

Abstract of the 1998 Annual Town Meeting

1998 ANNUAL TOWN MEETING
APRIL 6, 1998

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ABSTRACT OF THE ANNUAL TOWN MEETING HELD APRIL 6, 1998 WITH
ADJOURNED SESSIONS HELD APRIL 7, AND APRIL 8, 1998

OF REGISTERED VOTERS ATTENDING TOWN MEETING

		attendance
Monday	April 6, 1998	815
Tuesday	April 7, 1998	496
Wednesday	April 8, 1998	417

The Moderator called the meeting to order on Monday, April 6, 1998 at 7:05 p.m. After welcoming the attendees to the Annual Town Meeting, Mr. MacKenzie introduced Rev. Ross Lilley of the West Acton Baptist Church. Rev. Lilley gave the invocation.

The Moderator then introduced F. Dore Hunter, Chairman of the Board of Selectmen. Mr. Hunter first thanked Bill Mullin for his six years of service on the Board of Selectmen and than introduced the other members of the Board of Selectmen, the Town Manager, Town Counsel, Town Clerk, Asst. Town Manager and the Town Accountant.

The Moderator then introduced Thomas Mackey, Chairman of the Finance Committee. Mr. Mackey introduced the members of the Finance Committee.

Mr. MacKenzie noted that there were only a few new residents attending town meeting so he dispensed with explaining the rules and regulations governing town meeting and explained that he would read the Consent Calendar on pages 22 and 23 of the warrant. He informed the members of Town Meeting that any articles read on the Consent Calendar could be "HELD" if two or more voters called for them to be "HELD" for discussion.

MOTION: MR. HUNTER moves that the Town take up the 13 articles in the Consent Calendar on Pages 22 and 23 of the Warrant.

The Moderator reads the individual articles, 12, 13, 14, 16, 17, 18, 19, 20, 21, 30, 31, 35, and 39, No article were "held".

CONSENT CALENDAR

ARTICLE MOTION

12** Council on Aging Enterprise Budget: Move that the Town raise and appropriate \$50,017 for the purpose of operating the Town of Acton Senior and Handicapped Citizen Van service, and to raise such amount \$50,017 be transferred from the Council on Aging Enterprise Fund.

13** Nursing Enterprise Fund - Move that the Town raise and appropriate \$537,706 for the purpose of operating the Public Health Nursing Service, and to raise such amount \$537,706 be transferred from the Nursing Enterprise Fund.

CONSENT CALENDAR (continued)

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14** Septage Disposal Enterprise Budget: Move that the Town raise and appropriate \$203,800 for the purpose of septage disposal, and to raise such amount \$203,800 be transferred from the Septage Disposal Enterprise Fund.

16** Section 53 1/2 Self-Funding Programs: Move that the revolving funds for the Local School System, Historic District Commission, Building Department, Sealer of Weights and Measures, Health Department, and Fire Department be continued for FY 1999 in the amounts and for the purposes set forth in the expense column of this article.

17** Street Acceptances: Move that the Town accept as a public way the streets listed in the Article, as laid out by the Board of Selectmen according to the plans on file with the Town Clerk, and authorize the Board of Selectmen to take the fee or easements for drainage, utility, or other purposes where shown on said plan or described in the Order of Layout.

18** Central Street Sidewalk Easements: Move in the words of the article.

19** John Swift Road Easement (Isaac Davis Trail): Move in the words of the article.

20** Road Layout and Acceptance (Piper Road and Charter Road): Move in the words of the article.

21** Plowing of Private Ways: Move that the Town raise and appropriate \$10,000 to be expended by the Town Manager for plowing of private ways open to public use as designated by the Board of Selectmen.

30** Chapter 90 Highway Reimbursement Program: Move the Selectmen are authorized to accept Highway funds from all sources and such funds are hereby appropriated for highway purposes.

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

35** Merriam School Offset Receipts Budget: Move that the Town raise and appropriate \$27,758 for the purpose of maintaining the Merriam School Building, and to raise such amount \$27,758 be transferred from the Merriam School Offset Receipts Budget.

39** Corrections, Clarifications, and Minor Modifications: Move in the words of the Article.

Moderator asks that the Consent Calendar now be passed.

Motion carries unanimously

MONDAY, APRIL 6, 1998

ARTICLE 1 CHOOSE TOWN OFFICERS
(Majority Vote Required)

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

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

or take any other action relative thereto.

MOTION: **MR. HUNTER** moves that the Town fix the compensation for elected officers as shown in the warrant.

MOTION CARRIES UNANIMOUSLY

MALCOLM S. MACGREGOR nominates **FREDERICK A. HARRIS** as a Trustee of the West Acton Fireman's Relief Fund, term to expire in 2001.

MOTION CARRIES UNANIMOUSLY

WILLIAM KLAUER nominates **JOSEPH A. CONQUEST** as a Trustee of the Fireman's Relief Fund, term to expire 2001.

MOTION CARRIES UNANIMOUSLY

FRANCES MORETTI nominates **SHIRLEY U. TOWLE** as a Trustee of the Charlotte Goodnow Fund, term to expire 2001.

MOTION CARRIES UNANIMOUSLY

JOHN POWERS nominates **CORNELIA O. HUBER** as a Trustee of the Elizabeth White Fund, term to expire 2001.

MOTION CARRIES UNANIMOUSLY

CORNELIA O. HUBER nominates **FRANCIS M. JOYNER, JR.** as a Trustee of the Elizabeth White Fund to fill the unexpired term of Edwin Miller, term to expire 2000.

MOTION CARRIES UNANIMOUSLY

ROBERT L. LOOMIS nominates **VIRGINIA RHUDE** as a Trustee of the Citizen's Library Association of West Acton, term to expire in 2001.

MOTION CARRIES UNANIMOUSLY.

ARTICLE 2 HEAR AND ACCEPT REPORTS
(Majority Vote Required)

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

MOTION: MR. HUNTER moves that the Town accept the reports of the various Town Officers and Boards as set forth in the 1997 Town Report and that the Moderator calls for any other reports.

MOTION CARRIES UNANIMOUSLY

ARTICLE 3 BUDGET TRANSFER
(Majority Vote Required)

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

MOTION: MR. FRIEDRICHS moves that the Town appropriate \$30,000 to be expended by the Town Manager for the purpose of appraising, surveying and providing other in-kind services as may be required to secure a Federal or State Grant for the acquisition of land to establish a route for the Assabet River Rail Trail, and to raise such amount, \$30,000 be transferred from Free Cash.

MOTION CARRIES

ARTICLE 4 ASSABET RIVER RAIL TRAIL
(2/3 VOTE REQUIRED)

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

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

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

MOTION: MR. FRIEDRICHS moves that the Town appropriate \$150,000 to be expended by the Town Manager for the purpose of acquiring certain parcels of land, as set forth in the article, for establishing a route for the Assabet River Rail Trail, and that to raise such amount, the Town Manager is authorized to apply for, accept, expend and borrow in anticipation of any Federal and State Grants available for these purposes.

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MOTION: Mr. Codyer moves that the Town postpone discussion of this article indefinitely

MOTION LOST

ORIGINAL MOTION CARRIES

TOTAL VOTE 489 YES 335 NO 154

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

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

MOTION: MR. HUNTER moves that the terms of the Police Collective Bargaining Memorandum of Agreement, dated March 6, 1998, are approved, and that in order to satisfy the terms of the Agreement, the Selectmen are authorized to petition the General Court for an Act to repeal Chapter 493 of the Acts of 1938, and further that the Town accept Massachusetts General Laws, Chapter 41, Section 108L (The Quinn Bill) effective upon the enactment of legislation by the General Court to remove the position of Police Chief from the provisions of Civil Service.

MOTION CARRIES

ARTICLE 6 MEMORIAL LIBRARY IMPLEMENTATION
(Majority Vote Required)

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

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

MOTION: MR. HUNTER moves that the Town raise and appropriate \$80,031.00 to be expended by the Town Manager for increased library staff, building maintenance and materials budget for the Memorial Library, as listed in the Article.

MOTION CARRIES UNANIMOUSLY

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

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

MOTION: **MS TAVERNIER** moves that the Town raise and appropriate \$20,000.00 to be expended by the Town Manager for professional services for identification, evaluation and estimating implementation costs of reuse options for the town-owned structure at 17 Woodbury Lane.

MOTION CARRIES

Mr. Mullin expressed his thanks to the town and wishes them continued good luck in the future.

ARTICLE 8 RECREATION IMPLEMENTATION
(Majority Vote Required)

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

MOTION: **MR. MULLIN** moves that the Town raise and appropriate \$224,699.00 to be expended by the Town Manager for implementation of the Recreation Division within the Natural Resources and Cemetery Department and for professional design services for the Morrison Property.

MOTION: **MR. EVANS** moves to amend the sum of the motion by subtracting \$2240.00

AMENDMENT LOST

ORIGINAL MOTION CARRIES

MOTION: **MR. HUNTER** MOVES TO ADJOURN THIS SESSION OF TOWN MEETING AT 10:32PM UNTIL 7:00 ON APRIL 7, 1998

MOTION CARRIES

TUESDAY APRIL 7, 1998

THE MODERATOR CALLED THE MEETING TO ORDER AT 7:00PM.

ARTICLE 9 LOCAL SCHOOL CONSTRUCTION
(2/3 Vote Required)

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

MOTION: **MR. SCANLON** moves to take no action.

.....

MOTION CARRIES UNANIMOUSLY

ARTICLE 10# SMOKING RESTRICTIONS

(Majority Vote Required)

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

B. Restaurants

1. Effective on July 1, 1998, no less than 100% of the total seating capacity of a food service establishment shall be a nonsmoking area. This section shall supersede any and all previous regulations controlling the percentage of nonsmoking seats to be provided by establishments.
2. This regulation shall also include the lounge/bar service areas in a food service establishment, unless ventilation is provided such that air from the area does not enter the restaurant portion of the establishment and the nonsmoking area (including any nonsmoking areas within the restaurant) remains at least 75% of the total seating capacity.
3. Each restaurant shall conspicuously post signs to indicate non-smoking areas and the areas where smoking is allowed.
4. The proprietor, manager or person in charge shall ensure that all patrons conform to the conditions of the bylaw.
5. All outdoor seating shall be exempt from the provisions of this bylaw.

or take any other action relative thereto.

MOTION: **MS. HOTALING** moves in the words of the Article except that the effective date indicated in paragraph B.1. shall be revised to read September 30, 1998.

MOTION CARRIES

TOTAL VOTE 349 YES 214 NO 135

ARTICLE 11 WATERSHED TRADING PROGRAM

(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$100,000, or any other sum, to be expended by the Town Manager to study, plan and implement a Watershed Based Trading Program, to identify non-point discharges within Acton's watershed and plan and implement their reduction through education, management practices and infrastructure changes with the goal of constructing a wastewater treatment plant with a point discharge into the Assabet River, or take any other action relative thereto.

MOTION: Ms. TAVERNIER moves that the Town raise and appropriate \$100,000 to be expended by the Town Manager to study, plan and implement a Watershed Based Trading Program.

MOTION CARRIES UNANIMOUSLY

Mr. MacKenzie recognized all the town boards and committees and thanked them on behalf of the town for their time and efforts. He also recognized the school volunteers.

Acton/Boxborough Cultural Council	Minuteman Home Care
Board of Appeals	Minuteman Vocational School Committee
Board of Assessors	Personnel Board
Board of Health	Planning Board
Cable Advisory Committee	Prison Advisory Committee
Cemetery Commission	Public Ceremonies and Celebrations Comm.
Commission on Disability	Recreation Commission
Conservation Commission	Second Airport/Fort Evens Reuse Task Force
Council on Aging	South Acton Revitalization Committee
Fair Housing Committee	Town Report Committee
Finance Committee	Transportation Committee
Hanscom Field Advisory Commission	Volunteer Coordinating Committee
Historic District Commission	
Historical Commission	
Lowell Reg. Transportation Authority	
Metropolitan Advisory Planning Council	

Mr. MacKenzie noted that he and Dick O'Brien, Moderator for the Water Supply District have worked out an agreement that they would be Deputy Moderator for each other, if circumstances occurred.

ARTICLE 12COUNCIL ON AGING VAN ENTERPRISE BUDGET**

(Majority Vote Required)

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

CONSENT MOTION: MR. HUNTER moves that the Town raise and appropriate \$50,017 for the purpose of operating the Town of Acton Senior and Handicapped Citizen Van service, and to raise such amount, \$50,017 be transferred from the Council on Aging Enterprise Fund.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 13NURSING ENTERPRISE BUDGET**

(Majority Vote Required)

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

CONSENT MOTION: MR. HUNTER moves that the Town raise and appropriate \$537,706 for the purpose of providing Public Health Nursing Services, and to raise such amount \$537,706 be transferred from the Nursing Enterprise Fund.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 14SEPTAGE DISPOSAL ENTERPRISE BUDGET**

(Majority Vote Required)

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

CONSENT MOTION: MS. HUNTER moves that the Town raise and appropriate \$203,800 for the purpose of septage disposal, and to raise such amount \$203,800 be transferred from the Septage Disposal Enterprise Fund.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 15 NESWC ENTERPRISE BUDGET

(Majority Vote Required)

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

MOTION: MR. MULLIN moves that the Town raise and appropriate \$1,880,549 for the purpose of Solid Waste Disposal, and to raise such amount, \$1,213,549 be transferred from the NEWSC Enterprise Fund and \$667,000.00 be raised and appropriated.

MOTION CARRIES UNANIMOUSLY

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ARTICLE 16SECTION 53E1/2 SELF-FUNDING PROGRAMS**
(Majority Vote Required)

To see if the Town will vote pursuant to Section 53E1/2 of Chapter 44 of the Massachusetts General Laws to continue revolving funds for the Local School system, Historic District Commission, Building Department, Sealer of Weights and Measures, Health Inspectional Services, and Fire Department Fire Alarm Network, or take any other action relative thereto.

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

CONSENT MOTION: MR. HUNTER 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 FY1999 in the amounts and for the purposes as set forth in the expense column of this article.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 17STREET ACCEPTANCES**
(2/3 Vote Required)

To see if the Town will accept as public ways the following streets or portions thereof, as laid out by the Board of Selectmen according to plans on file with the Town Clerk and authorize the Board of Selectmen to take the fee or easement in said streets by eminent domain or otherwise, including Parcel A, as well as easements for drainage, utility, sidewalks, or other purposes where shown on said plans or described in the Order of Layout:

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In the WASHINGTON DRIVE EXTENSION SUBDIVISION

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

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

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

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 18 CENTRAL STREET SIDEWALK EASEMENT**
(Majority Vote Required)

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

CONSENT MOTION: MR. HUNTER moves in the words of the article.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 19 ISAAC DAVIS TRAIL EASEMENT - FENTON**
(Majority Vote Required)

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

CONSENT MOTION: MR. HUNTER moves in the words of the article.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 20RELOCATION AND LAYOUT OF A PORTION OF PIPER ROAD**
(Majority Vote Required)

To see if the Town will vote to accept as a Town way a portion of Piper Road from State Highway Route 2 a distance of 714 feet, more or less, in a southwesterly direction, as relocated

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and laid out by the Board of Selectmen according to a plan on file with the Town Clerk, including the acceptance of the land shown on said plan as "Parcel X - 0.235 Acres" from AB Properties, LLC and described in more detail in the Order of Layout on file with the Town Clerk, or take any other action relative thereto.

CONSENT MOTION: MR. HUNTER moves in the words of the article

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 21PLOWING OF PRIVATE WAYS**
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$10,000, or any other sum, to be expended by the Town Manager for the cost associated with the plowing of private ways open to public use as designated by the Board of Selectmen, or take any other action relative thereto.

CONSENT MOTION: MR. HUNTER moves that the Town raise and appropriate \$10,000 to be expended by the Town Manager for plowing of private ways open to public use as designated by the Board of Selectmen

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 22 TOWN OPERATING BUDGET
(Majority Vote Required)

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

MOTION: MR. HUNTER moves that the Town Budget for the period July 1, 1998 to June 30, 1999 in the amount of \$12,964,237.00 be raised and appropriated in its entirety, except that \$84,730.00 be transferred from the Cemetery Trust Fund for Cemetery use and \$14,392.00 be transferred from Wetlands Filing Fees for use by the Natural Resources Department, and further that the Town Manager be authorized to sell, trade or dispose of vehicles being replaced and to expend any proceeds received.

MOTION CARRIES UNANIMOUSLY

Mr. MacKenzie thanked the check-in tellers and gave a special thanks to Belle Choate, Head teller, at the town meeting for all the work they do regarding the town meeting.

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

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

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MOTION: **MR. FRIEDRICHS** moves that the Town raise and appropriate \$160,000 to be expended by the Town Manager for the purpose of designing and constructing sidewalks and that to raise such amount, \$160,000.00 be transferred from Free Cash..

MOTION CARRIES

ARTICLE 24 CAPITAL IMPROVEMENTS, FACILITIES AND EQUIPMENT
(Majority Vote Required)

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

A.	Town Hall Telephone System	\$45,000
B.	Town Hall Clock Repair	\$12,000
C.	Town Hall Bell Repair	\$8,000
D.	Elm Street Tennis Courts	<u>\$48,000</u>
	Total	\$113,000

or take any other action relative thereto.

MOTION: **MR. FRIEDRICHS** moves that the Town raise and appropriate \$113,000.00 to be expended by the Town Manager for the purpose of purchasing equipment and making infrastructure repairs as listed in the Article and that to raise such amount, \$113,000.00 be transferred from Free Cash.

MOTION CARRIES

ARTICLE 25 CAPITAL IMPROVEMENTS - VEHICLES
(Majority Vote Required)

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

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

or take any action relative thereto

MOTION: **MR. KABAKOFF** moves that the Town raise and appropriate \$122,000.00 to be expended by the Town Manager for the purpose of replacing vehicles as listed in the Article and that the Town Manager be authorized to sell, trade or dispose of vehicles being replaced and to expend any proceeds received.

MOTION CARRIES UNANIMOUSLY

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

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

MOTION: **MR. MULLIN** moves that the Town raise and appropriate \$126,000.00 to be expended by the Town Manager for professional services for design and preparation of specifications and bid documents to permanently close the Forest Road Landfill.

MOTION CARRIES

ARTICLE 27 STORAGE BUILDING
(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds the sum of \$100,000, or any other sum to be expended by the Town Manager for construction of a storage building and making necessary improvements to the parking lot at Woodlawn Cemetery, or take any other action relative thereto.

MOTION: **MR. KABAKOFF** moves that the Town raise and appropriate \$100,000.00 to be expended by the Town Manager for the purpose of designing and constructing a storage building and making necessary improvements to the parking lot at Woodlawn Cemetery and to raise such amount, \$100,000.00 be transferred from Free Cash.

MOTION CARRIES

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

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

MOTION: **MR. MULLIN** moves that the Town raise and appropriate \$10,000 to be expended by the Town Manager for the purpose of organizing and conducting a Grand Opening of the North Acton Recreation Area.

MOTION CARRIES

ARTICLE 29 TOWN BOARD SUPPORT - SPECIAL PROJECTS

(Majority Vote Required)

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

MOTION: **MR. HUNTER** moves that the Town raise and appropriate \$5,000.00 to be expended by the Town Manager for the on-going expenses of the Acton Boxborough Cultural Council and to raise such amount, \$5,000.00 be transferred from Free Cash.

MOTION CARRIES

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

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

CONSENT MOTION:] **MR. HUNTER** moves the Selectmen are authorized to accept Highway funds from all sources and such funds are hereby appropriated for highway purposes.

CONSENT MOTION CARRIES UNANIMOUSLY

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

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

MOTION: [Consent] **Mr. HUNTER** moves in the words of the article.

CONSENT MOTION CARRIES UNANIMOUSLY

MOTION: **MR. HUNTER** MOVES TO ADJOURN THIS SESSION OF TOWN MEETING, AT 10:18PM, UNTIL 7:00 ON APRIL 8, 1998

MOTION CARRIES UNANIMOUSLY

WEDNESDAY, APRIL 8, 1998

THE MODERATOR CALLED THE MEETING TO ORDER AT 7:01PM.

ARTICLE 32 MINUTEMAN REGIONAL SCHOOL ASSESSMENT
(Majority Vote Required)

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

MOTION: **MR. WILTSE** moves that the Minuteman Science and Technology High School Assessment for the period July 1, 1998 to June 30, 1999, in the amount of \$428,167.00, be raised and appropriated in its entirety.

MOTION CARRIES UNANIMOUSLY

Mr. MacKenzie thanked the volunteers from Cablevision Inc. (Local cableTV provider).

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The Moderator advised town meeting members that Article 33 had to be voted by a secret ballot. The voters had a yes / no ballot that was to be separated, one portion placed in the ballot box as the vote and the other portion placed in a waste basket.

ARTICLE 33 AMEND REGIONAL SCHOOLS AGREEMENT

(Majority Vote Required by ballot)

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

MOTION: **MS. WILLIAMS** moves that the Agreement for the Regional School District for the Towns of Acton and Boxborough be amended in accordance with Massachusetts General Laws, Chapter 71, Section 14E, to provide that the vote of each member of the Regional School District Committee shall be weighted according to the population of the Town the member represents, as determined by the most recent town census.

VOTED BY BALLOT

TOTAL VOTES CAST 143 YES 138 NO 5

MOTION CARRIES

ARTICLE 34 ACTON-BOXBOROUGH REGIONAL SCHOOL ASSESSMENT

(Majority Vote Required)

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

MOTION: **MS. WILLIAMS** moves that the Acton Boxborough Regional School Assessment for the period July 1, 1998 to June 30, 1999, in the amount of \$11,407,415.00 be raised and appropriated, and to raise such amount, \$150,000.00 be transferred from Free Cash and \$11,257,415.00 be raised and appropriated.

MOTION CARRIES

ARTICLE 35 MERRIAM SCHOOL OFFSET RECEIPTS BUDGET**

(Majority Vote Required)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$27,758, or any other sum, for the purpose of maintaining and operating the Merriam School, in accordance with Mass General Laws, Chapter 44, Section 53E, Offset Receipts Law, or take any other action relative thereto.

CONSENT MOTION: **MR. HUNTER** moves that the Town raise and appropriate \$27,758 for the purpose of maintaining the Merriam School Building, and to raise such amount \$27,758 be transferred from the Merriam School Offset Receipts Budget.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 36 ACTON PUBLIC SCHOOLS BUDGET
(Majority Vote Required)

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

MOTION: **MR. SCANLON** moves that the Town raise and appropriate \$13,687,248.00 for the Acton Local Schools for the period July 1, 1998 to June 30, 1999, and to raise such amount, \$150,000.00 be transferred from Free Cash and \$13,537,248.00 be raised and appropriated.

MOTION CARRIES

ARTICLE 37 USE OF FUNDS TO REDUCE THE TAX RATE - FREE CASH
(Majority Vote Required)

To see if the Town will determine an amount of free cash which shall be used for the purpose of reducing the tax rate for the fiscal year beginning July 1, 1998, or take any other action relative thereto.

MOTION: **MS. TAVERNIER** moves to take no action.

MOTION CARRIES UNANIMOUSLY

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

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

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

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

or take any other action relative thereto.

MOTION: **MR. CHERNIN** moves that the zoning bylaw be amended as set forth in the Article.

MOTION CARRIES UNANIMOUSLY

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

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

A. Amend the Zoning Bylaw as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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5. In section 5.8.3, change the section cross-references from 5.6.1 and 5.6.2, to 5.8.1 and 5.8.2 respectively; and
in section 5.5.3.4 a), change the section cross-reference from 10.4.3.9 to 10.4.3.8.

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

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

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

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

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

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

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

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

6.7.6 Perimeter Landscaping Requirements - All parking lots/cells with more than five (5) spaces and all loading areas shall be bordered on all sides with a minimum of a ten (10) foot wide buffer strip on which shall be located and maintained appropriate landscaping of suitable type, density and height to effectively screen the parking area. The perimeter landscaping requirements shall be in addition to any minimum OPEN SPACE or landscaped buffer area required elsewhere in this Bylaw. However, where the minimum required front, side or rear yard is less than forty (40) feet, the landscaped buffer areas required in Section 10.4.3.6 and the areas required for perimeter landscaping may overlap. In such instances, the landscaping requirements of Sections 10.4.3.6 and ~~6.7.8~~ ~~6.7.7~~ shall be applied in a manner that will, in the opinion of the Special Permit Granting Authority (if the parking area is related to a permitted USE for which a site plan or other special permit is required) or the Building Commissioner (for other parking areas), provide a landscaped buffer as effective as it would be achieved through the separate implementation of the requirements of Sections 10.4.3.6 and ~~6.7.8~~ ~~6.8.7~~.

8. In section 9A.7.1 insert after item 3.4.8 the following:
"3.4.9 Assisted Living Residence".

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

- 3.4 GOVERNMENTAL, INSTITUTIONAL AND PUBLIC SERVICE USES
- 3.4.1 Municipal
- 3.4.2 Educational
- 3.4.3 Religious
- 3.4.4 Nursing Home
- 3.4.5 Public or Private Utility Facilities
- 3.4.6 Child Care Facility
- 3.4.8 Full Service Retirement Community
- [3.4.9 Assisted Living Residence]**

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

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

or take any other action relative thereto.

CONSENT MOTION: MR. HUNTER moves that the zoning bylaw be amended as set forth in the Article.

CONSENT MOTION CARRIES UNANIMOUSLY

The Moderator informed the town meeting members that the motions for Article #40 - #45 are to **“Take no action”** and that all six articles would be voted at one time.

MOTION: MR. CROSWELL moves to take no action on articles 40, 41, 42, 43, 44, and 45.

MOTION TO TAKE NO ACTION CARRIES UNANIMOUSLY

ARTICLE 40 KELLEY’S CORNER DISTRICT AMENDMENTS - DIMENSIONAL REGULATIONS

(2/3 Vote Required)

To see if the Town of Acton will vote to amend section 5 of the Zoning Bylaw as set forth in this article (*Notes in italic print are not part of the article but are intended for explanation only*):

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

ZONING DISTRICTS	MINIMUM LOT AREA in sq. ft.	MINIMUM LOT FRONTAGE in feet	MINIMUM LOT WIDTH in feet	MINIMUM FRONT YARD in feet	MINIMUM SIDE & REAR YARD in feet	MINIMUM OPEN SPACE in percent	MAXIMUM FLOOR AREA RATIO	MAXIMUM HEIGHT
KC	10,000	100	50	see footnote (17) [30]	NR (18) [NR]	NR	0.20 (15) [0.40 (15)]	40 [36]

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

(17) The minimum front yard measured from the sidelines of Massachusetts Avenue (Rt. 111), 1907 State Highway Layout, shall be 22 feet. The minimum front yard measured from the easterly sideline of Main Street (Rt. 27), 1953 County Layout north of Rt. 111 and 1958 County Layout south of Rt. 111, shall be 26 feet. The minimum front yard measured from the westerly sideline of Main Street (Rt. 27), 1953 County Layout north of Rt. 111 and 1958 County Layout south of Rt. 111, shall be 16 feet. The minimum front yard measured from the sideline of any other STREET shall be 4 feet.

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

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

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

Note: Footnote (15) currently reads as follows:

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

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

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

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

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

Note: Section 5.6.3 and its subsections currently contains 2¹/₂ pages of standards and requirements for sidewalks, other pedestrian amenities, driveways, parking lots, building design, and infrastructure contributions. Some of them will be amended and added to in this and in subsequent articles.

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

or take any other action relative thereto.

MOTION: MR. CROSWELL moves to take no action.

MOTION TO TAKE NO ACTION CARRIES UNANIMOUSARTICLE 41 KELLEY'S CORNER DISTRICT AMENDMENTS - STREET RESERVATIONS, URBAN VILLAGE STREETS, AND TRANSPORTATION INFRASTRUCTURE FUNDING (2/3 Vote Required)

To see if the Town of Acton will vote to amend section 5 of the zoning bylaw as set forth in this article (*Notes in italic print are not part of the article but are intended for explanation only*):

A. Insert a new section 5.6.3.6 as follows:

5.6.3.6 STREET Rights of Way - The Site Plan Special Permit Granting Authority shall require the reservation of strips of land, which shall not be built upon or used for any purpose except access to the remainder of the LOT, for future STREET rights of way for all purposes for which STREETS and ways are used in the Town of Acton, as set forth below.

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- a) Along Main Street (Rt. 27) and Massachusetts Avenue (Rt. 111) the additional STREET rights of way shall be as follows:
 - 1) 18 feet wide along both sides of Rt. 111 measured from the sidelines of the 1907 State Highway Layout, and adequate roundings at all intersections.
 - 2) 22 feet wide along the easterly side of Rt. 27 measured from the sideline of the 1953 County Layout north of Rt. 111 and from the sideline of the 1958 county layout south of Rt. 111, and adequate roundings at all intersections.
 - 3) 12 feet wide along the westerly side of Rt. 27 measured from the sideline of the 1953 County Layout north of Rt. 111 and from the sideline of the 1958 county layout south of Rt. 111, and adequate roundings at all intersections.
- b) The Special Permit Granting Authority shall also require the reservation of strips of land, which shall not be built upon or used for any purpose except access to the remainder of the LOT, for future Urban Village STREETS in locations generally consistent with those shown on the Kelley's Corner Urban Village Concept Plan that is contained in the Kelley's Corner Business District Circulation Plan of February 1997, as set forth below:
 - 1) The strips of land shall be 40 feet wide and shall be widened to 50 feet where they are located within 120 feet of Rt. 27 or Rt. 111, and there shall be adequate roundings at all intersections.
 - 2) In approving the location of the Urban Village STREETS the Special Permit Granting Authority shall require the horizontal and vertical alignment of the Urban Village STREETS with existing STREETS, and adequate construction and grading easements to ensure proper and practical connections or continuations to existing or future Urban Village STREETS on adjacent LOTS.
 - 3) If an Urban Village STREET will divide LOTS that are undivided at the time of the application for a Site Plan Special Permit, the Special Permit Granting Authority shall encourage a unified site design that integrates the Urban Village STREET as much as possible in the overall site plan. Except for setbacks from the Urban Village STREETS that are required for STRUCTURES and parking lots, zoning compliance shall be determined based on the undivided LOTS in existence at the time of the Site Plan Special Permit application.
- c) Where such additional STREET rights of way are reserved, the FLOOR AREA RATIO on the remaining land shall be calculated by including the rights of way to be granted in the DEVELOPABLE SITE AREA, including any easements granted previously for the same purpose.
- d) The Special Permit Granting Authority may require the conveyance of the STREET rights of way to the Town of Acton, subject to acceptance by Town Meeting. The Special Permit Granting Authority may impose appropriate conditions and require adequate surety to ensure compliance with this requirement.

B. Insert a new section 5.6.3.7 as follows:

- 5.6.3.7 Urban Village Streets - The Special Permit Granting Authority may require the construction of the Urban Village STREETS, or portions thereof, in the STREET rights of way reserved for this purpose and located on or adjacent to the LOT that is subject to the site plan special permit.

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- a) The gravel bases and pavement layers used in the construction of the Urban Village STREETS shall conform with the typical structural section of the Town of Acton Subdivision Rules and Regulations.
- b) All Urban Village STREETS shall feature sidewalks, at least 8 feet wide, on at least one side as determined by the Special Permit Granting Authority.
- c) In all other respects the design of the Urban Village STREETS shall conform with said Subdivision Rules and Regulations to the extent possible and practical as determined by the Special Permit Granting Authority.
- d) When considering development plans, the Special Permit Granting Authority shall give due consideration to the integration of Urban Village STREETS with development sites to avoid duplication of travel lanes within and outside of parking lots, and generally to maximize the efficient and safe use of the sites.
- e) Urban Village STREETS shall be constructed to aligned horizontally and vertically to ensure proper and practical connections or continuations to existing or future Urban Village STREETS on adjacent LOTS.

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

5.6.3.5 Public Infrastructure Funding Assistance - The Special Permit Granting Authority may require a contribution in the amount of \$2.50 per square foot of NET FLOOR AREA in excess of a FLOOR AREA RATIO 0.20. Said contribution shall be made to the Town of Acton for deposit into a fund to be used for the following purposes:

- a) The design and construction of new and expanded public STREET infrastructure improvements in the Kelley's Corner District and adjacent areas generally in accordance with the Kelley's Corner Urban Village Concept Plan, including the acquisition of necessary land, rights of way or easements and the payment of any debt incurred by the Town of Acton for such purposes.
 - 1) The contributions towards public STREET infrastructure may be waived or reduced to reflect the cost of new or expanded public STREET infrastructure, including the provision of Urban Village STREETS, that is provided by the owner in the course of site development or redevelopment in accordance with the Kelley's Corner Urban Village Concept Plan and approved by the Special Permit Granting Authority. No reductions shall be given for the construction of sidewalks and other pedestrian amenities required under this bylaw.
- b) The design and construction of a centralized wastewater collection, treatment and disposal system serving the Kelley's Corner District and other areas within the Town of Acton, including the acquisition of necessary land or easements, or for the payment of any debt incurred by the Town of Acton for such purposes.
- c) On any LOT where the FAR existing on or before April 1, 1996 exceeds 0.20, the contributions calculated pursuant this section shall be based on the difference between the existing NET FLOOR AREA and the proposed NET FLOOR AREA.

Note: Section 5.6.3.5 currently reads as follows:

5.6.3.5 Wastewater Infrastructure - The Site Plan Special Permit Granting Authority shall require a contribution in the amount of \$2.50 per square foot of NET FLOOR AREA in excess of FLOOR AREA RATIO 0.20. Said contribution shall be made to the Town of Acton for deposit into a fund to be used for the design and construction of a centralized wastewater collection, treatment and disposal system serving the Kelley's Corner District and other areas within the

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Town of Acton, including the acquisition of necessary land or easements, or for the payment of any debt incurred by the Town of Acton for such purposes. On any LOT where the FAR existing on or before April 1, 1996 exceeds 0.20, the contributions calculated pursuant this section shall be based on the difference between the existing NET FLOOR AREA and the proposed NET FLOOR AREA.

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

“In order to support the growth and vitality of the center, higher density developments are required to contribute to a fund for the construction of public street improvements and a centralized wastewater collection and treatment system serving the Kelley’s Corner District and surrounding areas. The regulations are intended to implement the Kelley’s Corner Specific Area Plan, June 1995, as amended, and the Kelley’s Corner Business District Circulation Plan, February 1997, as amended.

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

Note: The third and last sentences of the second paragraph of section 5.6.1 currently read as follows:

In order to support the growth and vitality of the center, higher density developments are required to contribute to a fund for the construction of a centralized wastewater collection and treatment system serving the Kelley’s Corner District and surrounding areas. The regulations are intended to implement the Kelley’s Corner Plan as amended.

or take any other action relative thereto.

MOTION: MR. CROSWELL moves to take no action.

MOTION TO TAKE NO ACTION CARRIES UNANIMOUSLY

ARTICLE 42 KELLEY’S CORNER DISTRICT AMENDMENTS - SIDEWALKS AND BUILDING DESIGN

(2/3 Vote Required)

To see if the Town of Acton will vote to amend section 5 of the zoning bylaw as follows
(Notes in italic print are not part of the article but are intended for explanation only):

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

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

- a) Along the FRONTAGE of the Arterial STREETS, sidewalks shall be at least 10 feet wide. They shall be separated from automobile travel lanes with an 8 foot wide buffer that is planted with shade trees generally at 40-45 foot intervals and

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with other landscaping elements. The buffer strips may also contain other STREET design elements and may consist in part of on-STREET vehicular parking spaces or bus and taxi loading areas.

- b) Along the FRONTAGE of at least one side of the Urban Village STREETS as determined by the Special Permit Granting Authority. Such sidewalks shall be at least 8 feet wide, but no buffer shall be required to the automobile travel lanes.
- c) All sidewalks shall be installed within the STREET layout or within easements reserved for all purposes for which STREETS and ways are used in the Town of Acton.
- d) All sidewalks shall be installed with concrete walking surfaces and vertical granite curbing. No bituminous concrete surface or curbing shall be allowed. The Special Permit Granting Authority may authorize surface inlays of other materials intended to create interesting designs in walking areas.

Note: Section 5.6.3.1 currently reads as follows:

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

B. Amend Section 5.6.3.4 as follows:

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

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

Note: Section 5.6.3.4 a) currently reads as follows, with proposed changes noted in bold and by use of strike-through:

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

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

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

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

*BUILDING facades facing **[Arterial]** STREETS or pedestrian plazas **[, and BUILDING facades facing Urban Village STREETS and situated within 30 feet of such Urban Village STREET** are ~~also~~ referred to herein as the BUILDING front(s) or BUILDING front facade(s). Such BUILDING fronts shall have a vertical orientation, meaning either that the BUILDING shall actually have a greater height than width, or that the facades and roof lines of the BUILDING are designed to reduce the massing and bulk so that it appears as a group of smaller masses with a distinct vertical orientation.*

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

Note: Sub-section 5.6.3.4 d) currently reads as follows, with proposed changes noted in bold:

*The BUILDING front facades shall be articulated to achieve a human scale and interest. The use of different textures, shadow lines, detailing and contrasting shapes is required. Not more than 50 **[contiguous]** feet of a BUILDING front shall be in the same vertical plane.*

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

“Multistory BUILDINGS, or multistory portions of a BUILDING”.

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

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

or take any other action relative thereto.

MOTION: MR. CROSWELL moves to take no action.

MOTION TO TAKE NO ACTION CARRIES UNANIMOUSLY

ARTICLE 43 KELLEY’S CORNER DISTRICT AMENDMENTS - VEHICLE PARKING REQUIREMENTS
(2/3 Vote Required)

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

- A. Delete section 5.6.3.3 in its entirety and replace it with:

5.6.3.3 Driveways and Parking Lots -

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- a) Except as provided herein, the Special Permit Granting Authority shall require that vehicular ACCESS to all LOTS and parking areas be provided exclusively from Urban Village STREETS. If such ACCESS is not available, the Special Permit Granting Authority may allow one ACCESS driveway directly from an arterial STREET, until such time when vehicular ACCESS is available from an Urban Village STREET. In cases involving approval of a temporary vehicular ACCESS from an arterial STREET, the Special Permit Granting Authority shall require that the parking areas and interior driveways be designed to permit vehicular ACCESS from an Urban Village STREET, and that the arterial STREET ACCESS be closed as soon as vehicular ACCESS is available from an Urban Village STREET.
- b) No driveway or parking lot shall be located in the portion of a LOT that is directly in front of a BUILDING as seen from an Arterial STREET, whether or not the BUILDING is located on the same LOT as the driveway or parking lot, except that a driveway and parking lot may be located in the front of a BUILDING that is located in the rear of another BUILDING when viewed from an Arterial STREET. No driveways or parking lots shall be located between a pedestrian plaza and an Arterial STREET, nor shall any driveway or parking lot intersect or be mixed with a pedestrian plaza.
- c) Vehicular driveways and parking lots may be located to the side and rear of BUILDINGS or to the rear of a pedestrian plaza.
- d) In all other respects driveways and parking lots shall be designed in compliance with sections 6.9.3.5 and 6.9.3.6.

Note: Section 5.6.3.3 currently reads as follows, with proposed changes noted in bold and by use of strike-through:

5.6.3.3 Driveways and Parking Lots -

a) Except as provided herein, the Site Special Permit Granting Authority shall require vehicular ACCESS to all LOTS and parking areas to be provided exclusively from Urban Village STREETS. If such access is not available, the Site Plan Special Permit Granting Authority may allow one ACCESS driveway directly from an arterial STREET, until such time when ACCESS is available from an Urban Village STREET. In cases involving approval of a temporary ACCESS from an arterial STREET, the Site Plan Special Permit Granting Authority shall require the parking areas and interior driveways to be designed to permit ACCESS from an Urban Village STREET and closure of the arterial STREET ACCESS in the future.

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

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

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

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

6.9.3.5 Design Requirements for Parking Lots - Off-STREET parking spaces, except parking spaces serving a single or two FAMILY residential USE, shall be either contained within a BUILDING or STRUCTURE or subject to the following requirements:

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- a) Required parking spaces, ACCESS driveways, and interior driveways shall be provided and maintained with suitable grading, paved surfaces, adequate drainage, and landscaping as required in Section 6.9.3.6.
- b) ACCESS, interior and common driveways for two-way traffic shall be twenty four feet (24') wide. The ACCESS, interior and common driveways for one-way traffic shall be fourteen (14') feet wide.
- c) Set-Backs - Except where parking lots established in accordance with Section 6.9.3.4 cross over LOT lines, all parking spaces and paved surfaces other than ACCESS driveways or common driveways shall be set back a minimum of five (5) feet from any LOT lines. In addition, no parking spaces and paved surfaces other than ACCESS driveways or common driveways shall be located within the minimum front yard set forth in the Table of Standard Dimensional Regulations or within 20 feet of an abutting residential zoning district.

6.9.3.6 Landscaping Requirements for parking lots - Parking lots shall include a landscaped area equal to a minimum of five percent (5%) of the area of the parking lot.

- a) Shade trees - One shade tree shall be provided for each two thousand (2000) square feet or less of pavement area. Each shade tree shall be from a deciduous species rated for U.S.D.A. Hardiness Zone 5 that is expected to reach at least 20 feet in height at maturity; be seven (7) feet in height with a trunk caliper size of at least 3/4 inches at the time of planting; and be surrounded by a landscaped area of one hundred square feet (100 sq. ft.) to accommodate the root system of the tree. Additional landscaping may be required by a Special Permit Granting Authority to better screen the parking lot from the STREET and adjacent USES.
- b) Perimeter Planting Strip - Parking lots adjacent to STREETS, sidewalks, paths or ACCESS driveways shall include a perimeter planting strip at least seven and one-half (7.5) feet wide. However, if the planting strip is protected from vehicular damage through the use of planting beds that are raised above the surface of the parking lot at least twelve (12) inches or through the use of bollards or balustrades, the width of the planting strip may be reduced to five (5) feet. Said planting strip shall feature a physical separation between the parking lot and adjacent ways of at least two and one-half (2.5) feet in height. This physical separation may be created through the use of plantings, walls, or fencing (other than chain link or smooth concrete) or a combination of plantings and fencing. No more than twenty percent (20%) of this perimeter planting strip shall be impervious.
- c) Plantings - Plantings for landscaped areas shall include a mixture of flowering and decorative deciduous and evergreen trees and shrubs and shall be planted with suitable ground cover.
- d) Sight Distance - All landscaping along any STREET FRONTAGE shall be placed and maintained so that it will not obstruct sight distance.
- e) Protection of Landscaped Areas - Landscaped areas shall be planted and protected in such a manner that the plantings will not be damaged by vehicles.

Note: Section 6.3.9.5 currently reads as follows:

6.9.3.5 Design Requirements and Landscaping - Off-STREET parking spaces, except spaces serving a single or two FAMILY residential USE, shall either be contained within a BUILDING or STRUCTURE, or be provided in accordance with the design requirements of Section 6.7 including all its subsections. In

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addition, no parking space or other paved surface, other than walkways and bike ways, shall be located within 20 feet of an abutting residential zoning district.

or take any other action relative thereto.

MOTION: MR. CROSWELL moves to take no action.

MOTION TO TAKE NO ACTION CARRIES UNANIMOUSLY

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

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

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

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

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

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

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

B. Insert a new section 5.6.2.4 as follows:

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

or take any other action relative thereto.

MOTION: MR. CROSWELL moves to take no action.

MOTION TO TAKE NO ACTION CARRIES UNANIMOUSLY

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

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

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

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

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

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

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

- a) Increased density on a LOT shall enhance the implementation of the Kelley's Corner Specific Area and Business District Circulation Plans. Density increases hereunder shall be granted only where they are compatible with the Urban Village Concept envisioned in the aforementioned plans. The implementation of this provision shall facilitate the development of a viable and pedestrian-friendly business center at Kelley's Corner.
- b) The Transfer of Development Rights shall serve a public purpose on the LOT from which development rights are to be transferred, by providing vehicular parking, public open space, parks or playgrounds, additional buffers to abutting residential districts, or other amenities that are a benefit to the public.
- c) The Board of Selectmen shall grant a Special Permit hereunder only if it can make appropriate findings that the criteria and objectives of a) and b) are promoted by granting the transfer.

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5.6.4.4 Administration

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

or take any other action relative thereto.

MOTION: **MR. CROSWELL** moves to take no action.

MOTION TO TAKE NO ACTION CARRIES UNANIMOUSLY

MR. HUNTERS MOVES TO DISSOLVE THIS TOWN MEETING AT 10:19 P.M.

MOTION CARRIES UNANIMOUSLY

TELLERS for 1998 Annual Town Meeting

Jasmin Brandeis
Madeline Brown
William Cady
Ann Chang
Isabella Choate
Brewster Conant
Edward Ellis
Thomas Geagan
Carolyn Gray
Connie Huber
Charles Kadlec

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Andrea Miller
Kimberly Powers
Peter Robinson
Charlene Sotolongo
Allen Warner
John Whittier