 of **\$32,247,604** – a **2.48%** increase over FY16, which meets the Finance Committee’s Point of View. The total request, when factoring recommended capital, subsidy to the Transportation Enterprise Fund and Cultural Council, contribution to OPEB is **\$32,656,604**, a **2.2%** increase over the total Town budget appropriation for FY 16.

FEATURES OF THE FY17 BUDGET

- Continuation of OPEB Contribution
- Continuation of Senior Tax Relief Program
- Implementation of Selectmen’s Goals
- Lowering General Fund Subsidy to the Ambulance Enterprise Fund
- Kelley’s Corner Design
- Fire Engine Replacement
- Ambulance Replacement
- Fire Shift Commander Vehicle
- Replenishing the Stabilization Fund with \$1,800,000 from Free Cash

RECOMMENDED GENERAL FUND CAPITAL

Paint Town Hall	<u>\$162,000</u>
Total	\$162,000

The following General Fund capital is recommended to be bonded

Kelley’s Corner Design	<u>\$756,000</u>
Total	\$756,000

The estimated first year cost interest is included in the Town’s FY17 Operating Budget.

RECOMMENDED ENTERPRISE FUND CAPITAL

The following Ambulance Enterprise Fund capital is recommended to be bonded

AMBULANCE FUND

Engine 24 Replacement	\$ 650,000
Ambulance Replacement	\$ 245,000
Shift Commander's Vehicle	\$ 60,000
Total	\$ 955,000

The estimated first year cost interest is included in the FY17 Ambulance Enterprise Fund Operating Budget.

GENERAL FUND SUBSIDIES

Ambulance Enterprise	\$ 0
Transportation	\$ 245,000
Cultural Council	\$ 2,000
Total	\$ 247,000

OTHER MAJOR BUDGET DRIVERS

LABOR COSTS

Almost two-thirds of all Town employees are covered by Union contracts. As of this writing, the chart below indicates the status of the various Union contracts. Those that are settled have their costs reflected in the budget.

Union Name	Staff Count	Contract Term	Status
Police Patrol Officers	33	FY16 – FY18	Approval Requested in Article 11
Public Safety Dispatch	12	FY16 – FY18	Approval Requested in Article 12
Police Superior Officers (Lt/Sgt)	8	FY16 – FY18	Settled; Approved Special Town Meeting November 10, 2015
AFSCME (Highway, Municipal Properties, Cemetery)	27	FY16 – FY18	Settled; Approved Special Town Meeting November 10, 2015
Fire	40	FY17 – FY19	Began Negotiations Early 2016

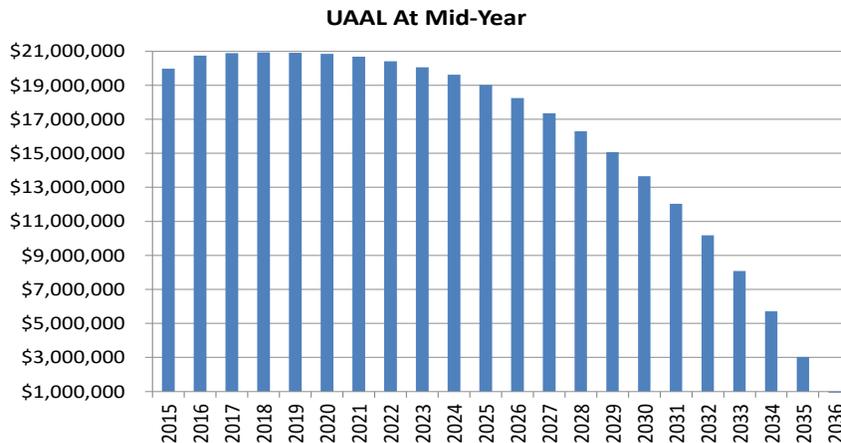
HEALTH INSURANCE

We have estimated an increase in health insurance costs at 4%. Given the upcoming impact of the Affordable Care Act, specifically the so-called Cadillac Tax, the Town plans to convene the Health Insurance Working Group to discuss and attempt to negotiate plan design changes similar to our effort of three years ago in order minimize the impact of these Federal requirements.

OPEB

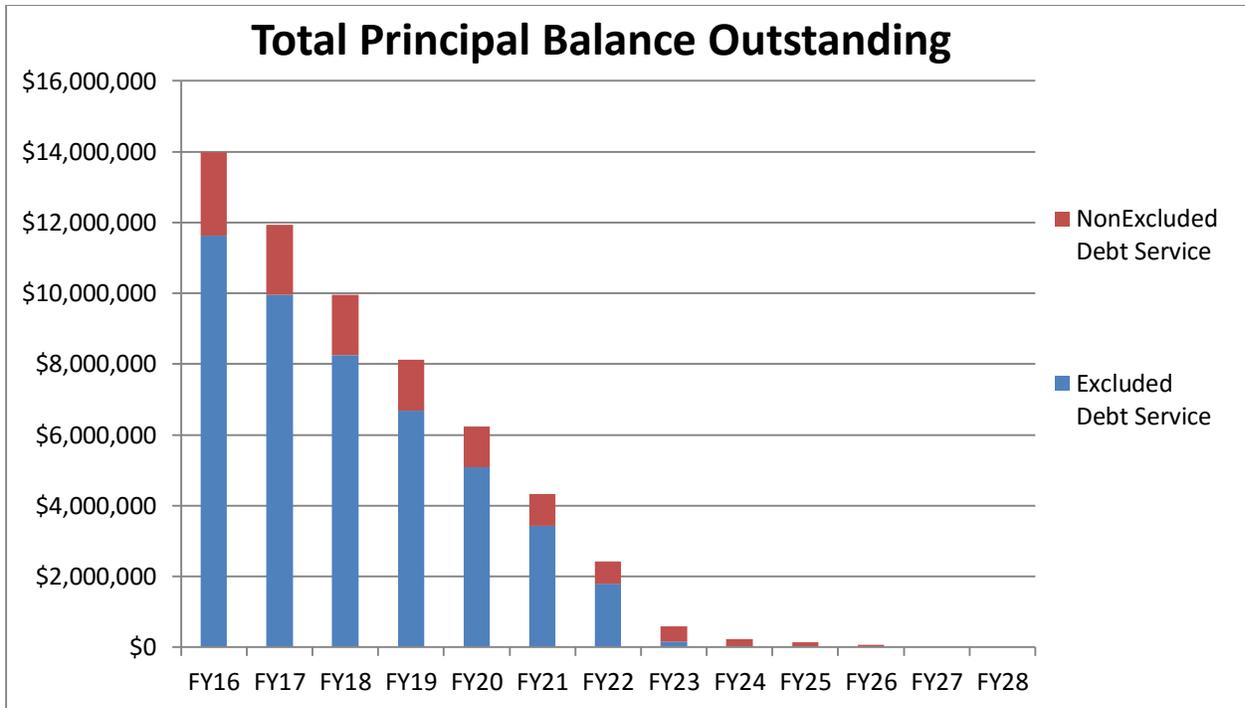
The Town has been very successful in dealing with the matter of OPEB liability over the past four years. If the Town continues to fund OPEB at the \$600,000 per year level, we will see the unfunded liability virtually disappear in twenty years.

**OPEB Valuation Results for the Town of Acton
December 31, 2014**



DEBT AND LONG TERM CAPITAL

As the chart below indicates, long term debt is diminishing, however based on the recently done assessment of Town buildings and a similar study being done at the Regional School District, there is no doubt that the need for major capital is rapidly approaching. A concerted effort to plan our long term capital needs should be addressed in the near future. At the Tri-Board Meeting held in October between the Board of Selectmen, School Committee, and Finance Committee, there was a consensus that some form of Capital Planning Committee be formed to chart the course of future major capital.



A wise, former member of the Finance Committee once said that “every year is a snowflake.” Indeed, there are factors, pressures and new challenges that make every year different. Yet some things never change. Bob Dylan once sang that some things are “as true like ice, like fire.” For us, the pressure of Union settlements, benefits and the like are things we know we must deal with every year. We also know that we must plan for the future and long term capital planning is of the essence.

Acton is a special place and we are very fortunate to have dedicated volunteers and staff that are willing to do what it takes to preserve the Town as one of the best places to live in the United States.

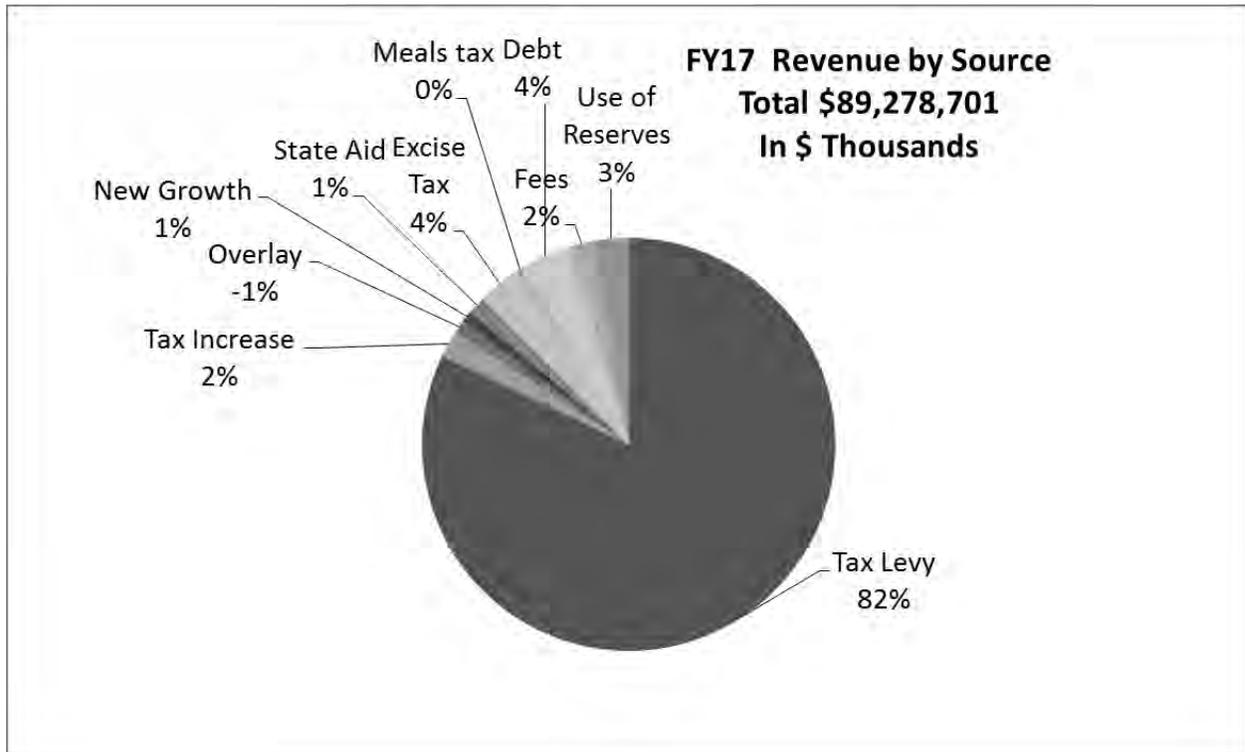
Respectfully Submitted,

Steven L Ledoux
Town Manager

Fiscal Year 2017 Budget Background

The numbers contained in these next few pages for FY17 (the fiscal year beginning July 1, 2016) are derived from the Acton Leadership Group plan, which does not include Enterprise Funds and Revolving Funds. Because this document only pertains to Acton's revenues and expenses, the Acton-Boxborough Regional School District Budget is shown as the assessment which is Acton's share of the total spending less revenue which the school district receives.

What Are Our Sources of Revenue?



Most (82 percent) of our revenue comes from local property taxes, which is comprised of three components:

1. **Property Tax Levy** – the existing assessed property taxed at the current rate per thousand
2. **New Growth** – additional assessed value from new homes, additions to homes, and changes in parcels
3. **Tax Increase** – typically a 2½ percent increase allowed on the property tax levy

State Aid accounts for nearly 1 percent of the total, and State Aid to education is revenue to the school district. In addition, the FY17 Budget includes the local option meals tax for \$270,000.

Other categories of revenue include excise taxes, which are assessed on motor vehicles and trailers, and account for 4 percent of our total revenue. Fees and interest account for 2 percent of revenue. Acton collects fees for various permits, vital records, and licensing. Interest varies year-to-year depending on the interest rate and the amounts deposited.

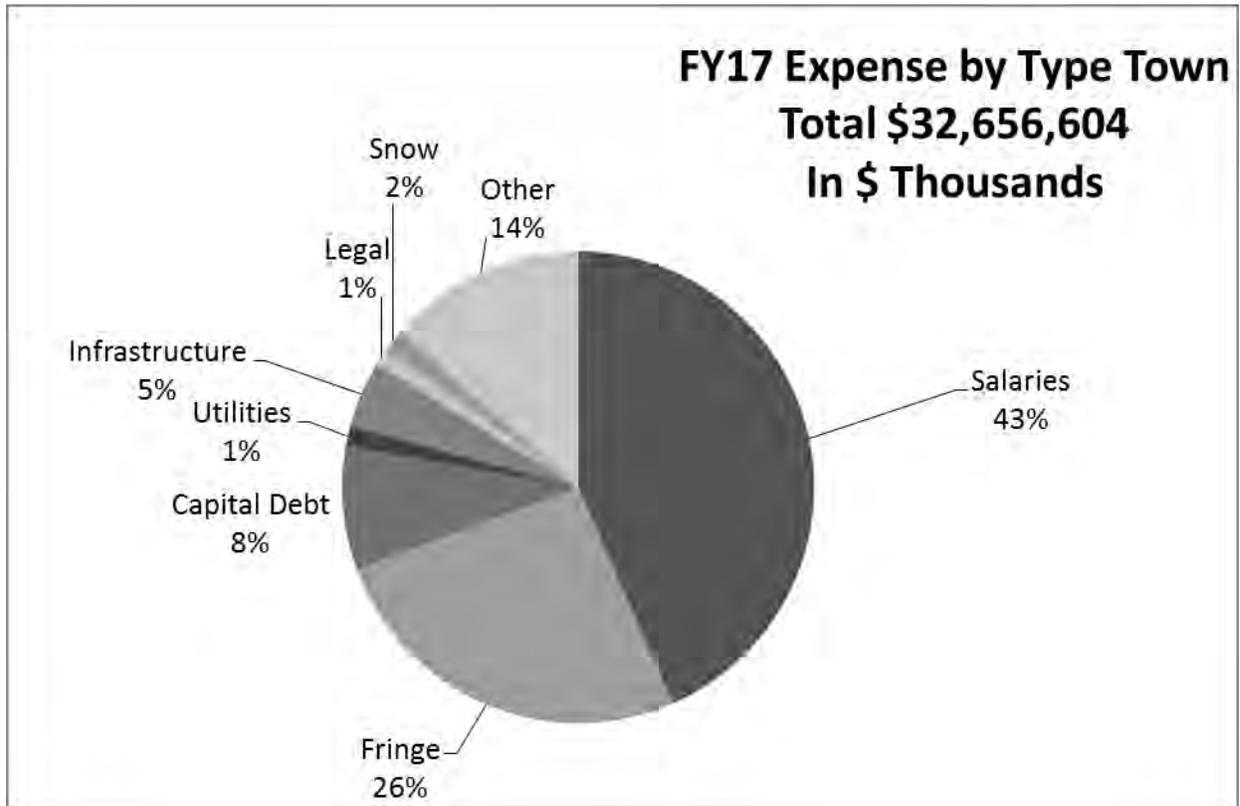
In this year's budget, reserves account for 3 percent of the total revenues.

Which Town and School Entities Spend Our Money?



The Town's revenues support three budgets within our town. 63 percent of our expenditures support education priorities: Acton-Boxborough Regional Schools assessment (62 percent of expenditures), and Minuteman Regional School District assessment (1 percent of total expenditures). The municipal government (which funds police, fire, highway, library, health, planning and other general government services) accounts for the remaining 37 percent of the total expenditures.

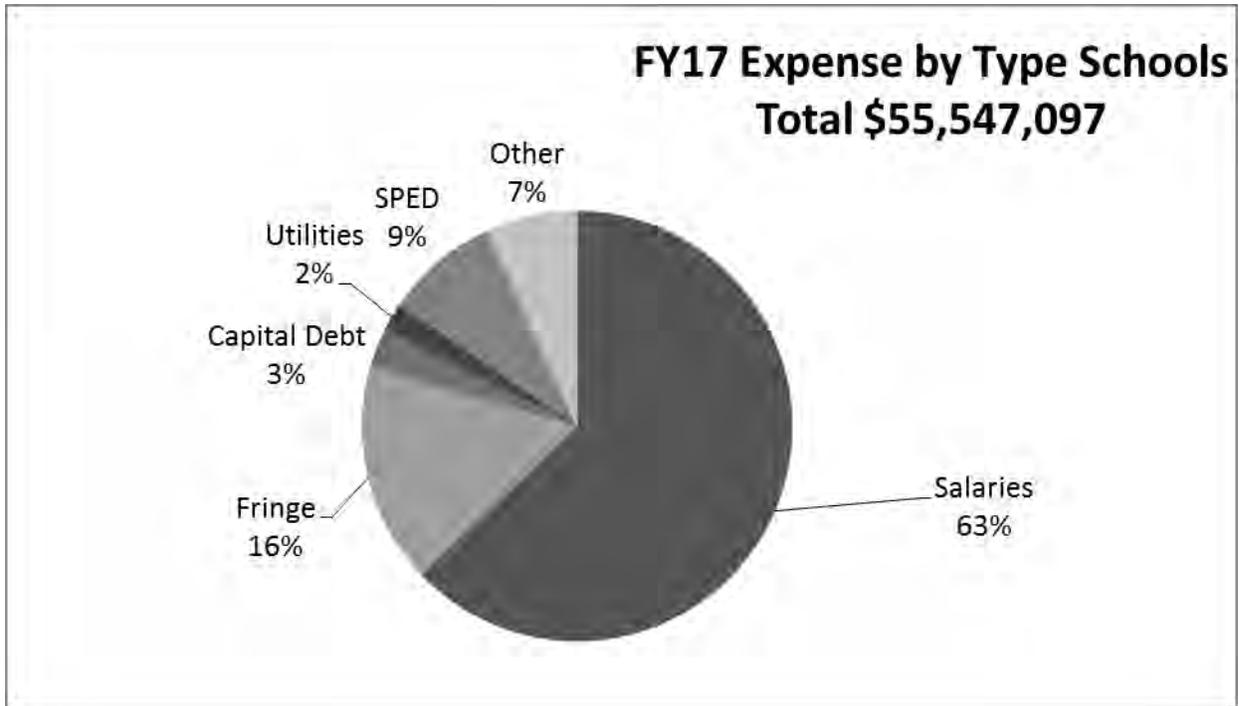
What Does the Municipal Government Spend Our Money For?



Approximately 69 percent of the Town spending goes to salaries and benefits, the cost for the people who provide services to the residents. Capital and debt service accounts for 8 percent and Infrastructure cost accounts for 5 percent of the spending. This category includes the maintenance and improvement of roads, sidewalks, buildings, grounds, and information technology.

What Do the Schools Spend our Money For?

As with the Town, the largest category is the cost of people to provide services to our students. Salaries and benefits account for more than 79 percent of the total. The next largest category is special education which accounts for almost 9 percent, followed by capital and debt service at 3 percent, and utility costs at 2 percent in the combined school budgets.



Finance Committee's Message

A General Overview

The Finance Committee is honored to report that the Town of Acton is in strong financial condition. This is demonstrated by its AAA bond ratings and high level of financial reserves, currently \$9.187 million for FY 2015 (11.23 percent of our annual budget). Acton's Financial Management team was awarded a "Certificate of Achievement for Excellence in Financial Reporting" for Acton's Comprehensive Financial Report for the year ending June 30, 2014. Acton was also recently named the 11th best "community to live" by Money Magazine. However, the caution light should be illuminated because the town will be facing many significant challenges in the months ahead that will require our complete attention.

The fiscal year that ended June 30, 2015 finished better than had been budgeted. Municipal spending was under budget by \$190,000 despite having a \$306,000 overrun of the snow and ice removal account. Revenue on the town side was also better than expected by \$1 million in one-time revenue. The School District also underran the FY2015 Budget by more than \$600,000 although the budgeted deficit was \$2.2 million; our preliminary results show a surplus.

Account	FY 15 Recap (\$)	FY 16 Budget (\$)	% Change
Municipal Revenue	81,790,282.	86,023,000.	5.2 %
Total Revenue	81,790,282.	86,023,000.	5.2 %
Municipal Spending	31,341,000.	31,955,000.	2.0 %
ABRSD Assessment	49,690,145.	53,171,000.	7.0
Minuteman Assessment	758,000.	897,000.	18.3
Total Acton Spending	81,789,145.	86,023,000.	5.2 %
Net Position	1,137.	0.	

The national economy continues to grow, slowly, and unemployment is declining while household incomes are now holding ground against inflation. The Federal Reserve has finally increased interest rates a ¼ percent (to ¼ %) as the economic recovery continues to move forward. As the country moves towards national elections we can expect that the Congress will be no more willing to move ahead with projects and programs benefitting the North East than has been the case for the last few years.

The state economy is expected to grow moderately this year and into 2017, with continued growth in jobs and income. State tax collections are forecast to grow by about 4 percent in fiscal 2017 to \$26.8 billion, an increase of about \$1 billion. This modest forecast for tax growth, despite a growing economy, reflects the impact of tax law changes, including two cuts in the state income tax rate triggered by economic growth factors that together are estimated to reduce collections by \$231 million next year. The State income tax rate dropped from 5.5 percent on Jan. 1, 2016, and is expected to drop again, to 5.05 percent, next January. The proposed State budget bill for 2017 would hold state spending growth to a modest 3.5 percent as a way to fund state obligations while reducing the use of non-recurring budget fixes. The governor's budget would add to the state's stabilization fund while still absorbing a series of recent state tax cuts.

The local economy is steady with unemployment rates in Acton remaining steady at 3.8% compared to the statewide average of 4.9%. Surveys of business owners in central Massachusetts conducted this fall by Princeton Research show cautious optimism about the local economies going forward. Similarly, individuals who were surveyed expressed a positive outlook on job security, advancement opportunities, and a willingness to increase spending. The caution should be that a growing reliance on and limited control over property taxes, along with the unlikelihood of dramatic increase in state aid and local receipts, signals that

municipal budgets must increasingly align with the slower growth rate of recent years, according to a report by the Massachusetts Taxpayers Foundation

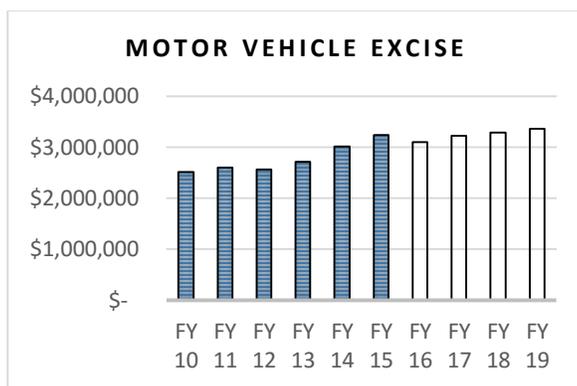
The effects on Acton's real estate markets are varied. The housing market in Acton has been relatively flat in recent years, but holding their value. For FY 2016, for tax assessment purposes, the average single family house is valued at \$539,896 with a tax bill of \$10,384, an increase of 2.5 percent over the prior year's tax bill. The tax bill is estimated to increase about 3.5 percent in FY 2017. Acton's retail real estate should see an increase in value as consumers increase spending. Also, Acton's office building sector should be able to absorb more of the substantial vacancies accumulated during the Recession. As these non-residential properties benefit from the improved economy, their market values increase with higher rents and less vacancy.

We see no need for a Proposition 2 ½ override for FY 2017. However, Moody's Investor Service assigned a negative outlook to the debt of the Acton Boxborough Regional School District. This outlook was based in large part due to the District's continued use of reserves to balance its budget as the town also relies on reserves to balance its budget.

Revenues

Revenues from the tax levy have increased at a rate of about 3%; state aid will likely remain somewhat flat, although declining student enrollment may reduce state funding for our schools. Motor vehicle excise taxes have been increasing for the last several years, but those are expected to level off as older cars are gradually replaced with newer models.

Revenues from Town of Acton Motor Vehicle Excise taxes (actual and estimated):



The Board of Selectmen is encouraged to review fees routinely and ensure that they are matched with expenses. We project a slightly higher 2.5% increase in fee revenues, and no increase in interest income. Overall we expect FY 2017 revenue to increase 3.5% over FY2016.

The FY 16 budget included a new source of revenue, the Local Options Meal Tax. This revenue source was adopted at 2015 Annual Town Meeting and will add 0.75% or three quarters of one percent to the sales tax for all meals sold in town. We have not had a full year history of this revenue source but preliminary projections indicate that the forecast of \$270,000 appears to be on target.

The governor's budget proposal would increase the main municipal aid account (Unrestricted General Government Aid) by \$42 million and the Chapter 70 education aid by \$72 million. However, other municipal and school accounts would be level-funded. These include special education circuit breaker reimbursements, payments-in-lieu of taxes and regional school transportation reimbursements, among others.

In a major victory for cities and towns, the governor’s bill would provide \$1.022 billion for UGGA, a 4.3 percent increase over current funding – the largest increase in discretionary municipal aid in nearly a decade. Acton would see its UGGA funding increase from 2.5 percent to 4.3 percent.

The governor proposes just a 1.6 percent increase in Chapter 70 education aid, however. Every city, town and school district would receive new aid, but most districts would receive only the minimum new aid amount of \$20 per student. Also, since the Special Education Circuit Breaker program will be level-funded, and special education costs are expected to rise in fiscal 2017, this means that the governor’s budget likely underfunds reimbursements.

FY 17 Deficit

As in previous years, the plan for FY 17 is to use reserves to cover the shortfall in revenue versus spending. The FY16 Budget planned for the use of \$2.6 million in reserves. The FY 17 total revenue sources is \$90.4 million and total Acton spending is \$89.9 million, which increases the deficit by \$502 k. This creates a structural deficit of \$2.6 million. This deficit will be covered by our reserves.

Spending

Over 72 percent of spending comes from compensation, including salaries, healthcare, OPEB, and pension. Because of salary increases and healthcare inflation, the same service level costs more each year. The proposed FY 17 budget for Acton increases by 3.78%.

- AB Regional School District assessment (refer to Article 5) increases by 4.5%
- Town of Acton Municipal Budget increases by 2.2%
- Minuteman Regional Technical High School (Article 8) increases by 19.8%

There have been many changes in our financial reporting system over the past few years which makes year-to-year comparison difficult. However, we can look at some of the highest level numbers that impact our budget. The chart below illustrates the FY 15 Actual, FY 16 Budget and FY 16 Budget. As part of the expanded regional agreement, costs are shifted from Acton to Boxborough. That number is \$1.36 million in FY 16 and \$1.46 million in FY 17. The FY 17 Regional School budget includes measured enhancements to expand the level of services to meet the needs of our complex student population. The budget also factors in calculated reductions in response to declining enrollment and supplies modest funding for capital improvements.

Entity	FY 15	FY 16	FY 17	Variance FY 17 vs FY16
	Actual	Budget	Budget	
Schools	49,690,145.	53,171,009.	55,547,097.	2,376,088.
Town	31,246,641.	31,954,851.	32,656,604.	701,753.
Minuteman	758,000.	897,000.	1,075,000.	178,000.
Total Spending	81,694,786.	86,022,860.	89,278,701.	3,255,841.

Reserve Use

Turn-backs from the prior budget cycle continue to be a pattern. The Town side of the budget turned back \$197k at the end of FY 2015. Free Cash for the Town of Acton as of July 1, 2015 is expected to be certified at \$6.0 million, and the Acton-Boxborough Regional School District Excess & Deficiency account is expected to be certified at approximately \$1.8 million, about 2.26 percent of their budget. These substantial reserves ensure that there is no need for an operating override for the next budget cycle, and indeed, confirms the prudence of a multi-year program of tax relief. Despite these healthy reserves, the Finance Committee once again urges the operating entities to develop budgets that rely on only a conservative amount of funds to balance. For this year, our long range plan contemplates the use of \$2.5 million of reserves, decreasing to \$1.6 million in FY 18 and \$1.3 million in FY 19. However, it is vital to look at Net use of reserves, which is

the reserve balance less the amount of turn-backs. Over the last five years, the net use of reserves has been slightly below the gross number.

The FY 2015 Municipal reserve replenishment included the following accounts:

Account	Amount (\$ k)	Percent
Closed Encumbrances /Articles	\$ 428,000	21.8%
DOR Free Cash / Statutory adj.	\$ 381,000	19.4%
Local Receipts > budget	\$ 352,000	18.0%
Miscellaneous revenue	\$ 259,000	13.2%
MV Excise > budget	\$ 232,000	11.8%
Town Budget Turn-back	\$ 197,000	10.1%
Transfers (Nursing / COA close)	\$ 111,000	5.7%
Totals	\$ 1,960,000	100.0%

OPEB

Municipalities across the Commonwealth face a liability of more than \$30 billion for retiree health insurance benefits. Municipalities pay, on average, 70 percent of the premium. State law requires municipalities to pay at least half the cost. Acton has taken an aggressive stance in funding this significant liability. Last year, we followed the OPEB Working Group guidelines by funding the OPEB Trust contribution with \$1,249,000 which increases to \$1,400,000 in FY 2017 and \$1,500,000 in both FY 2018 and FY 2019. This level of funding aligns with our strategy of taking cautious steps to formally set aside funds for future expense. On the state level, legislation is required in order to ensure the long-term economic health of cities and towns, equity for taxpayers, and sustainability of benefits for the long term.

Capital Projects

In addition to regular spending, significant capital spending projects have been proposed and will need to be evaluated and prioritized in a rigorous budget context, including repairs and improvements to existing municipal and school facilities, a new senior center, a North Acton fire station, Kelley’s Corner infrastructure improvements, sewer expansion, and the new Minuteman Vocational High School replacement. Both the Town and the Schools have budgeted modest amounts for capital improvements in FY 17. However, capital budgets are expected to increase dramatically in starting in FY 18 as capital needs are assessed.

Since the annual last town meeting, a Capital Planning Committee has been proposed to plan for future capital expenses, both maintenance and new construction. Included in the scope of this committee would be a thorough tracking of all the town's physical assets to include factors such as forecasts of increasing repair and maintenance costs on older assets, remaining useful lives on building components, and estimated replacement costs. It will also be chartered to make recommendations on which capital projects should be undertaken and how to best finance the existing facilities needs of both the town and school district and those major projects.

The town has also hired a full time Planning / Economic Development Director. It is hoped that this action will enable development to move forward at a more efficient pace.

Acton Leadership Group

For many years, Acton’s revenue budgeting has been very conservative and have planned for the use of reserves to balance the annual budget. More recently, we have started to deplete those reserves. Had we continued the planned use of reserves at the same levels as FY 16 and FY 17, the forecasted town’s reserve levels in FY 18 and FY 19 would fall below the Department of Revenue recommended guideline of 5 percent of spending.

Over reliance on reserves to balance budgets has been a key message for bond rating agencies to assign negative outlooks and downgrades to public entities debt. Given the significant long term capital needs of both the Town of Acton as well as the Regional School District, this is something we wish to avoid.

The Finance Committee, in consensus with the Board of Selectmen and Regional School Committee, have elected to reduce the amount of reserve use in the plans for FY 18 and FY 19. This results in the deficits indicated on the multi-year plan shown on page 27 of the warrant.

However, we have also been conservative in spending budgets and believe a pair of planned steps will contribute to the alleviation of those deficits. Specifically:

- Changes in Health Insurance Plan design
- Bring the Acton Nursing Service to a revenue neutral position

These items and other potential savings are dependent on many factors and cannot be included in our plans as “definite”. However, should they not be achieved, property taxes may have to be increased above Proposition 2 ½ threshold.

Key Recommendations

Given these considerations as well as low inflation, lower energy costs, declining enrollment in the schools, but also projected heavy use of reserves to balance budgets, the Finance Committee believes now is the time to implement structurally balanced budgets. In addition, there is no need for a Proposition 2 ½ override, but may need to be considered by FY 2018 if budgets continue to use significant reserves. Since Acton’s single family tax bill ranks 15th highest in the state, we believe an override in the near future should be avoided. Below are the Finance Committee’s key recommendations:

- Return to structurally balanced operations
 - Limit tax increases to 2.5%
 - Limit spending increases to 3%
 - Gradually reduce reliance on the use of reserves
- Replenish the stabilization fund as part of maintaining an overall reserve balance of 5% of budgeted spending
- No Proposition 2 ½ override
- Continue to fund the OPEB contribution
- Implement the Capital Planning Committee, to plan for future capital expenses, both maintenance and new.

The Finance Committee consists of the following members. Please email any questions or suggestions to fincom@acton-ma.gov .

Town of Acton Finance Committee

Mike Majors, Chair	Steve Noone	Jason Cole
Margaret Busse, Vice-Chair	Bob Evans	David Wellinghoff
Doug Tindal, Clerk	Roland Bourdon	Shuyu Lee

EXHIBIT A

Status of Labor Contracts in the Town of Acton and Acton-Boxborough Regional School District

No.	Bargaining Unit	Description	No. of Employees	Contract thru Date
<i>Town of Acton Bargaining Units</i>				
1	Dispatch	Dispatchers	12	June 30, 2015
2	Patrol	Patrol Police Officers	33	June 30, 2015
3	Superiors	Superior Police Officers	8	June 30, 2015
4	AFSCME	Municipal Properties, Highway, Cemetery	27	June 30, 2015
5	Fire	Firefighters	40	June 30, 2016
<i>Acton Boxborough Regional School Bargaining Units</i>				
1	Office Support	Office Support Association	39	June 30, 2016
2	AFSCME	Custodians, Maintenance	37	June 30, 2016
3	ABEA	Acton Education Association, Teachers, Counselors, Nurses	401	June 30, 2017

EXHIBIT B

Acton-Boxborough Regional School District Summarized Budget

	FY15 Actual	FY16 Budget	FY17 Budget	Variance	% Chg
Salaries Teaching	\$ 31,837,610	\$ 32,879,652	\$ 33,992,708	\$ 1,113,056	3.4%
Salaries Other	\$ 17,128,176	\$ 17,896,893	\$ 18,236,167	\$ 339,274	1.9%
Health Insurance	\$ 8,001,250	\$ 9,197,936	\$ 9,592,577	\$ 394,641	4.3%
Fringes Other	\$ 2,860,291	\$ 3,274,900	\$ 3,342,965	\$ 68,065	2.1%
OPEB	\$ 506,000	\$ 700,000	\$ 800,000	\$ 100,000	14.3%
Capital & One-time Items	\$ 710,570	\$ 396,459	\$ 530,059	\$ 133,600	33.7%
SPED Tuition	\$ 5,208,139	\$ 5,269,951	\$ 5,283,278	\$ 13,327	0.3%
SPED Trans	\$ 1,487,541	\$ 1,528,647	\$ 1,826,934	\$ 298,287	19.5%
Transportation	\$ 892,949	\$ 936,850	\$ 947,117	\$ 10,267	1.1%
Utilities	\$ 1,391,388	\$ 1,630,499	\$ 1,825,133	\$ 194,634	11.9%
All other	\$ 4,468,906	\$ 4,663,835	\$ 4,762,048	\$ 98,213	2.1%
Sub Total	\$ 74,492,820	\$ 78,375,622	\$ 81,138,986	\$ 2,763,364	3.5%
Debt	\$ 1,822,733	\$ 1,920,743	\$ 1,934,218	\$ 13,475	0.7%
Total ABRSD Budget	\$ 76,315,553	\$ 80,296,365	\$ 83,073,204	\$ 2,776,839	3.5%
Acton Share %	84.0%	84.7%	84.8%		
Acton Share	\$ 64,082,170	\$ 67,984,196	\$ 70,518,417	\$ 2,534,221	3.7%
Elementary debt paid by town	\$ 768,391	\$ 794,876	\$ 757,466	\$ (37,410)	-4.7%
ABRSD Totals	\$ 64,850,561	\$ 68,779,072	\$ 71,275,883	\$ 2,496,811	3.6%

Article 5 ABRSD Assessment	FY15 Actual	FY16 Budget	FY17 Budget	Variance	% Chg
Regional Revenue less charges	\$ 13,847,341	\$ 13,367,993	\$ 13,417,869	\$ 49,876	0.4%
Transfer for Excess and Deficiency	\$ 251,910	\$ 169,160	\$ 169,600	\$ 440	0.3%
Subtotal	\$ 50,751,310	\$ 55,242,330	\$ 57,688,414	\$ 2,446,084	4.4%
Cost Shift per Appendix A	\$ (1,061,165)	\$ (1,359,325)	\$ (1,460,921)	\$ (101,596)	7.5%
Subtotal	\$ 49,690,145	\$ 53,883,005	\$ 56,227,493	\$ 2,344,488	4.4%
Less Debt paid directly by town		\$ (711,996)	\$ (680,396)		
ABRSD Assessment Article 5	\$ 49,690,145	\$ 53,171,009	\$ 55,547,097	\$ 2,376,088	4.5%

Town of Acton Municipal Budget	FY15 Actual	FY16 Budget	FY17 Budget	Variance	% Chg
Salaries	\$ 13,015,782	\$ 14,275,344	\$ 14,692,058	\$ 416,714	2.9%
Health Insurance	\$ 3,193,500	\$ 3,472,470	\$ 3,537,744	\$ 65,274	1.9%
Middlesex Retire	\$ 2,972,893	\$ 3,217,033	\$ 3,502,910	\$ 285,877	8.9%
OPEB	\$ 674,845	\$ 566,800	\$ 566,800	\$ -	0.0%
Fringes Other	\$ 934,730	\$ 1,097,801	\$ 1,136,348	\$ 38,547	3.5%
Legal	\$ 466,241	\$ 400,000	\$ 400,000	\$ -	0.0%
Gas & Diesel	\$ 219,183	\$ 292,061	\$ 269,300	\$ (22,761)	-7.8%
Snow & Ice ex salaries	\$ 832,647	\$ 541,159	\$ 541,358	\$ 199	0.0%
Property Liability Insurance	\$ 309,621	\$ 344,116	\$ 332,500	\$ (11,616)	-3.4%
Infrastructure Maintenance	\$ 1,738,701	\$ 1,469,201	\$ 1,532,618	\$ 63,417	4.3%
Utilities	\$ 489,722	\$ 567,100	\$ 478,649	\$ (88,451)	-15.6%
All other	\$ 2,848,441	\$ 2,455,829	\$ 2,579,338	\$ 123,509	5.0%
Subtotal	\$ 27,696,306	\$ 28,698,914	\$ 29,569,623	\$ 870,709	3.0%
Excluded Debt	\$ 2,827,942	\$ 2,769,198	\$ 2,677,981	\$ (91,217)	-3.3%
Town Operating Budget Article 4	\$ 30,524,248	\$ 31,468,112	\$ 32,247,604	\$ 779,492	2.5%
AB Cultural Council Article 18	\$ 2,000	\$ 2,000	\$ 2,000	\$ -	0.0%
Transportation Article 16	\$ 120,845	\$ 234,439	\$ 245,000	\$ 10,561	4.5%
Capital Article 7A	\$ 311,000	\$ 88,300	\$ 162,000	\$ 73,700	83.5%
Nursing Subsidy	\$ 165,000				
Ambulance Subsidy	\$ 123,548	\$ 162,000	\$ -	\$ (162,000)	-100.0%
Subtotal	\$ 722,393	\$ 486,739	\$ 409,000	\$ (77,739)	-16.0%
Total Municipal Budget	\$ 31,246,641	\$ 31,954,851	\$ 32,656,604	\$ 701,753	2.2%

Minuteman Assessment Article 8	\$ 758,000	\$ 897,000	\$ 1,075,000	\$ 178,000	19.84%
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TOTAL SPENDING	\$ 81,694,786	\$ 86,022,860	\$ 89,278,701	\$ 3,255,841	3.78%
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Town of Acton Multi-Year Financial Model

Prepared by Board of Selectmen, School Committee and Finance Committee

3/15/2016

Summary	Tax Recap FY16	Projection FY17	Projection FY18	Projection FY19
Municipal Funding Sources:				
Tax Levy (excluding debt exclusion)	\$ 73,348,000	\$ 76,623,952	80,446,675	83,355,342
State Aid	\$ 1,476,000	\$ 1,528,090	1,559,543	1,591,781
Local Receipts	\$ 4,800,000	\$ 4,840,386	4,887,415	4,941,616
Debt Exclusion	\$ 2,835,000	\$ 2,817,959	2,768,612	2,538,007
SBAB Reimbursement	\$ 923,000	\$ 923,000	923,000	923,000
Add: Town Reserves	\$ 2,641,000	\$ 2,467,969	1,600,000	1,300,000
Acton Total Funding Sources	\$ 86,023,000	\$ 89,201,356	92,185,245	94,649,747
Allocation to Budgets				
Municipal Spending	\$ 31,955,000	\$ 32,656,604	\$ 33,799,585	\$ 34,982,571
Percent change year-to-year	2.0%	2.20%	3.50%	3.50%
ABRSD Assessment	\$ 53,171,000	\$ 55,547,097	\$ 58,157,810	\$ 60,891,227
Percent change year-to-year	7.0%	4.47%	4.70%	4.70%
Minuteman Assessment	\$ 897,000	\$ 997,655	\$ 1,097,655	\$ 1,197,655
Percent change year-to-year	18.3%	11.22%	10.02%	9.11%
Total Acton Spending	\$ 86,023,000	\$ 89,201,356	\$ 93,055,051	\$ 97,071,453
Net Position	\$ (0)	\$ 0	\$ (869,805)	\$ (2,421,706)
Table 6 Data				
	Table 6	FY17 ABRSD Revenues	FY18 ABRSD Revenues	FY19 ABRSD Revenues
ABRSD Funding Sources:				
State AID Ch. 70	\$ 14,393,376	\$ 14,531,276	14,635,656	14,737,736
Transportation	\$ 1,266,283	\$ 1,190,000	1,289,167	1,289,167
Regional Bonus Aid	\$ 111,200	\$ 74,000	37,000	-
Other Revenue	\$ 34,287	\$ 27,683	27,683	27,683
Excess & Deficiency	\$ 200,000	200,000	200,000	200,000
Total	\$ 16,005,146	\$ 16,022,959	\$ 16,189,506	\$ 16,254,586
Additional OPEB Contribution	\$ 1,249,000	\$ 1,400,000	\$ 1,500,000	\$ 1,500,000
Town of Acton - Tax Impact				
	FY16	FY17	FY18	FY19
Tax Rate	\$ 19.23	\$ 19.34	\$ 20.05	\$ 20.49
SF Value	\$ 539,896	\$ 556,093	\$ 561,654	\$ 567,270
SF Tax Bill	\$ 10,384	\$ 10,752	\$ 11,259	\$ 11,623
% Change in SF Tax Bill	2.5%	3.55%	4.71%	3.23%

Acton-Boxborough Regional School District Superintendent's Budget Message

Dear Acton and Boxborough Community Members,

I am pleased to provide the citizens of our two towns with this proposed operating budget request for the 2016-17 school year. The proposed budget totals \$83,073,204 and represents an increase of 3.46% over the current fiscal year. This budget provides for the resources the district requires in order to support and maintain the exemplary educational programs associated with this wonderful school system.

Within the context of the current budget proposal, our greatest challenge in the district continues to center around our necessary efforts to provide capacity and resources to meet the rapidly increasing, and diverse needs of our students. The priorities within this budget plan address these areas. In addition, this budget includes a continual commitment to enhance the resources directed at our capital and infrastructure needs – something that I know many citizens have expressed both interest and concern in.

The preliminary budget presented to the School Committee in February represented a total of \$83,426,767, or a 3.90% increase over the FY'16 revised budget. This represented the total budget that the administration believed was required to meet our operational needs without a reduction in services. Upon the issuance of the State budget, and finalization of other estimates in the initial proposal, the administration adjusted the budget to refine applicable areas, which resulted in a reduction leading to a final FY'17 budget request of \$83,073,204 or an increase of 3.46% over FY'16.

The FY'17 budget plan that is associated with the total cost increase of 3.46% is driven by four areas, comprising 3.3% of the 3.46%:

- i) **Contractual Salary Increases** with a total increase of 1.8% due to salary increases that allow us to retain our almost 1,000 full and part-time employees.
- ii) **Commitment to Employee Benefits** with the overall increase of 0.7% due to employee benefits including OPEB, Middlesex Retirement and health insurance contributions.
- iii) **Increased Special Education Costs** with a total increase of 0.4% due to increases in Special Education out-of-district tuitions and necessary transportation costs.
- iv) **Utility & Infrastructure Costs** with a total increase of 0.2% in rising electricity costs, and 0.2% in debt service and capital budget increases.

One of the important storylines of this proposed budget is that our total revenue sources continue to be flat when compared to our FY'16 budget. Examples of this include CH. 70 funding held at \$20 per pupil, a reduction of \$76,283 in Regional Transportation reimbursement and the scheduled decline in “regional bonus aid” of \$37,200. Consistent with the budget plan in the current fiscal year (FY'16), we have constructed the FY'17 budget with the use of \$200,000 of Excess & Deficiency funds.

As your Superintendent, I can assure you that this budget plan has been thoughtfully constructed and our budget lines have been thoroughly reviewed. I thank you for your support.

Yours in education,
Glenn A. Brand, Ed.D.
Superintendent of Schools

Acton-Boxborough Regional School District

Proposed FY'17 Budget Summary

	FY'15 Actual	FY'16 Revised Budget	FY'17 Recommended Budget	\$ Increase (Decrease) FY'16 to FY'17	% Increase (Decrease) FY'16 to FY'17
Salaries, Teaching - 01	31,837,610	32,879,652	33,992,708	1,113,056	3.39%
Salaries, Principals - 02	2,135,195	2,188,065	2,237,321	49,256	2.25%
Salaries, Central Administration - 03	1,135,797	1,136,219	1,195,267	59,048	5.20%
Salaries, Support Staff - 04	8,573,518	9,171,464	9,311,200	139,736	1.52%
Salaries, Athletics - 05	495,549	520,643	531,828	11,185	2.15%
Salaries, Buildings - 06	752,062	719,691	732,102	12,411	1.72%
Salaries, Custodial - 07	1,346,615	1,471,234	1,501,995	30,761	2.09%
Salaries, Home Instruction - 08	4,020	20,000	8,500	(11,500)	-57.50%
Salaries, Miscellaneous Pupil Services - 09	1,513,304	1,499,675	1,575,266	75,591	5.04%
Salaries, Subs Miscellaneous - 11	147,373	222,781	160,691	(62,090)	-27.87%
Salaries, Subs Instructional - 12	655,768	530,508	583,142	52,634	9.92%
Salaries, Overtime - 13	255,418	242,855	232,855	(10,000)	-4.12%
Stipends, Curriculum/Instruction - 14	113,557	173,758	166,000	(7,758)	-4.46%
Fringe, Course Reimbursement - 15	40,187	56,000	56,000	-	0.00%
Fringe, Health Insurance - 16	7,220,434	8,273,695	8,623,581	349,886	4.23%
Fringe, Health Insurance, Retiree - 17	780,816	924,241	968,996	44,755	4.84%
Fringe, Life/Disability Insurance - 18	47,225	38,000	40,900	2,900	7.63%
Fringe, Unemployment Insurance - 19	11,734	25,000	40,000	15,000	60.00%
Fringe, Workers Compensation - 20	272,937	348,412	295,000	(53,412)	-15.33%
Fringe, Middlesex County Ret. System - 21	1,756,208	1,961,424	2,086,065	124,641	6.35%
Fringe, Medicare - 22	732,090	846,064	825,000	(21,064)	-2.49%
Contributions, OPEB Trust Fund - 23	506,000	700,000	800,000	100,000	14.29%
Instruction Supplies - 24	990,955	1,136,075	1,048,492	(87,583)	-7.71%
Instruction Textbooks - 25	218,991	278,710	282,570	3,860	1.38%
Instructional, Library - 26	46,633	59,435	59,678	243	0.41%
Other, Capital Outlay - 27	710,570	381,459	530,059	148,600	38.96%
Other, Debt Service - 29	1,822,733	1,920,743	1,934,218	13,475	0.70%
Other, Property/Casualty - 30	102,627	106,369	110,700	4,331	4.07%
Other, Maint Buildings/Grounds - 31	695,109	717,860	734,745	16,885	2.35%
Other, Maintenance Equipment - 32	72,857	141,470	119,604	(21,866)	-15.46%
Other, Legal Service - 34	257,828	150,000	181,350	31,350	20.90%
Other, Admin Supplies - 35	836,575	829,761	914,051	84,290	10.16%
Other, Athletic Supplies - 36	138,972	53,666	57,446	3,780	7.04%
Other, Custodial Supplies - 37	124,700	157,984	157,984	-	0.00%
Other, Sped Transportation - 38	1,487,541	1,528,647	1,826,934	298,287	19.51%
Other, Student Transportation - 39	892,949	936,850	947,117	10,267	1.10%
Other, Travel, Conferences - 40	113,672	89,186	120,034	30,848	34.59%
Other, Sped Tuition - 41	5,208,139	5,269,951	5,283,278	13,327	0.25%
Other, Utilities - 42	1,391,388	1,630,499	1,825,133	194,634	11.94%
Other, Telephone - 43	83,733	124,645	110,045	(14,600)	-11.71%
Other, Sewer - 44	280,548	287,191	287,191	-	0.00%
Assessments - 48 *****	504,301	546,513	576,658	30,145	5.52%
Other, - 49	1,405	-	1,500	1,500	0.00%
GRAND TOTAL	\$76,315,642	\$80,296,395	\$83,073,204	\$2,776,809	3.46%

***** FY15 & FY16 Restatement - to reclassify School Choice and Charter School Revenue offsets as expense, consistent with FY17 presentation.

Acton-Boxborough Regional School District Analysis of Assessments, School Year 2016-2017

TABLE 6
ACTON-BOXBOROUGH REGIONAL SCHOOL DISTRICT
Analysis of Assessments
School Year 2016-2017
Voted by School Committee 2/11/16

	TOTAL BUDGET 2016-2017	ACTON 84.80% 83.54%	BOXBOROUGH 15.20% 16.46%
EXPENDITURES			
OPERATING BUDGET	\$80,095,886	\$67,921,311	\$12,174,575
OPEB TRUST FUND CONTRIBUTION	\$800,000	\$678,400	\$121,600
LOWER FIELDS CONSTRUCTION DEBT SERVICE	\$90,418	\$80,056	\$10,362
CAPITAL OUTLAY - BUILDINGS	\$243,100	\$206,149	\$36,951
TOTAL INSIDE DEBT LIMIT	\$81,229,404	\$68,885,916	\$12,343,488
EXPENDITURES OUTSIDE DEBT LIMIT (PREVIOUSLY AUTHORIZED BY REGION:)			
CONSTRUCTION DEBT SERVICE (FOR JHS & SHS/AUTHORIZED OUTSIDE PROP 2 1/2)	\$387,864	\$343,415	\$44,449
SH CONSTRUCTION/RENOVATION	\$1,455,936	\$1,289,086	\$166,850
TOTAL OUTSIDE DEBT LIMIT	\$1,843,800	\$1,632,501	\$211,299
GROSS EXPENDITURE BUDGET-PAID BY ABRSD	\$83,073,204	\$70,518,417	\$12,554,787
SHARE OF DEBT SERVICE ELEMENTARY SCHOOLS- PAID BY TOWNS	893,239	\$757,466	\$135,772
TOTAL REGIONAL DISTRICT EXPENDITURES	\$83,966,443	71,275,883	12,690,560
REVENUES & RESERVE USE			
CHAPTER 70 BASE AID	\$14,531,276	\$12,322,522	\$2,208,754
CHARTER SCHOOL AID	\$27,683	\$23,475	\$4,208
REGIONAL SCHOOL TRANSPORTATION	\$1,190,000	\$1,009,120	\$180,880
REGIONAL BONUS AID	\$74,000	\$62,752	\$11,248
TRANSFER FROM RESERVES (Excess & Deficiency)	\$200,000	\$169,600	\$30,400
TOTAL REVENUES AND RESERVE USE	\$16,022,959	\$13,587,469	\$2,435,490
TOWN ASSESSMENTS- BEFORE APPENDIX A & IMA	\$67,943,484	\$57,688,414	\$10,255,070

Calculation of Final Assessments Per Appendix A to Regional Agreement - FY17

Description	TOTAL	ACTON	BOXBOROUGH
Projected Total Benefit Amount	\$1,873,119		
Base Budgets	\$66,364,972	\$55,056,859	\$11,308,113
Benefit Percentage Shares		90.0%	10.0%
Share of Benefits	\$1,873,119	\$1,685,807	\$187,312
Reduce Base Budgets By Benefit Shares	\$64,491,853	\$53,371,052	\$11,120,801
Recalculated Assessment Percentages Based On Benefit Shares Applied To Base Budget	100.00%	82.76%	17.24%
Input Table 6 Result From FY17 Actual Budget (includes elementary debt paid by towns)	\$67,943,484	\$57,688,414	\$10,255,070
Assessment Percentages With Actual Budget		84.91%	15.09%
Shift In Percentage Shares		2.15%	-2.15%
Final Assessment AT FIXED ASSESSMENT % PER APPENDIX A	\$67,943,484	\$56,227,493	\$11,715,991
LESS DEBT PAID DIRECT BY TOWN- PER IMA Section 6	(893,239)	(680,396)	(212,843)
Amount due from each town	\$67,050,245	\$55,547,097	\$11,503,148
FY16 Voted Assessments	\$64,291,249	\$53,171,009	\$11,120,240
increase	2,758,996	2,376,088	382,908
%	4.3%	4.5%	3.4%
FY17 Shift:	(1,460,921)		

Consent Calendar

In an effort to streamline Town Meeting, the Board of Selectmen and Town Moderator use the concept of a Consent Calendar. The use of Consent speeds the passage of articles which the Selectmen feel should generate no controversy and can be properly voted without debate. Its purpose is to allow motions under these articles to be acted upon as units and to be passed without debate.

There will be **two** Consent motions throughout Town Meeting – one for budgetary articles and one for all other articles on Consent. It is likely that these two motions will occur on different nights of Town Meeting.

Each Consent Calendar will be taken up when the first article “on Consent” is reached (for example, if Article 14 is the first Consent article in the Warrant, there will be a motion after Article 13 to take up the items on that Consent Calendar). At this time, the Moderator will call out the article numbers one-by-one.

Articles on Consent are distinguished from other articles by the asterisk (*) notation following each article number in the Article Index, as well as in the title of each article.

If **two or more** voters object to any particular Article being included in the Consent Calendar, they should say the word “**hold**” in a loud voice when the number is called. The Article will then be removed from the Consent Calendar, to be debated and voted in the usual manner, **immediately following** the vote on the Consent motion.

After the calling of the individual items in each Consent Calendar, the Moderator will ask that all remaining articles be passed **as a unit** by the voters.

Please carefully review the articles and motions. Summaries are also included with each article printed in this Warrant. Motions for consent articles are included under the text of each article. Motions will be available as a separate handout at Town Meeting.

If you have any questions about the Consent articles, motions or procedure, please feel free to contact the official listed in the summary of the article or to contact the Town Manager’s Office, by e-mail at manager@acton-ma.gov or by telephone at (978) 929-6611, before Town Meeting.

Donald MacKenzie
Town Moderator

I served with General Washington in the Legislature of Virginia before the Revolution and, during it, with Dr. Franklin in Congress. I never heard either of them speak ten minutes at a time, nor to any but the main point which was to decide the question. They laid their shoulders to the great points, knowing that the little ones would follow of themselves.

– Thomas Jefferson

Annual Town Meeting Warrant



*Town of Acton
Commonwealth of Massachusetts, ss.*

To either of the Constables of the Town of Acton, Greetings:

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

Precincts 1, 2 and 6 – Conant School – 80 Taylor Road

Precincts 3, 4 and 5 – R. J. Grey Junior High School – 16 Charter Road

On **Tuesday, March 29 between 7:00 AM and 8:00 PM**, by posting a copy of this Warrant by you attested, at each of the places as directed by vote of the Town, fourteen days at least before the twenty-ninth day of March 2016,

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

One Moderator for a one-year term,
Two Selectmen for three-year terms,
Two School Committee members for three-year terms,
One Trustee of the Memorial Library for a three-year term,
Two Members of the Acton Housing Authority for five-year terms.

In addition, the Acton Water District will elect the following officers:

One Commissioner for a three-year term.

You are also to notify legal voters aforesaid to meet at the Acton-Boxborough Regional High School Auditorium in said Acton on **Monday, April 4, 2016 at 7:00 PM**, then and there to act on the following articles:

Articles

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

*	This article is on the Consent Calendar
#	This article was submitted by Citizens' Petition

One or more of the following recommendations may appear at the end of an Article's summary:

Recommended	This board voted to <u>recommend</u> passage by Town Meeting.
Not Recommended	This board voted to <u>not recommend</u> passage by Town Meeting.
Deferred	A recommendation will be made by this board when the Article is considered at Town Meeting.
No Recommendation	This board voted to make no specific recommendation to Town Meeting.

Article 1 Choose Town Officers

(Majority vote)

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

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

, or take any other action relative thereto.

Summary

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

Selectman assigned: Katie Green: bos@acton-ma.gov / (978) 929-6611

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	No Recommendation

Article 2 **Hear and Accept Reports**
(Majority vote)

To see if the Town will accept reports and hear and act upon the report of any committee chosen at any previous Town Meeting that has not already reported, or take any other action relative thereto.

Summary

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

Selectman assigned: Franny Osman: bos@acton-ma.gov / (978) 929-6611

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> No Recommendation
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Article 3 **Budget Transfer**
(Majority vote)

To see if the Town will appropriate from available funds a sum of money to defray necessary expenses above the amount appropriated at the 2015 Annual Town Meeting, or take any other action relative thereto.

Summary

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

Direct inquiries to: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 929-6611
Selectman assigned: Katie Green: bos@acton-ma.gov / (978) 929-6611

Recommendations:	<u>Board of Selectmen</u> Deferred	<u>Finance Committee</u> No Recommendation
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Article 4 **Town Operating Budget**
(Majority vote)

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

Summary

This article requests funds for the municipal operating budget. The standard motion for the municipal budget appropriation may include the transfer of other monies such as Cemetery Trust Funds and Wetland Filing Fees.

Direct inquiries to: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 929-6611
Selectman assigned: Katie Green: bos@acton-ma.gov / (978) 929-6611

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Recommended
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Article 5 Acton-Boxborough Regional School District Assessment
(Majority vote)

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

Summary

This article requests funds for the Acton-Boxborough Regional School District Assessment. This assessment, voted by the Acton-Boxborough Regional District School Committee, is governed by the terms of the Acton-Boxborough Regional School District Agreement.

Direct inquiries to: Glenn Brand, Superintendent: gbrand@abschools.org / (978) 264-4700
Selectman assigned: Katie Green: bos@acton-ma.gov / (978) 929-6611

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

Article 6 Stabilization Fund – Capital
(Two-thirds vote)

To see if the Town will transfer and appropriate from available funds a sum of money to the Capital Stabilization Fund, or take any other action relative thereto.

Summary

The 1945 statute that initially authorized cities and towns to establish a stabilization fund restricted the use of any fund balance to capital expenditures. In 1991, permitted uses were expanded to include any lawful purpose, but funds could still not be reserved for a specific purpose. However, with the adoption of legislative amendments in 2003 to Massachusetts General Laws, Chapter 40, Section 5B, municipalities can now create multiple stabilization funds, assign a different purpose to each and take advantage of a new funding option. This article requests funding of the capital stabilization fund. The amount recommended for transfer from available funds to the Capital Stabilization Fund is \$1,800,000.

Direct inquiries to: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 929-6611
Selectman assigned: Katie Green: bos@acton-ma.gov / (978) 929-6611

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

Article 7 Capital Vehicles and Equipment

(Two-thirds vote)

To see if the Town will raise and appropriate, appropriate from available funds or borrow a sum of money to be expended by the Town Manager for the purchase, replacement or improvement of vehicles and equipment as listed below, including related incidental costs, or take any other action relative thereto.

A.	Fire Engine (Pumper)	\$ 650,000
B.	Ambulance	245,000
C.	Shift Commander Vehicle	60,000
Total		\$ 955,000

Summaries

A. Fire Engine (Pumper)

This requests funds to purchase and equip a new fire engine (pumper). The new engine will replace a 2000 Ferrara/HME engine. Replacement is necessary due to questionable reliability, frame component corrosion, a pitted pump impeller, a non-working foam system and intermittent electrical system problems. The engine provides water, hose, extrication equipment and most of the tools necessary to mitigate a fire, vehicle crash or any other incidents the Fire Department may respond to. It is also a critical part of our delivery of Emergency Medical Service and is equipped with EMS supplies and equipment. It is staffed by Firefighter/EMTs that can begin evaluation and treatment prior to the arrival of the ambulance. If approved, the debt service will be funded by the ambulance enterprise fund.

B. Ambulance

This requests funds to purchase and equip a new ambulance. The new ambulance will replace a 2009 International/Horton ambulance. Replacement is necessary due to age, reliability and is part of the capital replacement schedule. This unit is a critical part of the Fire Department all-hazard incident response. The backbone of our delivery of Emergency Medical Service, the ambulance is equipped with EMS supplies and equipment like a defibrillator, EpiPen and naloxone (Narcan). It is staffed by Firefighter/EMTs that provide treatment and transportation to the appropriate hospital. If approved, the debt service will be funded by the ambulance enterprise fund.

C. Shift Commander Vehicle

This requests funds to purchase and equip a shift commander’s vehicle. This vehicle will replace a front-line 2011 Ford Expedition, which is necessary due to age, reliability and is part of the capital replacement schedule. The Shift Commander’s vehicle is responsible for getting the Shift Commander safely to any all-hazard incident the Fire Department may respond to. The Shift Commander uses this vehicle as a command post to ensure accountability, safety and implementation of the Incident Command System. It is a critical part of our delivery of Emergency Medical Service and is equipped with EMS supplies and equipment. It is staffed by a Captain/EMT (shift commander) that can begin evaluation and treatment prior to the arrival of the ambulance. If approved, the debt service will be funded by the ambulance enterprise fund.

Direct Inquiries to: Robert Hart, Acting Fire Chief: rhart@acton-ma.gov / (978) 929-7412

Selectman assigned: Katie Green: bos@acton-ma.gov / (978) 929-6611

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

Article 8 Capital Infrastructure and Design

(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds a sum of money to be expended by the Town Manager for the purchase, replacement or improvement of facilities, infrastructure and design services as listed below, including related incidental costs, or take any other action relative thereto.

A.	Paint Town Hall	162,000
B.	South Acton Commuter Lot Landscaping Design	20,000
Total		\$ 182,000

Summaries

A. Paint Town Hall

This requests funds for the exterior painting of Town Hall, last painted in 2007, to preserve the integrity and aesthetics of the building and to prevent weather damage. Exterior trim and siding repairs of deteriorated and rotted wood were done in 2014 and 2015, currently coated with exposed primer. The Town Hall was originally built in 1864; the north and south wing additions were constructed in 1987.

Direct inquiries to: Andrea Ristine, Municipal Properties Superintendent
aristine@acton-ma.gov / (978) 929-7744

B. South Acton Commuter Lot Landscaping Design

In assessing the progress of the construction at the South Acton Train Station, the South Acton Train Station Advisory Committee (SATSAC) began to focus its energies on projects following the MBTA work to enhance the beautification of South Acton. SATSAC would like to soften the impact of the new train station with landscape materials to provide a more calming transition. Upon completion of the station and opening of the second track, the committee wants to develop a landscape design to supplement the small amount of plantings provided by the MBTA. This landscape plan will also incorporate the proposed design elements near the inbound train platform which are included in the Assabet River Rail Trail project. The intent is to temper the commercial feel of the new train station and allow it to better assimilate with the surrounding neighborhood and historic district. If approved, this project will be funded by commuter lot parking meter fees.

Direct inquiries to: Corey York, Director of Public Works
cyork@acton-ma.gov / (978) 929-7740

Selectman assigned: Katie Green: bos@acton-ma.gov / (978) 929-6611

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

Article 9 Minuteman Regional School District Assessment

(Majority vote)

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

Summary

This article requests funds for the Minuteman Regional Vocational Technical School District Assessment. This assessment, voted by the Minuteman School Committee, is governed by the terms of the Minuteman School District Agreement.

Direct inquiries to: Dr. Ed Bouquillon, Superintendent: ebouquillon@minuteman.org / (781) 861-6500

Selectman assigned: Janet Adachi: bos@acton-ma.gov / (978) 929-6611

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

Article 10 Authorize Debt Issuance – Minuteman Regional School District

(Majority vote)

To see if the Town will approve the \$144,922,478 borrowing authorized by the Minuteman Regional Vocational Technical School District (the “District”) for the purpose of paying costs of designing, constructing and originally equipping a new district school, to be located at 758 Marrett Road, Lexington, Massachusetts, and for the payment of all other costs incidental and related thereto (the “Project”), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended at the direction of School Building Committee. The MSBA’s grant program is a non-entitlement, discretionary program based on need as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities. Any grant that the District may receive from the MSBA for the Project shall not exceed the lesser of (i) forty four and three quarters percent (44.75 %) of eligible, approved project costs, as determined by the MSBA, or (ii) the total maximum grant amount determined by the MSBA, and the amount of borrowing authorized shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the District and the MSBA. Any approval of this borrowing shall be contingent upon the approval, on or before March 1, 2016, of the 2016 Amended Regional Agreement for the District by the town meetings of all 16 member towns of the District,

Or take any other action relative thereto.

Summary

In this article, Acton Town Meeting is being asked to support construction of a new regional vocational-technical high school designed to provide career and technical education combined with academics. The new Minuteman High School will feature a Career Academy model that supports 16 programs and 20 career majors that are in high demand. Building a new school will also ensure Minuteman’s continued accreditation by the New England Association of Schools and Colleges (NEASC). NEASC has placed Minuteman’s accreditation on “warning” status solely due to the condition of the building.

Minuteman has been working with the Massachusetts School Building Authority (MSBA) since 2009 and has explored several alternatives to improve a 40+ year old facility that needs a new roof; new mechanical, plumbing and electrical systems; and better access for the disabled, among many other things. After an

extensive feasibility study, the Minuteman School Committee and the MSBA both concluded that replacement of the existing school is the most cost-effective solution. The MSBA has committed roughly \$44 million to assist with the construction of a new school, the balance to be funded by member communities.

During Minuteman’s work with the MSBA on this project, the Town of Acton has been actively represented on both the Minuteman Regional School Committee and on the Minuteman School Building Committee. (Provided by the Minuteman Regional School District Staff)

Direct inquiries to: Dr. Ed Bouquillon, Superintendent: ebouquillon@minuteman.org / (781) 861-6500
Selectman assigned: Janet Adachi: bos@acton-ma.gov / (978) 929-6611

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

Article 11 **Fund Collective Bargaining Agreement – Police Patrol (FY16-FY18)**
(Majority vote)

To see if the Town will raise and appropriate, transfer or appropriate from available funds a sum of money necessary to fund the cost items contained in Collective Bargaining Agreement(s) between the Town and its police patrol officers union as filed with the Town Clerk, or take any other action relative thereto.

Summary

This article requests funding for collective bargaining agreement cost items under the provisions of Massachusetts General Laws Chapter 150E, Section 7. When a tentative agreement is reached with a union, the Town will bring a funding request for the financial elements of the agreement to the first available Town Meeting for approval. If the funding is approved, the Town is obligated to fund the remaining years of the contract. If the funding request is rejected by Town Meeting, the parties must return to the bargaining table for further negotiations.

Direct inquiries to: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 929-6611
Selectman assigned: Peter Berry: bos@acton-ma.gov / (978) 929-6611

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

Article 12 **Fund Collective Bargaining Agreement – Dispatch (FY16-FY18)**
(Majority vote)

To see if the Town will raise and appropriate, transfer or appropriate from available funds a sum of money necessary to fund the cost items contained in Collective Bargaining Agreement(s) between the Town and its public safety dispatcher personnel union as filed with the Town Clerk, or take any other action relative thereto.

Summary

This article requests funding for collective bargaining agreement cost items under the provisions of Massachusetts General Laws Chapter 150E, Section 7. When a tentative agreement is reached with a union, the Town will bring a funding request for the financial elements of the agreement to the first available Town Meeting for approval. If the funding is approved, the Town is obligated to fund the remaining years of the contract. If the funding request is rejected by Town Meeting, the parties must return to the bargaining table for further negotiations.

Direct inquiries to: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 929-6611
Selectman assigned: Peter Berry: bos@acton-ma.gov / (978) 929-6611

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

Article 13 * Septage Disposal Enterprise Budget
(Majority vote)

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

Motion

Move that the Town raise from department receipts and appropriate \$138,650 for the purpose of septage disposal.

Summary

This article requests that the receipts from septage haulers, licensing of septage haulers, licensing of septic system inspectors, licensing of septic installers, and disposal works construction permit fees be used for the purpose of allowing septage collected within Acton to be taken to a water pollution abatement facility and to maintain the Town’s septage waste disposal program. These fees will be deposited in a separate account and may be expended to pay part or all of the anticipated costs of septage waste disposal. If income in any year is in excess of expenses, the excess shall be deposited in a separate fund and used for capital expenditures of the Enterprise or to reduce user fees. Fund status is noted below (for budget detail see Municipal Supplement).

Fund Balance 6/30/15	Budgeted Revenue FY16	Budgeted Expense FY16	Estimated Fund Balance 6/30/16
\$ 149,152	\$ 142,556	\$ 142,556	\$ 149,152

Budgeted Revenue FY17	Budgeted Expense FY17	Estimated Fund Balance 6/30/17
\$ 138,650	\$ 138,650	\$ 149,152

Direct inquiries to: Sheryl Ball, Acting Health Director: health@acton-ma.gov / (978) 929-6632
Selectman assigned: Chingsung Chang: bos@acton-ma.gov / (978) 929-6611

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

Article 14 * **Sewer Enterprise Budget**
(Majority vote)

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

Motion

Move that the Town raise from department receipts and appropriate \$1,762,541 for the purpose of operating the sewer system.

Summary

This article requests funding for operation of the municipal sewer system. Sewer charges, private sewer treatment plant fees, connection fees, sewer inspector fees, betterments, State and Federal aid for Sewers, and any other income derived from the operation of the municipal sewer system will be deposited in a separate account and may be expended to pay part or all of the anticipated costs of sewerage disposal for the system. Fund status is noted below (for budget detail see Municipal Supplement).

Fund Balance 6/30/15	Budgeted Revenue FY16	Budgeted Expense FY16	Estimated Fund Balance 6/30/16
\$ 847,743	\$ 1,725,423	\$ 1,747,423	\$ 825,743

Budgeted Revenue FY17	Budgeted Expense FY17	Estimated Fund Balance 6/30/17
\$ 1,762,541	\$ 1,762,541	\$ 825,743

Direct inquiries to: Stephen Barrett, CPA, Finance Director: collector@acton-ma.gov / (978) 929-6624
Selectman assigned: Chingsung Chang: bos@acton-ma.gov / (978) 929-6611

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

Article 15 * **Transfer Station and Recycling Enterprise Budget**
(Majority vote)

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

Motion

Move that the Town appropriate \$848,067 for the purpose of solid waste disposal and recycling, and to raise such amount, \$672,342 be raised from department receipts and \$175,725 be transferred from retained earnings, and that the Town authorize the Town Manager to lease on such terms and conditions as he may determine vehicles and equipment for a period not to exceed five years, and to sell, trade or otherwise dispose of vehicles and equipment being replaced and to expend any proceeds so received.

Summary

This article requests funding for the Town’s solid waste disposal and recycling operations. The citizens of Acton who use the Transfer Station fund 100% of the costs of the operations from fees. The fees are deposited in a separate account and expended to pay the expenses of solid waste disposal. If income in any year is in excess of expenses, the excess shall be deposited in a separate fund and used for future expenditures of the enterprise fund or to reduce user fees. Fund status is noted below (for budget detail see Municipal Supplement).

Fund Balance 6/30/15	Budgeted Revenue FY16	Budgeted Expense FY16	Estimated Fund Balance 6/30/16
\$ 400,062	\$ 668,191	\$ 781,574	\$ 286,679

Budgeted Revenue FY17	Budgeted Expense FY17	Estimated Fund Balance 6/30/17
\$ 848,067	\$ 848,067	\$ 110,954

Direct inquiries to: Corey York, Director of Public Works: highway@acton-ma.gov / (978) 929-7740
Selectman assigned: Katie Green: bos@acton-ma.gov / (978) 929-6611

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

Article 16 * Ambulance Enterprise Budget
(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, and transfer a sum of money for the purpose of health care, in accordance with Massachusetts General Laws Chapter 44, Section 53 F½, Enterprise Fund Law, or take any other action relative thereto.

Motion

Move that the Town appropriate \$785,535 for the purpose of operating the ambulance service, and to raise such amount, \$628,500 be raised from department receipts and \$157,035 be transferred from retained earnings.

Summary

This article requests an appropriation to operate the Town’s ambulance service. The enterprise fund includes the salaries and benefits for eight Firefighter/EMTs allocated to this fund. Charges for ambulance service and any other income derived from the operation of the ambulance service will be deposited in this fund and used for expenditures of the enterprise fund or to reduce user fees. Fund status is noted below (for budget detail see Municipal Supplement).

Fund Balance 6/30/15	Budgeted Revenue FY16	Budgeted Expense FY16	Estimated Fund Balance 6/30/16
\$ 802,843	\$ 826,000	\$ 897,169	\$ 731,674

Budgeted Revenue FY17	Budgeted Expense FY17	Estimated Fund Balance 6/30/17
\$ 628,500	\$ 785,535	\$ 574,639

Direct inquiries to: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 929-6611
Selectman assigned: Peter Berry: bos@acton-ma.gov / (978) 929-6611

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

Article 18 * Self-Funding Programs (Revolving Funds)
(Majority vote)

To see if the Town will vote, pursuant to Massachusetts General Laws Chapter 44, Section 53 E½ to establish or continue revolving funds for the Historic District Commission, Building Department, Sealer of Weights and Measures, Health Inspectional Services and Fire Department Fire Alarm Network as noted below:

Fund	Estimated Revenue (\$)	Authorized Expenditure (\$)
Historic District Commission	200	200
Building Department	297,291	297,291
Sealer of Weights and Measures	13,676	13,676
Health Department		
Food Service Inspections	81,623	81,623
Hazardous Materials Inspections	51,476	51,476
Stormwater Inspections	54,680	54,680
Transportation Service		
Crosstown Connect	190,000	190,000
Fire Department		
Fire Alarm Network	64,715	64,715
Total	\$ 753,661	\$ 753,661

, or take any other action relative thereto.

Motion

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

Summary

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

Direct inquiries to: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 929-6611
Selectman assigned: Janet Adachi: bos@acton-ma.gov / (978) 929-6611

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Recommended
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Article 19 * Town Board Support – Acton-Boxborough Cultural Council
(Majority vote)

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

Motion

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

Summary

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

Direct inquiries to: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 929-6611
Selectman assigned: Janet Adachi: bos@acton-ma.gov / (978) 929-6611

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

Article 20 * Rescind Borrowing Authorizations
(Majority vote)

To see if the Town will rescind the authorized, but unissued balances of the borrowing authorizations set forth below, as such amounts are no longer needed to complete the projects for which they were initially approved:

1. \$226,420 approved under Article 29 of the April 2008 Annual Town Meeting for the purpose of repairing or replacing boiler and heating/ventilation systems at the Conant School.
2. \$332,102 approved under Article 17 of the April 2009 Annual Town Meeting for the purpose of replacing the roof at the Douglas School.

Or take any other action relative thereto.

Motion

Move that the Town rescind the authorized, but unissued balances of the borrowing authorizations set forth in the Article.

Summary

In prior years, the Town authorized borrowing up to the amounts and for the purposes specified in the two articles. Each of these projects qualified for reimbursement from the Commonwealth of Massachusetts through the Massachusetts School Building Authority (“MSBA”) program. When the projects were undertaken, the initial debt authorizations included capacity for contingencies, including MSBA determined ineligible costs. This additional borrowing capacity was not needed as the Project’s total eligible costs were audited, approved and funded by the MSBA. This article rescinds that prior debt authorization that is no longer needed as the Projects are completed.

Direct inquiries to: Stephen Barrett, CPA, Finance Director: collector@acton-ma.gov / (978) 929-6624
Selectman assigned: Katie Green: bos@acton-ma.gov / (978) 929-6611

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

Article 21 * Authorize Payment in Lieu of Taxes – Landfill Solar Facility
 (Majority vote)

To see if the Town will authorize, pursuant to the provisions of Massachusetts General Laws, Chapter 59, Section 38H, the Board of Selectmen, Town Manager, and Board of Assessors to negotiate and enter into a payment in lieu of tax agreement (PILOT) with the lessee/operator of the solar photovoltaic energy generating facility at the Acton Landfill, located at 8 Forest Road, and shown on Assessor’s Map as Parcel G4-76, upon such terms and conditions as the Board of Selectmen, Town Manager, and Board of Assessors shall deem to be in the best interest of the Town, or take any other action relative thereto.

Motion

Move in the words of the Article.

Summary

Approval of this article would authorize the Board of Selectmen, Town Manager and the Board of Assessors to execute an agreement for payment in lieu of taxes (PILOT), substantially in a form to be placed on file with the Town Clerk, with PelleVerde Solar Acton, LLC, an affiliate of PelleVerde Capital, LLC, owner and operator of the solar power facility located on the Town’s closed landfill. The Department of Revenue (DOR) has recently advised the Town that the solar facility is subject to property taxes. Under its lease of a portion of the landfill with the Town, Pelleverde makes quarterly rent payments. The lease further provides that if the solar facility becomes subject to taxes, the rent payments from PelleVerde will be reduced by the amount of the taxes paid by PelleVerde. If the PILOT is approved, the Town would receive the same net economic benefits from the solar facility, but some of the benefit would be received in the form of taxes instead of rent. In addition, the Town receives net metering credits from the project.

Direct inquiries to: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 929-6611
 Selectman assigned: Janet Adachi: bos@acton-ma.gov / (978) 929-6611

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

Article 22 Amend Zoning Bylaw & Zoning Map – Kelley’s Corner
 (Two-thirds vote)

To see if the Town will amend the Zoning Bylaw and Zoning Map as set forth in this article:

- A. In Section 5 - Table of Standard Dimensional Regulations, in the Business District group, delete the line for the KC (Kelley’s Corner) Zoning District, and replace it with the following new line:

DISTRICT	ZONING DISTRICTS	MINIMUM LOT AREA insq. 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 in feet
BUSINESS DISTRICTS	KC(15)	10,000	100	50	25(19)	NR(6)	NR	0.20	36

And delete footnote (6), and replace it with the following new footnote (6):

- (6) The minimum side or rear yard to a residential zoning district boundary shall be not less than 50 feet. On LOTS in existence on or before February 15, 1990 where this side or rear yard requirement exceeds 20 percent of the LOT depth, the requirement may be reduced to 20 percent of the LOT depth, but not to less than 30 feet. Lot depth shall be measured in a line that is perpendicular to the applicable side or rear LOT line.

And delete footnote (15), and replace it with the following new footnote (15):

- (15) Subject to certain provisions in Section 5.6, Special Provisions for the Kelley’s Corner District. Section 4.5 establishes the Kelley’s Corner Master Planned Development (KC-MPD) Overlay District with different thresholds and dimensions.

And insert a new footnote (19) as follows:

- (19) The maximum front yard shall be 30 feet for BUILDINGS that must be located near a STREET pursuant to Section 5.6, Special Provisions for the Kelley’s Corner District.

[Notes -

The line for the KC District in the Table of Standard Dimensional Regulations currently reads:

DISTRICT	ZONING DISTRICTS	MINIMUM LOT AREA insq.ft	MINIMUM LOT FRONTAGE infeet	MINIMUM LOT WIDTH Infeet	MINIMUM FRONT YARD infeet	MINIMUM SIDE.&REAR YARD infeet	MINIMUM OPEN SPACE inpercent	MAXIMUM FLOOR AREA RATIO	MAXIMUM HEIGHT infeet
BUSINESS DISTRICTS	KC	10,000	100	50	30	NR(6)	NR	0.40(15)	36

Footnote (6) currently reads:

If the LOT abuts a residential zoning district the minimum side and rear yard shall be 50 feet. On LOTS in existence on or before February 15, 1990 where the minimum side or rear yard exceeds 20% of the LOT depth, the side or rear yard may be reduced to 20% of that LOT depth, but not to less than 30 feet. Lot depth shall be measured in a line that is perpendicular to the applicable side or rear LOT line

Footnote (15) currently reads:

Subject to certain provisions in Section 5.6, Special Provisions for the Kelley’s Corner District.]

- B. Delete Sections 5.6 - Special Provisions for the Kelley’s Corner District, 10.4.3.4.g) – Sidewalk requirements for Kelley’s Corner per 1995 Plan, and 10.4.3.5.2) - Special Landscaping Standards for the Kelley’s Corner District, and replace them with a new Section 5.6 as follows:

5.6 Special Provisions for the Kelley’s Corner District

5.6.1 **Purposes** – This Section 5.6 is intended to support, enhance and implement the Acton 2020 (Acton’s Comprehensive Community Plan) and Kelley’s Corner Improvement Initiative goals for Kelley’s Corner. Accordingly, the purposes of the zoning regulations set forth herein are to help achieve the following objectives:

- Transform Kelley’s Corner into a vibrant town center where people can safely and efficiently navigate using various transportation modes.
- Create the form, cohesion, order, and supporting infrastructure that will identify the Kelley’s Corner District as an attractive, walkable, and pleasant town center for living, business, shopping, and community activities.
- Encourage sustainable mixed-use development of properties into places where people enjoy living, working, shopping and socializing.
- Emphasize architecture and site layout that encourages pedestrian interaction and use. Expectations include BUILDINGS with interesting and articulated facades; details and activities at the STREET and sidewalk level that invite interest, interaction and BUILDING access; and outdoor plazas and pocket parks as informal gathering places.
- Provide the minimum necessary vehicular parking sufficient to support the land USES that depend on it.
- Promote pedestrian and bicycle accessibility with generous safety and comfort.
- Use of effective, resilient, and low maintenance landscaping, including shade trees.

- Manage and accommodate site access and egress from and to STREETS with sufficient spacing between access driveways to minimize on-STREET congestion.
- 5.6.2 **Standards** – The Site Plan Special Permit Granting Authority (Site Plan SPGA) shall require compliance with the following standards on all LOTS in the KC District. In determining compliance, the Site Plan SPGA shall consult the Kelley’s Corner Design Guidelines and solicit advice from the Design Review Board:
- 5.6.2.1 Buffer to Residence 2 (R-2) Zoning District - Where a business, industrial or multi-family USE, or a parking lot abuts the R-2 District, the Site Plan SPGA shall require a substantially opaque landscape buffer of at least 20 feet in depth that is designed to reduce noise and other impacts.
- a) Where deemed appropriate and necessary to protect abutting Single Family Residential USES in the R-2 District, the Site Plan SPGA may require an increase in the width of this landscape buffer to 30 feet.
 - b) In areas where abutting LOTS in the R-2 District have Single Family Dwellings on them, the Site Plan SPGA may require that this buffer shall include a fence, up to eight feet but not less than five feet in height, designed to prevent access to the abutting LOTS.
- 5.6.2.2 Sidewalks and Walkways – Sidewalks shall be installed along the LOT FRONTAGE on a STREET or on STREETS, and walkways shall be provided between BUILDING entrances and the nearest STREET or STREETS with minimal interruption by driveways.
- a) Parking lot aisles, and access and interior driveways, shall not be considered walkways.
 - b) Sidewalks along STREETS shall be at least 8 feet wide.
 - c) Sidewalks may be located within the layout of STREETS or on LOTS.
 - d) Unless directed otherwise by the Site Plan SPGA, sidewalks shall be separated from vehicular travel lanes with buffers at least 4 feet wide having landscaped or hardscaped surfaces and where possible room for trees, light poles, and street furniture.
- 5.6.2.3 STREET Trees – As a baseline standard, trees shall be placed behind sidewalks at 40-45 foot intervals and provided with adequate space to reach maturity. Each such tree shall be from a deciduous species rated for U.S.D.A. Hardiness Zone 5 that is expected to reach at least 30 feet in height at maturity; be at the time of planting at least seven (7) feet in height with a trunk caliper size of at least 2.5 inches; and be situated within a landscaped area of two hundred square feet (200 sq. ft.) to accommodate the root system of the mature tree. The Site Plan SPGA may modify this baseline standard to adjust for site-specific circumstances such as building or driveway locations, or overhead utility lines, while ensuring the adequate provision of STREET trees.
- 5.6.2.4 BUILDING Design and Layout – Building designs and layouts shall be consistent with the Kelley’s Corner Design Guidelines. In addition, the following specific requirements shall apply:
- a) At least 60 percent of the LOT FRONTAGE, measured in percentage of linear feet of the LOT FRONTAGE, shall be occupied by BUILDINGS that are located within 30 feet of the STREET sideline. The Site Plan SPGA may require that a portion not exceeding 20 percent of the 60 percent requirement must be occupied by pedestrian plazas instead of BUILDINGS.
 - b) Where the LOT FRONTAGE exceeds 300 feet, at least 70 percent of the LOT FRONTAGE, measured in percentage of linear feet of the LOT FRONTAGE, shall be occupied by BUILDINGS that are located within 30 feet of the STREET sideline. The Site Plan SPGA may require that a portion not exceeding 15 percent of the 70 percent requirement must be occupied by pedestrian plazas instead of BUILDINGS.
 - c) Where the LOT FRONTAGE exceeds 500 feet, at least 80 percent of the LOT FRONTAGE,

measured in percentage of linear feet of the LOT FRONTAGE, shall be occupied by BUILDINGS that are located within 30 feet of the STREET sideline. The Site Plan SPGA may require that a portion not exceeding 10 percent of the 80 percent requirement must be occupied by pedestrian plazas instead of BUILDINGS.

- d) Any LOT having FRONTAGE on more than one STREET shall comply with the aforesaid BUILDING and pedestrian plaza location requirements along all STREETS on which the LOT has FRONTAGE.
- e) For any LOT with a STREET intersection on its corner the aforesaid BUILDING and pedestrian plaza location requirements shall be met inclusive of the entire STREET corner; in other words, the STREET corner shall be occupied by a BUILDING or a pedestrian plaza.
- f) The Site Plan SPGA may allow a reduction of the aforesaid BUILDING and pedestrian plaza location requirements, if it finds that the presence of statutorily protected natural resource areas, including their no-build and no disturb buffer zones pursuant to the applicable Acton General Bylaws, make strict compliance infeasible. However, such further reduction shall only be made to the minimum necessary extent.
- g) Pedestrian plazas shall function as gathering spots at the STREET level directly adjacent in the fronts or on the sides of BUILDINGS. They shall be designed for exclusive pedestrian use and shall be open and connect to the sidewalk and walkways.
- h) No driveway or parking lot shall be placed in the space between STREETS, and the BUILDINGS and Pedestrian Plazas that abut STREETS within 30 feet as required in this Section.
- i) On the LOT FRONTAGE, the ground floors of BUILDINGS, which abut STREETS within 30 feet as required in this Section, shall be occupied, or designed to be available for occupancy, by USES that promote and interact with a pedestrian, walkable environment. Such USES are Retail Stores, Restaurants, various Services, or similar USES as determined by the Site Plan SPGA. Exempt from this requirement are BUILDING entrances that serve upper stories.
- j) In BUILDINGS that abut STREETS within 30 feet as required in this Section, the main business entrance to each ground floor business, identified by larger doors, signs, canopies, awnings or similar means of highlighting, shall be from the BUILDING front. Additional, secondary ground floor business entrances may be in other location. Retail Stores with a NET FLOOR AREA of at least 20,000 square feet may have a second main entrance in another location, for instance towards a parking lot in the rear or the side of a BUILDING.
- k) Ground floor USES in BUILDINGS that abut STREETS within 30 feet shall have not less than 40 percent transparent windows in the façade facing the STREET.
- l) The main architectural features of the front facades of BUILDINGS, which abut STREETS within 30 feet as required in this Section, including the materials used, shall be continued around all sides of the BUILDINGS that are visible from a STREET. The Site Plan SPGA may approve alternate facades for side and rear BUILDING walls that are consistent with the purposes of this Section 5.6 as stated in Section 5.6.1 and preserve the architectural integrity of the BUILDING as a whole.
- m) The minimum height of single story flat roof BUILDINGS shall be as follows:
 - 20 feet for buildings with overall horizontal side dimensions not exceeding 80 feet in any direction; and
 - 25 feet for buildings with overall horizontal side dimensions measuring 80 feet or greater in any direction.
- n) Garage doors and loading docks are not allowed in the front facades of BUILDINGS that abut

STREETS.

- o) BUILDING service and loading areas shall incorporate effective methods for visual and noise buffering from adjacent USES.
- p) A BUILDING's mechanical equipment shall not be visible from the STREET.

5.6.2.5 Driveways and Parking Lots –

- a) No driveway or parking lot shall be placed in the space that is directly between STREETS and BUILDINGS and pedestrian plazas that abut STREETS within 30 feet as required in Section 5.6.2.4. Vehicular driveways and parking lots may be located to the side and rear of such BUILDINGS and pedestrian plazas.
- b) On the sides of BUILDINGS that abut STREETS within 30 feet as required in Section 5.6.2.4, parking lots shall not be located between the sideline of a STREET and the front line of such adjacent BUILDINGS on the same LOT.
- c) Driveway and walkway connections shall be provided to abutting LOTS within the KC District where possible. Where such connections are not available due to current conditions on abutting LOTS, the Site Plan SPGA may require site design that facilitates such connections to such abutting LOTS at a future date.
- d) Access driveways shall be shared as common driveways with adjacent LOTS whenever possible. Where such sharing of driveways is not possible due to current conditions on abutting LOTS, provisions shall be required to create such common driveways at a future date in locations and by means that the Site Plan SPGA may determine.

5.6.2.6 Connectivity - LOTS in the KC District shall have pedestrian and bikeway connections to abutting neighborhoods and facilities outside the KC District. Where such connections are not available due to current conditions in the surrounding area, the Site Plan SPGA may require site design that facilitates such connections at a future date.

[Notes –

Section 5.6 currently reads:

5.6 Special Provisions for the Kelley's Corner District

5.6.1 Purpose – In the Kelley's Corner District, the principal goal guiding the regulations set forth herein is to sustain and encourage a vital business center that provides needed goods, services, jobs and increased tax revenues in a manner that is compatible with Acton's historic development pattern and establishes pedestrian accessibility and circulation throughout the Kelley's Corner area. These regulations will provide clear guidance to those who would like to expand or locate businesses in the Kelley's Corner District. They will ensure that future development will help create the form, cohesion, order, and supporting infrastructure that will identify the Kelley's Corner District as an attractive, pleasant, and desirable center for business, shopping and other commercial and community activities.

Pedestrian access and circulation are favored in order to limit vehicular congestion and air pollution. Adjacent residential neighborhoods will be connected to the Kelley's Corner District via pedestrian ways but are otherwise separated with landscape buffers. 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.

It is widely recognized that the mere provision of sidewalks and crosswalks will not encourage pedestrian use of a commercial area unless the layout and design of the sites and BUILDINGS are also conducive to pedestrian use. The leading design principles are therefore to provide convenient and efficient pedestrian access within the Kelley's Corner District and to surrounding neighborhoods and facilities, to provide a safe and comfortable pedestrian environment with walkways, pedestrian conveniences and amenities, and to encourage BUILDINGS with a pedestrian oriented scale and design.

5.6.2 The following standards shall apply to all LOTS in the KC District:

5.6.2.1 The Site Plan Special Permit Granting Authority shall require sidewalks along the LOT'S FRONTAGE on a STREET or STREETS and walkways between BUILDING entrances and the nearest STREET or STREETS

with minimal interruption by driveways. Parking lot aisles, and access and interior driveways do not count as walkways;

5.6.2.2 *The Site Plan Special Permit Granting Authority shall require driveway and walkway connections to abutting LOTS within the KC District. Where such connections are not available due to current conditions on abutting LOTS, provisions shall be required to connect to such abutting LOTS at a future date in locations determined by the Site Plan Special Permit Granting Authority;*

5.6.2.3 *The Site Plan Special Permit Granting Authority shall require pedestrian connections to abutting neighborhoods and facilities outside the KC District. Where such connections are not available due to current conditions in the surrounding area, provisions shall be required for such connections at a future date in locations determined by the Site Plan Special Permit Granting Authority.*

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

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.*

5.6.3.2 *The Pedestrian Plaza – A pedestrian plaza shall be provided on any LOT where the NET FLOOR AREA is 30,000 square feet or more and the FLOOR AREA RATIO exceeds 0.35.*

- a) *The pedestrian plaza shall be an area at the STREET level in front of a BUILDING, on the side of a BUILDING, or in between BUILDINGS, which is to be used exclusively by pedestrians and connects to the sidewalk. For the purpose of this section, a pedestrian arcade located within a BUILDING footprint and open to the outdoors may be counted towards the minimum area required for a pedestrian plaza.*
- b) *A pedestrian plaza shall contain a minimum of 1,500 square feet in area and shall measure at least 20 feet in width. If the NET FLOOR AREA of the BUILDINGS on a LOT exceeds 100,000 square feet, the minimum area for a pedestrian plaza shall be 3,000 square feet. The area required for a sidewalk shall not be included in the pedestrian plaza.*
- c) *The pedestrian plaza shall be next to the STREET and sidewalk, and shall be open on one or more sides to the sidewalk.*
- d) *The pedestrian plaza shall be accented with pedestrian amenities such as benches and kiosks. Shade trees, ornamental trees and other landscaping shall be provided to create a separation between pedestrian and vehicular traffic, to highlight BUILDINGS and pedestrian spaces, to provide shelter from the sun, to minimize glare for drivers, to reduce noise, and to mitigate fumes.*
- e) *All landscaping shall use species that are tolerant to the climatic conditions in Acton and shall be designed to facilitate ongoing maintenance and watering.*
- f) *Notwithstanding any other provisions of this Bylaw to the contrary, the serving of foods and drinks at outdoor tables shall be permitted in a pedestrian plaza.*

5.6.3.3 *Driveways and Parking Lots –*

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

5.6.3.4 *BUILDING Design –*

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

- b) *BUILDINGS shall be of a design similar to the architecture in historic commercial centers of New England in terms of scale, massing, roof shape, spacing and exterior materials. Alternative designs may be allowed provided the Site Plan Special Permit Granting Authority finds the alternative design is consistent with Section 5.6.1 of the Bylaw.*
- c) *BUILDING facades facing STREETS or pedestrian plazas are also referred to herein as the BUILDING front(s) or BUILDING front facade(s). Such BUILDING fronts shall have a vertical orientation, meaning either that the BUILDING shall actually have a greater height than width, or that the facades and roof lines of the BUILDING are designed to reduce the massing and bulk so that it appears as a group of smaller masses with a distinct vertical orientation.*
- d) *The BUILDING front facades shall be articulated to achieve a human scale and interest. The use of different textures, shadow lines, detailing and contrasting shapes is required. Not more than 50 feet of a BUILDING front shall be in the same vertical plane.*
- e) *The BUILDING front facade(s) shall be faced with materials used in historic New England architecture. Alternative materials may be used on the BUILDING front facade(s) provided that the Site Plan Special Permit Granting Authority finds the materials to be consistent with Section 5.6.1 of the Bylaw.*
- f) *On the BUILDING fronts, the ground floor shall be occupied, or designed to be available for occupancy, by Retail Stores; Restaurants; Hotel, Motel, Inn, Conference Center; Lodges or Clubs; Bed & Breakfast; Services; Commercial Entertainment; real estate agencies; insurance agencies; travel agencies; law offices; medical and dental offices; walk-in clinics; small equipment repair services; tailors; or photography studios.*
- g) *The main business entrance to each ground floor business, identified by the larger doors, signs, canopy or similar means of highlighting, shall be from the BUILDING front.*
- h) *Grocery retailers with a NET FLOOR AREA larger than 20,000 square feet may have a second main entrance in another location, for instance towards a parking lot in the rear or the side of a BUILDING.*
- i) *Arcades and canopies shall not be considered part of the BUILDING. Arcades and canopies may not be located within 10 feet of the sideline of a STREET unless the Site Plan Special Permit Granting Authority finds that the reduction in setback to the sideline of the STREET is consistent with Section 5.6.1 of the Bylaw.*
- j) *The BUILDING front(s) shall contain windows covering at least 15 percent of the facade surface. Windows shall be highlighted with frames, lintels and sills or equivalent trim features. Windows and doors shall be arranged to give the facade a sense of balance and symmetry.*
- k) *Except for ground level display windows, windows shall have a 2:1 ratio of height to width. Alternative window designs may be allowed provided the Site Plan Special Permit Granting Authority finds them to be consistent with Section 5.6.1 of the Bylaw and that they enhance one or more architectural features.*
- l) *On the ground level portion of the BUILDING front, the amount of windows in the facade surface shall be at least 20 percent but not larger than 80 percent. Ground floor display windows shall be framed on all sides by the surrounding wall. They shall be highlighted with frames, lintels and sills or equivalent trim features, or may instead be recessed into the wall or projected from the wall.*
- m) *Mirror windows and highly reflective surfaces shall not be allowed on the BUILDING fronts.*
- n) *Roofs shall be gabled with a minimum pitch of 9/12 (9" vertical for every 12" horizontal) and have overhanging eaves of at least one foot. Two or three story BUILDINGS, or two or three story portions of a BUILDING, may have a flat roof provided that the tops of the BUILDING front facades are treated with an articulated cornice, dormers, or other architectural treatment that appears an integral part of the BUILDING from all visible sides of the BUILDING.*
- o) *The main features of the architectural treatment of the BUILDING front facades, including the materials used, shall be continued around all sides of the BUILDING that are visible from a STREET or a pedestrian plaza. The Site Plan Special Permit Granting Authority may approve alternate treatment of side and rear BUILDING walls that is consistent with Section 5.6.1 of the Bylaw and preserves the architectural integrity of the BUILDING as a whole.*
- p) *Garage doors or loading docks shall not be allowed in the BUILDING fronts.*

- q) *BUILDING service and loading areas shall incorporate effective techniques for visual and noise buffering from adjacent uses.*
- r) *Accessory STRUCTURES, air conditioning equipment, electric utility boxes, satellite dishes, trash receptacles and other ground level utilities shall be unobtrusive when viewed from the STREET and adjacent LOTS.*
- s) *Rooftop mechanical equipment shall be screened from public view by the use of architecturally compatible materials.*

Section 10.4.3.4.g) currently reads:

g) In the Kelley's Corner District, the Board of Selectmen shall require on-site and off-site sidewalks, walkways, bikeways and crosswalks consistent with the planning objectives set forth in the 1995 Kelley's Corner Plan, as amended. The Kelley's Corner Plan identifies necessary improvements designed to accommodate future growth in the Kelley's Corner District. Off-site improvements hereunder shall be made as determined by the Board of Selectmen to encourage pedestrian circulation and bicycle use within the Kelley's Corner District and to adjacent areas as a direct measure to help minimize traffic impacts from the proposed development. Off-site improvements shall be located on ways and land owned or controlled by the Town of Acton, or in other locations where their owner allows and agrees to the improvements. The cost of the required off-site improvements shall be kept in reasonable proportion to the anticipated pedestrian and vehicular traffic from the development.

Section 10.4.3.5.2) currently reads:

2) In the Kelley's Corner District where a business or industrial USE abuts a Residential District, the Board of Selectmen shall require a substantially opaque landscape buffer of at least 20 feet in depth that is designed to reduce noise and other impacts of the business or industrial USE on abutting Residential Districts.

a) Where deemed appropriate and necessary to protect abutting residential USES, the Board of Selectmen may require an increase in the width of this landscape buffer to 30 feet.

b) In areas where abutting LOTS in Residential Districts have single family dwellings on them, the Board of Selectmen may require that this buffer shall include a fence, up to eight feet in height, designed to prevent access to abutting LOTS.]

C. Amend Section 6.9.5 - Special Provisions for Parking in the Kelley's Corner District, as follows:

1. Insert new Sub-sections 6.9.5.2 and 6.9.5.3 as follows:

- 6.9.5.2 No driveway or parking lot shall be located directly between STREETS and BUILDINGS or pedestrian plazas that abut STREETS within 30 feet as required in Section 5.6.2.4. Vehicular driveways and parking lots may be located to the side and rear of such BUILDINGS and pedestrian plazas.
- 6.9.5.3 On the sides of BUILDINGS that abut STREETS within 30 feet as required in Section 5.6.2.4 of this Bylaw, parking lots shall not be located between the sideline of a STREET and the front line of such adjacent BUILDINGS on the same LOT.

And renumber the current Sub-sections 6.9.5.2 through 6.9.5.5 to become Sub-section 6.9.5.4 through 6.9.5.7 respectively.

2. Delete Subsection 6.9.5.5 (as renumbered to 6.9.5.7 above) - Design Requirements and Landscaping, and replace it with new Subsections 6.9.5.7 and 6.9.5.8 as follows:

- 6.9.5.7 Design Requirements – The parking lot design requirements of Section 6.7 shall not apply in the KC District. Off-STREET parking spaces, except parking spaces serving a single to four-FAMILY residential USE or an Assisted Living Residence with 10 or fewer residents, 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 6.9.5.6.

- b) ACCESS Driveways – Not more than one ACCESS driveway per LOT from a STREET shall be permitted. One additional ACCESS driveway from another STREET may be permitted.
 - c) Common ACCESS Driveways – Access driveways shall be shared as common driveways with adjacent LOTS whenever possible. Where such sharing of driveways is not possible due to current conditions on abutting LOTS, the Site Plan Special Permit Granting Authority may require site design that facilitates the sharing of driveways at a future date.
 - d) Driveway width - Driveways shall be 20 feet wide for two-way traffic and 14 feet wide for one-way traffic. Greater width may be permitted for intersection roundings and curves as needed, and to meet Fire Code requirements but only to the extent needed to safely accommodate all expected vehicles types.
 - e) Set-Backs – Except where parking lots established in accordance with Section 6.9.5.4 cross over common LOT lines, and except where greater setback dimensions are required under sections 5.6.2.1 and 6.9.5.3 of this Bylaw, all parking spaces and paved surfaces other than ACCESS driveways or common driveways shall be set back a minimum of 5 feet from any LOT lines. However, on the sides of BUILDINGS, which abut STREETS within 30 feet as required in Section 5.6.2.4 of this Bylaw, parking lots shall not be located between the sideline of a STREET and the front line of such adjacent BUILDINGS on the same LOT.
- 6.9.5.8 Landscaping of Parking Lots – Parking lots shall include a landscape area equal to a minimum of five percent (5%) of the area of the parking lot.
- a) Shade trees – At least one shade tree shall be provided for each two thousand (2,000) 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 30 feet in height at maturity; be at the time of planting at least seven (7) feet in height with a trunk caliper size of at least 2.5 inches; and be surrounded by a landscaped area of two hundred square feet (200 sq. ft.) to accommodate the root system of the mature tree.
 - b) Perimeter Planting Strip – Parking lots adjacent to STREETS, sidewalks, paths, pedestrian plazas, ACCESS driveways and BUILDINGS shall include a perimeter planting strip that is at least seven and one-half (7.5) feet wide. However, the width of planting strips, which are protected with 12-inch or higher vertical curbs or with bollards or balustrades may be reduced to five (5) feet. Said planting strip shall provide a vertical separation between the parking lot and adjacent ways of at least 2.5 feet in height. This vertical separation may consist of plantings, walls, or fencing (other than chain link or smooth concrete) or a combination thereof.
 - c) Placement of Landscaped Areas - Landscaped areas shall be arranged so that no parking space is located more than ninety (90) feet from a landscape area.
 - d) 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.
 - e) Additional landscaping may be required by the Site Plan Special Permit Granting Authority to appropriately screen the parking lot from the STREET and adjacent USES.
 - f) Sight Distance – All landscaping along any STREET FRONTAGE and at driveways shall be placed and maintained so that it will not obstruct sight distance for vehicular traffic.
 - g) Protection of Landscaped Areas – Landscaped areas shall be planted and protected in such a manner that the plantings will not be damaged by vehicles.
 - h) Landscaped areas shall be reasonably cared for and maintained in good condition; plants that

die or become diseased shall periodically be replaced with suitable and equivalent substitutes.

[Note – Section 6.9.5.5 currently reads:

6.9.5.5 Design Requirements and Landscaping – Off-STREET parking spaces, except spaces serving a single to four-FAMILY residential USE or an Assisted Living Residence with 10 or less residents, shall either be contained within a BUILDING or STRUCTURE, or be provided in accordance with the design requirements of section 6.7 including all its subsections. In addition, no parking space or other paved surface, other than walkways and bikeways, shall be located within 20 feet of an abutting residential zoning district.]

- D. On the Zoning Map, Map Number 1, establish the Kelley’s Corner Master Planned Development (KC-MPD) Overlay District. It shall be superimposed on the underlying Kelley’s Corner (KC) Zoning District and shall have the same area and boundaries as the KC Zoning District, except that the portion of the KC District that is located at 204-222 Main Street at the intersection of Main and Prospect Streets (Town Atlas parcels G2-110-1, G2-117, and G2-143) shall not be included in the KC-MPD Overlay District.
- E. In Section 2.1 – Classification of District, under Overlay Districts, insert a new line as follows:

Kelley’s Corner Master Planned Development KC-MPD

And, in Section 4 - Overlay Districts, insert a new Section 4.5 as follows:

4.5 Kelley’s Corner Master Planned Development (KC-MPD) Overlay District

4.5.1 Purpose – To encourage, guide, and regulate larger-scale, mixed-use Master Planned Development (MPD) projects in the Kelley’s Corner area consistent with Acton 2020 and the Kelley’s Corner Improvement Initiative. The MPD is available as an alternate and optional permitting path for development and redevelopment of TRACTS OF LAND with certain minimum dimensions in Kelley’s Corner. It accommodates phased permitting procedures to ensure comprehensive project planning, to expedite permitting, and to establish certainty intended to facilitate project financing.

This section 4.5 is intended to support, enhance and implement Acton 2020 (Acton’s Comprehensive Community Plan) and Kelley’s Corner Improvement Initiative goals. Accordingly, the purposes of the zoning regulations set forth herein are to help achieve the following objectives:

- Transform Kelley’s Corner into a vibrant town center where people can safely and efficiently navigate using various transportation modes.
- Create the form, cohesion, order, and supporting infrastructure that will identify the Kelley’s Corner District as an attractive, walkable, and pleasant town center for living, business, shopping, and community activities.
- Encourage sustainable mixed-use development of properties to create places where people enjoy living, working, shopping and socializing.
- Emphasize architecture and site layout that encourages pedestrian interaction and use. Expectations include BUILDINGS with interesting and articulated facades; details and activities at the STREET and sidewalk level that invite interest, interaction and BUILDING access; and outdoor plazas and pocket parks as informal gathering places.
- Provide the minimum necessary vehicular parking to sufficiently support the land USES that depend on such parking.
- Promote pedestrian and bicycle accessibility with generous safety and comfort.

- Use effective, resilient, and low maintenance landscaping, including shade trees.
- Manage and accommodate site access and egress from and to STREETS with sufficient spacing between access driveways to minimize on-STREET congestion.

The regulations provide a framework for the development and redevelopment of land in Kelley’s Corner that is consistent with these purposes. The Town has established a Design Review Board and has adopted Kelley’s Corner Design Guidelines to assist with achieving these purposes.

- 4.5.2 **Delineation** – The KC-MPD Overlay District shall be superimposed on the underlying Kelley’s Corner (KC) Zoning District and shall have the same area and boundaries as the KC Zoning District, except that the portion of the KC District that is located at 204-222 Main Street at the intersection of Main and Prospect Streets (Town Atlas parcels G2-110-1, G2-117, and G2-143) shall not be included in the KC-MPD Overlay District.
- 4.5.3 **Special Permit Granting Authority** – The Planning Board shall be the designated Special Permit Granting Authority for the MPD Special Permit (the “Master Permit”), and for all other special permits that are required under the KC-MPD Overlay District regulations as set forth herein. It shall also function as the Authority for site plan approvals that are required under the provisions of the KC-MPD Overlay District regulations.
- 4.5.4 **Regulation Overview** – The KC-MPD Overlay District creates thresholds, parameters, performance standards, and procedures for project eligibility, zoning framework, project review, and permitting for eligible developments. Minimum and maximum parameters set the zoning framework. A project has flexibility within that framework for layout and design, mixture of uses, parking arrangements, signage, landscaping, and project execution to be determined based on what is appropriate for each proposed project. In addition to the zoning criteria in this section 4.5, the Kelley’s Corner Design Guidelines set forth a baseline of the Town’s expectations for site layout, building design, and other relevant matters. In general, this Bylaw contains the following components:
- 4.5.4.1 All developments or re-developments under the KC-MPD Overlay District are subject to an MPD special permit called the Master Permit. It is intended to function as an “umbrella permit” for a MPD Project. A Master Permit’s principal purpose is to ensure comprehensive site planning and development that is consistent with the purposes of this Section 4.5 as set forth in Section 4.5.1. However, as set forth herein, the Master Permit process accommodates phased project planning and development whereby the Master Permit may be issued for a comprehensive concept plan, and subsequent detailed design phases or subsequent project development phases may be subject to site plan review procedures.
- 4.5.4.2 The Master Permit and site plan review procedures described herein provide for Planning Board review, design review, public hearings, and input and guidance by the Town and other interested parties. Because special permits are discretionary and may be approved, approved with conditions, or denied, the Master Permit ensures that MPD projects as approved benefit the Town through their consistency with Acton 2020 and the Kelley’s Corner Improvement Initiative. It is the intention of this Bylaw that any MPD Project proponent and the Town, in particular its Design Review Board using the Kelley’s Corner Design Guidelines, will work together closely and cooperatively to achieve the most desirable project.
- 4.5.4.3 To qualify for Master Permit consideration, a TRACT OF LAND must meet minimum dimensions set forth herein. A TRACT OF LAND may be held by an individual LOT owner, or by several owners of multiple LOTS. Individual owners and groups of owners, their legal representatives, or anyone applying with the owners’ explicit permission, may apply for Master Permits.
- 4.5.4.4 The dimensional regulations set forth herein rely in part on those in the underlying Kelley’s

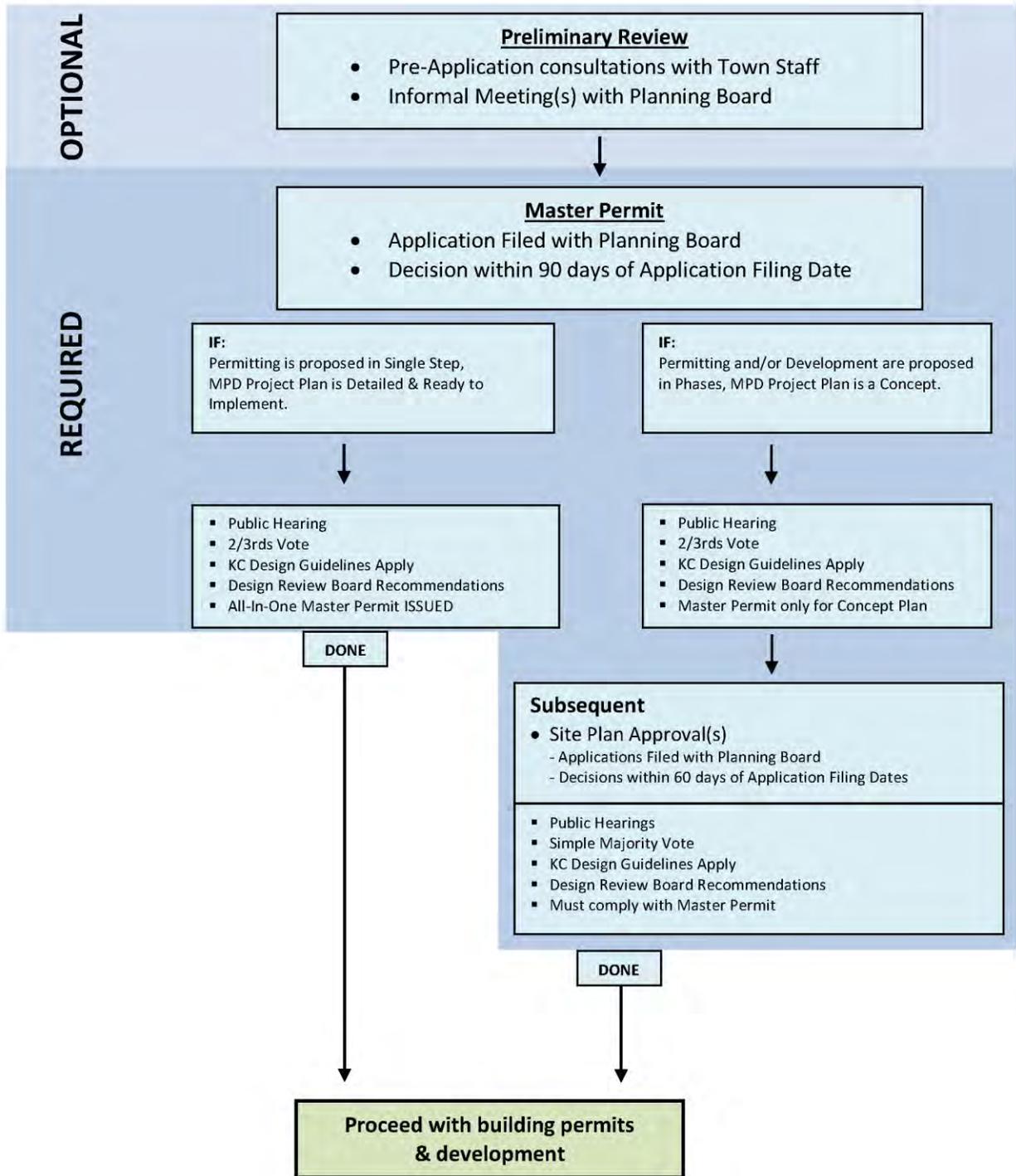
Corner Zoning District, but they allow for more floor area and greater height. Special height limits and design requirements apply to BUILDINGS that are adjacent to STREETS and at the edges of the Kelley's Corner Zoning District.

- 4.5.4.5 USE regulations set forth herein are derived from the underlying Kelley's Corner Zoning District. However, the regulations set forth herein also allow Multifamily Dwellings.
- 4.5.5 **Master Permit Process, Effect, and Options** – The Town strongly recommends that project proponents, before filing formal Master Permit applications, begin with optional, preliminary reviews and discussions with Planning Department staff. The Town also recommends a public informational meeting with the Planning Board prior to formal submittal of an application for a Master Permit.
- 4.5.5.1 The first permitting step for a MPD Project is to obtain a Master Permit. When granted, the Master Permit governs the entire MPD Project and guides all subsequent reviews, approvals and amendments and their associated processes that may be needed or required for detailed MPD Project implementation and execution, including but not limited to site layout; BUILDING locations, designs, and massing; circulation and site access/egress; drainage design; landscaping; locations of public parks and plazas, and other public amenities; signage; USES, and, as appropriate, locations and intensity of USES; and requirements, thresholds and conditions as needed and as specified in the Master Permit for subsequent detailed site plan approvals, detailed building design approvals, and amendments.
- 4.5.5.2 The Master Permit, and the approved MPD Project plan approved therein, shall be deemed the definitive approval of a MPD Project. It shall be an all-inclusive permit for all aspects of the development that are regulated and governed under this Bylaw. Except as set forth herein, it shall substitute for and incorporate any and all other special permits that may otherwise be required under other sections of this Bylaw. And, the Master Permit once exercised shall replace and supersede any and all special permits that may have been granted previously for the subject TRACT OF LAND. The Master Permit shall entitle the MPD Project proponent to rely on its authorizations, including any conditions or limitations, for purposes of proceeding with design, engineering, project financing, and contracting. The Master Permit, together with the approved MPD Project plan, shall be recorded at the Registry of Deeds or the Land Court.
- 4.5.5.3 Applicants for a Master Permit have choices about the permit process:
- a) The regulations set forth herein allow an Applicant to apply for, and the Planning Board to consider, process, and issue a Master Permit that is all inclusive and final and that, like a conventional special permit with possible plan amendments, conditions and limitations, authorizes the issuance of building permits for construction (a "Final Master Permit"). In order to be considered for a Final Master Permit, the project proponent(s) must submit an application with robust, detailed and complete plans, analyses and designs that support an executable MPD Project that is consistent with the purposes of this Section 4.5 as set forth in Section 4.5.1 and the requirements of this Bylaw.
 - b) Otherwise, the regulations as set forth herein provide that a Master Permit may be granted on the basis of a comprehensive concept plan that is founded on a thorough overall feasibility analysis, that determines the approximate site layout, site access, BUILDING arrangements and USES within the established zoning framework. Other planning and design details are then deferred to one or more later MPD Project permitting phases requiring subsequent site plan review procedures, which when granted shall become part of the Master Permit as addenda or supplements. Throughout the multi-step permitting and review process, consistency with the purposes of this Section 4.5 as set forth in Section 4.5.1 shall be the primary objective of the Planning Board. This phased arrangement is intended, in part, to provide a basis for regulatory approval

so that project proponents may obtain any necessary construction financing in order to proceed and to take into account market and other forces that may require phased development of a TRACT OF LAND.

c) The Master Plan Process is generally as follows:

KCMPD Overlay District – Master Plan Process (Planning Board)



d) When reviewing applications for site plan approval the Planning Board may allow minor changes to the Master Permit concept plan. However, any changes to the concept plan, which are in the opinion of the Planning Board significant and of public interest, shall require amendments of the Master Permit with the same procedural and voting requirements as the original Master Permit.

4.5.6 **Minimum Dimensional Requirements** – The following minimum dimensional requirements shall apply to a TRACT OF LAND in the KC-MPD Overlay District as a threshold to qualify for a Master Permit:

4.5.6.1 Minimum FRONTAGE: 300 feet.

4.5.6.2 Minimum area: 50,000 square feet.

4.5.6.3 All other minimum requirements shall be the same as for a LOT in the underlying KC zoning district, except as specifically otherwise provided in this section 4.5.

4.5.7 **Maximum Dimensional Requirements** – The following maximum dimensional requirements shall apply to a TRACT OF LAND in the KC-MPD Overlay District, and all projects shall comply with them to qualify for a Master Permit:

4.5.7.1 Maximum height of BUILDINGS: 55 feet, and not exceeding four stories above the basement.

4.5.7.2 Maximum FLOOR AREA RATIO: 0.80.

4.5.7.3 All other maximum requirements shall be the same as in the underlying KC zoning district, except as specifically otherwise provided in this section 4.5.

4.5.8 **Other Dimensional Requirements for certain BUILDINGS in the KC-MPD Overlay District.**

4.5.8.1 Placement of Buildings abutting STREETS.

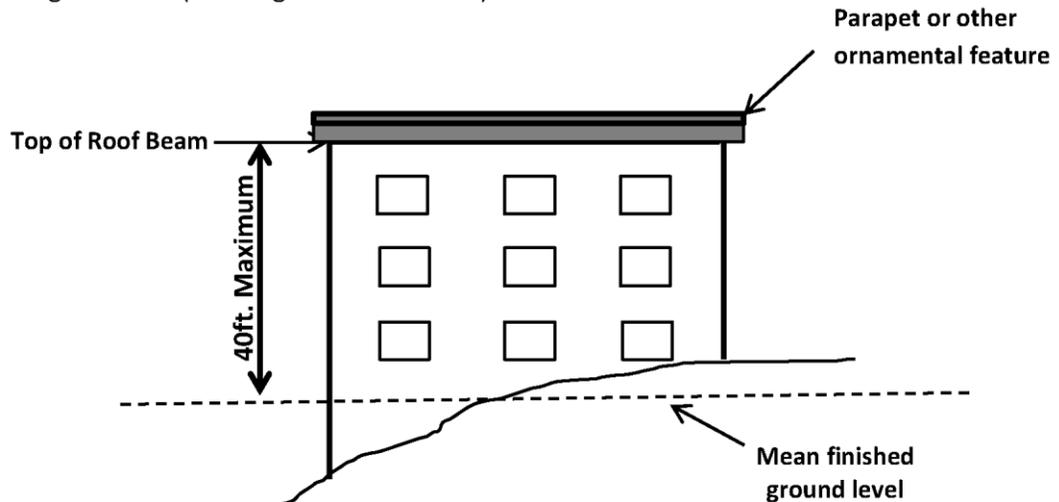
- a) At least 70 percent of the LOT or TRACT OF LAND FRONTAGE, measured in percentage of linear feet of the LOT FRONTAGE, shall be occupied by BUILDINGS that are located within 30 feet of the STREET sideline. The Planning Board may require that a portion not exceeding 15 percent of the 70 percent requirement must be occupied by pedestrian plazas instead of BUILDINGS.
- b) Where the LOT or TRACT OF LAND FRONTAGE exceeds 500 feet, at least 80 percent of the LOT FRONTAGE, measured in percentage of linear feet of the LOT FRONTAGE, shall be occupied by BUILDINGS that are located within 30 feet of the STREET sideline. The Planning Board may require that a portion not exceeding 10 percent of the 80 percent requirement must be occupied by pedestrian plazas instead of BUILDINGS.
- c) Any LOT or TRACT OF LAND having FRONTAGE on more than one STREET shall comply with the aforesaid BUILDING and pedestrian plaza location requirements along all STREETS on which the LOT has FRONTAGE.
- d) For any LOT or TRACT OF LAND with a STREET intersection on its corner the aforesaid BUILDING and pedestrian plaza location requirements shall be met inclusive of the entire STREET corner.
- e) The Planning Board may allow a minor reduction of not more than 10 percent of the aforesaid BUILDING and pedestrian plaza location requirements provided that the Planning Board finds that the alternative arrangement is essential for project feasibility, and does not detract from but rather is consistent with the purpose of this Section 4.5 as stated in Section 4.5.1.
- f) The Planning Board may allow a further reduction of the aforesaid BUILDING and pedestrian plaza location requirements, if it finds that the presence of statutorily protected natural resource areas, including their no-build and no disturb buffer zones pursuant to the applicable Acton General Bylaws, make strict compliance infeasible. However such further reduction shall only be made to the minimum necessary extent.

- g) Pedestrian plazas shall function as gathering spots at the STREET level directly adjacent in the fronts or on the sides of BUILDINGS. They shall be designed for exclusive pedestrians use and shall be open to and connect with the sidewalk and walkways.
- h) No driveway or parking lot shall be placed in the space between STREETS and the BUILDINGS or Pedestrian Plazas that abut STREETS within 30 feet as required in this section.

4.5.8.2 Height of BUILDINGS abutting STREETS.

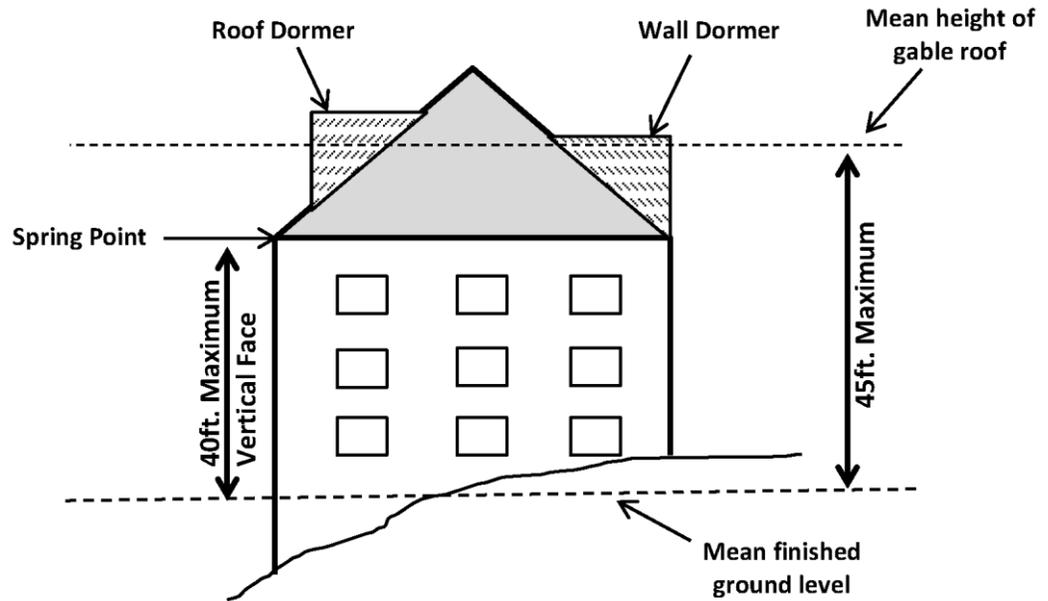
- a) BUILDINGS with flat roofs that abut STREETS within 30 feet as required in the previous section shall have a maximum height of 40 feet as measured separately for each side of the BUILDING from the mean finished ground level adjoining the BUILDING to the top of the highest roof beam.

Height in Feet (Buildings with Flat Roofs)



- b) BUILDINGS with pitched roofs that abut STREETS within 30 feet as required in the previous section shall have a maximum height of 40 feet measured separately for each side of the BUILDING from the mean finished ground level adjoining the BUILDING to the spring points of a pitched roof (where the vertical façade planes and the pitched roof planes meet), and such BUILDINGS shall not exceed an overall height of 45 feet from the mean finished ground level adjoining the entire BUILDING to the mean level of the pitched roof.
 - Where the finished ground level drops down from the STREET side ground elevation of a BUILDING, the STREET side elevation of the spring points may be maintained on all sides of the BUILDING. This may result in higher spring points on BUILDING sides that are not facing the STREET and in higher overall BUILDING heights than set forth above.
 - Wall dormers shall be counted as contributing to the mean roof height; roof dormers shall not be counted as contributing to the mean roof height.

Height in Feet (Buildings with Pitched Roofs and dormers)



- c) Where BUILDINGS that abut STREETS within 30 feet as required in the previous section have BUILDING portions that extend 100 feet or more from the STREET sideline, such BUILDING portions may increase in height to the limits set forth in section 4.5.7 above and shall be considered separately for purposes of determining compliance with height limits.
- d) The Planning Board may grant exceptions to the aforesaid height limits for portions of BUILDINGS, if it finds that such exceptions significantly enhance the MPD project design and the Purposes of this Section 4.5 as set forth in Section 4.5.1. Any portion of the BUILDING that exceeds the aforesaid height limits pursuant to this subsection shall be limited in projected ground area to 10 percent of a BUILDING'S footprint.

4.5.8.3 Placement and Height of BUILDINGS abutting Residential Zoning Districts.

- a) The Planning Board may reduce the minimum side or rear yard to a residential zoning district boundary to 20 feet, where, at the time of the effective date of this subsection, the land in the adjacent residential district is not in residential USE or has no single-family residence on it within 100 feet of the zoning boundary line.
- b) BUILDING facades that are located within 55 feet of the R-2 District boundary shall have a maximum height of 40 feet from the mean finished ground level adjoining the BUILDING to the top of the highest roof beam of a flat roof, and to the spring points of a pitched roof (where the vertical façade planes and the pitched roof planes meet).
- c) The Planning Board may grant exceptions to the aforesaid height limits where, at the time of the effective date of this subsection, the land in the adjacent R-2 District is not in residential USE or has no single-family residence on it within 100 feet of the zoning boundary line, subject however to the 55-foot BUILDING height limit.
- d) Furthermore, the Planning Board may grant exceptions to the aforesaid height limits for portions of BUILDINGS, if it finds that such exception significantly enhances the MPD project design and feasibility, and the Purposes of this Section 4.5 as set forth in Section 4.5.1. Any portion of the BUILDING that exceeds the aforesaid height limits pursuant to this subsection shall be limited in projected ground area to 10 percent of a BUILDING'S footprint.

4.5.9 **Allowed USES** in the KC-MPD Overlay District –

4.5.9.1 All USES allowed by right or by special permit in the underlying KC zoning district shall initially be deemed as allowed by right subject to the grant of a Master Permit. However, in a Master Permit the Planning Board may specifically regulate, restricted, or prohibited certain USES as may be appropriate for the MPD Project.

4.5.9.2 Multifamily Dwellings and BUILDINGS with a mixture of Multifamily and Business USES shall be allowed. Residential USES may comprise up to 75 percent of the total NET FLOOR AREA on the MPD TRACT OF LAND.

4.5.10 **Location of USES** - Unless specifically approved otherwise in the Master Permit, the locations of USES in the KC-MPD Overlay District shall conform to the following standards:

4.5.10.1 On the LOT FRONTAGE, the ground floors of BUILDINGS that abut STREETS within 30 feet as required in Section 4.5.8.1 above, shall be occupied, or designed to be available for occupancy, by USES that promote and interact with a pedestrian, walkable environment. Such USES are Retail Stores, Restaurants, various Services, or similar USES as determined by the Planning Board during the Master Permit process. Exempt from this requirement are BUILDING entrances that serve upper stories.

4.5.10.2 Except as provided in Section 4.5.10.4, the ground floors of BUILDINGS that abut STREETS within 30 feet as required in Section 4.5.8.1 above, shall not be used for occupancy by residential USES.

4.5.10.3 Ground floor Business USES in BUILDINGS that abut STREETS within 30 feet shall have a main entrance and ample transparent windows in the façade facing the STREET. Additional, secondary ground floor business entrances may be in other location.

4.5.10.4 The Planning Board may consider alternate location arrangements for USES, particularly for Residential USES where residential USES exist directly on the opposite side of a STREET, if it finds that it significantly enhances the MPD project design and the Purposes of this Section 4.5 as set forth in Section 4.5.1.

4.5.10.5 Ground floors of BUILDINGS as referred to herein shall have their floors substantially at grade with the nearest adjacent sidewalk.

4.5.11 **Optional Preliminary Project Reviews** – The Acton Planning Department offers preliminary MPD project review consultations, and preliminary MPD project review meetings with various Town staff and agencies. In addition, the Planning Board offers preliminary public meetings to introduce a proposed MPD project to the Acton community and to facilitate early public comment and input.

4.5.12 **Master Permit** – A Master Permit issued hereunder shall govern a MPD Project and site, and shall be enforceable by the Town in the same manner as any other requirements of this Bylaw. A Master Permit shall be the only required special permit under this Zoning Bylaw for the initial development of a MPD Project. Other special permits that may be required under any other section of the Zoning Bylaw shall be deemed granted with the grant of the Master Permit. Once the Master Permit is exercised, any previous special permits issued for the TRACT OF LAND shall be deemed replaced and superseded by the Master Permit. However, as set forth under Section 4.5.15 the Master Permit itself may stipulate certain special permits that address changes in the MPD project after its initial completion.

4.5.13 **Required Findings** – The Planning Board shall issue a Master Permit if, after review and comments from other Town boards and agencies, including specifically the Design Review Board, and after a public hearing it finds that:

- 4.5.13.1 The MPD concept plan is consistent with Acton 2020 (Acton’s Master Plan), the Kelley’s Corner Improvement Initiative, and the Purposes of this Section 4.5 as set forth in Section 4.5.1.
- 4.5.13.2 The MPD concept plan is consistent with the Kelley’s Corner Design Guidelines as applied to the specific MPD TRACT OF LAND.
- 4.5.13.3 The MPD concept plan otherwise meets the special permit findings criteria set forth in Section 10.3.5 of this Bylaw.
- 4.5.14 **Design Guidelines and Design Review Board** - The Planning Board shall adopt and promulgate Kelley’s Corner Design Guidelines consistent with Acton 2020 and the Kelley’s Corner Improvement Initiative. These Guidelines shall be the same for the underlying Kelley’s Corner Zoning District and for the Kelley’s Corner MPD Overlay District. The Planning Board shall solicit comments and recommendation from the Design Review Board concerning the implementation of the Design Guidelines in a specific Master Permit application. The purpose of this consultation shall be to achieve a design that is consistent with the intent of the Kelley’s Corner Design Guidelines and the Purposes of this Section 4.5 as set forth in Section 4.5.1.
- 4.5.15 **Master Permit Terms and Conditions** –
 - 4.5.15.1 The Planning Board may impose special permit conditions, safeguards and limitations on a Master Permit consistent with the Purposes of this Section 4.5 as set forth in Section 4.5.1, and as otherwise as set forth in section 10.3.6 of this Bylaw.
 - 4.5.15.2 The Planning Board may impose specific dimensional requirements within the limits set forth in this Section 4.5, as it deems appropriate in order to enhance the MPD Project within a specific TRACT OF LAND in a manner that is consistent with the Purposes of this Section 4.5 as set forth in Section 4.5.1.
 - 4.5.15.3 The Planning Board may approve vehicular and bicycle parking accommodations that differ from the requirements set forth in Section 6 of this Bylaw in order to enhance the MPD project design and to effectuate the Purposes of this Section 4.5 as set forth in Section 4.5.1. Their design and layout shall be practical and functional for their intended purpose and shall integrate with the project’s pedestrian facilities and BUILDINGS.
 - 4.5.15.4 The Planning Board may approve signage that differs from the requirements set forth in Section 7 of this Bylaw in order to enhance the MPD project design and to effect the Purposes of this Section 4.5 as set forth in Section 4.5.1. However, the Planning Board shall refer to Section 7 as a guide, and shall approve differing standards only if they are part of an integrated commercial signage program that applies to the entire project. In addition, the dimensions of individual business or business center signs shall not exceed those set forth in Section 7 of this Bylaw, including dimensions allowed by special permit under said section.
 - 4.5.15.5 The Planning Board may approve landscaping that differs from landscaping requirements set forth elsewhere in this Bylaw in order to enhance the MPD project design and to effectuate the Purposes of this Section 4.5 as set forth in Section 4.5.1. However, the minimum required landscape buffers to the abutting R-2 District as set forth in the standards for the underlying KC District (section 5.6.2) shall strictly apply except where, at the time of the effective date of this subsection, the land in the adjacent R-2 District is not in residential USE or has no single-family residence on it within 100 feet of the zoning boundary line.
 - 4.5.15.6 The Planning Board may require in the Master Permit one or more site plan reviews and approvals for final implementation of MPD Project plans. In appropriate cases, a Master Permit applicant may request, and the Planning Board may issue, such site plan approvals concurrently with the Master Permit.

- 4.5.15.7 A Master Permit applicant, in order to preserve the integrity and coherence of an executed MPD project, especially when it is a mixed use project, may propose specific restrictions or regulations on certain USES, and the Planning Board in granting a Master Permit may accordingly establish which USES shall be allowed or prohibited on an MPD TRACT OF LAND, and may establish additional special permit requirements that apply to the MPD Project after it completion for certain USES, mixtures of USES, locations of USES, intensity of USES, or change of USES. However, the Planning Board shall not prohibit, restrict or further regulate USES that are allowed by right in the underlying KC zoning district and otherwise shall not prohibit, restrict or regulate specific USES in a MPD TRACT OF LAND unless it finds that doing so significantly enhances the MPD project in a manner that is consistent with Purposes of this Section 4.5 as set forth in Section 4.5.1.
- 4.5.15.8 The Planning Board may in a Master Permit delegate certain administrative matters to the Planning Department or other Town agencies.
- 4.5.15.9 The Planning Board may in a Master Permit establish criteria and thresholds for MPD Project changes or modifications that require the Planning Board's approval and that require formal amendments to the Master Permit. Consideration of such formal amendments shall follow the same procedures and reviews as set forth for the original Master Permit.
- 4.5.15.10 The Planning Board may in a Master Permit impose any other conditions, safeguards and limitations that it deems necessary and appropriate to effectuate the intent of this Bylaw and to ensure MPD project consistency with Acton 2020, the Kelley's Corner Improvement Initiative, The Kelley's Corner Design Guidelines, and the Purposes of this Section 4.5 as set forth in Section 4.5.1.
- 4.5.16 Master Permit and Special Permit Procedures and Timelines –**
- 4.5.16.1 The Planning Board shall issue and file with the Town Clerk its decisions on Master Permit applications as set forth herein within 90 days from the date that any such application was received, unless such time is extended by written mutual agreement between the permit applicant and the Planning Board.
- 4.5.16.2 Except for the aforesaid shortened timeline, any Master Permit shall be governed by the standards and procedures, including appeals procedures, for special permits as set forth elsewhere in this Bylaw and in M.G.L. Ch. 40A.
- 4.5.17 Site Plan Approval Procedures –**
- 4.5.17.1 The Planning Board shall issue and file with the Town Clerk its decisions on Site Plan Approval applications as set forth herein within 60 days from the date that any such application was received, unless such time is extended by written mutual agreement between the permit applicant and the Planning Board.
- 4.5.17.2 A Site Plan Approval pursuant to a Master Permit shall only require a simple majority vote of the Planning Board.
- 4.5.17.3 In all other respects, any Site Plan Approval required pursuant to a Master Permit shall be governed by the standards and procedures, including appeals procedures, for special permits as set forth elsewhere in this Bylaw and in M.G.L. c. 40A.
- 4.5.18 Rules and Regulations –** The Planning Board may adopt and promulgate Rules and Regulations governing the administration of the aforesaid Master Permit and Site Plan Approvals thereunder, including but not limited to plan and document filing requirements, public notices, hearing procedures, and filing fees.

4.5.19 **Revisions and Amendments of a MPD Project or Plan** - Any change in the layout and design of BUILDINGS, driveways, parking lots, pedestrian amenities, landscaping, or any other change which, in the opinion of the Zoning Enforcement Officer, would significantly alter the character of the MPD Project as approved, shall require the written approval of the Planning Board. The Planning Board may, upon its own determination, require a Master Permit amendment and hold a public hearing pursuant to Section 10.3 of this Bylaw, if it finds that the proposed changes are substantial in nature and of public concern.

F. In Section 8.8 - Public Acquisition, add the following new subsections:

8.8.1 In the KC District, any dimensional ratios or percentages in this Bylaw that are derived from, dependent on, or otherwise use the LOT or TRACT OF LAND area, for instance as a basis for determining DEVELOPABLE SITE AREA, or FLOOR AREA RATIO, shall be calculated based on the area of such LOT OR TRACT OF LAND in existence after the effective date of this subsection and prior to the date of any taking or acquisition by any federal, state or local governmental body by eminent domain or otherwise.

8.8.2 In the KC District, any reconstruction and realignment of facilities and improvements on private property, such as but not limited to parking lots, driveways, setbacks and landscaping, that may be necessary in connection with the permanent or temporary taking or acquisition of private property or the construction of public infrastructure and public right-of-way improvements taking place after the effective date of this subsection, shall comply with the applicable standards of this Bylaw only to the extent reasonably possible and practical in light of specific site conditions and constraints. Any deviations from the applicable standards of this Bylaw resulting from such taking, acquisition, reconstruction, or realignment shall not require special permits or variances. Private property so affected shall not be deemed noncompliant or nonconforming solely as a result of such taking, acquisition, reconstruction, or realignment.”

[Note – Section 8.8 currently reads:

***Public Acquisition** – If the area, FRONTAGE, width or other dimensions of a LOT, parcel or TRACT OF LAND is altered by a taking or acquisition of part of such land by the Town of Acton or the Water Supply District of Acton for public purposes, no such LOT, parcel or TRACT OF LAND nor any existing USE, BUILDING or STRUCTURE located on, or dependent upon the existing area or other dimensions of such LOT, parcel or TRACT OF LAND for compliance with the requirements of this Zoning Bylaw, shall be rendered non-compliant, nonconforming, or more nonconforming solely by reason of such taking or acquisition.]*

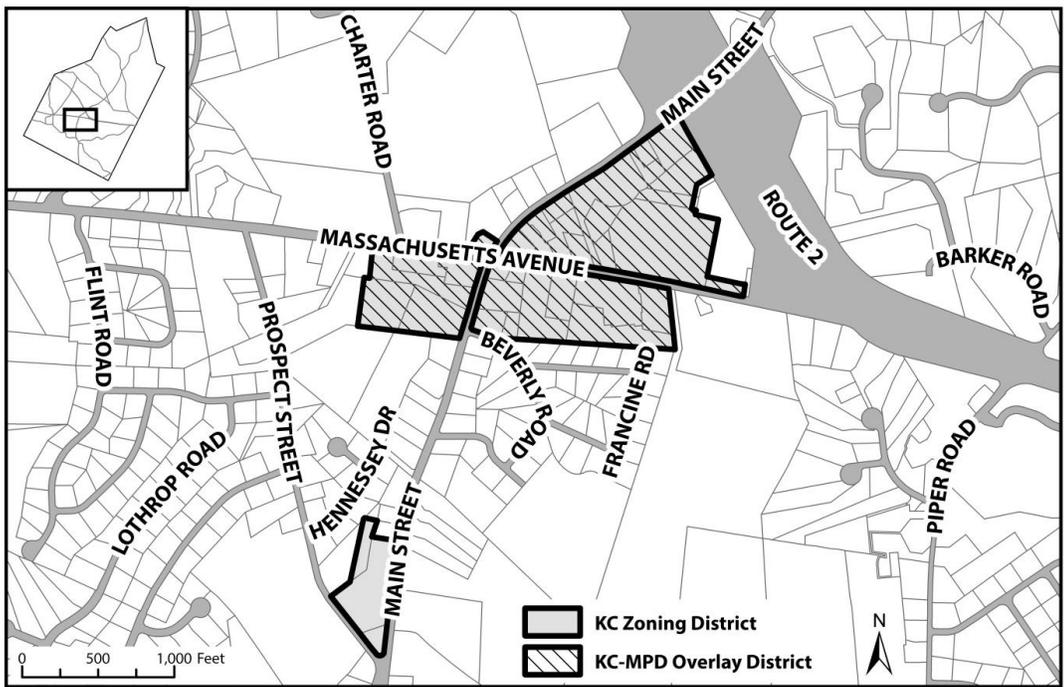
, or take any other action in relative thereto.

Summary

This article offers a broad reform of zoning regulations for the Kelley’s Corner zoning district (KC District). It implements the Roadmap recommendation of the Acton 2020 Comprehensive Community Plan (See Executive Summary at <http://doc.acton-ma.gov/dsweb/Get/Document-35918/ExecutiveSummary.pdf>). Together with the appropriation for complete engineered infrastructure improvement plans for the streets in Kelley’s Corner (in Article 23) it implements the recommendations of the Kelley’s Corner Improvement Initiative. In April 2013, Town Meeting funded the planning work for this Initiative. The Kelley’s Corner Steering Committee oversaw and directed the work. The Initiative’s plan and recommendations are posted at www.acton-ma.gov > [Quicklinks](#) > Kelley’s Corner Improvement Initiative Plan and Appendices, or at <http://doc.acton-ma.gov/dsweb/View/Collection-7424>.

Kelley’s Corner is the commercial area around the intersection of Main Street (Route 27) and Massachusetts Avenue (Route 111). The KC District comprises this area, the northerly portion shown on the map below, and a smaller, geographically separate portion at the intersection Main Street and Prospect Street, the southerly portion shown on the map below. This article modifies the design and dimensional regulations for buildings, parking and other improvements in the KC District, which will be the Underlying District; and it establishes

a new Kelley’s Corner Master Planned Development Overlay District (KC-MPD District) for the northerly portion only. The KC-MPD District is conceived to enable cohesive and well-designed mixed-use redevelopment projects that are subject to discretionary permit and design approval under the auspices of the Acton Planning Board with a strong role for advice and input from the Acton Design Review Board. The following map shows the KC zoning district and the KC-MPD Overlay District.



To be specific, the following is a summary of the proposed zoning changes:

Part A amends dimensional requirements for the Underlying KC District, and clarifies and updates related footnotes. Most significantly:

- The maximum floor area ratio (FAR) is set at 0.20 (reduced from 0.40); FAR is a measure of building size relative to lot size. This change continues to allow limited “by-right” development at a small scale, but encourages the aggregation of land to make use of the KC-MPD Overlay District for a more positive transformation of Kelley’s Corner through larger scale mixed-use town center redevelopment opportunities. And;
- the minimum front yard is set at 25 feet (reduced from 30 feet) and a new maximum front yard of 30 feet is established. This range allows sufficient room for street infrastructure improvements and ensures that new buildings will frame the improved streets in a manner that is more consistent with the traditional town centers by promoting pedestrian access directly from the sidewalk, minimizing interaction with vehicles. Front yards are measured from the street layout line.

Part B amends the special provisions section 5.6 for the Underlying KC District and brings a few special design provisions from section 10 underneath the same heading. As amended, the special provisions will apply to all new buildings and building additions. Currently, the special provisions only apply to buildings with an FAR that exceeds 0.20. The special provisions ensure that developments and redevelopments that may occur at a smaller scale or density will nevertheless contribute to a gradual town center transformation at Kelley’s Corner. They include requirements that new buildings must be placed near the streets and that parking lots must be in the rear or on the side of these buildings. They also require minimum heights for one story buildings, transparency of buildings at the street level, walking areas, trees and landscaping, and buffers and screening to adjacent residential areas. Existing nonconformities will be managed in accordance with applicable Massachusetts law and the Acton Zoning Bylaw.

Part C amends the special regulations for parking lots and driveways in the underlying Kelley’s Corner District with respect to placement, access, setbacks, and landscaping. The changes are compatible with the special provisions in Part B of this article.

Part D: Establishes the KC-MPD Overlay District on the Zoning Map superimposed on the larger northerly portion of the Kelley’s Corner zoning district. As a result, there will be for Kelley’s Corner an underlying zoning district with certain dimensional and use regulations; and a superimposed overlay district with different options and requirements.

Part E establishes the superimposed KC-MPD Overlay District in the Zoning Bylaw. Use of the Overlay District and its opportunities and regulation is optional. All developments utilizing the KC-MPD Overlay are subject to a Master Permit. The Master Permit granting authority is the Planning Board. The Design Review Board has a strong advisory role. Design guidelines for Kelley’s Corner express design expectations for sites and buildings and accompany the zoning standards. The Master Permit is a discretionary special permit that must not be granted except for development projects that are consistent with the Kelley’s Corner Improvement Initiative Plan and Acton 2020. The Master Permit can approve an overall concept master development plan for a site and govern its entire subsequent site plan permitting and development process. Early engagement with the Town, including public engagement, for the planning of KC-MPD projects is encouraged and built into the zoning regulations.

- To be eligible for consideration under the KC-MPD Overlay District a project applicant must have site control over at least 50,000 square feet of land and 300 feet of continuous frontage on a street. The minimum thresholds enable cohesive planned redevelopment, and the management of driveways and vehicle turning movements on the streets consistent with street infrastructure improvement plans.
- The KC-MPD Overlay District provides significant town center redevelopment opportunities that the Underlying KC District cannot. Always subject to the Master Permit, it can allow mixed-use projects that include multifamily dwellings up to 75% of their floor area. Vertical building facades at the street front can be up to 40 feet high allowing vertical space for three stories. Buildings deeper into development sites can be up to 55 feet high allowing vertical space for four stories. The maximum allowable FAR is 0.80.
- The majority of the frontage of a development site must be occupied by buildings that directly abut streets, leaving sufficient space for pedestrian plazas and amenities, driveway access, and some room for automobile parking on the side of buildings. There cannot be any parking between streets and such buildings. Street front buildings must have commercial ground floor occupancy and must be open and transparent at the sidewalk level as one would expect in a neighborhood shopping district with store fronts. Main business entrances must be from the street side. Significant setbacks, and building design and screening requirements apply where development sites abut residential zoning district and residential uses. Within the basic standards and requirements the Planning Board as the Master Permit granting authority has some latitude to make case by case decision in order to achieve the best possible project design and outcome for Acton.

Part F anticipates future public right-of-way acquisitions and public infrastructure improvements in Kelley’s Corner. Accordingly, to facilitate improvements in Kelley’s Corner, it inserts zoning exemptions and immunities for public works improvements and for properties affected by such improvements.

Direct inquiries to: Roland Bartl, AICP, Planning Director: planning@acton-ma.gov / (978) 929-6631
Selectman assigned: Peter Berry: bos@acton-ma.gov / (978) 929-6611

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Deferred	<u>Planning Board</u> Recommended
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Article 23 **Kelley’s Corner Improvement Initiative – 100% Design**
(Two-thirds vote)

To see if the Town will raise and appropriate, appropriate from available funds, or borrow a sum of money to be expended by the Town Manager for the design and engineering related to the Kelley’s Corner Improvement Initiative, or take any other action relative thereto.

Summary

This request would fund the completion of the engineering design plan for infrastructure, streetscape and roadway improvements in Kelley’s Corner, including consulting services for environmental permitting. The engineering design plan will follow Massachusetts Department of Transportation (MassDOT) design standards which will allow the Town to seek Federal funding for construction through the Transportation Improvement Program (TIP) once completed. Approximately \$190,000 of 2013 Town Meeting appropriation for the Kelley’s Corner Improvement Initiative funded the current 10% design plan. Base survey and analysis of the existing right of way, traffic counts and the overall scope and extent of the infrastructure improvements have been determined.

The infrastructure plan encompasses the intersection at Massachusetts Ave. and Main St. extending outwards. On Main Street the plan extends from the Route 2 interchange to the property south of Kmart. On Massachusetts Ave. the plan extends from the Acton-Boxborough School campus tennis courts to the east end of the Roche Brothers plaza. The plan also includes Community Lane and it’s intersections with Massachusetts Ave. and Main Street.

To view the plan please visit: <http://goo.gl/rvsDMt> (a shortened URL for http://doc.acton-ma.gov/dsweb/Get/Document-51131/2015_Plan%20Rendering%20with%20Enlargements%20UPDATED.pdf).

This infrastructure plan is part of the Kelley’s Corner Improvement Initiative. The infrastructure improvements recommended for Kelley’s Corner strike an appropriate balance between satisfying the community’s goals of easing congestion while also transitioning Kelley’s Corner to a walkable, livable town center. Past attempts to address congestion within Kelley’s Corner resulted in infrastructure proposals that greatly enhanced roadway capacity at the expense of the pedestrian scale environment. As a result, these proposals were rejected by the community. Therefore, the current infrastructure recommendations address not only capacity, but also access, accessibility, pedestrian and bicycle needs, and aesthetics. This comprehensive improvement program will not only enhance the functionality and vibrancy of Kelley’s Corner for existing users, it will establish the foundation upon which future development can occur in line with the Town’s goals of establishing a walkable town center.

Direct inquiries to: Roland Bartl, AICP, Planning Director: planning@acton-ma.gov / (978) 929-6631
Selectman assigned: Peter Berry: bos@acton-ma.gov / (978) 929-6611

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

Article 25
(Majority vote)

**Community Preservation Program –
Direct Appropriations From Fund Balances**

To see if the Town will appropriate or set aside for later appropriation, and authorize and direct the Board of Selectmen and the Town Manager to expend or set aside, from the FY 2015 Community Preservation Fund balances as set forth herein, the amounts listed below for community preservation purposes, with such expenditures to be subject to conditions listed in the Article’s Summary and to be further specified in award letters from the Community Preservation Committee, with each item considered a separate appropriation;

FY 2015 COMMUNITY PRESERVATION FUND BALANCES	
FY 2015 Community Preservation Fund Revenues	
Community Preservation Fund Surcharge Collected in FY 2015	\$ 875,162.00
State Community Preservation Trust Fund Receipt, October 2015	\$ 259,489.00
Other FY 2015 Community Preservation Fund Components	
Interest Earned in FY 2015	\$ 18,846.93
Unencumbered FY 2014 Fund Balance	\$ 45,511.70
Recapture of unspent previous years’ project appropriations	\$ 1,773.08
Total - FY 2015 Community Preservation Fund Balance	\$1,200,782.71
FY 2015 Open Space Set-Aside	
Set-Aside Fund Balance from appropriations for the Acquisition, Creation, and Preservation of Open Space and its Rehabilitation and Restoration	\$1,951,571.87
Total FY 2015 Open Space Set-Aside Fund Balance	\$1,951,571.87
FY 2015 Historic Set-Aside	
Set-Aside Fund Balance from appropriations for the Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources	\$ 33,034.82
Total FY 2015 Historic Set-Aside Fund Balance	\$ 33,034.82
APPROPRIATIONS FROM COMMUNITY PRESERVATION FUND BALANCE	
Purposes	Recommended Amounts
Set-Aside Appropriations for	
A. Acquisition, Creation, and Preservation of Open Space, and its Rehabilitation and Restoration *	\$ 400,000.00
Spending Appropriations	
B. Acton Housing Authority – Windsor Green Windows Installation	\$ 61,589.00
C. Community Housing Program Fund**	\$ 30,000.00
D. Regional Housing Services Program – One Year	\$ 23,488.00
E. Open Space Acquisition and Preservation Fund	\$ 20,000.00
F. South Acton Congregational Church – Roof Repair	\$ 15,000.00
G. Acton Congregational Church – Preservation Master Plan	\$ 49,500.00
H. Acton Congregational Church – Stained Glass Window Preservation	\$ 51,237.00
I. NARA Miracle Field Sports Pavilion	\$ 350,000.00
J. Skate Park Expansion – Phase 2, Skate Plaza	\$ 135,000.00
Administrative Appropriation	

K. A fund for CPC direct expenses and for reimbursing the Town of Acton for administrative services and operating expenses provided in support of the Community Preservation Committee	\$ 56,732.00
Total Recommended Appropriations from FY 2015 Community Preservation Fund Balance	\$1,192,558.00
APPROPRIATION FROM OPEN SPACE SET-ASIDE FUND BALANCE	
L. Wright Hill Open Space Land Acquisition - Debt Service	\$ 15,733.22
Total Recommended Appropriations from the Open Space Set-Aside Fund	\$ 15,733.22
APPROPRIATION FROM HISTORIC SET-ASIDE FUND BALANCE	
M. Historic District Consultant	\$ 33,034.82
Total Recommended Appropriations from the Historic Set-Aside Fund	\$ 33,034.82
Resulting Fund Balances	
Resulting FY 2015 Community Preservation Fund Balance	\$ 8,236.71
Resulting Balance in the Set-Aside Fund for the Acquisition, Creation, and Preservation of Open Space, and its Rehabilitation and Restoration*	\$2,281,571.87
Resulting Balance in the Set-Aside Fund for the Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources	\$ 0.00

* This item shall be reduced to \$0.00 if Town Meeting authorizes the acquisition of land at 176 Central Street for Open Space purposes as set forth in the previous article and the fund balance in the Open Space set aside account will remain at \$1,951,571.87

** Pursuant to Town Charter Section 6-5 that the appropriation to the Community Housing Program Fund shall not lapse three years and one month following the effective date of the vote on this article, and that this appropriation and all prior appropriations to the Community Housing Program Fund shall continue to be available for the purpose specified until expended for that purpose or until the CPC recommends and Town Meeting votes to rescind the appropriation of any unspent funds appropriated for this purpose,

or take any other action relative thereto.

And, whereas Massachusetts General Laws Chapter 44B requires that the Town appropriate for spending, or set-aside for future spending, from the FY 2015 Community Preservation Fund Revenues at least 10% for open space, 10% for historic preservation, and 10% for community housing;

And, whereas the recommended appropriations for open space, historic preservation, and community housing each meet or exceed 10% of the FY 2015 Community Preservation Fund Revenues;

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

Therefore, in the event that recommended amounts are deleted or reduced, vote to appropriate as a set-aside for future spending from the FY 2015 Community Preservation Fund Balance the minimum necessary amounts to allocate not less than 10% of the FY 2015 Community Preservation Fund Revenues for open space (\$113,465.10), not less than 10% of the FY 2015 Community Preservation Fund Revenues for historic preservation (\$113,465.10), and not less than 10% of the FY 2015 Community Preservation Fund Revenues for community housing (\$113,465.10), or take any other action relative thereto.

Summaries

This article would make appropriations from the Town's Community Preservation Fund balance, and from the Community Preservation Open Space and Historic Set-Aside Funds. All items listed are recommended by the Community Preservation Committee.

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

Local adoption of the CPA established the Acton Community Preservation Committee as a statutory committee under the Act (Chapter S of the Bylaws of the Town of Acton). The Community Preservation Committee's duties under the law are to study the needs, possibilities, resources, and preferences of the Town regarding community preservation; to engage in an open and public process of deliberation and consult with other Town Boards and Committees; and to make recommendations to Town Meeting for appropriations from the Community Preservation Fund.

In September 2015, the Community Preservation Committee published its 2016 Community Preservation Plan with guidelines for the submission of projects seeking funding. The Committee received fourteen applications for funding of proposed projects and programs. The Committee reviewed the applications, interviewed proponents, and solicited legal opinions on the proposals to help evaluate their eligibility under the Act. This article represents the Committee's overall recommendation for appropriations, which includes recommended funding from the available Community Preservation Fund balances for eleven of the proposed projects and programs, debt service on a prior year bond, and administrative program support. The recommended funding levels may differ from the amounts requested by the projects' proponents; some of the proposed projects have undergone transformations from how they were proposed originally; and some proposed projects were not recommended for funding.

All recommended amounts are "up-to" spending limits. Savings, if any, will be available for future appropriations. The recommended appropriations leave a remaining Community Preservation Fund balance of \$8,236.71 that is available for future Town Meeting appropriations in all eligible funding categories under the Act.

The CPA states that Town Meeting may delete or reduce any of the recommended appropriations, but may not add new items or increase the recommended appropriations. It also requires that the Community Preservation Committee recommends and that Town Meeting appropriates in each fiscal year the spending of not less than 10% of the annual revenues in the Community Preservation Fund (\$113,465.10 in FY 2015) for each of the following: open space; historic resources; and community housing. The Committee's recommendations meet the required funding levels. The Committee may also recommend the eminent domain taking by the Town of interest in real property (not recommended this year), the borrowing of funds for Community Preservation (not recommended this year), and an appropriation of not more than 5% of the annual revenues of the Community Preservation Fund for the Committee's administrative and operating expenses (\$56,732.00 recommended).

A total of \$1,773.08 has been recaptured from unspent prior years' Community Preservation project appropriations and closed to the Community Preservation Fund. The recaptured amounts came from two prior years' projects and programs. The recapture of prior year project appropriations can result in spending less than the statutory minimum 10% in any particular fiscal year for historic, open space, or community housing projects. This did not occur this year. Therefore, this article does not make set-aside fund appropriations to compensate for such shortfalls in prior years.

A. Open Space Set-Aside

The current Open Space Set-Aside Fund balance is \$1,951,571.87. This item proposes to add \$400,000 to that fund balance. Town Meeting, with the recommendation of the Community Preservation Committee, may appropriate spending from the Open Space Set-Aside Fund for the purpose of acquisition, creation, and preservation of open space, or its rehabilitation or restoration. However, if Town Meeting authorizes the acquisition of land at 176 Central Street for Open Space purposes as set forth in the previous article, the Community Preservation Committee recommends that no appropriation be made to the Open Space Set-Aside.

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

B. Acton Housing Authority – Windsor Green Windows Installation

The recommended appropriation of \$61,589 for the Acton Housing Authority will fund installation and materials for window enclosures in the 68 residential units at the Acton Housing Authority's Windsor Avenue buildings. The Acton Housing Authority applied for funding from the Low-income Energy Affordability Network (LEAN) Air Source Heat Pump program (part of MassSave®) for the heating replacement at Windsor Avenue. Although their application was successful and the new system was completed in March, the LEAN program only covers the cost of the utility replacement and does not cover the cost of enclosing the holes in the building where the existing wall mounted air conditioners currently exist. Enclosing the holes left by the obsolete wall mounted air conditioners will protect the buildings by making them weather tight and will increase the energy efficiency of the structures.

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>
	Recommended	Recommended

C. Community Housing Program Fund

The recommended appropriation of \$30,000 replenishes the existing Community Housing Program Fund for "the acquisition, creation, preservation, and support of community housing in the Town of Acton." The fund was first established with a CPA appropriation in 2004. It is used to finance a diversity of affordable housing initiatives and opportunities as they arise, for Acton residents and their adult children, for employees who work for and in the Town, as well as for new residents from outside of Acton. This fund is managed by the Acton Community Housing Corporation for Community Housing activities and projects that are allowable under the CPA and recommended by the ACHC or any other entity subject to approval by the Board of Selectmen.

With this request, ACHC proposes to continue its current programs and initiate new ones. Uses of the Fund from 2004 to 2015 include:

- Closing costs and mortgage payment assistance to 24 first time homebuyers of affordable units;
- The purchase or subsidy of 7 units for the Acton Housing Authority's low income rental program including 4 new construction units;
- Funding sewer betterments for affordable units in 4 developments;
- A condo buydown and selling price subsidy for 9 units;
- Capital improvements for 11 affordable units;

- Funding the Housing Inventory for the Acton 2020 Community Master Plan;
- Funding 4 years of membership in the Regional Housing Services Office;
- Funding a Housing Production Plan; and,
- Administrative expenses.

The ACHC has access to privately funded affordable housing gifts earmarked for affordable housing programs. These housing gift funds can be used as leverage for programs in addition to the CPA funds.

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Recommended
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D. Regional Housing Services Program (One Year)

The Town approved Acton’s participation with a two-year CPA appropriation in 2012. The recommended appropriation of \$23,488 would continue the Town’s participation in a Regional Housing Services Program for a fifth year to assist with meeting the administrative, compliance and monitoring needs for the Town’s existing affordable housing units and to further regional housing goals and efforts.

The Regional Housing Services Office (RHSO) is currently located in Concord and is managed by Concord’s Director of Planning and Land Management. The Office assists with affordable housing matters in the participating towns – Acton, Bedford, Burlington, Concord, Lexington, Sudbury, and Weston. This innovative regional approach to managing the administration of local affordable housing programs was developed with the assistance of the Metropolitan Area Planning Council (MAPC), funded by the State’s District Local Technical Assistance (DLTA) program, and launched on July 1, 2011.

During the term of the agreement, the Regional Housing Services Office will provide core housing services to Acton totaling at least 320 hours for Fiscal Year 2017 with the specifics of services negotiated by the ACHC, and under its direct supervision. Such services may include, for instance, checking compliance with regulatory agreements; monitoring of affordable housing units; updating and reconciliation of local housing inventory records with those maintained by the Department of Housing and Community Development; project-review assistance; maintenance of ready-buyer lists; assistance with affordable housing lotteries and resales; and conducting homeownership training.

In May, the Regional Housing Services Office went live with a new website (<http://www.rhsohousing.org/>). The website contains a variety of information designed to help local officials, current and prospective residents. The information on the website includes the affordable housing inventories for each town, a listing of affordable housing opportunities that are currently accepting applications, and a section on resident services with local resources and contact information. The next phase of the website will include a secure access section for RHSO and town staff for easy access to unit level data for ownership units with purchase information and contact history, and key project documents (Permits, Regulatory Agreements, Deeds) for projects and owners. This will give each participating town online access to the confidential information the RHSO staff maintains.

CPA funds can be used for the “preservation and support of community housing.” Where this funding request is for a program whose goal is to assist the local housing programs, ensure compliance with restrictive covenants and further affordable housing solutions for the region, it is preserving and supporting community housing as provided in the Act.

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Recommended
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E. Open Space Acquisition and Preservation Fund

Most open space acquisition prospects require certain initial expenditures to preserve the opportunities before the actual recommendation for a purchase can be brought to Town Meeting. This includes determining the value of the property; reviewing any environmental issues with the property; evaluating the merits of the transaction; and negotiating and preparing transaction documents. When opportunities to acquire and preserve open spaces arise the Town must be able to react nimbly. This fund was first established in 2010 with a Community Preservation Program appropriation of \$25,000. The recommended appropriation of \$20,000 to the Open Space Acquisition and Preservation Fund will replenish this fund so the Town can continue to advance open space acquisition opportunities during the intervals between Town Meetings.

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

F. South Acton Congregational Church – Roof Repair

The South Acton Congregational Church is an historic resource located at 29 School Street in the South Acton Historic District. The historic building was constructed in 1892 and is listed on the Acton Historical Commission’s Cultural Resource List. The recommended appropriation of \$15,000 will help preserve the historic building through funding roof repairs that prevent ice dam formation. The rehabilitation of the roof is an extraordinary repair that will reverse the deterioration of the roof and preserve the building’s historic function for use as a church and community meeting place. Ice dams and the resulting intrusion of melting water have already resulted in damage to the building. Absent these repairs, ice dams will continue to form each winter, resulting in water backing up into the roof and leaking into the building, damaging the ceilings, walls, and eventually rotting the structure.

The rehabilitation project must comply with the Standards for Rehabilitation stated in the United States Secretary of the Interior’s Standards for the Treatment of Historic Properties codified in 36 C.F.R Part 68 and is contingent upon receipt of a fully executed perpetual historic preservation restriction that is acceptable to the Town.

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

G. Acton Congregational Church – Preservation Master Plan

The recommended appropriation of \$49,500 will fund a Master Plan for the three historic properties located at 8, 12, and 20 Concord Road in the Acton Center Historic District to evaluate and identify critical needs and set restoration and rehabilitation priorities to preserve these historic assets for future years. All three buildings are listed on the National Register of Historic Places and the Acton Historical Commission’s Cultural Resource List. The buildings are known as the Fletcher House, Hosmer House and the Evangelical Church, which date back to the mid-1800s.

The total cost of the project is \$55,000. The Acton Congregational Church will pay for the difference between the total cost and the appropriation request. The preservation project must comply with the Standards for Rehabilitation stated in the United States Secretary of the Interior’s Standards for the Treatment of Historic Properties codified in 36 C.F.R Part 68 and is contingent upon receipt of a fully executed perpetual historic preservation restriction that is acceptable to the Town.

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

H. Acton Congregational Church – Stained Glass Window Preservation

The Acton Congregational Church is located at 12 Concord Road in the Acton Center Historic District. It is listed on the National Register of Historic Places and the Acton Historical Commission’s Cultural Resource List. It was built in 1846 with renovations made in 1889. The renovation included the installation of stained glass windows. The recommended appropriation of \$51,237 will fund the restoration for the approximately 120-years-old stained glass windows that need attention in the short term in order to prevent further damage.

The wood around the windows is rotting, risking the integrity of the windows. The proposed work would remove the old plastic covers, repair the existing wood damage, replace missing or broken pieces of glass, seal the glass, scrape and paint the wood, and install new ventilated glazing (1/4” laminated glass) to stabilize and protect the eight primary stained glass windows. The total cost of the project is \$56,930. The Acton Congregational Church will pay the difference between the total cost and the appropriation request.

The work will protect the stained glass windows, an integral part of the church’s historical significance, from harm. Without the proposed work, the windows are at risk of severe damage. This rehabilitation work is an extraordinary repair which will protect the resource for its intended use. Without these measures, the stained glass may deteriorate significantly.

The preservation project must comply with the Standards for Rehabilitation stated in the United States Secretary of the Interior’s Standards for the Treatment of Historic Properties codified in 36 C.F.R Part 68 and is contingent upon receipt of a fully executed perpetual historic preservation restriction that is acceptable to the Town.

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

I. NARA Miracle Field Sports Pavilion

NARA Park is home to the Joseph Lalli Miracle Field, the first handicap accessible ball field specially designed for children with disabilities in New England. The recommended appropriation of \$350,000 will fund the construction of a multi-use building. This building will serve users of the Miracle Field by providing refreshment and bathroom facilities, plus office and storage space for Recreation and NARA staff. Construction of the accessible bathrooms and concession building will utilize two donated modular houses from the neighboring Redmond Corp. The value of the donation of these two modular houses, including moving and installing them is worth an estimated \$ 273,000. The building will be located opposite the playing fields and next to the Miracle Field, on the northwest corner of the upper parking lot. As NARA Park continues to grow, so does the demand to supply the amenities park users require. This capital improvement will make the land more functional for its intended recreational use. The total estimated cost for this project is \$652,327. The difference is made up with pledged donations in the amount of \$265,000 and in-kind donations of labor and materials.

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

J. Skate Park Expansion – Phase 2, Skate Plaza

The recommended appropriation of \$135,000 will fund phase two of a two-part expansion of the T.J. O’Grady Skatepark. Phase two construction consists of a triangular Skate Plaza, designed by Stantec. Phase two converts the barren 100’ x 100’ area remaining after the original Skate Park parking lot was removed to support the Lower Fields’ synthetic turf field complex installation. This project will provide an attractive formal entrance and viewing area for onlookers, and handicap accessible park amenities. It features a world-class triangular skating course around a bio-retention area.

Article 26 Lease Authorization – Senior Center

(Majority vote)

To see if the Town will authorize the Board of Selectmen and the Town Manager to enter into a lease, on such terms and conditions as the Selectmen may determine pursuant to Massachusetts General Law Chapter 30B, for all or a portion of a building in Acton for the purpose of serving as the location of the Acton Senior Center, or take any other action relative thereto.

Summary

The Town proposes to enter into a long-term lease, at least ten years with an additional renewal period, for an updated space to house the Acton Senior Center with an option to include space for other Human Service departments (Acton Nursing, Veterans Service Officer, and Community Resource Coordinator). The Senior Center is currently located at 50 Audubon Drive and the facility no longer adequately meets the needs of the Senior Center or its users. Seniors are turned away from popular programs due to space restrictions and the lack of adequate parking. There is a lack of private meeting space for consultations and clinics. The program space at the Senior Center consists of one large room and a dining area. The office space is located in the rear of the building and is accessed by going outside when the program space is occupied. This has been an issue for over nine years and has been studied by three different Board of Selectmen appointed committees. As the senior population increases, so does the facility’s inability to meet programmatic needs. The Senior Center Study Committee had plans to pursue new construction on Town owned property but were met with much opposition so decided to more fully explore available leased property.

A Request for Proposals will be sent out and if adequate lease space is available, the Board of Selectmen will utilize gift accounts to secure a deposit and hire an architect to design plans and give cost of build out for that space. Funds for build out and first year’s lease cost will be presented at a Special Town Meeting. Thereafter, the lease would be funded as a budget obligation of the Town.

Direct inquiries to: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 929-6611
Selectman assigned: Franny Osman: bos@acton-ma.gov / (978) 929-6611

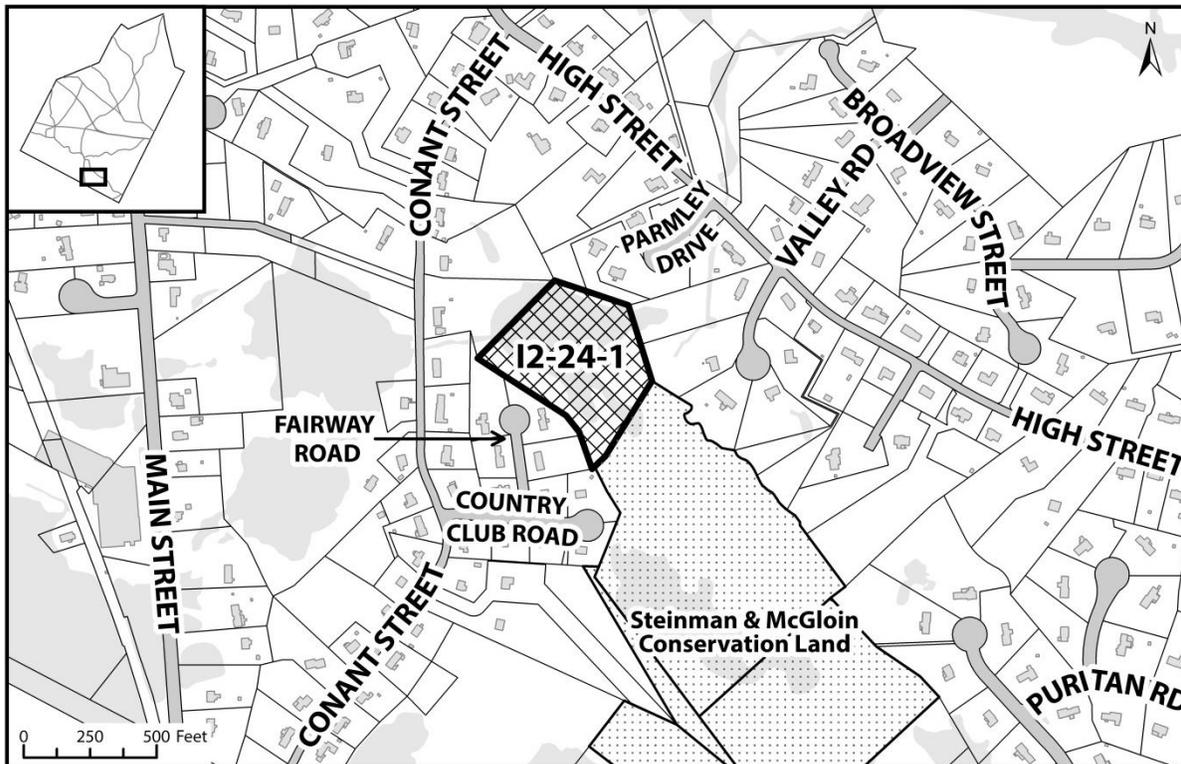
Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Deferred
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Article 27 **Land Acquisition – Conant Street**
(Two-thirds vote)

To see if the Town will authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise and to accept a deed of fee simple interest, on such terms and conditions as the Selectmen may determine and for municipal purposes, Parcel 24-1 as shown on the Town of Acton Atlas Map 12, and being a portion of the property recorded at the Middlesex South Registry of Deeds in Deed Book 16061 Page 185; and further to see if the Town will raise and appropriate, appropriate from available funds or accept gifts for this purpose, or take any other action relative thereto.

Summary

This is a 5.5 acre parcel of open space, abutting 40 acres of Acton Conservation Land known as the Steinman and McGloin Lands. The parcel is primarily forested wetlands, with significant wildlife habitat value.



Direct inquiries to: Tom Tidman, Natural Resources Director: nr@acton-ma.gov / (978) 929-6634
Selectman assigned: Franny Osman: bos@acton-ma.gov / (978) 929-6611

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

Article 28 Authorize Electrical Load Aggregation

(Majority vote)

To see if the Town will initiate the process to aggregate electrical load pursuant to Massachusetts General Laws Chapter 164, § 134, and grant the Board of Selectmen authority to research, develop and participate in a contract, or contracts, to aggregate the electricity load of the residents and businesses in the Town and for other related services, independently, or in joint action with other municipalities, retaining the right of individual residents and businesses to opt-out of the aggregation, or take any other action relative thereto.

Summary

The Commonwealth of Massachusetts, by enacting Chapter 164 of the Acts of 1997, as amended, has established a competitive marketplace through deregulation and restructuring of the electric utility industry. The residents and businesses of our Town have substantial economic, environmental, and social interests at stake and are interested in reducing their electricity rates. If an aggregation of electricity load is implemented in our Town, individual residents and businesses would retain the right to opt-out of the aggregation with no penalty and to choose any other competitive supplier or stay with the default utility.

Direct inquiries to: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 929-6611
Selectman assigned: Peter Berry: bos@acton-ma.gov / (978) 929-6611

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Recommended
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Article 29 Amend Zoning Bylaw – Accessory Apartments

(Two-thirds vote)

To see if the Town will amend Section 3.3, Residential Uses, of the Zoning Bylaw as set forth below:

- A. Delete Section 3.3.2, Single Family Dwelling with one Apartment, in its entirety including all its subsections, and renumber sections 3.3.3 through 3.3.5 to become 3.3.2 through 3.3.4, respectively.

[Note – Section 3.3.2 currently reads: Single FAMILY Dwelling with One Apartment – A single FAMILY Dwelling, the BUILDING of which was in existence on or before January 1, 1990, to be altered and used for not more than two DWELLING UNITS, the Principal Unit plus one Apartment, provided that:

- 3.3.2.1 The GROSS FLOOR AREA of the Apartment shall not exceed the lesser of fifty percent of the GROSS FLOOR AREA of the Principal Unit or 800 square feet.*
- 3.3.2.2 There shall be no more than two bedrooms in the Apartment.*
- 3.3.2.3 The Apartment shall be clearly and distinctly separated from the Principal Unit by separate entrances either from the exterior of the BUILDING or from a common hallway located within the BUILDING.*
- 3.3.2.4 Any stairways to an Apartment located above the ground floor of a BUILDING shall be enclosed within the exterior walls of the BUILDING.*
- 3.3.2.5 There shall be not more than one driveway or curb cut providing ACCESS to the DWELLING UNITS, except for half circular or horseshoe driveways located in the front of the BUILDING.*
- 3.3.2.6 A minimum of one additional parking space shall be provided for the Apartment.*
- 3.3.2.7 The owner of the property shall occupy either the principal DWELLING UNIT or the Apartment. For the purposes of this section, the “owner” shall be one or more individuals residing in a dwelling who hold legal or beneficial title and for whom the dwelling is the primary residence for voting and tax purposes.*
- 3.3.2.8 The Apartment shall not be held in, or transferred into separate ownership from the Principal Unit under a condominium form of ownership, or otherwise.*

3.3.2.9 *The minimum LOT area for a Single FAMILY Dwelling with One Apartment shall be the minimum LOT area required in the zoning district or, if the LOT is nonconforming, it shall comply with the standards for nonconforming LOTS under Section 8, provided, however, that:*

- a) *In the R-2, R-4, R-8, R8/4, R-10, and R-10/8 Districts a Special Permit from the Board of Appeals shall be required for a Single FAMILY Dwelling with One Apartment on a nonconforming LOT with less than 15,000 square feet in LOT area.*

3.3.2.10 *The apartment may be located within a detached BUILDING that is located on the same LOT as the BUILDING with the Principal DWELLING UNIT, if the detached BUILDING has been continuously in existence since before 1950 and has not been expanded or enlarged after July 1st, 1991. An apartment in such a detached BUILDING may have a GROSS FLOOR AREA of up to 2000 square feet, not including attic or basement areas, and up to three bedrooms. A LOT containing a BUILDING with a Principal Unit and an Apartment within a detached BUILDING shall not be further divided resulting in the separation of the Principal Unit and the Apartment, unless both resulting LOTS and the BUILDINGS thereon meet all minimum area, FRONTAGE, width and yard requirements of the applicable zoning district.*

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

3.3.2.11 *No Apartment permitted under this Section shall be constructed and occupied without Building and Occupancy Permits issued by the Building Commissioner.]*

B. In Section 3.8.1 – ACCESSORY USES Permitted in the Residential Districts and dwellings in Non-Residential Districts, insert a new subsection 3.8.1.6 as follows:

3.8.1.6 Accessory apartments subject to the following standards and requirements.

- a) There shall be not more than one accessory apartment on a LOT.
- b) Any BUILDING extensions or alterations shall maintain the appearance of a Single FAMILY Dwelling when viewed from a STREET.
- c) The GROSS FLOOR AREA of the accessory apartment shall not exceed the lesser of fifty percent of the GROSS FLOOR AREA of the Principal Unit or 800 square feet.
- d) There shall be no more than two bedrooms in the apartment.
- e) Ground floor apartments shall be designed and constructed to be adaptable with only minor structural changes to meet the requirements for Group 2B residences as set forth in the Massachusetts Building Code, 521 CMR (Architectural Access Board), as amended.
- f) The apartment shall be clearly and distinctly separated from the Principal Unit by separate entrances either from the exterior of the BUILDING or from a common hallway located within the BUILDING.
- g) Any stairways to an apartment located above the ground floor of a BUILDING shall be enclosed within the exterior walls of the BUILDING.
- h) There shall be not more than one driveway or curb cut providing ACCESS to the DWELLING UNITS, except for half circular or horseshoe driveways located in the front of the BUILDING.
- i) A minimum of one additional parking space shall be provided for the apartment.
- j) The owner of the property shall occupy either the principal DWELLING UNIT or the apartment. For the purposes of this section, the “owner” shall be one or more individuals residing in a dwelling who hold legal or beneficial title and for whom the dwelling is the primary residence for voting and tax purposes.
- k) The apartment shall not be held in, or transferred into separate ownership from the Principal Unit under a condominium form of ownership, or otherwise.
- l) The apartment may be located within a detached BUILDING that is located on the same LOT as the BUILDING with the Principal DWELLING UNIT, if the detached BUILDING has been

continuously in existence since before 2010 and has not been expanded or enlarged thereafter. An apartment in such a detached BUILDING may have a GROSS FLOOR AREA of up to 2000 square feet, not including attic or basement areas, and up to three bedrooms. A LOT containing a BUILDING with a Principal Unit and an apartment within a detached BUILDING shall not be further divided resulting in the separation of the Principal Unit and the apartment, unless both resulting LOTS and the BUILDINGS thereon meet all minimum area, FRONTAGE, width and yard requirements of the applicable zoning district.

- m) However, in the R-2, R-4, R-8, R-8/4, R-10, and R-10/8 Districts an apartment in such a detached BUILDING shall only be allowed with a Special Permit from the Board of Appeals.
- n) No apartment permitted under this Section shall be constructed and occupied without Building and Occupancy Permits issued by the Building Commissioner.

, or take any other action relative thereto.

Summary

This article responds to needs identified in the Acton Housing Production Plan. During the housing needs assessment phase of the Plan many residents expressed a desire to downsize and age in place so they can remain in Acton. Strategy 5.3 of the Housing Production Plan states, “Amend the accessory dwelling unit bylaw to better facilitate the development of smaller dwelling units.” The proposed bylaw allows for more opportunities for flexible housing options to accommodate space for family members, aging or otherwise, housing for caregivers, or housing for any 1 or 2 person households. In addition, it could provide rental income for senior residents to help them cover the high cost of living in Acton. Amendments also include provisions to encourage the design of ground floor accessory apartments to be accessible and adaptable.

Direct inquiries to: Roland Bartl, AICP, Planning Director: planning@acton-ma.gov / (978) 929-6631
 Selectman assigned: Peter Berry: bos@acton-ma.gov / (978) 929-6611

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Deferred	<u>Planning Board</u> Recommended
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Article 30 **Amend Zoning Bylaw – Regulation of Common Drives**

(Two-thirds vote)

To see if the Town will amend the Zoning Bylaw Section 3.8 – ACCESSORY USE Regulations, by deleting subsections 3.8.1.5 a), b), f), and m) and replacing them, respectively, as follows:

- a) All curb radii and radii of pavement edges shall be designed to accommodate SU-30 design vehicles (fire engine). In determining the adequacy of the radii at the Common Drive intersection with a STREET, it shall be assumed that on all streets a turn shall be possible without obstructing oncoming traffic.
- b) There shall be a turn around for fire and other emergency vehicles (SU-30 design vehicle) for Common Drives that are 600 feet or longer, and there shall be one additional turn around for each additional 600 feet of driveway length beyond the first 600 feet.
- f) The Common Drive shall be laid out entirely within an ACCESS and utility easement that is at least 24 feet wide.
- m) There shall be a minimum 4 foot wide shoulder on each side that is free of obstructions such as trees or utility poles. The shoulder shall be prepared with a minimum of 2 inches of topsoil over the same gravel base as the wear surface, and seeded.

[Note – Subsection 3.8.1.5. a), b), f), and m) currently read:

- a) *All curb radii and radii of pavement edges shall be designed to accommodate SU-30 design vehicles (fire engine). In determining the adequacy of the radii at the Common Drive intersection with a STREET, it shall be assumed that on local STREETS the entire pavement width is available for turns, whereas on collector and arterial STREETS a turn shall be possible without obstructing oncoming traffic (local, collector and arterial STREETS as defined in the Acton Subdivision Rules and Regulations).*
- b) *There shall be a turn around for fire and other emergency vehicles (SU-30 design vehicle) at the end of the Common Drive.*
- f) *The Common Drive shall be laid out entirely within an ACCESS and utility easement that is at least 20 feet wide.*
- m) *There shall be a minimum 3 foot wide shoulder on each side, free of obstructions such as trees or utility poles. The shoulder shall be prepared with 3-4 inches of topsoil over the same gravel base as the wear surface, and seeded.]*

, or take any other action relative thereto.

Summary

The Massachusetts Fire Code (CMR 527) recently changed to require additional accommodations for emergency vehicle access. This article amends the standards for residential common driveways to be consistent with the new State regulations. In addition, this article adds more requirements for emergency vehicle turnarounds.

Direct inquiries to: Roland Bartl, AICP, Planning Director: planning@acton-ma.gov / (978) 929-6631
Selectman assigned: Peter Berry: bos@acton-ma.gov / (978) 929-6611

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Deferred	<u>Planning Board</u> Recommended
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Article 31 * Amend Zoning Bylaw – Definition of ‘Family’
(Two-thirds vote)

To see if the Town will amend the Zoning Bylaw, Section 1 (Definitions) as set forth below:

Delete Subsection 1.3.6 – FAMILY, in its entirety and replace it with the following new Subsection:

1.3.6 FAMILY: For the purposes of this Zoning Bylaw a FAMILY shall be a person or number of persons occupying a DWELLING UNIT and living as a single household unit.

[Note – Section 1.3.6 currently reads:

1.3.6 FAMILY: A person or number of persons occupying a DWELLING UNIT and living as a single housekeeping unit, provided that a group of six or more persons shall not be deemed a FAMILY unless at least half of them are related by blood, marriage or adoption, including wards of the state.]

, or take any other action relative thereto.

Motion

Move that the Town adopt the Zoning Bylaw amendments as set forth in the Article.

Summary

The Zoning Bylaw addresses the control of housing type through such terms as single family and multifamily dwelling types. People choose to live together in a number of different ways in households that operate as single housekeeping units. This article expands the current definition of the word “family” for zoning purposes to reflect and accommodate a greater diversity of households.

The Department of Housing and Urban Development (HUD) recently issued Federal Notice H 2015-01, revising the generally applicable definition of “family” to include a single person (including, but not limited to, an elderly, near-elderly, displaced, disabled, or otherwise single person) or a group of persons residing together (including, but not limited to, families with or without children, an elderly or near-elderly family, a disabled family and the remaining member(s) of a tenant family), regardless of real or perceived sexual orientation, gender identity or marital status. The Planning Department staff recommends that the Town revise its definition of “family” as set forth in this article in order to remain in compliance with federal standards and prevent zoning from causing inadvertent discrimination against protected population groups.

Direct inquiries to: Roland Bartl, AICP, Planning Director: planning@acton-ma.gov / (978) 929-6631
Selectman assigned: Peter Berry: bos@acton-ma.gov / (978) 929-6611

Recommendations:	<u>Board of Selectmen</u> Recommended	<u>Finance Committee</u> Deferred	<u>Planning Board</u> Recommended
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Article 32 * **Highway Reimbursement Program (Chapter 90)**
(Majority vote)

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

Motion

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

Summary

Each year, the State provides communities with reimbursement for certain highway projects. The State Legislature annually establishes the level of highway improvement funds available to cities and towns under the so-called “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 to not 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: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 929-6611
Selectman assigned: Chingsung Chang: bos@acton-ma.gov / (978) 929-6611

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

Article 33 * Insurance Proceeds
(Majority vote)

To see if the Town will vote to appropriate the proceeds of any insurance policy reimbursements of costs incurred as a result of any covered loss, including without limitation any liability insurance, property insurance, casualty insurance, workers’ compensation insurance, health insurance, disability insurance, automobile insurance, police and fire injury and medical costs, and any other insurance of any name and nature whatsoever, or take any other action relative thereto.

Motion

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

Summary

According to Massachusetts General Laws, reimbursements received from insurance carriers in excess of \$20,000 require appropriation. This article would authorize the Town Manager to expend such reimbursements.

Direct inquiries to: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 929-6611
Selectman assigned: Katie Green: bos@acton-ma.gov / (978) 929-6611

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

Article 34 * Gifts or Grants
(Majority vote)

To see if the Town will vote to appropriate the proceeds of any gifts or grants accepted pursuant to Massachusetts General Laws Chapter 44, Section 53A, and any interest thereon, and that, consistent with the requirements of Massachusetts General Laws, Chapter 40, Section 4A, the Board of Selectmen or Town Manager are authorized to enter into an agreement or agreements on behalf of the Town, on such terms and conditions as the Board of Selectmen or the Town Manager may determine, for the stated purposes of the gifts or grants, or take any other action relative thereto.

Motion

Move that the proceeds of any gifts or grants from any source accepted pursuant to Massachusetts General Laws, Chapter 44, Section 53A, and any interest thereon, are hereby appropriated for the stated purposes of the gifts or grants, and may be expended with the approval of the Board of Selectmen or otherwise as stated in Section 53A.

Summary

Section 53A authorizes Town officers and departments to accept “grants or gifts of funds from the Federal Government and from a charitable foundation, a private corporation, or an individual, or from the commonwealth, a county or municipality or an agency thereof” and to expend said funds for the purposes of such grant or gift with the approval of the Board of Selectmen or otherwise as specified in the statute. The Department of Revenue has taken the position that such funds may require appropriation in certain circumstances. This article provides that appropriation so that those funds may be expended for their stated purposes.

Direct inquiries to: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 929-6611
Selectman assigned: Katie Green: bos@acton-ma.gov / (978) 929-6611

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

Article 35 * Federal and State Reimbursement Aid
(Majority vote)

To see if the Town will vote to appropriate any Federal Government and State Government reimbursement for costs incurred as a result of any declared emergencies or other occurrence, and that, consistent with the requirements of Massachusetts General Laws Chapter 40, Section 4A, the Board of Selectmen or Town Manager are authorized to enter into an agreement or agreements on behalf of the Town, on such terms and conditions as the Board of Selectmen or the Town Manager may determine, or take any other action relative thereto.

Motion

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

Summary

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

Direct inquiries to: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 929-6611
Selectman assigned: Katie Green: bos@acton-ma.gov / (978) 929-6611

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

Article 36 * Performance Bonds
(Majority vote)

To see if the Town will vote to appropriate the proceeds of any performance bonds for the purposes stated in said bonds available as a result of any default, non-performance or other covered conditions, or take any other action relative thereto.

Motion

Move that the Town appropriate the proceeds of any performance bonds, for the purposes stated in said bonds, available as a result of any default, non-performance or other covered conditions.

Summary

The Department of Revenue has issued an opinion that the Town cannot expend performance bonds without appropriation. This article would authorize the Town Manager to expend funds secured from performance bonds provided by or on behalf of contractors and others to secure the performance of obligations by such persons to the Town.

Direct inquiries to: Steven L. Ledoux, Town Manager: manager@acton-ma.gov / (978) 929-6611
Selectman assigned: Katie Green: bos@acton-ma.gov / (978) 929-6611

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

Article 37 * Sale of Foreclosed Properties
(Two-thirds vote)

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

Motion

Move in the words of the Article.

Summary

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

Direct inquiries to: Stephen Barrett, CPA, Finance Director: collector@acton-ma.gov / (978) 929-6624
Selectman assigned: Katie Green: bos@acton-ma.gov / (978) 929-6611

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

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

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

Given under our hands at Acton this fifteenth day of March, 2016.

Katie Green, Chair
Peter J. Berry, Vice-Chair
Janet K. Adachi, Clerk
Frances J. Osman
Chingsung Chang

Board of Selectmen

A true copy, Attest:



Constable of Acton

Glossary of Terms Commonly Used in Municipal Finance

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

Appropriation: An authorization granted by a legislative body to make expenditures and to incur obligations for specific purposes. An appropriation is usually limited in amount and the time when it can be expended. Any amount that is appropriated may be encumbered.

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

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

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

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

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

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

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

Cemetery Land Fund: A fund established to which revenues are earmarked for the acquisition of land development costs on designated cemetery land purchases.

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

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

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

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

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

Enterprise Fund: A standalone fund with its own assets, liabilities, fund balance, revenues and expenses in which a municipal service is operated as a business unit. Costs of the service are primarily recovered from user charges, and may be supplemented by general revenues.

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

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

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

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

Fiscal Year ("FY"): A 12-month period, beginning July 1 and ending June 30, to which the annual budget applies and at the end of which a governmental unit determines its financial position and the results of its operations. The number of the fiscal year is that of the calendar year in which it ends; for example, FY17 or FY 2017 is the fiscal year which begins July 1, 2016 and ends June 30, 2017.

Free Cash: Certified as of each July 1 by the State, this is the portion of Undesignated Fund Balance available for appropriation. It is not cash *per se*, rather it is approximately the total of cash and receivables less current liabilities and earmarked reserves, reduced also by reserves for uncollected taxes.

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

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

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

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

Level-Service Budget: A budget that describes the funding required for maintaining current levels of service or activity, plus cost increases for contractual and mandated obligations. It brings previously-approved programs forward at existing levels of service.

Other Post-Employment Benefits (OPEB): The set of benefits, other than pensions, that government employees earn while actively working, but do not receive until they retire. Typically included is health insurance coverage for retirees, their spouses and in some cases their beneficiaries.

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

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

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

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

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

House Value:	\$ 300,000	
Tax rate:	\$ 10	which means \$10 per thousand
Levy:	\$ 10	multiplied by \$300,000 and divided by \$1,000
Result:	\$ 3,000	

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

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

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

Stabilization Fund: A fund designed to accumulate amounts for capital and other future spending purposes, although it may be appropriated for any lawful purpose (MGL Ch. 40 §5B). Stabilization funds may be established for different purposes, and interest generated by such funds is added to and becomes part of the stabilization fund. A two-thirds vote of town meeting is required to establish, amend the purpose of, or appropriate money into or out of the stabilization fund.

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

Turn Back: Unexpended funds of a prior fiscal year operating budget are returned to the Town, which ultimately revert to Free Cash.

Unreserved Fund Balance or Surplus Revenue Account: The amount by which cash, accounts receivable and other assets exceed liabilities and restricted reserves. It is akin to the stockholders equity account on a corporate balance sheet. It is not, however, available for appropriation in full because a portion of the assets listed as “accounts receivable” may be taxes receivable and uncollected. (See Free Cash)

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

Town Meeting Parliamentary Procedure

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

Moderator’s Rules

These are quite arbitrary, but hopefully are consistently applied:

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

More Formal Parliamentary Procedure

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

Motion	Second Required	Debatable	Amendable	Vote Required	May 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	Two-thirds	Yes	No
Previous Question	Yes	No	No	Two-thirds	No	No
Limit Debate	Yes	No	No	Two-thirds	Yes	No
Postpone to a Time Certain	Yes	Yes	Yes	Majority	Yes	No
Amend	Yes	Yes	Yes ¹	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 ²	Yes	Yes	No	Two-thirds	No	No

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

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

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

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

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

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

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

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

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

Amend – Many types of motions can be amended or altered to bring them to an even higher state of perfection. Of course, since amendments are a little like “beauty being in the eye of the beholder,” they sometimes fail

to pass. In any event, after the amendment is disposed of by a vote, the primary motion, either so amended or not, comes back to the assemblage for further discussion and vote.

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

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

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

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

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

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

Don MacKenzie
Town Moderator

Internet & Telephone References

Official Town of Acton Website	http://www.acton-ma.gov
Document Management System (“DocuShare”)	http://doc.acton-ma.gov
Geographic Information System (“GIS”)	http://www.acton-ma.gov/gis

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

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

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

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

Town offices converted to a Voice-over-IP telephone system in 2010. Below are the new telephone numbers associated with each department and committee. Old numbers will continue to work for a period of time.

<u>Department, Board or Committee</u>	<u>E-mail address</u>	<u>Telephone</u>
Acton 2020 Implementation Committee	acton2020@acton-ma.gov	(978) 929-6631
Acton Community Housing Corporation	achc@acton-ma.gov	(978) 929-6611
Acton Leadership Group	alg@acton-ma.gov	(978) 929-6611
Acton-Boxborough Cultural Council	abcc@acton-ma.gov	(978) 929-6611
Appeals, Zoning Board of	boa@acton-ma.gov	(978) 929-6631
Assessor Department	assessor@acton-ma.gov	(978) 929-6621
Assessors, Board of	bas@acton-ma.gov	(978) 929-6621
Building Department	building@acton-ma.gov	(978) 929-6633
Cable Advisory Committee	cac@acton-ma.gov	(978) 929-6612
Cemetery Department	cemetery@acton-ma.gov	(978) 929-6642
Citizens' Library Department, West Acton	wacl@acton-ma.gov	(978) 929-6654
Clerk Department, Town	clerk@acton-ma.gov	(978) 929-6620
Collector Department	collector@acton-ma.gov	(978) 929-6622
Commission on Disability	cod@acton-ma.gov	(978) 929-6633
Community Preservation Committee	cpc@acton-ma.gov	(978) 929-6631
Community Preservation Study Committee	cpasc@acton-ma.gov	(978) 929-6631
Community Resources Coordinator	lducharme@acton-ma.gov	(978) 929-6651
Conservation Commission	conscom@acton-ma.gov	(978) 929-6634
Council on Aging	coa@acton-ma.gov	(978) 929-6652
Council on Aging Department (Senior Center)	seniorcenter@acton-ma.gov	(978) 929-6652
Design Review Board	drb@acton-ma.gov	(978) 929-6631
Economic Development Committee	edc@acton-ma.gov	(978) 929-6631
Emergency Management Agency	ema@acton-ma.gov	(978) 929-7730
Engineering Department	engineering@acton-ma.gov	(978) 929-6630
Finance Committee	fincom@acton-ma.gov	(978) 929-6611
Fire Department	fire@acton-ma.gov	(978) 929-7722
Geographic Information Systems	gis@acton-ma.gov	(978) 929-6612
Green Advisory Board	gab@acton-ma.gov	(978) 929-7744

Health, Board of	boh@acton-ma.gov	(978)	929-6632
Health Department	health@acton-ma.gov	(978)	929-6632
Health Insurance Trustees	hit@acton-ma.gov	(978)	929-6611
Highway Department	highway@acton-ma.gov	(978)	929-7740
Historic District Commission	hdc@acton-ma.gov	(978)	929-6631
Historical Commission	hc@acton-ma.gov	(978)	929-6631
Housing Authority	office@actonhousing.net	(978)	263-5339
Human Resources Department	hr@acton-ma.gov	(978)	929-6613
Information Technology Department	it@acton-ma.gov	(978)	929-6612
Land Stewardship Committee	lsc@acton-ma.gov	(978)	929-6634
Manager Department, Town	manager@acton-ma.gov	(978)	929-6611
Memorial Library Department	library@acton-ma.gov	(978)	929-6655
Memorial Library Trustees	mlt@acton-ma.gov	(978)	929-6655
Morrison Farm Committee	mc@acton-ma.gov	(978)	929-6634
Municipal Properties Department	mp@acton-ma.gov	(978)	929-7744
Natural Resources Department	nr@acton-ma.gov	(978)	929-6634
Nursing Department	nursing@acton-ma.gov	(978)	929-6650
Nursing Service Task Force, Acton	anstf@acton-ma.gov	(978)	929-6650
Open Space Committee	osc@acton-ma.gov	(978)	929-6634
Parking Clerk	parkingclerk@acton-ma.gov	(978)	929-6611
Planning Board	pb@acton-ma.gov	(978)	929-6631
Planning Department	planning@acton-ma.gov	(978)	929-6631
Police Department	police@acton-ma.gov	(978)	929-7711
Public Ceremonies Committee	pcc@acton-ma.gov	(978)	929-6611
Recreation Commission	reccom@acton-ma.gov	(978)	929-6640
Recreation Department	recreation@acton-ma.gov	(978)	929-6640
School Committee, A-B Regional	abrsc@abschools.org	(978)	264-4700
School Committee, Minuteman		(781)	861-6500
Selectmen, Board of	bos@acton-ma.gov	(978)	929-6611
Senior Center Study Committee	scsc@acton-ma.gov	(978)	929-6652
Senior Taxation Aid Committee	stac@acton-ma.gov	(978)	929-6621
Sidewalk Committee	sidewalks@acton-ma.gov	(978)	929-6630
Site Plan Special Permit Study Committee	spspsc@acton-ma.gov	(978)	929-6631
South Acton Train Station Advisory	satsac@acton-ma.gov	(978)	929-6630
Town Report Committee	trc@acton-ma.gov	(978)	929-6611
Transportation Advisory Committee	tac@acton-ma.gov	(978)	929-6630
Treasurer's Advisory Committee	trac@acton-ma.gov	(978)	929-6611
Veterans Service Officer	vso@acton-ma.gov	(978)	929-6614
Volunteer Coordinating Committee	vcc@acton-ma.gov	(978)	929-6611
Water Resources Advisory Committee	wrac@acton-ma.gov	(978)	929-6632

Emergency Notification Systems

The Town of Acton is committed to delivering timely and important information to its residents. Several emergency notification systems are operational within the Town of Acton providing varying degrees of information for those who need it.

Examples of Emergency Notifications include:

- Shelter Locations
- Missing Persons
- Utility Outages
- Bomb Threats
- Road Closures
- Other emergency incidents where rapid and accurate notification is essential for life safety
- Evacuation Notices
- Floods
- Fires
- Drinking Water Contamination
- Hazardous Materials Incidents



Blackboard Connect (Previously Connect-CTY)

The Blackboard Connect system is a high-speed telephone communication service for emergency notifications. The system allows authorized Town officials to disseminate voice messages to every telephone number stored in the notification database in a matter of minutes. Additionally, the system allows us to target specific geographic areas of the Town such as individual neighborhoods or a defined radius around an incident.

While we receive telephone record updates from Verizon to populate our contact database, no one should automatically assume his or her phone number or e-mail address is included. Just as citizens may choose to opt *out* of these notifications, citizens in these categories are particularly invited to *add* their information to the database:

- Use a cellular phone as their primary phone
- Have unlisted phone numbers
- Have changed their phone number or address within the last year
- Have recently moved, but kept the same listed or unlisted phone number
- Wish to receive text and/or email messages in addition to telephone calls
- Receive their phone service over the internet (e.g. Verizon FIOS, Comcast XFINITY, Vonage)

In recent years, many people have converted their telephone service to Internet-based Voice-over-IP systems such as Vonage, Comcast XFINITY, and Verizon FIOS. While traditional land-lines are powered from the phone company's central office, these newer technologies rely on power supplied at the premise. These services typically connect through a device in the home that is equipped with a backup battery that will last about four to eight hours. That means corded phones using this service will work without your home's electric power for a limited amount of time. For this reason, it is strongly recommended that you register your cellular phone number in addition to your primary home number. During extended power outages, the Town has opened public "charging stations" where residents can charge their cellular phones and other electronic devices at Town facilities that are backed up by generator power.

We encourage residents to update their own information including adding cell phone numbers and e-mail addresses by visiting the Town’s website at <http://www.acton-ma.gov/cty>. Here, you can register, review, and update your contact information. Residents without access to the Internet may accomplish this by calling the **Information Technology Department** at (978) 929-6612 or by visiting Town Hall.



Town Web Site

The Town’s official website is continually updated with emergency information as soon as it is made available. We encourage residents to utilize the “Notify Me” feature to receive e-mail alerts when emergency information is added or updated on our site. You can do this by visiting the website at <http://www.acton-ma.gov> and clicking on the ‘Notify Me by E-mail’ link.



Mobile Message Boards

The Town maintains several trailer mounted, solar powered LED message boards. They are routinely used to alert motorists to road closures and construction work, to announce Town meetings and events, direct traffic during elections and special events and, most importantly, display pertinent instructions and information during emergency situations. While the mobile message boards can be dynamically deployed, during a Town-wide emergency, such as a weather related event, these boards will primarily be staged at the following, or similar high-profile, locations:

- Acton Public Safety Facility – 371 Main Street
- The intersection of Great Road and Main Street (Routes 2A and 27)
- The School Campus entrance, Massachusetts Avenue (Route 111) at Charter Road



Acton TV Government Cable Channel

The Town of Acton Government Cable Channel will be continually updated with the latest emergency instructions and notifications. The Government Channel can be found on the following channels depending on your cable system provider:

Comcast: Channel 99

Verizon FIOS: Channel 41

Volunteer Application

VOLUNTEER COORDINATING COMMITTEE

Town Hall
472 Main Street
Acton, MA 01720

E-mail: vcc@acton-ma.gov
Telephone: (978) 929-6611
Fax: (978) 929-6350

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

(Please print or type)

Date _____

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

Address Number / Street

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

Please indicate below, in order of preference, the Board, Committee or Commission that is of interest to you:

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

Do you have any time restrictions? _____

Are you a United States Citizen? _____ Are you a Documented Resident Alien of Acton? _____

How long have you lived in Acton? _____ In Massachusetts? _____

Present occupation and employer (Optional: Attach résumé) _____

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

Education or special training: _____

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

Thank you. If you have questions or would like more information, please contact a member of the Volunteer Coordinating Committee. Current membership may be obtained through the Town Manager's Office at Town Hall, manager@acton-ma.gov / (978) 929-6611.

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

VCC Interview

Applicant Called _____

Schedule Date & Time _____

Recommendation _____

Board, Committee or Commission

Recommendation Sent _____

No openings at this time

Appointing Body

Selectmen / Manager / Moderator

Interview Date _____

Appointed Date _____

Term _____

Member / Alternate / Associate

Notification of Appointment

Received by VCC _____

Committee Notified _____

Applicant Notified _____

Proposed Town Meeting Booklet

As I have previously mentioned at Town Meetings, I plan to put together a series of thoughts or vignettes on Town Meeting during the latter part of the 20th and the first years of the 21st centuries. No such work presently exists, and I'll need your help.

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

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

Don MacKenzie
Town Moderator

Thoughts or Comments on Town Meeting

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(Please continue on reverse side)

Online Bill Payments

*Pay Real Estate or Personal Property Tax Bills, Motor Vehicle Excise bills, or
Sewer Operation and Maintenance Bills Online*

www.acton-ma.gov/payonline

The Town of Acton is pleased to offer an easy and secure way to view, print, and pay real estate and personal property tax bills, motor vehicle excise bills and sewer operation and maintenance bills online. We support electronic presentment (viewing) and billing, as it is more convenient for our residents and better for the environment. Online presentment and payment eliminates the need to print and receive paper bills (except for motor vehicle excise bills, which the State requires be mailed).

The Town, in partnership with City Hall Systems, a web-based, electronic invoice presentment and processing company, offers online payment of the above bills via either EFT/ACH electronic checks (i.e. electronic fund transfers from your bank checking or savings accounts) or Visa or MasterCard credit/debit cards. The Town feels that this service presents the best value for online presentment and payments for our residents. City Hall Systems uses the highest standards in Internet security, provides ease of use and convenience to all our residents, for, in some instances, little more than the cost of a postage stamp.

- Access, view and pay your tax bills or sewer operation and maintenance bills online
- Available 24 hours/7 days from anywhere you have access to the Internet
- Paying your bill online is faster and, in some instances, cheaper than writing and mailing a check
- You may choose to eliminate paper invoices to reduce clutter and help the environment (except motor vehicle excise bills, which the State requires be mailed)
- You have the option to pay immediately, schedule a payment, or sign up for Auto-Pay
- You can pay with electronic check, or Visa or Master Card credit/debit cards

Please note: This service begins with, and goes forward from, the FY 2015 fourth quarter Real Estate and/or Personal Property tax bills, Sewer Operation and Maintenance bills, and any subsequent calendar year 2015 Motor Vehicle Excise bills. Any prior billing and/or payment activity that pre-dates July 1, 2013, will not be available online, and must involve the Town of Acton Collector's Office at (978) 929-6622.

For more details on payment options, fees and frequently asked questions, please see the Town website at:

www.acton-ma.gov/payonline



**Town of Acton
472 Main Street
Acton, MA 01720**

**BULK RATE
U.S. POSTAGE PAID
PERMIT #67
ACTON, MA 01720**

**POSTAL PATRON
ACTON, MA 01720**