

**ABSTRACT OF THE ANNUAL TOWN MEETING
MONDAY, APRIL 3, 2006, 7:00 P.M.
ACTON-BOXBOROUGH REGIONAL HIGH SCHOOL AUDITORIUM
WITH ADJOURNED SESSIONS HELD APRIL 4, 2006**

NUMBER OF REGISTERED VOTERS ATTENDING TOWN MEETING

APRIL 3, 2006 - 364

APRIL 4, 2006 - 230

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* Article is on Consent Calendar

Article submitted by Citizen Petition

The Moderator, Mr. Mackenzie, called the meeting to order on Monday, April 3, 2006, at 7:03 PM. He introduced Reverend Robert A. Moore, of St. Matthew’s United Methodist Church. Reverend Moore then gave the invocation.

Mr. Mackenzie introduced the chairman of the Board of Selectmen, Peter Ashton, who then introduced Eva K. Bowen - Town Clerk, Stephen Anderson - Town Council, Don Johnson – Town Manager, Lauren Rosenzweig, Dore’ Hunter, Walter Foster and Andrew Magee, Board of Selectmen. Mr. Ashton introduced Finance Director, Stephen Barrett, and Assistant Finance Director, Karen Kucala, IT Director Mark Hald and John Surette of the IT Department.

The Moderator introduced David Stone, the Chairman of the Finance Committee. Mr. Stone introduced the members, Jonathan Chinitz, Robert Evans Rheta Roeber, Herman Kabakoff, Patricia Easterly, Patricia Clifford, Stephen Noone Allen Nitschelm and Kent Sharp.

Mr. Mackenzie introduced Peter Ashton, Chairman of the Board of Selectmen and Don Johnson, Town Manager who gave a presentation for the first recipient of the newly established award, officially entitled “The Joseph A. Lalli Merit Award”. Cory York, of our Engineering Department, has been selected as the Municipal Employee of the Year for 2005. Cory was presented with a certificate along with a check in the amount of \$1000.00.

Mr. MacKenzie gave an overview of the process of Town Meeting. He informed town meeting that they would be voting on the motions that are read, not the articles as written in the warrant. He then explained some basic rules and protocols of the town meeting as found on page 70 of the warrant.

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

CONSENT CALENDAR ARTICLES AND MOTIONS

CONSENT MOTION: Mr. Ashton moves that the Town take up the twenty-three articles in the Consent Calendar on pages 16 through 18 of the Warrant:

Articles 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 23, 32, 33, 34, 35, 36, 37, 41, 42, 43

CONSENT MOTION CARRIES

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.

MOTION: Mr. Ashton moves that the Town fix the compensation for elected officers as shown in the Article.

MOTION CARRIES

Cornelia O. Huber, Trustee of the Elizabeth White Fund, nominates Frank Joyner, 8 Birch Ridge Road, for the position of Trustee of the Elizabeth White Fund, term to expire 2009.

MOTION CARRIES UNANIMOUSLY

Alice P. Miller, Trustee of the Charlotte Goodnow Fund, nominates Sally Moore, 19 Whittier Drive, for the position of Trustee of the Charlotte Goodnow Fund, term to expire 2009.

MOTION CARRIES UNANIMOUSLY

Robert L. Loomis, Trustee of the West Acton Citizens' Library, nominates Peter J. Guilmette, 9 Cherry Hill Road, for the position of Trustee of the West Acton Citizens' Library, term to expire 2009.

MOTION CARRIES UNANIMOUSLY

Malcolm S. MacGregor, Trustee of the Fireman's Relief Fund of West Acton, nominates Edward M. Bennett, 135 Hayward Road, for the position of Trustee of the Fireman's Relief Fund of West Acton, term to expire 2009.

MOTION CARRIES UNANIMOUSLY

William A. Klauer, Trustee of the Fireman's Relief Fund of Acton, nominates Allen H. Nelson, 32 Parker Street, for the position of Trustee of the Fireman's Relief Fund of Acton, term to expire 2009.

MOTION CARRIES UNANIMOUSLY

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.

MOTION: Mr. Ashton moves that the Town accepts the reports of the various Town Officers and Boards as set forth in the 2005 Town Report and the Giving Supplement and that the Moderator calls for any other reports.

MOTION CARRIES UNANIMOUSLY

ARTICLE 3 * COUNCIL ON AGING VAN ENTERPRISE BUDGET

(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds a sum of money to operate the Senior Van Service, in accordance with Massachusetts General Law, Chapter 44, Section 53 F½, Enterprise Fund Law, or take any other action relative thereto.

MOTION: Ms. Rosenzweig moves that the Town appropriate \$85,293 for the purpose of operating the Town of Acton Senior and Disabled Citizens Van service, and to raise such amount,

- \$41,210 be raised from department receipts,
- \$44,040 be raised from taxation and
- \$ 43 be transferred from retained earnings.

CONSENT MOTION CARRIES

ARTICLE 4 * NURSING ENTERPRISE BUDGET

(Majority vote)

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

MOTION: Mr. Magee moves that the Town appropriate \$642,110 for the purpose of operating the Town of Acton Public Health Nursing Service, and to raise such amount,
\$463,160 be raised from department receipts and
\$178,950 be transferred from retained earnings.

CONSENT MOTION CARRIES

ARTICLE 5 * 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 Law, Chapter 44, Section 53F½, Enterprise Fund Law, or take any other action relative thereto.

MOTION Mr. Magee moves that the Town appropriate \$141,272 for the purpose of septage disposal, and to raise such amount,
\$127,028 be raised from department receipts and
\$ 14,244 be transferred from retained earnings.

CONSENT MOTION CARRIES

ARTICLE 6 * 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 Law, Chapter 44, Section 53F½, Enterprise Fund Law, or take any other action relative thereto.

MOTION: Ms. Rosenzweig moves that the Town appropriate \$1,555,410 for the purpose of operating the sewer system, and to raise such amount,
\$1,555,410 be raised from department receipts.

CONSENT MOTION CARRIES

ARTICLE 7 * NESWC ENTERPRISE FUND

(Majority vote)

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

MOTION: Mr. Ashton moves that the Town appropriate \$562,249 for the purpose of solid waste disposal, and to raise such amount,
 \$562,249 be raised from department receipts.

CONSENT MOTION CARRIES

ARTICLE 8 * SECTION 53E½ SELF-FUNDING PROGRAMS

(Majority vote)

To see if the Town will vote, pursuant to Massachusetts General Law, Chapter 44, Section 53E½ to continue revolving funds for the Local School System, to be expended by the Superintendent of Schools; and for the Historic District Commission, Building Department, Sealer of Weights and Measures, Health Inspectional Services, Ambulance Fees and Fire Department Fire Alarm Network, to be expended by the Town Manager, as noted below:

Fund	FY07 Estimated Revenue	FY07 Authorized Expenditure
School Department		
Douglas at Dawn/Dusk	\$140,000	\$140,000
Merriam Mornings/Afternoons/Summer	\$200,000	\$200,000
Gates Amazing Programs	\$36,500	\$36,500
Historic District Commission	\$600	\$600
Building Department	\$179,856	\$179,856
Includes fees for Microfilming, Electrical Permits, Plumbing Permits, Gas Permits, Sign Licenses and Periodic Inspection Fees		
Sealer of Weights and Measures	\$10,734	\$10,734
Health Department		
Food Service Inspections	\$27,919	\$27,919
Hazardous Materials Inspections	\$51,944	\$51,944
Fire Department		
Fire Alarm Network	\$50,646	\$50,646
Ambulance Fees ♦	\$300,000	\$320,000

, or take any other action relative thereto.

MOTION: **Ms. Rosenzweig** moves that the revolving funds for the Local School System, Historic District Commission, Building Department, Sealer of Weights and Measures, Health Department, and Fire Department be continued for fiscal year 2007 in the amounts and for the purposes set forth in the expense column of this Article.

CONSENT MOTION CARRIES

ARTICLE 9 * CHAPTER 90 HIGHWAY REIMBURSEMENT PROGRAM
(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 Law, Chapter 90, and any other applicable laws, or take any other action relative thereto.

MOTION: **Mr. Hunter** moves that the Town Manager is authorized to accept Highway funds from all sources and such funds are hereby appropriated for highway purposes.

CONSENT MOTION CARRIES

ARTICLE 10 * INSURANCE PROCEEDS
(Majority vote)

To see if the Town will vote to appropriate the proceeds of any insurance policy reimbursements during FY07 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: **Mr. Foster** moves 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.

CONSENT MOTION CARRIES

ARTICLE 11 * 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 Law, Chapter 44, Section 53A, and any interest thereon, for the stated purposes of the gifts or grants, or take any other action relative thereto.

MOTION: **Mr. Ashton** moves that the proceeds of any gifts or grants from any source accepted pursuant to Massachusetts General Law, 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.

CONSENT MOTION CARRIES

ARTICLE 12 * FEDERAL AND STATE 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 during fiscal year 2007, or take any other action relative thereto.

MOTION: Ms. Rosenzweig moves that the Town Manager is authorized to accept federal and state reimbursement funds from all sources and such funds are hereby appropriated for the purposes outlined by such reimbursement.

CONSENT MOTION CARRIES

ARTICLE 13 * 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: Mr. Foster moves that the Town appropriate 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.

CONSENT MOTION CARRIES

ARTICLE 14 * SALE OF FORECLOSED PROPERTIES

(Majority vote)

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

MOTION: Mr. Hunter moves in the words of the Article.

CONSENT MOTION CARRIES

ARTICLE 15 * ELDERLY TAX RELIEF

(Majority vote) **REAUTHORIZE CHAPTER 73 OF THE ACTS OF 1986**

To see if the Town will vote to continue to accept the provisions of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, providing for a 100% increase in certain property tax exemptions, or take any other action relative thereto.

MOTION: Mr. Ashton moves that the Town continue to accept the provisions of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, providing for a 100% increase in certain property tax exemptions.

CONSENT MOTION CARRIES

ARTICLE 16 IMPLEMENT NEW LEGISLATION REGARDING SENIOR TAX RELIEF

(Majority vote)

To see if the Town will vote, pursuant to the provisions of Chapter 136, Section 1 of the Acts of 2005, to reduce the rate of interest that accrues on property taxes deferred by eligible seniors under Massachusetts General Law, Chapter 59, Section 5, Clause 41A from 8% to the Primary Discount Rate set by the Federal Reserve Bank Boston as of January 1, with such reduced rate to apply to such taxes assessed for any fiscal year beginning on or after July 1, 2006 unless and until said rate is further amended by Town Meeting, or take any other action relative thereto.

MOTION: Mr. Ashton moves pursuant to the provisions of Chapter 136 of the Acts of 2005, to reduce the rate of interest that accrues on property taxes deferred by eligible seniors under Massachusetts General Law, Chapter 59, Section 5, Clause 41A to the Primary Discount Rate set by the Federal Reserve Bank Boston as of January 1, or 8%, whichever is lower, with such reduced rate to apply to such taxes assessed for any fiscal year beginning on or after July 1, 2006 unless and until said rate is further amended by Town Meeting.

MOTION CARRIES UNANIMOUSLY

ARTICLE 17 HOME RULE PETITION – SENIOR CITIZEN REAL ESTATE

(Majority vote) **TAX PAYMENTS**

To see if the Town will petition the General Court to adopt a home rule act authorizing Senior Tax Relief in the Town of Acton in substantially the form set forth below:

AN ACT RELATIVE TO PROPERTY TAX RELIEF FOR SENIOR CITIZENS IN THE TOWN OF ACTON

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1: Notwithstanding the provisions of sections 57 through 57(c) of chapter 59 of the General Laws, whenever the date for which real property taxes are due and payable in the Town of Acton falls on or between the 25th day of a month and the third day of the following month, said date for real property taxes on property owned and occupied as a primary residence by a person sixty-five years of age or older (“Eligible Senior Citizen”), either individually or jointly or as a tenant-in-common with another, shall be extended to the fourth day of said following month, subject to section nine of chapter 4 of the General Laws (Sundays and holidays).

SECTION 2: In the event that the United States Social Security Administration changes the date on which it mails social security benefit checks from the first day of each month to another day of the month, the Town Treasurer of the Town of Acton is hereby authorized to modify the due and payable date set forth in Section 1 above, so that said due and payable date for Eligible Senior Citizens falls on the fourth day after Social Security benefit checks are mailed to recipients whenever the due and payable date would have otherwise fallen between the fifth day preceding the mailing of social security benefit checks and the third day following the mailing of social security benefit checks.

Or to take any other action relative thereto.

MOTION: Mr. Ashton moves that the Town petition the General Court to adopt a home rule act in substantially the form set forth in the Article.

MOTION CARRIES UNANIMOUSLY

ARTICLE 18 BUDGET TRANSFER

(Majority vote)

To see if the Town will vote to appropriate from available funds a sum money or take any other action relative thereto.

MOTION: Mr. Ashton moves that the Town take no action.

MOTION CARRIES UNANIMOUSLY

ARTICLE 19 PERSONNEL

(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 to fund the positions as listed below:

A. Treasurer/Collector	\$ 88,400
B. Financial Analyst	\$ 75,400
C. Web Site Content Administrator	\$ 38,500
D. Government Channel / IT Systems Technician	\$ 38,500
E. Council on Aging Program Coordinator	\$ 18,560
F. Two Highway Equipment Operators	<u>\$110,000</u>
Total	\$369,360

, or take any other action relative thereto.

MOTION: Mr. Foster moves that the Town raise and appropriate \$369,360 to be expended by the Town Manager for the purposes set forth in this article.

MOTION CARRIES

ARTICLE 20 CAPITAL IMPROVEMENTS – EQUIPMENT

(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 replacement or improvement of facilities and equipment as listed below:

A. Global Positioning System (GPS) Equipment	\$42,000
B. Elm Street Field Lights and Poles Replacement	\$70,000
C. One-Ton Dump Truck with Plow	\$20,000
D. Recondition Fire Department Ladder 28	<u>\$30,000</u>
Total	\$162,000

, or take any other action relative thereto.

MOTION: Mr. Hunter moves that the Town appropriate \$162,000 to be expended by the Town Manager for the purposes set forth in this article, and to raise such amount, and \$162,000 be raised and appropriated, and that the Town Manager be authorized to sell, trade or dispose of vehicles and equipment being replaced and to expend any proceeds so received.

MOTION CARRIES

ARTICLE 21 TOWN OPERATING BUDGET
(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 departments, offices and boards of the Town, exclusive of the school budgets.

, or take any other action relative thereto.

MOTION: Mr. Ashton moves that the Town appropriate \$22,566,035, to be expended by the Town Manager, for the purpose of funding the Municipal Budget for the period July 1, 2006 to June 30, 2007, and to raise such amount,

\$22,496,600 be raised and appropriated,
\$ 69,435 be transferred from Cemetery Trust funds for Cemetery use,

And that the Town Manager be authorized to sell, trade or dispose of vehicles and equipment being replaced and to expend any proceeds so received.

MOTION CARRIES UNANIMOUSLY

ARTICLE 22 COMMUNITY PRESERVATION PROGRAM
(Majority vote) **DIRECT APPROPRIATIONS FROM FUND BALANCE**

To see if the Town will vote to appropriate or to set aside for later appropriation, and to authorize the Board of Selectmen and the Town Manager to expend or set aside, from the FY 2005 Community Preservation Fund balance as set forth herein, the following amounts for community preservation purposes, with such expenditures to be subject to conditions to be specified in award letters from the Community Preservation Committee, with each item considered a separate appropriation:

FY 2005 COMMUNITY PRESERVATION FUND BALANCE	
Community Preservation Fund Surcharge Collected in FY 2005	\$ 573,503.55
State Community Preservation Trust Fund Receipt, October 2005	\$ 568,164.00
Interest Earned FY 2005	\$ 29,416.76
Unencumbered funds from FY 2004 Fund Balance	\$ 65,591.21
Total - FY 2005 Community Preservation Fund Balance	\$1,236,675.52

ABSTRACTS OF THE ANNUAL TOWN MEETING 2006

APPROPRIATIONS	
Purpose	Recommended Amounts
Set Aside Appropriation – Open Space	
A. Acquisition, creation, and preservation of Open Space, and its rehabilitation and restoration	\$ 400,000.00
Spending Appropriations	
B. Land Acquisition & Development – 28 Willow & 214 Central St.	\$ 160,000.00
C. Recreational Area at McCarthy Village	\$ 22,000.00
D. Rental Housing Planning and Feasibility Study	\$ 25,000.00
E. New Basketball Courts at Douglas School, Elm Street	\$ 20,000.00
F. Leary Field Woodland Path	\$ 25,000.00
G. New Gates School Playground	\$ 16,000.00
H. Site Preparation and Construction - Habitat for Humanity Home	\$ 35,000.00
I. Jones Tavern Roof and Gutters Replacement	\$ 41,000.00
J. Historic Stone Chamber Restoration	\$ 20,000.00
K. Bruce Freeman Rail Trail Design	\$ 175,000.00
L. Fitzgerald Piano Preservation	\$ 18,000.00
M. School Street Twin Ball Fields	\$ 69,000.00
N. Town Hall Slate Roof Replacement	\$ 65,470.00
O. Arboretum Universal Access Trail	\$ 24,000.00
Administrative Spending Appropriation	
P. A fund reimbursing the Town of Acton for administrative services and operating expenses provided in support of the Community Preservation Committee	\$ 57,083.40
Total Recommended Appropriations	
	\$1,172,553.40
Remaining FY 2005 fund balance	\$ 64,122.12

And, whereas Massachusetts General Law, Chapter 44B requires that the Town appropriate for spending, or set-aside for future spending, from the fund balance 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 exceed 10% of the Community Preservation Fund balance.

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 2005 Community Preservation Fund Balance the minimum necessary amounts to allocate not less than 10% (\$123,667.60) for open space, not less than 10% (\$123,667.60) for historic preservation, and not less than 10% (\$123,667.60) for community housing.

, or take any other action relative thereto.

MOTION: **Mr. Lundberg** moves that the Town appropriate or set aside for later appropriation, \$1,150,553.40, and to raise such amount, \$1,150,553.40 be transferred from the Community Preservation Fund and that the Town Manager be authorized to expend or set aside amounts as set forth in the Article and in compliance with conditions to be noted in the Community Preservation Committee's Award Letters, with the exception that Item C shall be deleted in its entirety, with each remaining item in the Article as so adjusted considered a separate appropriation.

MOTION CARRIES

ARTICLE 23 * TOWN BOARD SUPPORT
(Majority vote) **ACTON-BOXBOROUGH CULTURAL COUNCIL**

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

MOTION: **Mr. Foster** moves that the Town raise and appropriate \$2,000 for the ongoing expenses of the Acton-Boxborough Cultural Council.

CONSENT MOTION CARRIES

ARTICLE 24 ACTON PUBLIC SCHOOLS BUDGET
(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 Public School System, or take any other action relative thereto.

MOTION: **Mrs. Altieri** moves that the Town appropriate \$22,046,849, to be expended by the Superintendent of Schools to fund the Acton Public School Budget for the period July 1, 2006 to June 30, 2007, and to raise such amount,
\$21,909,849 be raised and appropriated and
\$ 137,000 be transferred from Free Cash.

MOTION CARRIES UNANIMOUSLY

ARTICLE 25 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.

MOTION: **Mr. Coppolino** moves that the Town appropriate \$21,958,905 to fund the assessment of the Acton-Boxborough Regional School District for the period July 1, 2006 to June 30, 2007, and to raise such amount,
\$21,958,905 be raised and appropriated.

MOTION CARRIES UNANIMOUSLY

ARTICLE 26 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.

MOTION: Mr. Olmstead moves that the Town appropriate \$749,955 for the expenses of the Minuteman Regional Vocational Technical School District for the period of July 1, 2006 to June 30, 2007, and to raise such amount, \$749,955 be raised and appropriated.

MOTION CARRIES UNANIMOUSLY

MOTION TO ADJOURN: Mr. Ashton moves to adjourn the Annual Town Meeting at 10:34 PM until April 4, 2006 at the Acton-Boxborough Regional High School Auditorium at 7:00 PM.

MOTION CARRIES UNANIMOUSLY

APRIL 4, 2006

The Moderator, Mr. MacKenzie, call the adjourned session of the 2006 Annual Town Meeting to order at 7:04 PM.

ARTICLE 27 ACTON FIREFIGHTERS' RELIEF FUND

(Majority vote)

To see if the Town will vote to authorize and direct the Trustees of the "Acton Fireman's Relief Fund" created by Article 21 of the Annual Town Meeting of March 11, 1935, and the Trustees of the "West Acton Fireman's Relief Fund" created by Article 18 of the Annual Town Meeting of March 1, 1920, with the advice and consent of the Board of Selectmen and utilizing the services of Town Counsel, to petition a Massachusetts court of competent jurisdiction to reform, reorganize and consolidate the Trusts as follows:

1. To transfer the funds held in trust by the Town in Account No. T-02 (the Acton Fireman's Relief Fund) and in Account No. T-32 (the West Acton Fireman's Relief Fund) into a single trust fund account to be held by the Town and known as the New Acton Firefighters' Relief Fund.
2. To establish the New Acton Firefighters' Relief Fund (the "Fund") as a trust fund on the following terms and such other terms as the Court determines are necessary and proper to effectuate the reformation, reorganization and consolidation of the existing trusts into a single trust:
 - a. The Fund shall be administered by three trustees chosen by the Town Meeting, one for one year, one for two years, one for three years, and thereafter one annually for the term of three years.
 - b. Each Trustee shall be a registered voter of the Town or an active or former member of the Acton Fire Department.
 - c. The Town treasurer shall hold said fund and shall invest the same in accordance with instructions from said Trustees. He shall also pay out of said Fund such moneys as said Trustees shall order and none other. Such Fund shall be secured by the bond of said treasurer.

- d. Said Fund and any accumulations thereon shall be kept invested in such banks, government securities, municipal bonds, mutual funds and securities as the Trustees shall, in the prudent exercise of their fiduciary duties, determine.
 - e. Said Trustees shall have the authority to make awards out of said Fund in meritorious cases in addition to any other benefits which may be due from other sources, to any person who may be injured, or to the spouse, children, or estate of any person who may be killed, while engaged in fighting fires or otherwise in the performance of his or her official duties for the Acton Fire Department or for any other philanthropic purpose consistent in the judgment of the trustees with the mission of the Acton Fire Department.
 - f. Said Trustees are authorized to receive additional funds from any source and when so received shall be deposited with the Fund and administered in the same manner as the Fund.
 - g. Said Trustees shall make a report in writing annually to the Town and such report shall be published in the town report.
3. Pending final court approval of the foregoing, the Trustees of the "Acton Fireman's Relief Fund" and the Trustees of the "West Acton Fireman's Relief Fund" shall continue to administer their respective trust funds. Upon final court approval, the Trustees of said funds shall authorize and direct the Town treasurer to transfer all funds held in Account No. T-02 and Account No. T-32 to the Fund.
 4. Upon final court approval of the foregoing, the Trustees of the "Acton Fireman's Relief Fund" shall serve as the Trustees of the Fund pending the initial selection by Town Meeting of the Trustees of the Fund and no longer.

Or take any other action relative thereto.

MOTION: Mr. Hunter moves in the words of the Article.

MOTION CARRIES UNANIMOUSLY

ARTICLE 28 HOME RULE PETITION – NESWC ENTERPRISE FUND

(Majority vote)

To see if the Town will petition the General Court to adopt a home rule act authorizing the transfer from the NESWC Enterprise Fund to the General Fund of all or a portion of the fund balance substantially in the form set forth below, or to take any other action relative thereto:

AN ACT RELATIVE TO THE NESWC ENTERPRISE FUND BALANCE IN THE TOWN OF ACTON

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1: Notwithstanding the provisions of section 53F1/2 of chapter 44 of the General Laws or of any other general or special law, given the expiration of the Town of Acton's Service Agreement governing its participation in a regional solid waste program relating to the North East Solid Waste Committee established under Chapter 328 of the Acts of 1988, as amended, the Town of Acton is hereby authorized from time to time to transfer from the Town's NESWC Enterprise

Fund to the Town's General Fund all or a portion of the remaining NESWC Enterprise Fund balance, by majority vote of the Town Meeting, and to appropriate said funds for other municipal purposes.

SECTION 2. This Act shall take effect upon its passage and shall apply to and ratify any such vote of the 2006 Acton Town Meeting or any subsequent annual or special Town Meeting.

MOTION: Mr. Hunter moves that the Town petition the General Court to adopt a home rule act in substantially the form set forth in the Article.

MOTION CARRIES UNANIMOUSLY

ARTICLE 29 TRANSFER REAL PROPERTY – 28 WILLOW ST / 214 CENTRAL ST
(Two-thirds vote)

To see if the Town will vote to transfer the real property at 28 Willow Street and 214 Central Street, Acton, MA, which was taken by the Town for nonpayment taxes in Land Court Case Nos. 112320 T.L. and 112319 T.L. (Judgments dated May 4, 1998), and which is held for municipal purposes as provided by Massachusetts General Law, Chapter 60, Section 77, from the tax title custodian to the Board of Selectmen for the purpose of conveyance, and to authorize the Board of Selectmen to convey such real property on such terms and conditions and for such consideration, which may include non-monetary consideration, as the Selectmen may determine, to the Acton Community Housing Corporation ("ACHC"), a non-profit housing corporation subject to the supervision of the Board of Selectmen pursuant to Chapter 143 of the Acts of 1996, for purposes of re-conveyance by ACHC, with the approval of the Board of Selectmen, to a qualified developer of affordable housing, selected pursuant to a Request for Proposals ("RFP"), which RFP shall specify restrictions on the subsequent use of the property for residential and affordable housing purposes,

or take any other action relative thereto.

MOTION: Mr. Hunter moves that the Town authorize the transfer and conveyance of the real property as set forth in the Article.

MOTION CARRIES UNANIMOUSLY

ARTICLE 30 TRANSFER REAL PROPERTY – 74 RIVER STREET
(Two-thirds vote)

To see if the Town will vote to authorize the Board of Selectmen to transfer the real property shown as parcel 46 on Map H-3A of the 2005 edition of the Town Atlas, which land is currently held for general municipal purposes or for other specific municipal purposes for which it has heretofore been devoted, from the tax title custodian to the Board of Selectmen for the purpose of conveyance, and to authorize the Board of Selectmen to convey such land for affordable housing purposes on such terms and conditions and for such consideration, which may be non-monetary consideration, as the Selectmen may determine,

, or take any other action relative thereto.

MOTION: Mr. Magee moves that the Town authorize the transfer of the real property shown as parcel 46 on Map H-3A of the 2005 edition of the Town Atlas, from its current custodian to the Board of Selectmen for the purpose of conveyance, and authorize the conveyance of that property as set forth in the Article, provided that the minimum amount to be paid for such conveyance shall be the value of the property as restricted by the Selectmen for affordable housing purposes, which value shall be determined through procedures customarily accepted by the appraising profession as valid.

MOTION TO AMEND: Mr. Nitschelm moves to amendment motion by adding –“ and sold to the highest bidder” to the end of the motion.

MOTION TO AMEND IS LOST

**ORIGINAL MOTION CARRIES
DECLARED 2/3 BY MODERATOR***

*TOWN OF ACTON HAS EXCEPTED MGL CH 39 SEC 15 AT ITS ANNUAL TOWN MEETING APRIL 2001, ARTICLE 43 AND THE AMENDED BYLAW 5A WAS APPROVED BY THE ATTORNEY GENERAL ON AUG. 6, 2001.
(THE TOWN MEETING MODERATOR IS NOT REQUIRED TO COUNT A 2/3 REQUIRED VOTE.)

**ARTICLE 31 ACCEPT COMPREHENSIVE WATER RESOURCES
(Majority vote) MANAGEMENT PLAN REPORT**

To see if the Town will vote to accept the Comprehensive Water Resources Management Plan Report prepared by Woodard and Curran, dated March, 2006, on file with the Board of Selectmen, or to take any other action relative thereto.

MOTION: Ms. Rosenzweig moves that the Town authorize the Town Manager or his designee to submit to the Massachusetts Secretary of Environmental Affairs, for public comment pursuant to the Secretary’s Special Procedures Certificate for Project No. 11781, dated December 31, 1998 and supplemented on August 16, 2004, the Draft Phase 2 Comprehensive Water Resources Management Plan Report prepared by Woodard & Curran dated March, 2006, along with an Expanded Environmental Notification Form identifying and describing that Draft Report, subject to the express conditions that:

- (a) the Draft Report shall not obligate the Town to undertake any particular project or projects or other course of action that may be described in the report, and
- (b) an affirmative vote by a future Town Meeting shall be required to appropriate funds, borrow funds, issue any bonds, or otherwise raise any funds necessary to implement any recommended actions contained in the Draft Report which require such an appropriation, borrowing, bonding, or other financial commitment of the Town Meeting not heretofore made.

MOTION CARRIES

ARTICLE 32 * AMEND TOWN BYLAWS – HOUSEKEEPING

(Majority vote)

To see if the Town will vote to amend Chapter D10 of the general Bylaws of the Town by adding the letter “a.” before the first paragraph of Section D10.5 (Sewer Privilege Fees) and by adding the following new paragraphs as Sections D10.5.b and D10.5.c, respectively:

b. The Sewer Commissioners may establish reasonable fees pursuant to G.L. c. 83, § 17, to cover costs of construction of common sewers and other facilities required to serve land previously assessed a sewer betterment based on its existing use and/or its existing zoning potential where such land is later developed and/or subdivided for more intensive use (such as through a comprehensive permit under G.L. c. 40B, a zoning change, a subdivision, an approval not required plan, or other means). This fee shall be calculated based on the number of Sewer Assessment Units attributable to the intensified use of the land minus the number of Sewer Assessment Units originally assessed to the land, and may be adjusted by such other factors as the Sewer Commissioners, by regulation promulgated pursuant to this bylaw, determine to be appropriate. This fee shall be paid before any sewer connection permit or building permit is issued for the intensified use or, if a sewer connection permit or building permit is not required for the intensified use, before that use is commenced. The Sewer Commissioners may, by regulation promulgated pursuant to this bylaw, divide this fee among the land involved.

c. The fees charged under this Section may be applied by the Sewer Commissioners in their discretion to the costs of construction of the common sewers and other facilities, the debt service with respect thereto, and other costs and expenses of the sewer system as appropriate.

Or take any other action relative thereto.

MOTION: Mr. Ashton moves that the Town adopt the bylaw amendments as set forth in the Article.

CONSENT MOTION CARRIES

ARTICLE 33 * AMEND TOWN BYLAWS

(Majority vote) **RULES AND REGULATIONS FOR ‘CARRY-IN’ LIQUOR**

To see if the Town will vote to amend Chapter T of the general Bylaws of the Town by substituting the word “alcoholic” for the word “intoxicating” wherever it appears, and by adding the following words at the end of subparagraph 3.a: “or any time during a calendar year for the initial application for Carry-In Permission for an existing establishment having a common victualler’s license, ...”

Or take any other action relative thereto.

MOTION: Mr. Foster moves that the Town adopt the bylaw amendments as set forth in the Article.

CONSENT MOTION CARRIES

ARTICLE 34 * AMEND TOWN BYLAWS
(Majority vote) **USE AND SALE OF TOBACCO AND SMOKING PRODUCTS**

To see if the Town will vote to amend Chapter E of the general Bylaws of the Town as follows:

Delete Sections E26 through E34, Use of Tobacco and Smoking Products;

Delete Sections E46 through E56, Sale of Tobacco and Smoking Products;

In Section E45, Non-Criminal Disposition, delete the line that reads “Chapter E - Sections E26, 27, 28, 29, 30, 31, 32, 33, - Use of Tobacco Products; enforcing person - Constable, Regular Police Officer, Sanitarian, Health Director - Fine \$100.00 first offense, \$200.00 second offense, \$300.00 each subsequent offense.”;

In Section E45, Non-Criminal Disposition, delete the line that reads “Chapter E - Section E46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56 - Sale of Tobacco Products - enforcing persons - Constable, Police Chief, Police Officer, Sanitarian, or Health Officer of the Board of Health - Fine \$100.00 first offense, \$200.00 second offense, \$300.00 each subsequent offense.”

Or take any other action relative thereto.

MOTION: **Mr. Foster** moves that the Town adopt the bylaw amendments as set forth in the Article.

CONSENT MOTION CARRIES

ARTICLE 35 * AMEND TOWN BYLAWS
(Majority vote) **NON-CRIMINAL DISPOSITION FOR ZONING BYLAW**

To see if the Town will vote to amend Section E45 (Non-Criminal Disposition) of Chapter E (General Public Regulations) of the Bylaws of the Town by replacing the following line:

Chapter M - Zoning Bylaw; enforcing person - Building Commissioner – Fine \$25.00.

With a new line that reads:

Chapter M - Zoning Bylaw; enforcing person - Building Commissioner – Fine \$25.00 first offense; \$50.00 second offense; \$100.00 each subsequent offense.

Or take any other action relative thereto.

MOTION: **Mr. Hunter** moves that the Town adopt the bylaw amendments as set forth in the Article.

CONSENT MOTION CARRIES

ARTICLE 36 * AMEND TOWN BYLAWS – HAZARDOUS MATERIALS CONTROL

(Majority vote)

To see if the Town will vote to amend Chapter I of the general Bylaws of the Town as follows:

In Sections 1.3.4, 2.1.1, 2.1.2, 2.3, 3.1, 3.2.3(a), 3.5.1(e), 4, 4.1.1, 5.1.2 and 6.2.2 add the phrase “**or special wastes**” after wherever the words “**hazardous materials or wastes**” occur,

In Sections 1.3.1, 2.1.3, 2.1.4, 2.3, 3.1, 4.2.1, 5.1.1 and 5.3.2 add the phrase “**or special waste**” after wherever the words “**hazardous materials or waste**” occur,

In Sections 1.3.6, 1.3.9, 1.3.10, 2.1.5, 2.4.1, 2.4.2 and 3.11(2) add the phrase “**or special waste**” after wherever the words “**hazardous material or waste**” occur,

In Sections 3.3.1, 3.2, 3.2.2, 3.4, 3.5.1(d) and 6.2.1 add the phrase “**and special waste**” after wherever the words “**hazardous materials and waste**” occur,

In Sections 3.5, and 3.5.1 add the phrase “**and special waste**” after wherever the words “**hazardous material and waste**” occur,

In Section 3.1.1 add the phrase “**and special waste**” after wherever the words “**hazardous materials and wastes**” occur,

In Section 3.1.1(1) add the phrase “**or special waste**” after wherever the words “**hazardous waste or materials**” occur,

In Section 3.5.1(f) add the phrase “**or special**” between where the first citation of “**hazardous**” and “**waste**” occur,

In Section 3.6 add the phrase “**or special wastes**” after wherever the words “**hazardous materials**” occur,

In Section 1.3.8 add the phrase “, **air quality,**” after wherever the words “**groundwater resources**” occur,

In Section 1.3 add the definition ‘**1.3.12 “Special Waste” means any solid waste that is determined not to be a hazardous waste pursuant to 310 CMR 30.000 and that exists in such quantity or in such chemical or physical state, or any combination thereof, so that particular management controls are required to prevent an adverse impact from the collection, transport, transfer, storage, processing, treatment or disposal of the solid waste. Without limitation, special waste includes waste that will require special management to ensure protection of public health, safety, or the environment based upon the physical, biological, or chemical properties of the waste. Special wastes include but are not limited to: asbestos waste, infectious wastes, except as specified in 310 CMR 19.061(6)(c)4, sludges including wastewater treatment sludges, and industrial process wastewater treatment sludges. For the purposes of this bylaw, special wastes do not include drinking water treatment sludges. (Ref: 310 CMR 19.006 and 19.061(2) and (3)).**’ The existing definitions from 1.3.12 – 1.3.15 shall be renumbered consecutively from 1.3.13 – 1.3.16.

Or take any other action relative thereto.

MOTION: Mr. Ashton moves that the Town adopt the bylaw amendments as set forth in the Article.

CONSENT MOTION CARRIES

ARTICLE 37 * AMEND ZONING BYLAW – SPECIAL WASTE

(Two-thirds vote)

To see if the Town will vote to amend the Zoning Bylaw, section 4.3 – Groundwater Protection District, as follows [*Notes in italic print are not part of the Article but are intended for explanation only.*]:

A. Insert a new definition subsection 4.3.3.12 as follows:

4.3.3.12 SPECIAL WASTE – SPECIAL WASTE means any solid waste that is determined not to be a hazardous waste pursuant to 310 CMR 30.000 and that exists in such quantity or in such chemical or physical state, or any combination thereof, so that particular management controls are required to prevent an adverse impact from the collection, transport, transfer, storage, processing, treatment or disposal of the solid waste. Without limitation, SPECIAL WASTE includes waste that will require special management to ensure protection of public health, safety, or the environment based upon the physical, biological, or chemical properties of the waste. SPECIAL WASTES include but are not limited to: asbestos waste, infectious wastes except as specified in 310 CMR 19.061(6)(c)4, sludges including wastewater treatment sludges and industrial process wastewater treatment sludges. For purposes of this Bylaw, SPECIAL WASTE does not include drinking water treatment sludges. (Ref: 310 CMR 19.006 and 19.061(2) and (3).)

And, renumber current subsections sections 4.3.3.12 through 4.3.3.15 to become subsections 4.3.3.13 through 4.3.3.16 respectively.

B. Delete subsection 4.3.6.1 and replace it with a new subsection 4.3.6.1 as follows:

4.3.6.1 FILL – FILL material shall not contain HAZARDOUS MATERIAL OR WASTE, SPECIAL WASTE, or SOLID WASTE. This Section shall also apply in ZONE 4.

[*Note: Subsection 4.3.6.1 currently reads:*

“FILL – FILL material shall not contain either HAZARDOUS MATERIAL OR WASTE, or SOLID WASTE. This Section shall also apply in ZONE 4.”]

, or take any other action relative thereto.

MOTION: Mr. Schaffner moves that the Town adopt the zoning bylaw amendments as set forth in the Article.

**CONSENT MOTION CARRIES
DECLARED 2/3 VOTE BY MODERATOR**

*TOWN OF ACTON HAS EXCEPTED MGL CH 39 SEC 15 AT ITS ANNUAL TOWN MEETING APRIL 2001, ARTICLE 43 AND THE AMENDED BYLAW 5A WAS APPROVED BY THE ATTORNEY GENERAL ON AUG. 6, 2001.
(THE TOWN MEETING MODERATOR IS NOT REQUIRED TO COUNT A 2/3 REQUIRED VOTE.)

ARTICLE 38 AMEND ZONING BYLAW – REZONE LAND OFF CHARTER ROAD
 (Two-thirds vote) **TO GENERAL INDUSTRIAL**

To see if the Town will vote to amend the Zoning Map by rezoning to General Industrial (GI) the following parcels of land identified by their 2004 Town Atlas Map and Parcel numbers [*Present zoning and street addresses are not part of the article but are shown for reference purposes only*]:

map	parcel	present zoning	street address
E-3	85	R-2	rear of 87 Hayward Rd
E-3	93	R-2	rear of 87 Hayward Rd

The area proposed to be rezoned to General Industrial is also shown as Parcels B, C, and D on a “Plan of Land in Acton, Massachusetts”, dated January 30, 2006, prepared by Stamski and McNary, Inc.

, or take any other action relative thereto.

MOTION: **Mr. Sullivan** moves that the Town adopt the zoning bylaw amendments as set forth in the Article.

MOTION CARRIES UNANIMOUSLY

ARTICLE 39 AMEND ZONING BYLAW – PARKING LOTS FOR CONSERVATION
 (Two-thirds vote) **AND MUNICIPAL RECREATION**

To see if the Town will vote to amend the Zoning Bylaw, by deleting the first paragraph of section 6.7 – Parking Lot Design Requirements, and replacing it with the following new paragraph [*Notes in italic print are not part of the Article but are intended for explanation only*.]:

“All parking lots shall be designed in compliance with the following design standards, except as provided in Section 6.9. In addition, the following standards shall not apply to parking lots serving a single to four-FAMILY residential USE, an Assisted Living Residence with 10 or less residents, a religious USE, a Conservation USE, and a Municipal outdoor recreation USE.”

[Note: The first paragraph of section 6.7 currently reads:

“All parking lots shall be designed in compliance with the following design standards, except as provided in Section 6.9. In addition, the following standards shall not apply to parking lots serving a single to four-FAMILY residential USE, an Assisted Living Residence with 10 or less residents, a religious USE, and to parking lots with up to 15 parking spaces serving a Conservation USE.”]

, or take any other action relative thereto.

MOTION: **Mr. Schaffner** moves that the Town adopt the zoning bylaw amendments as set forth in the Article.

MOTION CARRIES UNANIMOUSLY

**ARTICLE 40 AMEND ZONING BYLAW – PRODUCTIVE REUSE OF
(Two-thirds vote) UNDERUTILIZED INDUSTRIAL PROPERTY**

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

A. Amend section 10.4 by inserting a new subsection 10.4.3.12 as follows:

- 10.4.3.12 Special Provisions Applicable to the SM District – On LOTS in the Small Manufacturing (SM) District the Board of Selectmen, when granting a new or amended Site Plan Special Permit, may increase the Maximum FLOOR AREA RATIO and the Maximum Height above the limits set forth for BUILDINGS and STRUCTURES in the Table of Standard Dimensional Regulations, subject to the following conditions and limitations:
 - 10.4.3.12.1 To be eligible under this section 10.4.3.12, a LOT shall have on it IMPERVIOUS COVER as defined in section 4.3 – GROUNDWATER Protection District of this Bylaw, which by its size or coverage may or may not be conforming to the limitations of this Bylaw, but shall have been installed or constructed legally in accordance with the zoning bylaw standards in effect at the time of installation or construction.
 - 10.4.3.12.2 To be eligible under this section 10.4.3.12 and to retain ongoing eligibility, the amount and percentage on the LOT of OPEN SPACE, and of UNDISTURBED OPEN SPACE as defined in section 4.3 – GROUNDWATER Protection District of this Bylaw, shall not be reduced below the amount and percentage existing on the LOT on or before January 1, 2006; and the amount and percentage on the LOT of IMPERVIOUS COVER as defined in section 4.3 – GROUNDWATER Protection District of this Bylaw shall not be increased above the amount and percentage existing on the LOT on or before January 1, 2006.
 - 10.4.3.12.3 Eligibility under this section 10.4.3.12 shall be limited to the following USES on the LOT, provided they are otherwise allowed in the SM District, and subject to the applicable regulations of the Groundwater Protection District Zone that overlays the LOT: Municipal; Child Care Facility; Industrial USES; and Business USES except Office, Health Care Facility, Hospital, Medical Center, and Commercial Recreation.
 - 10.4.3.12.4 Any Maximum Height increases under this section shall not result in a height of BUILDINGS and STRUCTURES greater than 45 feet, plus 12 feet for appurtenant roof STRUCTURES that in aggregate may not occupy more than 20% of the roof plan area.
 - 10.4.3.12.5 Any NET FLOOR AREA increases under this section shall not increase the Maximum FLOOR AREA RATIO above 0.50.
 - 10.4.3.12.6 There shall remain adequate space for vehicular parking on the site that meets the applicable requirements of section 6 of this Bylaw for the USE or USES on the LOT.

B. Amend section 3, Table of Principal USES, by renumbering the footnotes (1) through (11) to become footnotes (2) through (12) respectively, and inserting in the header of the “SM” column, the following new footnote (1):

- (1) See also section 10.4.3.12 - Special Provisions Applicable in the SM District, for special USE restrictions in oversized BUILDINGS.

C. Amend section 5, Table of Standard Dimensional Regulations, by inserting in line “SM”, columns “Maximum Floor Area Ratio” and “Maximum Height in feet”, the following new footnote (18):

(18) The maximum FLOOR AREA RATIO and height may be increased further subject to procedures and conditions set forth in section 10.4.3.12.

, or take any other action relative thereto.

MOTION: Mr. Starzec moves that the Town adopt the zoning bylaw amendments as set forth in the Article.

**MOTION CARRIES
DECLARED 2/3 VOTE BY MODERATOR**

*TOWN OF ACTON HAS EXCEPTED MGL CH 39 SEC 15 AT ITS ANNUAL TOWN MEETING APRIL 2001,
ARTICLE 43 AND THE AMENDED BYLAW 5A WAS APPROVED BY THE ATTORNEY GENERAL ON AUG. 6, 2001.
(THE TOWN MEETING MODERATOR IS NOT REQUIRED TO COUNT A 2/3 REQUIRED VOTE.)

ARTICLE 41 * AMEND ZONING BYLAW – HOUSEKEEPING
(Two-thirds vote)

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

A. In section 3.8.3.6 relative to Amateur Radio Towers, amend subsection i) by replacing the first cross-reference “(section 3.8.3.6.a)” with a corrected cross-reference to read “(section 3.8.3.6 – first paragraph)”.

B. In section 4.2, Open Space Development:

1. Replace the first paragraph of subsection 4.2.3.1 with the following new paragraph:

“Minimum Tract Size – Open Space Developments shall be located upon a TRACT OF LAND which has an area within the Town of Acton of at least 6 acres in the R-2 District, or 8 acres in the R-4, R-8, R-8/4, R-10, and R-10/8 Districts.”

[Note: The first sentence of subsection 4.2.3.1 currently reads:

“Minimum Tract Size – Open Space Developments shall be located upon a TRACT OF LAND which has an area of at least 6 acres in the R-2 District, or 8 acres in the R-4, R-8, R-8/4, R-10 and R-10/8 Districts.”]

2. In subsection 4.2.3.4, delete the first sentence and replace it with the following new sentence:

“Dimensional Requirements for the Common Land - Not less than 30% in the R-2 District, 40% in the R-4 and R-8/4 Districts, and 50% in the R-8, R-10, and R-10/8 Districts of the total area of the TRACT OF LAND within Acton to be developed as an Open Space Development shall be dedicated as Common Land within Acton.”

[Note: The first sentence of subsection 4.2.3.4 currently reads:

“Dimensional Requirements for the Common Land - Not less than 30% in the R-2 District, 40% in the R-4 and R-8/4 Districts, and 50% in the R-8, R-10 and R-10/8 Districts of the total area of the TRACT OF LAND to be developed as an Open Space Development shall be dedicated as Common Land.”]

C. In section 9, Planned Conservation Residential Community:

1. Add at the end of the first sentence of subsection 9.6.2.1 the following phrase:

“within the Town of Acton”

[Note: The first sentence of subsection 9.6.2.1 currently reads:

“PCRC Site Area – The TRACT OF LAND for a PCRC must contain a minimum of 8 acres.”]

2. In subsection 9.6.3.1, delete the first sentence and replace it with the following new sentence:

“In a PCRC, at least sixty percent (60%) of the TRACT OF LAND within Acton shall be set aside as Common Land within Acton for the use of the PCRC residents or the general public.”

[Note: The first sentence of subsection 9.6.3.1 currently reads:

“In a PCRC, at least sixty percent (60%) of the land shall be set aside as Common Land for the use of the PCRC residents or the general public.”]

D. In section 9B, Senior Residence:

1. In subsection 9B.5.1, add after the words “8 acres” the following phrase:

“within the Town of Acton”

[Note: Subsection 9B.5.1 currently reads:

9B.5.1 MINIMUM TRACT OF LAND area: 8 acres. For the purpose of this section, the Planning Board may consider LOTS on directly opposite sides of a STREET as a single TRACT OF LAND.]

2. In subsection 9B.9.1, delete the first sentence and replace it with the following new sentence:

“In a SENIOR Residence development, except for the conversion to a Senior Residence development of a project approved under MGL Chapter 40B before January 1, 2006, at least fifty percent (50%) of the TRACT OF LAND in Acton shall be set aside as Common Land in Acton for the use of the SENIOR residents or the general public.”

[Note: The first sentence of subsection 9B.9.1 currently reads:

“In a SENIOR Residence development, at least fifty percent (50%) of the land shall be set aside as Common Land for the use of the SENIOR residents or the general public.”]

, or take any other action relative thereto.

MOTION: Mr. Schaffner moves that the Town adopt the zoning bylaw amendments as set forth in the Article.

**CONSENT MOTION CARRIES
DECLARED 2/3 VOTE BY MODERATOR**

*TOWN OF ACTON HAS EXCEPTED MGL CH 39 SEC 15 AT ITS ANNUAL TOWN MEETING APRIL 2001, ARTICLE 43 AND THE AMENDED BYLAW 5A WAS APPROVED BY THE ATTORNEY GENERAL ON AUG. 6, 2001.
(THE TOWN MEETING MODERATOR IS NOT REQUIRED TO COUNT A 2/3 REQUIRED VOTE.)

ARTICLE 42 * ACCEPT STREETS – JACKSON DRIVE & MONROE DRIVE
(Majority vote)

To see if the Town will accept as public ways the following streets, or any portion thereof, as laid out by the Board of Selectmen according to plans on file with the Town Clerk, and authorize the Board of

Selectmen to take the fee or easement in said streets by eminent domain or otherwise, including easements for drainage, utility, sidewalk or other purposes as shown on said plans or described in the Order of Layouts;

In the JACKSON DRIVE EXTENSION SUBDIVISION

JACKSON DRIVE - from the previous limit of acceptance at the easterly end of Jackson Drive a distance of 1,466 feet, more or less, in a generally easterly direction to the westerly sideline of Washington Drive, this being the entire road.

In the GLENBROOKE RUN SUBDIVISION

MONROE DRIVE - from the southerly sideline of Jackson Drive a distance of 500 feet, more or less, in a generally southerly direction to the end of a T-shaped turnaround, including the turnaround, this being the entire road.

, or take any other action relative thereto.

MOTION: Mr. Hunter moves that the Town accept as public ways the streets listed in the Article, as laid out by the Board of Selectmen, according to the plans on file with the Town Clerk, and authorize the Board of Selectmen to take or otherwise acquire the fee or easements for drainage, utility, or other purposes where shown on said plans or described in the Order of Layout.

CONSENT MOTION CARRIES

ARTICLE 43 * ACCEPT SIDEWALK EASEMENTS – MARTIN AND MAPLE STREETS (Majority vote)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise and to accept the deed of an easement interest for sidewalk and drainage-related purposes, on such terms and conditions as the Selectmen may determine, in the following land:

1. Land of Pamela A. Hoodes, located at 36 Martin Street, substantially as shown on an "Easement Plan of Land in Acton, Massachusetts (Middlesex County), owned by Pamela A. Hoodes, 36 Martin Street," dated March 1, 2006, on file with the Acton Engineering Department;
2. Land of John A. & Karen K. Sonner, located at 76 Maple Street, substantially as shown on an "Easement Plan of Land in Acton, Massachusetts (Middlesex County), owned by John A and Karen K Sonner, 76 Maple Street," dated March 1, 2006, on file with the Acton Engineering Department;
3. Land of Joseph G. & Rebecca Krysko Scanlan, located at 77 Maple Street, substantially as shown on an "Easement Plan of Land in Acton, Massachusetts (Middlesex County), owned by Joseph G. & Rebecca Krysko Scanlan, 77 Maple Street," dated March 1, 2006, on file with the Acton Engineering Department;

, or take any other action relative thereto.

MOTION: Mr. Magee moves in the words of the Article.

CONSENT MOTION CARRIES

MOTION: Mr. Ashton moves to dissolve the Annual Town Meeting at 10:00

MOTION CARRIES