

**ABSTRACT OF THE ANNUAL TOWN MEETING HELD
MONDAY, APRIL 1, 2013, 7:00 P.M.
ACTON-BOXBOROUGH REGIONAL HIGH SCHOOL AUDITORIUM
WITH ADJOURNED SESSIONS HELD APRIL 2, 2013
NUMBER OF REGISTERED VOTERS ATTENDING TOWN MEETING
APRIL 1, 2013 – 457, APRIL 2, 2013 – 401 AND APRIL 3, 2013 - 180**

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April 1, 2013

The Moderator, Mr. Mackenzie, called the Annual Town Meeting to order on Monday, April 1, 2013, at 7:03 PM.

Mr. Mackenzie introduced Rev. Herb Taylor, Youth Minister, of St Matthew’s United Methodist Church as well as CEO of Deaconess Abundant Life Communities of Newbury Court Concord. Rev Taylor then gave the invocation.

The Moderator then introduced Neil Gordon, Chief Executive Officer of The Discovery Museum of Acton. Mr. Gordon gave a short presentation on what the museum offers to the public.

Mr. Mackenzie introduced the chairman of the Board of Selectmen, Dr. Harting-Barrat, who then introduced the members at the table. Eva Szkaradek - Town Clerk, Stephen Anderson - Town Council, Steve Ledoux – Town Manager, Janet Adachi – Vice Chair, Mike Gowing – Clerk, as well as, John Sonner and David Clough members of the Board of Selectmen

The Moderator introduced the Chair of the Finance Committee, Doug Tindal, who then introduced the members of the Finance Committee. Pat Clifford, Mary Ann Ashton, Herman Kabakoff, Steve Noone, Bill Mullin, Paulina Knibbe, Bob Evans and Michael Majors.

Mr. Mackenzie gave an overview of the process of Town Meeting. He then explained some basic rules and parliamentary procedure of the Town Meeting as found in the back of the warrant.

The Moderator explained the Pro and Con microphones, time frame and process for all speakers, presenters and questions.

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: Dr. Harting-Barrat moves that the Town fix the compensation for elected officers as shown in the Article.

MOTION CARRIES

Peter Ashton, Trustee of the Elizabeth White Fund, nominates Cornelia O. Huber of 50 Seminole Road, Acton, for the position of Trustee of the Elizabeth White Fund, term to expire 2016.

MOTION CARRIES UNANIMOUSLY

Pamela Cochrane, Trustee of the West Acton Citizens’ Library, nominates Nancy Lenicheck of 24 Windsor Avenue, Acton, for the position of Trustee of the West Acton Citizens Library, term to expire 2016.

MOTION CARRIES UNANIMOUSLY

William Klauer, Trustee of the Acton Firefighters’ Relief Fund, nominates Robert A. Vanderhoof of 125 Willow Street, Acton, for the position of Trustee of the Acton Firefighters’ Relief Fund, term to expire 2016

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. Gowing moves that the Town accept the reports of the various Town Officers and Boards as set forth in the 2012 Town Report and that the Moderator call for any other reports.

MOTION CARRIES UNANIMOUSLY

Budget Consent (majority vote)

ARTICLE 3 * Council on Aging Van Enterprise Budget

ARTICLE 4 * Septage Disposal Enterprise Budget

ARTICLE 5 * Sewer Enterprise Budget

ARTICLE 6 * Ambulance Enterprise Budget

ARTICLE 7 * Transfer Station and Recycling Enterprise Budget

ARTICLE 8 * Nursing Enterprise Budget

ARTICLE 9 * Self-Funding Programs (Revolving Funds)

ARTICLE 10 * Transportation Program

ARTICLE 11 * Amend Previous Authorization

ARTICLE 12 * Town Board Support – Acton-Boxborough Cultural Council

**ARTICLE 29 * Amend Town Bylaws – Chapter S – Community Preservation
Committee**

MOTION: Dr. Harting-Barrat moves that the Town take up the eleven articles in the Consent Calendar on pages 27 through 36 and page 53 of the Warrant: Articles 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 29.

Held 8, 10, 11, 29

REMAINING CONSENT 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: Dr. Harting-Barrat moves that the Town appropriate \$100,340 for the purpose of operating the Town of Acton Senior and Disabled Citizens Van service, and to raise such amount, \$39,109 be raised from department receipts, \$50,000 be raised from general revenues and \$11,231 be transferred from retained earnings.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 4 * 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 53 F½, Enterprise Fund Law, or take any other action relative thereto.

MOTION: Dr. Harting-Barrat moves that the Town appropriate \$148,193 for the purpose of septage disposal, and to raise such amount, \$133,193 be raised from department receipts and \$15,000 be transferred from retained earnings.

CONSENT MOTION CARRIES UNANIMOUSLY

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

MOTION: Dr. Harting-Barrat moves that the Town appropriate \$1,758,950 for the purpose of operating the sewer system, and to raise such amount, \$1,758,950 be raised from department receipts.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 6 * AMBULANCE 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 health care, in accordance with Massachusetts General Law, Chapter 44, Section 53 F½, Enterprise Fund Law, or take any other action relative thereto.

MOTION: Dr. Harting-Barrat moves that the Town appropriate \$756,512 for the purpose of operating the ambulance service, and to raise such amount, \$556,512 be raised from department receipts and \$200,000 be raised from general revenues.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 7 * TRANSFER STATION AND RECYCLING 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 solid waste disposal and recycling in accordance with Massachusetts General Law, Chapter 44, Section 53 F½, Enterprise Fund Law, or take any other action relative thereto.

MOTION: Dr. Harting-Barrat moves that the Town appropriate \$700,049 for the purpose of solid waste disposal and recycling, and to raise such amount, \$680,418 be raised from department receipts and \$19,631 be transferred from retained earnings, and further move that the Town authorize the Town Manager to lease on such terms and conditions as he may determine vehicles and equipment for a period not to exceed five years, and to sell, trade or otherwise dispose of vehicles and equipment being replaced and to expend any proceeds so received.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 8 * 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 53 F½, Enterprise Fund Law, or take any other action relative thereto.

MOTION: Dr. Harting-Barrat moves that the Town appropriate \$643,501 for the purpose of operating the public health nursing service, and to raise such amount, \$508,501 be raised from department receipts and \$135,000 be raised from general revenues.

Held from consent

MOTION CARRIES

ARTICLE 9 * SELF-FUNDING PROGRAMS (REVOLVING FUNDS)

(Majority vote)

To see if the Town will vote, pursuant to Massachusetts General Law, Chapter 44, Section 53 E½ to establish or 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 and Fire Department Fire Alarm Network, to be expended by the Town Manager, as noted below:

Fund	FY14 Estimated Revenue	FY14 Authorized Expenditure
School Department		
Douglas at Dawn/Dusk	\$ 291,500	\$ 291,500
Merriam Mornings/Afternoons/Summer	\$ 225,000	\$ 225,000
Historic District Commission	\$ 1	\$ 1
Building Department	\$ 195,568	\$ 195,568
Sealer of Weights and Measures	\$ 13,012	\$ 13,012
Health Department		
Food Service Inspections	\$ 87,586	\$ 87,586
Hazardous Materials Inspections	\$ 47,661	\$ 47,661
Stormwater Inspections	\$ 41,715	\$ 41,715
Fire Department		
Fire Alarm Network	\$ 64,015	\$ 64,015

, or take any other action relative thereto.

MOTION: Dr. Harting-Barrat moves that the revolving funds for the Local School System, Historic District Commission, Building Department, Sealer of Weights and Measures, Health Department, and Fire Department be continued in the amounts and for the purposes set forth in the expense column of this Article.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 10 * TRANSPORTATION PROGRAM
(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 continuation of a town transportation program, or take any other action relative thereto.

MOTION: Dr. Harting-Barrat moves that the Town appropriate \$215,345 to be expended by the Town Manager for the implementation or continuation of the town shuttle, Dial-A-Ride or other transportation-related programs, including State and Federal grant fund matching and other costs incidental and related thereto, and to raise such amount, \$120,845 be raised from general revenues and \$94,500 be transferred from commuter lot parking fees fund balance.

Held from consent

MOTION CARRIES

ARTICLE 11 * AMEND PREVIOUS AUTHORIZATION
(Majority vote)

To see if the Town will vote to amend and extend through fiscal year 2014 the capital equipment authorization under Article 21 of the 2010 Annual Town Meeting such that funds previously raised and appropriated, transferred and/or appropriated from available funds for Fire Apparatus Mobile Data Computers may be utilized to purchase radio communication equipment and services, including related incidental costs, or take any other action relative thereto.

MOTION: Dr. Harting-Barrat moves to amend and extend the capital equipment authorization under Article 21 of the 2010 Annual Town Meeting as set forth in the article.

Held from consent

MOTION: John Sonner-moves to Lay article on the table.

MOTION TO LAY ON THE TABLE CARRIES UNANIMOUSLY

ARTICLE 12 * 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 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: **Dr. Harting-Barrat** moves that the Town raise and appropriate \$2,000 for the ongoing expenses of the Acton-Boxborough Cultural Council.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 13 BUDGET TRANSFER
(Majority vote)

To see if the Town will vote to appropriate from available funds a sum of money to defray necessary expenses above the amount appropriated at the 2012 Annual Town Meeting, or take any other action relative thereto.

MOTION: **Mr. Clough** moves that the Town take no action.

MOTION CARRIES UNANIMOUSLY

ARTICLE 14 TOWN OPERATING BUDGET
(Majority vote)

To see if the Town will raise and appropriate, and/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: **Dr. Harting-Barrat** moves that the Town raise and appropriate \$28,472,335 to be expended by the Town Manager for the purpose of funding the fiscal year 2014 municipal budget, and that the Town authorize the Town Manager to lease on such terms and conditions as he may determine vehicles and equipment for a period not to exceed five years, and to sell, trade or otherwise dispose of vehicles and equipment being replaced and to expend any proceeds so received.

MOTION TO AMEND: Mr. Kadlec moves to amend the main motion by deleting the words “**raise and**” before the word “**appropriate**” and by adding the following words after the phrase “ **municipal budget**” “and to raise such amount, \$1,600,000 be transferred from free cash and \$26,872,335 be raised from general revenues”

MOTION TO AMEND LOST

ORIGINAL MOTION CARRIES

**ARTICLE 15 COMMUTER PARKING LOT INFRASTRUCTURE AND
(Majority vote) PUBLIC SAFETY**

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

A.	Parking Meter System	\$ 100,000
B.	Security, Network and Communications Systems	\$ 100,000
C.	Police Cruisers	\$ 70,500
D.	Automatic Electronic Defibrillators	\$ 18,000
Total		\$ 288,500

MOTION: Mr. Gowing moves that the Town transfer from the Commuter Lot Parking Fees fund balance and appropriate \$288,500 to be expended by the Town Manager for the purposes set forth in the Article.

MOTION CARRIES

**ARTICLE 16 CAPITAL EQUIPMENT, VEHICLES AND INFRASTRUCTURE
(Majority vote)**

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

A.	Fire Station 1 (Acton Center) Generator Replacement	\$ 99,000
B.	Fire Station 2 (South Acton) Generator Replacement	99,000
C.	Boom Mower Attachment Replacement	61,000
D.	2000 Half-Ton Pickup Truck Replacement	37,000
E.	2002 Half-Ton Pickup Truck Replacement	37,000
F.	2004 Half-Ton Pickup Truck Replacement	37,000
G.	Land Survey Equipment	35,000
Total		\$ 405,000

MOTION: Dr. Harting-Barrat moves that the Town raise and appropriate \$405,000 to be expended by the Town Manager for the purposes set forth in the Article, including costs incidental and related thereto, and that the Town authorize the Town Manager to sell, trade or otherwise dispose of vehicles and equipment being replaced and to expend any proceeds so received.

MOTION CARRIES UNANIMOUSLY

ARTICLE 17 STUDIES AND INITIATIVES

(Majority vote)

To see if the Town will raise and appropriate, transfer and/or appropriate from available funds a sum of money, to be expended by the Town Manager for the implementation of the programs listed below, including related incidental costs, or take any other action relative thereto.

A.	Kelley’s Corner Improvement Initiative	\$ 277,000
B.	Acton Center Traffic Study	45,000
Total		\$ 322,000

MOTION: Mr. Sonner moves that the Town raise and appropriate \$322,000 to be expended by the Town Manager for the purposes set forth in the Article, including costs incidental and related thereto.

MOTION TO AMEND: Jill Maxwell moves to amend the motion to vote on A and B separately.

MOTION TO AMEND CARRIES

Kelley’s Corner Improvement section A Teller count 173 yes 126 no

MOTION CARRIES

Acton Center section B

MOTION CARRIES

MOTION TO ADJOURN: Dr Harting-Barrat moves to adjourn the Annual Town Meeting at 11:10 PM, until Tuesday, April 2, 2013 at the Acton-Boxborough Regional High School Auditorium at 7 PM

MOTION CARRIES

April 2, 2013

The Moderator, Mr. Mackenzie, called the Annual Town Meeting to order on Tuesday, April 2, 2013, at 7:01 PM.

The Moderator introduced the Town Manager, Steve Ledoux who gave the presentation for the 8th annual recipient of the “Joseph A. Lalli Merit Award” for outstanding work of a Town of Acton employee. This year’s Town Employee of the Year award is presented to Denise Whitney, of the Acton Nursing Service. Denise has been a certified home health aide with the Town of Acton since 2007.

Mr. Ledoux also honored the 5th annual recipient of the “Joseph A. Lalli Merit Award” for outstanding work of a Public Safety Employee. This year’s Public Safety Employee of the Year is presented to Police officer Dan Holway and K-9 Miso, Acton Police Department.

The Moderator introduced Janet Adachi, vice chair of the Board of Selectmen. Ms Adachi thanked Dr Pamela Harting Barrat for her 32 years of service to the town. Dr Harting Barrat will be stepping down after this Town Meeting.

Kim McOsker thanked Xuan Kong for six years of dedicated service to the School Committee since 2007. Dr Kong will be stepping down after this Town Meeting

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ARTICLE 18 LAND ACQUISITION – 81 WOOD LANE

(Two-thirds 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 a deed of fee simple interest, on such terms and conditions as the Selectmen may determine and for conservation and park purposes, Parcel A, measuring +/-44,689 square feet, as shown on a plan entitled “Plan of Land in Acton, Mass.”, scale 1”=30’, dated August 22, 2011, prepared for Cedric F. Haring, Jr. by Goldsmith, Prest & Ringwall, LLC, and recorded at the Middlesex South Registry of Deeds as Plan No. 619 of 2011; and further to see if the Town will raise, appropriate, and/or transfer from available funds or accept gifts for this purpose, or take any other action relative thereto.

MOTION: Mr. Clough moves that the Town authorize the acquisition of real property as set forth in the Article, and to raise and appropriate \$33,000 to fund said acquisition and related transaction costs.

MOTION CARRIES UNANIMOUSLY

**ARTICLE 19 FUND COLLECTIVE BARGAINING AGREEMENT –
POLICE SUPERIOR OFFICERS (FY13-FY15)**

(Majority vote)

To see if the Town will vote to raise and appropriate, transfer and/or appropriate from available funds a sum of money necessary to fund the cost items contained in Collective Bargaining Agreement(s) between the Town and the Acton Superior Officers’ Union MCOP Local 380 as filed with the Town Clerk, or take any other action relative thereto.

MOTION: Ms. Adachi moves that the Town transfer from the fiscal year 2013 Town Operating Budget and appropriate \$45,792 to fund the first-year cost items contained in the fiscal year 2013 through 2015 Collective Bargaining Agreement between the Town and the Massachusetts Coalition of Police Local 380.

MOTION CARRIES UNANIMOUSLY

**ARTICLE 20 FUND COLLECTIVE BARGAINING AGREEMENT –
FIRE (FY14-FY16)**

(Majority vote)

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

MOTION: Ms. Adachi moves that the Town take no action.

MOTION CARRIES UNANIMOUSLY

ARTICLE 21 FUND COLLECTIVE BARGAINING AGREEMENT –
(Majority vote) **HIGHWAY AND MUNICIPAL PROPERTIES (FY13-FY15)**

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

MOTION: Ms. Adachi moves that the Town transfer from the fiscal year 2013 Town Operating Budget and appropriate \$22,936 to fund the first-year cost items contained in the fiscal year 2013 through 2015 Collective Bargaining Agreement between the Town and the American Federation of State, County and Municipal Employees.

MOTION CARRIES

*See letter on file with Article 21. Mr. Klauer brought to the attention of Town Meeting on April 3, 2013 that the Presentation on this article at the April 2nd, (2nd night) Annual Town Meeting included Cemetery Employees, which are not included in this article or part of this union.

ARTICLE 22 FUND COLLECTIVE BARGAINING AGREEMENT –
(Majority vote) **POLICE PATROL OFFICERS (FY12)**

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

MOTION: Ms. Adachi moves that the Town transfer from the fiscal year 2013 Town Operating Budget and appropriate \$38,603 to fund the cost items contained in the Fiscal Year 2012 Collective Bargaining Agreement between the Town and the Acton Police Patrol Officers Association.

The Moderator asked town meeting to vote to allow Detective Chris Prehl, Vice President of the Acton Police Officers Association permission to speak on this article.
Motion carries unanimous to allow to speaker.

MOTION CARRIES UNANIMOUSLY

ARTICLE 23 FUND COLLECTIVE BARGAINING AGREEMENT –
(Majority vote) **POLICE PATROL OFFICERS (FY13-FY15)**

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

MOTION: Ms. Adachi moves that the Town transfer from the fiscal year 2013 Town Operating Budget and appropriate \$65,962 to fund the first-year cost items contained in the fiscal year 2013 through 2015 Collective Bargaining Agreement between the Town and the Acton Police Patrol Officers Association.

MOTION CARRIES UNANIMOUSLY

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. McOsker moves that the Town raise and appropriate \$26,960,725 to be expended by the Superintendent of Schools to fund the fiscal year 2014 Acton Public Schools budget.

MOTION CARRIES

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: Dr. Kong moves that the Town raise and appropriate \$26,459,873 to be expended by the Superintendent of Schools to fund the fiscal year 2014 assessment of the Acton-Boxborough Regional School District.

MOTION CARRIES

ARTICLE 26 MINUTEMAN REGIONAL SCHOOL DISTRICT ASSESSMENT
(Majority vote)

To see if the Town will raise and appropriate, and/or transfer and 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. Hunter moves that the Town appropriate \$686,979 to fund the fiscal year 2014 assessment of the Minuteman Regional School District, and to raise such amount, \$634,000 be transferred from Free Cash and \$52,979 be raised from general revenues.

The Moderator asked town meeting to vote to allow Mr. Mahoney, Assistant Superintendent of finance of the Minuteman Regional High School, permission to speak on this article.
Motion carries unanimously to allow to speaker.

MOTION CARRIES UNANIMOUSLY

ARTICLE 27 # CITIZENS' PETITION – AMEND ZONING BYLAW
(Two-thirds vote) DRIVE-UP WINDOW

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

A. In Section 3.5.5, delete the phrase “except that drive-up service shall not be allowed”, so that Section 3.5.5 is changed to read in its entirety:

“3.5.5 Restaurant – Establishment where food and beverages are sold within a BUILDING to customers for consumption 1) at a table or counter, or 2) in an adjacent outdoor space that does not obstruct a public way, sidewalk, walkway, vehicular parking, or a driveway, or 3) off the premises as carry-out orders, or 4) any combination of the above. In the OP-2 and the TD District, the minimum square footage for an individual restaurant shall be 5,000 square feet measured in NET FLOOR AREA.”

[Note: Section 3.5.5 now reads:

3.5.5 Restaurant – Establishment where food and beverages are sold within a BUILDING to customers for consumption 1) at a table or counter, or 2) in an adjacent outdoor space that does not obstruct a public way, sidewalk, walkway, vehicular parking, or a driveway, or 3) off the premises as carry-out orders, except that drive-up service shall not be allowed, or 4) any combination of the above. In the OP-2 and the TD District, the minimum square footage for an individual restaurant shall be 5,000 square feet measured in NET FLOOR AREA.]

B. Amend Section 3.8.2.2 by inserting the phrase “, restaurant, or retail store” after the word “bank” and before the period, so that Section 3.8.2.2 is changed to read in its entirety:

“3.8.2.2 Drive-up facilities in a bank, restaurant, or retail store.”

[Note: Sections 3.8.2 and 3.8.2.2 now read:

*3.8.2 ACCESSORY USES permitted in the Office, Business, and Industrial Districts.
3.8.2.2 Drive-up facilities in a bank.]*

C. Amend Section 7.7.4 by inserting the phrase “, or a restaurant drive-up window, or a retail store drive-up window” after the phrase “bank drive-up-window” and before the period, so that Section 7.7.4 is changed to read in its entirety:

“7.7.4 WALL SIGNS – A WALL SIGN may be ERECTED on a BUILDING, or on an arcade STRUCTURE attached to the ground floor of a BUILDING, or on a permanent canopy STRUCTURE associated with a motor vehicle service station, or a bank drive-up window, or a restaurant drive-up window, or a retail store drive-up window.”

[Note: Section 7.7.4 now reads:

7.7.4 WALL SIGNS – A WALL SIGN may be ERECTED on a BUILDING, or on an arcade STRUCTURE attached to the ground floor of a BUILDING, or on a permanent canopy STRUCTURE associated with a motor vehicle service station or a bank drive-up window.]

D. Amend Section 10.4.5.3 by inserting the phrase “and drive-up-windows” after the phrase “driveway openings and before the phrase “are convenient and safe”, so that Section 10.4.5.3 is changed to read in its entirety:

“10.4.5.3 Provides for convenient and safe vehicular and pedestrian movement and that the locations of driveway openings and drive-up-windows are convenient and safe in relation to vehicular and pedestrian traffic circulation, including emergency vehicles, on or adjoining the site.”

[Note: Section 10.4.5.3 now reads:

10.4.5.3 Provides for convenient and safe vehicular and pedestrian movement and that the locations of driveway openings are convenient and safe in relation to vehicular and pedestrian traffic circulation, including emergency vehicles, on or adjoining the site.]

, or take any other action relative thereto.

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

**MOTION LOST
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 28 AMEND ZONING BYLAW – INDUSTRIAL USES
(Two-thirds vote)

To see if the Town will vote to amend Section 3 of the Zoning Bylaw as set forth below:

A. In Section 3.6 - Industrial Uses, delete subsections 3.6.1 (Warehouse), 3.6.2 (Distribution Plant) and 3.6.3 (Manufacturing) and replace them with new subsections 3.6.1, 3.6.2, and 3.6.3 as follows:

3.6.1 Warehouse – A BUILDING used primarily for the enclosed storage of goods, and materials for any length of time; including receiving, repackaging, and/or reshipping; and including office, administrative, and support facilities related to the foregoing, but not a Distribution Center as defined in Section 3.6.2; a personal self-storage facility or mini-warehouse.

[Note – Section 3.6.1 currently reads: Warehouse – A BUILDING for the enclosed storage of goods and materials, including office, administrative, and support facilities related to the foregoing, but not a distribution plant; a personal self-storage facility or mini-warehouse.]

3.6.2 Distribution Center – An establishment with a BUILDING NET FLOOR AREA larger than 50,000 square feet used primarily for the receiving, short-term enclosed storage, repackaging, and/or reshipping or distribution of goods and materials to retail stores and other market outlets, or directly to the consumer via telephone or internet remote sales; including office, administrative, and support facilities related to the foregoing.

[Note – Section 3.6.2 currently reads: Distribution Plant - Establishment for the temporary storage of merchandise, products, or equipment and its wholesale, distribution or re-distribution to the market, usually in smaller lots, or its sale directly to the consumer via remote sales, such as sales conducted via telephone or Internet; and support services for the foregoing, such as office and laboratory.]

3.6.3 Manufacturing –

- An establishment engaged in the creation, fabrication or assembly of products;
- The physical, mechanical or chemical transformation, processing, blending or assembly of materials, substances or components into products;
- The development and manufacturing of renewable energy or alternative energy (RE/AE) equipment and systems;
- The research or testing of new and emerging technologies and technological devices; or
- Similar USES and activities; but, excluding Scientific USE as defined in Section 3.6.4.

The foregoing may include related support facilities and operations including but not limited to office, administration, laboratory, warehouse, and wholesale distribution of the manufactured products. All operations shall confine harmful, noxious or unpermitted smoke, fumes, dust, noise, pollution, contamination and other emissions and nuisances within the premises. No manufacturing, research or testing shall be conducted outside of a BUILDING, except where a special permit for such outdoor manufacturing, research or testing has been issued by the Board of Selectmen. In the KC District, the maximum NET FLOOR AREA of an establishment that is classified as a Manufacturing USE shall not exceed 10,000 square feet.

[Note – Section 3.6.3 currently reads: Manufacturing – A manufacturing facility, such as a printing or publishing plant; manufacturing of building systems and components; fabrication and assembly of electronic components, precision instruments, or other high technology products; manufacturing of metal products or office supplies; software or hardware development or manufacturing; research or testing of new and emerging technologies and technological devices; establishments engaged in services related to the environment; development and manufacturing of renewable energy or alternative energy (RE/AE) equipment and systems; or similar USES and activities; including office, administrative, laboratory, and support facilities related to the foregoing; but excluding scientific USE as defined in Section 3.6.4. All operations shall confine disturbing smoke, fumes, dust, noise, and other emissions within the premises. No research or testing shall be conducted outside of a BUILDING. In the KC District, the maximum NET FLOOR AREA of an establishment that is classified as a Manufacturing USE shall not exceed 10,000 square feet.]

B. In Section 3.8.2 (Accessory Uses permitted in the Office, Business and Industrial Districts), delete subsection 3.8.2.6 and replace it a new subsection 3.8.2.6 as follows:

3.8.2.6 In the Industrial Districts only, outdoor storage of materials, goods, and equipment provided that all outdoor storage areas are surrounded by landscaping or architectural screening that reduces, to the extent feasible and reasonable, their visual impact when viewed from adjacent and nearby STREETS and dwellings in existence as of January 1, 2013.

[Note – Section 3.8.2.6 currently reads: In the Industrial Districts only, outdoor storage of materials, goods, and equipment provided that all outdoor storage areas are completely screened from view from adjacent and nearby STREETS and properties.]

, or take any other action relative thereto.

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

MOTION TO AMEND: Rob Jones, moves to amend the motion under Article 28 to delete section 3.6.3 from the article and to delete the references to “3.6.3 (manufacturing) and” and to “and 3.6.3” in introductory sentence A.

MOTION TO AMEND 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 29 * AMEND TOWN BYLAWS – CHAPTER S
(Majority vote) **COMMUNITY PRESERVATION COMMITTEE**

To see if the Town will vote to amend Chapter S of the General Bylaws of the Town (the Community Preservation Committee Bylaw) as follows:

1. Delete Section 3.2, which prescribes the appropriate recommendations for use of funds the Committee shall make for open space, historic resources and community housing, and replace it with the following new Section 3.2:

The Committee shall make recommendations in proper form to Town Meeting for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space, and community housing that is acquired or created with funds received in accordance with the Community Preservation Act, MGL Chapter 44B, Sections 1 to 17, as amended; provided, however, that funds expended pursuant to this chapter shall not be used for maintenance. With respect to community housing, the Committee shall recommend, whenever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

[Section 3.2 currently reads:

“The Committee shall make recommendations in proper form to the Town Meeting for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation and preservation of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space, land for recreational use and community housing that is acquired or created with funds received in accordance with the Community Preservation Act, MGL Chapter 44B, Sections 1 to 17, as amended. With respect to community housing, the Committee shall recommend, whenever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.”]

2. Delete Section 3.4, which prescribes the percentage of annual revenues in Community Preservation Funds that shall be set aside for later spending and replace it with the following new Section 3.4:

In each fiscal year, the Committee shall recommend spending, or setting aside for later spending, not less than 10% of the annual revenues in the Community Preservation Fund for each of open space, historic resources, and community housing. The Committee may also

recommend an appropriation of not more than 5% of the annual revenues of the Community Preservation Fund for the Committee's administrative and operating expenses. The Committee shall report each year to the Town Meeting on its actual expenditures and anticipated expenditures for administration and operating costs.

[Section 3.4 currently reads:

"In each fiscal year, the Committee shall recommend spending, or setting aside for later spending, not less than 10% of the annual revenues in the Community Preservation Fund for each of open space (not including land for active recreation purposes), historic resources, and community housing. The Committee may also recommend an appropriation of not more than 5% of the annual revenues of the Community Preservation Fund for the Committee's administrative and operating expenses. The Committee shall report each year to the Town Meeting on its actual expenditures and anticipated expenditures for administration and operating costs."]

Or take any other action relative thereto.

MOTION: Dr. Harting-Barrat moves that the Town adopt the general bylaw amendments as set forth in the Article.

Held from consent

MOTION CARRIES

ARTICLE 30 COMMUNITY PRESERVATION PROGRAM – MORRISON FARM

(Two-thirds vote)

To see if the Town will (i) appropriate \$2,505,000, or some other greater or lesser amount, to pay costs of carrying-out the Morrison Farm Implementation Plan, so-called, including the payment of all costs incidental and related thereto; (ii) authorize the Treasurer with the approval of the Board of Selectmen, to borrow said amount for a repayment term of not less than 15 years under and pursuant to Chapter 44B of the General Laws, or pursuant to any other enabling authority; (iii) authorize the Town Manager to take any other action necessary to carry out this project, and (iv) take any other action relative thereto.

MOTION: Mr. Bourdon moves that (i) the Town appropriates \$2,505,000, to pay costs of carrying-out the Morrison Farm Implementation Plan, so-called, including the payment of all costs incidental and related thereto; (ii) the Treasurer with the approval of the Board of Selectmen, is authorized to borrow said amount for a repayment term of not less than 15 years under and pursuant to Chapter 44B of the General Laws, or pursuant to any other enabling authority, (iii) although any bonds or notes issued pursuant to this vote are general obligations of the Town, they shall be payable in the first instance from Community Preservation Act Revenues, and (iv) the Town Manager is authorized to take any other action necessary to carry out this project.

Declared by moderator

(73 yes 66 no)

MOTION LOST

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.)

MOTION TO ADJOURN: Dr Harting-Barrat moves to adjourn the Annual Town Meeting at 11:12 PM, until Wednesday, April 3, 2013 at the Acton-Boxborough Regional High School Auditorium at 7 PM
MOTION CARRIES

April 3, 2013

The Moderator, Mr. Mackenzie, called the Annual Town Meeting to order on Wednesday,, April 3, 2013, at 7:01 PM.

****Point of order** - Mr. Klauer brought to the attention of Town Meeting on April 3, 2013 that the Presentation on Article 21, at the April 2nd, (2nd night) Annual Town Meeting, included Cemetery Employees, which are not part of this union. See letter on file with Article 21.

**ARTICLE 31 COMMUNITY PRESERVATION PROGRAM –
(Two-thirds vote) OPEN SPACE ACQUISITION**

To see if the Town will vote to:

- (a) authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise, on such terms and conditions as the Selectmen may determine, and to accept a deed of fee simple interest in a portion of the real property depicted on Assessors' Map D-3 as Parcel 10, consisting of approximately 20.68 ± acres of open space for conservation purposes under M.G.L. c. 44B, the Community Preservation Act;
- (b) appropriate the purchase price and all necessary and appropriate transaction costs for said purchase including, without limitation, costs for due diligence, legal services, bonding, conservation restriction and its monitoring and enforcement, and other transaction, acquisition and related costs;
- (c) transfer, appropriate and expend, pursuant to the favorable recommendation of the Community Preservation Committee from the existing Open Space Set Aside portion of the Community Preservation Fund balance a sum of money consistent with this article;
- (d) authorize the Treasurer, with the approval of the Selectmen, and pursuant to the favorable recommendation of the Community Preservation Committee, to borrow for a repayment term of not less than 15 years a sum of money as authorized under the Community Preservation Program pursuant to M.G.L. c. 44B, § 11, and to transfer, appropriate and expend said amount consistent with this article;
- (e) raise, appropriate, transfer from available funds or accept gifts and grants of such additional funds as are necessary to accomplish the purposes of this article;
- (f) authorize the Selectmen and the Conservation Commission to submit on behalf of the Town any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts, or the United States, under the Self-Help Act (M.G.L. Chapter 132A § 11) and/or any other state or federal programs including those in aid of conservation land

acquisition, and to transfer, appropriate and expend any said amount so received consistent with this article;

(g) authorize and direct the Board of Selectmen to impose a perpetual Conservation Restriction on the open space so acquired, in accordance with M.G.L. c. 44B, § 12(a) and M.G.L. c. 184, §§ 31-33, on such terms and conditions as the Selectmen may determine (the “Conservation Land”);

(h) authorize and direct the Board of Selectmen in accordance with M.G.L. c. 44B, § 12(b), to delegate the management of the Conservation Land to the Conservation Commission subject to the perpetual Conservation Restriction as aforesaid; and

(i) to authorize the Selectmen, the Town Manager, the Treasurer, and the Conservation Commission, as appropriate, to enter into all agreements and execute any and all instruments as may be necessary to effect this article;

or take any other action relative thereto.

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

MOTION CARRIES UNANIMOUSLY

ARTICLE 32 COMMUNITY PRESERVATION PROGRAM –
(Majority vote) DIRECT APPROPRIATIONS FROM FUND BALANCE

To see if the Town will vote to appropriate or set aside for later appropriation, and to authorize and direct the Board of Selectmen and the Town Manager to expend or set aside, from the FY 2012 Community Preservation Fund balances as set forth herein, the amounts listed below for community preservation purposes, with such expenditures to be subject to conditions listed in the Article’s Summary and to be further specified in award letters from the Community Preservation Committee, with each item considered a separate appropriation;

FY 2012 COMMUNITY PRESERVATION FUND BALANCES	
FY 2012 Community Preservation Fund Revenues	
Community Preservation Fund Surcharge Collected in FY 2012	\$ 783,627.72
State Community Preservation Trust Fund Receipt, October 2012	\$ 208,957.00
Other FY 2012 Community Preservation Fund Components	
Interest Earned in FY 2012	\$ 23,687.55
Unencumbered FY 2012 Fund Balance	\$ 194,797.00
Recapture of unspent previous years’ project appropriations	\$ 4,279.17
Total - FY 2012 Community Preservation Fund Balance	\$ 1,215,348.44

FY 2012 Open Space Set-Aside	
Set-Aside Fund Balance from appropriations for the Acquisition, Creation, and Preservation of Open Space and its Rehabilitation and Restoration	\$ 2,077,537.12
Recaptures to the Set-Aside Fund Balance for the Acquisition, Creation, and Preservation of Open Space and its Rehabilitation and Restoration, of proceeds from the sale of property (Gaebel house at Piper Road) and of unspent project appropriations related to the Gaebel land purchase	\$ 221,034.75
Total FY 2012 Open Space Set-Aside Fund Balance	\$ 2,298,571.87
FY 2012 Historic Set-Aside	
Set-Aside Fund Balance from appropriations for the Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources	\$ 528.00
Total FY 2012 Historic Set-Aside Fund Balance	\$ 528.00
APPROPRIATIONS FROM COMMUNITY PRESERVATION FUND BALANCE	
Purposes	Recommended Amounts
Set Aside Appropriations for	
A. Acquisition, Creation, and Preservation of Open Space, and its Rehabilitation and Restoration	\$ 300,000.00
B1. Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources; required make-up for under-spending in 2004 after recapture	\$ 500.00
B2. Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources; required make-up for under-spending in 2013	\$ 35,246.00
Spending Appropriations	
C. Acton Arboretum – Wildflower Boardwalk	\$ 24,000.00
D. Acton Housing Authority – Sachem Way Siding Replacements	\$ 280,000.00
E. Historic Streetscapes Restoration Program – Shade Tree Plantings	\$ 10,000.00
F. West Acton Baptist Church – Belfry Restoration	\$ 18,563.00
G. West Acton Baptist Church – Master Plan	\$ 22,500.00
H. NARA – Picnic Pavilion	\$ 100,000.00
I. NARA – Concession & Comfort Station Design	\$ 25,000.00
J. Elm Street – Playground and Tennis Courts	\$ 75,000.00
K. Morrison Farm Park Improvements [#]	\$ 259,000.00
Administrative Spending Appropriation	
L. A fund for CPC direct expenses and for reimbursing the Town of Acton for administrative services and operating expenses provided in support of the Community Preservation Committee	\$ 49,629.00
Total Recommended Appropriations from FY 2012 Community Preservation Fund Balance and Current Historic Set-Aside Fund	\$ 1,199,438.00

Resulting Fund Balances	
Remaining FY 2012 Community Preservation Fund Balance	\$ 15,910.44
Resulting Balance in the Set-Aside Fund for the Acquisition, Creation, and Preservation of Open Space, and its Rehabilitation and Restoration ^{###}	\$ 2,598,571.87
Resulting Balance in the Set-Aside Fund for the Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources	\$ 36,274.00

[#] Line item K shall not be appropriated if related Article 30, which would authorize borrowing for the Morrison Farm Park project, fails.

^{##} The line items related to the Open Space Set-Aside balances in the above table may change as a result of the vote taken on Article 31.

, or take any other action relative thereto;

And, whereas Massachusetts General Laws, Chapter 44B requires that the Town appropriate for spending, or set-aside for future spending, from the 2012 Community Preservation Fund Revenues at least 10% for open space, 10% for historic preservation, and 10% for community housing;

And, whereas the recommended appropriations for open space, historic preservation, and community housing each meet or exceed 10% of the 2012 Community Preservation Fund Revenues;

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

Therefore, in the event that recommended amounts are deleted or reduced, vote to appropriate as a set-aside for future spending from the FY 2012 Community Preservation Fund Balance the minimum necessary amounts to allocate not less than 10% of the FY 2012 Community Preservation Fund Revenues for open space (\$99,258.48), not less than 10% of the FY 2012 Community Preservation Fund Revenues for historic preservation (\$99,258.48), and not less than 10% of the FY 2012 Community Preservation Fund Revenues for community housing (\$99,258.48), or take any other action relative thereto.

MOTION: Mr. Bourdon moves that the Town

- (1) Transfer to and from the Community Preservation Fund and appropriate, re-appropriate, or set aside for current or later appropriation, \$953,388, all as set forth in the article, except that
 - Item K. (Morrison Farm Park Improvements) is deleted, and
 - Item B2. is increased to \$48,196.00; and
- (2) Authorize the Town Manager 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.

MOTION CARRIES

ARTICLE 33 OTHER POST-EMPLOYMENT BENEFITS LIABILITY TRUST FUND
(Majority vote) **APPROPRIATION**

To see if the Town will raise and appropriate, or appropriate from available funds, and transfer a sum of money to the Other Post-Employment Benefits Liability Trust Fund established in accordance with Massachusetts General Law, Chapter 32B, Section 20, for the purpose of funding Other Post-Employment Benefits Liabilities, or take any other action relative thereto.

MOTION: Mr. Clough moves that the Town transfer \$432,000 from Free Cash to the Other Post-Employment Benefits Liability Trust Fund for the purpose of funding Other Post-Employment Benefits Liabilities.

MOTION CARRIES UNANIMOUSLY

ARTICLE 34 OTHER POST-EMPLOYMENT BENEFITS LIABILITY TRUST FUND
(Majority vote) **DESIGNATION OF CUSTODIAN**

To see if the Town will vote to designate the Health Care Security Trust Board of Trustees established in section 4 of chapter 29D as the custodian of the Town's Other Post-Employment Benefits Liability Trust Fund provided that the Board of Trustees accepts the designation, or take any other action relative thereto.

MOTION: Mr. Clough moves that the Town designate the Health Care Security Trust (HCST) Board of Trustees as custodian of the Town's OPEB Trust Fund and that the Treasurer be authorized, on such terms and conditions as he deems appropriate, to execute and deliver a Custodian and Investment agreement with the HCST Board of Trustees, to sign checks and wire OPEB Trust Funds to HCST or the Pension Reserves Investment Trust, or as otherwise may be directed by the HCST, and to make withdrawals and investments and enter into such agreements and deliver such certificates and other documents as HCST or the Pension Reserves Investment Management Board may direct.

MOTION CARRIES

ARTICLE 35 AMEND ZONING AND GENERAL BYLAWS –
(Two-thirds vote) **DONATION COLLECTION BINS**

To see if the Town will vote to amend the Zoning Bylaw and the General Bylaw as set forth below:

A. In the Zoning Bylaw, Section 3.8 – Accessory Use Regulations, insert a new subsection 3.8.5 as follows:

3.8.5 Donation Collection Bins – Donation Collection Bins (in this section hereinafter referred to as Bin or Bins) are outdoor receptacles or containers designed or intended for the donation and the temporary storage of books, clothing or other goods and materials. Bins may be placed on non-residential LOTS within any Business, Industrial or Office District, or in other Districts on LOTS owned or occupied by a Municipal, Educational, or Religious USE, subject to the following requirements:

Donation Collection Bins are also subject to permits and certain disclosure and conformance requirements as set forth in Chapter E of the General Bylaws of the Town of Acton.

- 3.8.5.1 Only one Bin shall be allowed on a LOT measuring 1 acre or less in area. For LOTS over 1 acre in area, up to three Donation Collection Bins may be allowed on a LOT.
- 3.8.5.2 Bins shall meet all minimum front, side, and rear yard setback requirements for BUILDINGS and STRUCTURES of the Zoning District in which they are located.
- 3.8.5.3 Bins shall not be placed on lawns and other landscaped areas.
- 3.8.5.4 Bins shall not be placed or located so as to block or obstruct the following: pedestrian or BUILDING access or egress; the minimum number of vehicle parking and handicap parking spaces required under this Bylaw and under the Massachusetts Architectural Access Board (AAB) regulations; ACCESS driveways; interior driveways; maneuvering aisles; loading areas; public or private utilities, services, or drainage systems; fire lanes, alarms, hydrants, or other fire protection equipment; and emergency accesses or egresses.
- 3.8.5.5 Bins shall be operated and maintained so that all sidewalks and walkways continuously meet minimum Americans with Disabilities Act (ADA) and Massachusetts Architectural Access Board (AAB) standards.
- 3.8.5.6 Bins shall be fully enclosed and locked, and have not more than one receiving door with a theft prevention device.
- 3.8.5.7 Bins shall not exceed 200 cubic feet in size.
- 3.8.5.8 Bins shall have one sign, not exceeding 4 square feet in display area, attached to the exterior of the Bin displaying the Bin owner's or operator's name and contact information, collection times, and other required information. No other advertising shall be allowed on the sign.
- 3.8.5.9 Bins shall be regularly emptied of their content so that they do not overflow and do not result in donated goods and materials being strewn about the surrounding area.
- 3.8.5.10 Bins and their surroundings shall be maintained in a state of good repair, in a neat and clean condition, and free of trash, debris, refuse or like materials.

B. In the General Bylaw, Chapter E – General Public Regulations, insert the following new Section E58 as follows:

E58. Donation Collection Bins

The purpose of this bylaw is to regulate Donation Collection Bins in the Town of Acton to protect the public from being misled by Bins that do not disclose for-profit status; prevent clutter around Bins; regulate appropriate Bin signage and identification requirements; establish Bin permits for the orderly administration of this bylaw; and help defray the cost of its administration and enforcement.

Donation Collection Bins are also subject to zoning standards as set forth in Section 3 of the Acton Zoning Bylaw (Chapter M of the General Bylaws of the Town of Acton).

E58.1 Definitions

In this section E58 the following terms shall have the following meanings:

E58.1.1 Donation Collection Bin, or Bin, shall mean any outdoor receptacle or container designed or intended for the donation and the temporary storage of books, clothing, or other goods and materials.

E58.1.2 Property Owner shall mean the owner of land in Acton where a Bin is located or proposed to be located.

E58.1.3 Bin Operator shall mean any person or entity that owns, operates, or controls a Donation Collection Bin located on land in Acton.

E58.2 Annual Bin Permit Required

It shall be unlawful for any person or entity to place or allow to be placed a Donation Collection Bin within the Town of Acton without a Bin Permit from the Zoning Enforcement Officer (ZEO). Each Bin shall require a separate Bin Permit.

E58.2.1 Both the Property Owner and the Bin Operator, through their respective duly authorized representatives shall sign any application for a Bin Permit. For a Bin that complies with this Bylaw, the ZEO may issue a Bin Permit in the name of the Property Owner and the Bin Operator for the specific Bin and the specific property where the Bin is located or is to be located. The Bin Permit shall not be transferable.

E58.2.2 The Property Owner and the Bin Operator shall complete a written application for a Bin Permit on a form provided by the ZEO.

E58.2.3 The application for a Bin Permit shall state the name of the proposed Bin Operator and whether the Bin Operator is a public charity or nonprofit charitable organization registered in good standing with the Non-Profit Organizations/Public Charities Division of the Massachusetts Attorney General's Office. Any person or entity not so registered shall be considered a for-profit person or entity for purposes of this Bylaw.

E58.2.4 Where the proposed Bin Operator is a public charity or nonprofit charitable organization, the application for the Bin Permit shall include a copy of the Bin Operator's latest registration with the Non-Profit Organizations/Public Charities Division of the Massachusetts Attorney General's Office.

E58.2.5 Where the proposed Bin Operator is a for-profit person or entity, the application for the Bin Permit shall include either (a) a copy of the Bin Operator's latest registration as a commercial co-venturer with the Massachusetts Attorney General's office and a statement representing the percentage of profits that the Bin Operator will donate to charity, or (b) a copy of the Bin Operator's Charter, Articles of Organization, Agreement of Association, Instrument of Trust, Business Certificate, License to Operate, or the equivalent, issued by or filed with the Massachusetts Secretary of State or other governmental entity and a statement representing the percentage of profits if any that the Bin Operator will donate to charity.

E58.2.6 Each Bin Permit shall be valid for the calendar year in which it is issued. Each new calendar year shall require a new Bin Permit.

E58.2.7 The application fee for each Bin Permit shall be \$150.00 for each Donation Collection Bin.

E58.2.8 Evidence of a valid Bin Permit (to be provided by the ZEO) shall be affixed to each Bin beside the receiving door.

E58.2.9 The ZEO shall maintain a current list of all Bin Permits for Donation Collection Bins.

E58.3 Required Identification Sign

Notwithstanding any other bylaws and rules on signs in the Town of Acton, every Donation Collection Bin shall have one sign attached to its exterior surface not to exceed 4 square feet in size. Such sign shall be clearly visible to the donating public and shall clearly identify and state:

- The name, address, telephone number, and website of the Bin Operator;
- The regular collection times;
- The Bin Operator's status as a registered public charity or nonprofit charitable organization, or its status as a for-profit person or entity under this Bylaw;
- In the case of a for-profit company, the percentage, if any, of proceeds that the Bin Operator donates to charity; and
- A declaration whether the Bin Operator is registered with the Massachusetts Attorney General's Office as a public charity, a nonprofit charitable organization, or a commercial co-venturer, its registration number, and the telephone number and website address for the Attorney General's Non-Profit Organizations/Public Charities Division.

No further advertising shall be permitted on the donation collection bin.

E58.4 Prohibitions, Standards, and Requirements

Each Property Owner and Bin Operator shall comply with the following provisions with respect to each Bin for which it is the property owner or Bin operator, respectively:

E58.4.1 Each Bin shall conform to all requirements of this Bylaw.

E58.4.7 Each Bin shall be fully enclosed and locked, and have one receiving door with a theft prevention device.

E58.4.8 Each Bin shall not exceed 200 cubic feet in size.

E58.4.9 Each Bin must be regularly emptied and its contents removed from the property so that they do not overflow, resulting in used clothing or other donated goods or materials being strewn about the surrounding area.

E58.4.10 Each Bin must be maintained in a state of good repair and in a neat and clean condition, and free of trash, debris, refuse or like material.

E58.5 Applicability, Effective Date, and Grace Period

The provisions of this Bylaw shall take effect pursuant to M.G.L. c. 40, § 32, and shall apply to both existing Donation Collection Bins and proposed or future Donation Collection Bins located within the Town of Acton. Property Owners and Bin Operators with Bins in existence in Acton prior to the effective date of this Bylaw shall have the following grace periods to come into compliance:

E58.5.1 Within sixty (60) days after the effective date of this Bylaw, the Property Owner and Bin Operator shall file an application with the ZEO for a Bin Permit as required by Section E58.2 of this Bylaw for each existing Donation Collection Bin located in Acton for which it is the property owner or Bin operator, respectively. The application shall demonstrate how the existing Bin complies with this Bylaw or show the proposed changes that shall be completed to achieve compliance.

E58.5.2 Within ninety (90) days after the effective date of this Bylaw, the Property Owner shall fully comply with this Bylaw as to each Bin on its property.

E58.5.3 Non-compliance of any existing Bin with this Bylaw during the grace periods shall not be deemed a violation of this Bylaw.

E58.6 Responsible Entity, Violations, Enforcement, and Penalties

E58.6.1 The Property Owner shall be responsible for ensuring that each Donation Collection Bin on its property in Acton complies with this Bylaw. The Bin Operator shall be responsible for ensuring that each Donation Collection Bin which it owns, operates, or controls and which is located on land in Acton complies with this Bylaw.

E58.6.2 Any violation of this Bylaw shall be punishable by a fine of \$300.00 for each offense. Each day that a violation of this Bylaw continues shall constitute a separate offense.

E58.6.3 Any violation of this Bylaw that persists for thirty (30) days or longer shall result in the revocation of any and all Bin Permits issued to the Property Owner and Bin Operator for Donation Collection Bins on the subject property, and an order issued by the Zoning Enforcement Officer for removal of all Bins on the property.

E58.6.4 Failure by the Property Owner or the Bin Operator to comply with an order of removal issued by the ZEO may result in removal and disposal of the Bins by the Town. The Town shall be entitled to recover from the Property Owner and the Bin Operator, jointly and severally, all costs of removal and disposal of all Bins from the property.

E58.6.5 Where a Bin Permit under this Bylaw has been revoked, no other Bin Permit for a Donation Collection Bin shall be issued for the same property for a period of two years.

And in Section E45 (Non-Criminal Disposition), insert the following subsection:

Chapter E - Section E58, Collection Donation Bin Bylaw; enforcing person: Zoning Enforcement Officer. – Fine: \$300.00 for each offense. Each day that a violation continues shall constitute a separate offense.

, or take any other action relative thereto.

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

MOTION TO AMEND: Tom Michelman moves to change E58.2.7 the application fee for each bin permit location shall be \$150 for each donation collection (location)

MOTION TO AMEND LOST

MOTION: Leigh Davis Honn moves to Lay on the table

MOTION TO LAY ON THE TABLE LOST

Moderator count (yes 53 no 46)

**ORIGINAL MOTION LOST
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.)

General Consent (two-thirds vote)

ARTICLE 36 * Amend Town Charter – Associate Members of Boards and Commissions

ARTICLE 37 * Amend Town Charter – Associate Members of Finance Committee

**ARTICLE 38 * Home Rule Petition – Associate Members, Audit Frequency of Acton Community
Housing Corporation**

ARTICLE 39 * Amend Town Bylaws – Animal Control

ARTICLE 40 * Accept Legislation – Waiver of Dog Licensing Fees for the Elderly

ARTICLE 41 * Amend Zoning Bylaw – Community Service Organizations

ARTICLE 42 * Amend Zoning Bylaw – Heating Fuels

**ARTICLE 43 * Amend Zoning Bylaw – Establish Temporary Moratorium on Medical Marijuana
Uses**

ARTICLE 44 * Amend Zoning Bylaw – Outdoor Sales

ARTICLE 45 * Amend Zoning Bylaw – Commercial Instruction in Private Community Facilities

ARTICLE 46 * Amend Zoning Bylaw – Solar Power Installations

ARTICLE 47 * Land and Easement Acquisition – Mount Hope Cemetery

ARTICLE 48 * Accept Trail Easement – Central Street

ARTICLE 49 * Accept Trail Easement – Skyline Drive

ARTICLE 50 * Accept Sidewalk Easements

ARTICLE 51 * Highway Reimbursement Program (Chapter 90)

ARTICLE 52 * Insurance Proceeds

ARTICLE 53 * Gifts or Grants

ARTICLE 54 * Federal and State Reimbursement Aid

ARTICLE 55 * Performance Bonds

ARTICLE 56 * Sale of Foreclosed Properties

ARTICLE 57 * Elderly Tax Relief – Reauthorize Chapter 73 of the Acts of 1986

MOTION: Dr. Harting-Barrat moves that the Town take up the twenty-two articles in the Consent Calendar on pages 70 through 101 of the Warrant: Articles 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56 and 57.

Hold - 37, 43, 46, 47, 50,

REMAINING CONSENT MOTION CARRIES UNANIMOUSLY

**ARTICLE 36 * AMEND TOWN CHARTER – ASSOCIATE MEMBERS OF
(Two-thirds vote) BOARDS AND COMMISSIONS**

To see if the Town will vote, pursuant to Section 8-3(b) of the Town’s Charter, to amend Section 4-2 of the Charter (“Appointment Powers, Selectmen”) by adding and populating a column for associate members, deleting existing rows for and references to associate and alternate members, and amending the paragraph following the table so that the table and the paragraph, as so amended, read as follows, or take any other action relative thereto:

SECTION 4 - 2 Appointment Powers, Selectmen

	NUMBER OF MEMBERS	LENGTH OF TERM (YEARS)	NUMBER OF ASSOCIATE MEMBERS
Acton/Boxborough Cultural Council	7 (Acton)	3	-
Acton Community Housing Corporation	5-7	3	2
Board of Appeals	3	3	3
Board of Assessors	3	3	1 or more
Board of Health	5	3	2
Cemetery Commissioners	3	3	1
Commission on Disabilities	5	3	2
Conservation Commission	7	3	2
Council on Aging	9	3	2
Election Officers	as required	1	-
Historical Commission	5	3	2
Historic District Commission	6	3	4
Metropolitan Area Planning Council Rep.	1	3	-
Personnel Board	5	3	2

Planning Board	7	5	2
Recreation Commission	5	3	2
Registrars of Voters	3	3	-
(See also Section 5 - 1)			

Each associate member shall be appointed for a term of years equal to the term of a full member, except that each Planning Board associate shall be appointed for a 1-year term. The chairperson of any town board or commission with associate members may designate any such associate member to sit on the board or commission for any particular matter(s) in the case of an absence, inability to act, or conflict of interest on the part of any regular member thereof, or in the event of a vacancy on the board or commission, until said vacancy is filled.

MOTION: Dr. Harting-Barrat moves that the Town adopt the Charter amendments as set forth in the Article.

CONSENT MOTION CARRIES UNANIMOUSLY

**ARTICLE 37 * AMEND TOWN CHARTER – ASSOCIATE MEMBERS OF
(Two-thirds vote) FINANCE COMMITTEE**

To see if the Town will vote, pursuant to Section 8-3(b) of the Town’s Charter, to amend Section 3-2 of the Charter by inserting after the table and immediately before the last sentence, the following paragraph, or take any other action relative thereto:

“The Moderator may appoint up to two associate members of the Finance Committee, each for a term of one year, as the Town Moderator deems appropriate to the efficient and orderly performance of the duties and responsibilities thereof. The chairperson of the Finance Committee may designate any such associate member to sit for any particular matter(s) in the case of an absence, inability to act, or conflict of interest on the part of any regular member thereof, or in the event of a vacancy on the committee, until said vacancy is filled.”

MOTION: Ms. Adachi moves that the Town take no action.

MOTION CARRIES

**ARTICLE 38 * HOME RULE PETITION – ASSOCIATE MEMBERS OF THE BOARD
(Majority vote) AND FREQUENCY OF AUDIT OF ACTON COMMUNITY HOUSING
 CORPORATION**

To see if the Town will authorize the Board of Selectmen to petition the General Court for an amendment to Chapter 143 of the Acts of 1996, in a form acceptable to the Selectmen and Town Counsel, to (1) allow the appointment of associate members to the Board of the Acton Community Housing Corporation, and to authorize the chairperson of the board of directors to designate any such associate member to sit for any particular matter(s) in the case of an absence, inability to act, or conflict of interest on the part of any regular member of said board of directors, or in the event of a vacancy on the board, until said vacancy is filled; and (2) delete the final sentence of Section 4 and to replace it with the following sentence: “At least once every three years, the board of directors shall cause an independent audit to be made of the books

and records of said board, which audit shall be filed with the board of selectmen of said town.”; or take any other action relative thereto.

MOTION: **Dr. Harting-Barrat** moves that the Town authorize the Board of Selectmen to petition the General Court for a Home Rule Act in substantially the form set forth in the Article.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 39 * AMEND TOWN BYLAWS – ANIMAL CONTROL
(Majority vote)

To see if the Town will vote to amend Sections E22 through E25 and portions of E45 of Chapter E of the General Bylaws of the Town to read as follows (with the remainder of existing E45 of Chapter E covered by the ellipses before and after the subparagraph concerning Chapter E - Sections E22, E23, E24, E25 to remain unchanged):

E22. through E25. Animal Control Bylaw

E22 No person shall own or keep a dog, six months or older, within the Town unless a license for such dog is obtained from the Town Clerk. No person shall maintain a kennel within the Town unless a license for such kennel is obtained from the Town Clerk. No kennel may obtain a license from the Town Clerk until such kennel has passed an inspection by the Animal Control Officer. The license period is the time frame between January 1st and the following December 31st, inclusive. The fee for each such license will be determined by the Board of Selectmen in a public meeting.

E23 Any person who is the owner or keeper of a dog or a kennel in the Town of Acton and who fails to license said dog or kennel within the time required by Chapter 140, Sections 137 and 137A of the General Laws shall be subject to a penalty of fifty dollars (\$50.00) to be collected as provided by law.

E24 No person owning or keeping any animal in the Town of Acton shall permit the animal to go at large to the injury or nuisance of others. In addition, a dog should not go outside the boundaries of the property of its owner or keeper unless under the complete and effective control of said owner or keeper by means of a leash or otherwise.

E25 Owners or keepers of animals in violation of the foregoing section shall, after a hearing, be subject to fines or other remedies permitted by Chapter 140 of the General Laws as determined by the Board of Selectmen.

E45. Non-Criminal Disposition

Any bylaw of the Town of Acton or regulation of any town officer, board or department, the violation of which is subject to a specific penalty, may, in the discretion of the town official who is the appropriate enforcing person, be enforced in the method provided in Section 21D of Chapter 40 of the General Laws. Enforcing person as used in this bylaw shall mean any regular police officer with respect to any offense; the Building Commissioner, Zoning Enforcement Officer, Health Director, Fire Chief, or Deputy Chief, Conservation Administrator, DPW Director, Highway Superintendent, Engineering Administrator, Animal Control Officer and any such other

official as the Board of Selectmen may from time to time designate, each with respect to violation of bylaws and rules and regulations within their respective jurisdictions. If more than one (1) official has jurisdiction in a given case, any such official may be an enforcing person with respect thereto.

Without intending to limit the generality of the foregoing, it is the intention of this bylaw that the following bylaws, rules and regulations are to be included within the scope of this bylaw and that the specific penalties as listed here shall apply in such cases.

...

Chapter E - Sections E22, E23, E24, E25 - Animal Control Bylaw; enforcing person - Animal Control Officer - Fine \$25.00, except \$50.00 for violation of Section E23.

...

or take any other action relative thereto.

[Note: Changes to these Sections are reflected below by strikethrough for deletions and underline for additions:

E22. through E25. ~~Dog Licenses/~~Animal Control Bylaw

E22 No person shall own or keep a dog, six months or older, within the Town unless a license for such dog is obtained from the Town Clerk. No person shall maintain a kennel within the Town unless a license for such kennel is obtained from the Town Clerk. No kennel may obtain a license from the Town Clerk until such kennel has passed an inspection by the Animal Control Officer. The license period is the time frame between January 1st and the following December 31st, inclusive. The fee for each such ~~a~~-license will be determined by the Board of Selectmen in a public meeting.

E23 Any person who is the owner or keeper of a dog or a kennel in the Town of Acton and who fails to license said dog or kennel within the time required by Chapter 140, Section 137 and 137A of the General Laws shall be subject to a penalty of ~~twenty-five~~fifty dollars (~~\$50~~25.00) to be collected as provided by law.

E24 No person owning or keeping any animal in the Town of Acton shall permit the animal to go at large to the injury or nuisance of others. ~~In addition, a dog should not go outside the boundaries of the property of its owner or keeper unless under the complete and effective control of said owner or keeper by means of a leash or otherwise.~~

E25 Owners or keepers of animals in violation of the foregoing section shall, after a hearing, be subject to fines or other remedies permitted by Chapter 140 of the General Laws, ~~which shall~~ be determined by the Board of Selectmen. "

E45. Non-Criminal Disposition

Any bylaw of the Town of Acton or regulation of any town officer, board or department, the violation of which is subject to a specific penalty, may, in the discretion of the town official who is the appropriate enforcing person, be enforced in the method provided in Section 21D of Chapter 40 of the General Laws. Enforcing person as used in this bylaw shall mean any regular police officer with respect to any offense; the Building Commissioner, Zoning Enforcement Officer, Health Director, Fire Chief, or Deputy Chief, Conservation Administrator, DPW Director, Highway Superintendent, Engineering Administrator, Animal Control Officer and any such other official as the Board of Selectmen may from time to time designate, each with respect to violation of bylaws and rules and regulations within their respective jurisdictions. If more than one (1) official has jurisdiction in a given case, any such official may be an enforcing person with respect thereto.

Without intending to limit the generality of the foregoing, it is the intention of this bylaw that the following bylaws, rules and regulations are to be included within the scope of this bylaw and that the specific penalties as listed here shall apply in such cases.

...
Chapter E - Sections E22, 23, 24, 25 - ~~Dog Licenses~~/Animal Control Bylaw; enforcing person - Dog-Animal Control Officer - Fine \$25-, except \$50.00 for violation of Section E23.00.
...]

MOTION: Dr. Harting-Barrat moves that the Town adopt the general bylaw amendments as set forth in the Article.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 40 * ACCEPT LEGISLATION – WAIVER OF DOG LICENSING FEES
(Majority vote) **FOR THE ELDERLY**

To see if the Town will vote to accept Section 139(c) of Chapter 140 of the Massachusetts General Laws relative to waiving annual dog license fees for any person age 70 or older, or take any other action relative thereto.

MOTION: Dr. Harting-Barrat moves that the Town accept General Laws Chapter 140, Section 139(c) as set forth in the Article.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 41 * AMEND ZONING BYLAW – COMMUNITY SERVICE ORGANIZATIONS
 (Two-thirds vote)

To see if the Town will vote to amend the Zoning Bylaw, Section 3, as follows:

- In the Table of Principal Uses insert a new line 3.4.12 as follows:

		RESIDENTIAL DISTRICTS				VILLAGE DISTRICTS					OFFICE DISTRICTS	
PRINCIPAL USES		R-2 R-4 R-8 R-8/4 R-10 R-10/8	R-A	R-AA	VR	EAV	EAV-2	NAV	SAV	WAV	OP-1	OP-2
3.4 GOVERNMENTAL INSTITUTIONAL & PUBLIC SERVICE USES												
3.4.12	Community Service Organization	N	N	N	N	Y	Y	Y	Y	Y	Y	Y

		BUSINESS DISTRICTS			INDUSTRIAL DISTRICTS				SP. DIST.		
PRINCIPAL USES		KC	LB	PM	GI	LI	LI-1	SM(1)	TD	ARC	SITE PLAN
3.4 GOVERNMENTAL INSTITUTIONAL & PUBLIC SERVICE USES											
3.4.12	Community Service Organization	Y	Y	Y	Y	Y	Y	Y	Y	N	R

- In section 3.4 (Governmental, Institutional and Public Service Uses), insert a new land use definition as follows:

3.4.12 Community Service Organization – An organization, other than religious or educational, incorporated as a 501(c)(3) non-profit corporation under the Federal tax code and dedicated to assist individuals or families in need by providing or distributing free goods, services or other assistance to cover basic needs, such as but not limited to a food pantry, a provider of free clothing, furniture, appliances and home goods, or a provider of financial assistance for home heating fuel.

, or take any other action relative thereto.

MOTION: Dr. Harting-Barrat moves that the Town adopt the zoning bylaw amendments as set forth in the Article.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 42 * AMEND ZONING BYLAW – HEATING FUELS

(Two-thirds vote)

To see if the Town will vote to amend the Zoning Bylaw, Section 3.7 (Prohibited Uses), by deleting the words in the sixth line in the right column of the table, and replacing them with the words “Commercial storage of heating oils; commercial storage of natural gas in LNG tanks, gas holders or pressure vessels; except that the storage of liquefied petroleum (LP) gas shall be allowed for retail purposes as follows: (a) up to 20 pound capacity cylinders in quantities that are customary for retail businesses, and (b) in a tank with up to 1,000-gallon capacity for customer refills not exceeding one tank per retail location”.

[Note – Section 3.7, Table, right column, sixth line currently reads: “Heating fuel sales, service and storage”.]

, or take any other action relative thereto.

MOTION: Dr. Harting-Barrat moves that the Town adopt the zoning bylaw amendments as set forth in the Article.

CONSENT MOTION CARRIES UNANIMOUSLY

**ARTICLE 43 * AMEND ZONING BYLAW – ESTABLISH TEMPORARY MORATORIUM
(Two-thirds vote) ON MEDICAL MARIJUANA USES**

To see if the Town will vote to amend the Zoning Bylaw by inserting a new Section 3.11 as follows:

3.11 Temporary Moratorium on Medical Marijuana Uses

3.11.1 Background – On November 6, 2012 Massachusetts voters approved Ballot Question 3, also known as the Massachusetts Medical Marijuana Initiative or “Law for the Humanitarian Medical Use of Marijuana” (hereinafter the “Medical Marijuana Law”). The Medical Marijuana Law took effect on January 1, 2013. Under the Medical Marijuana Law a “Medical Marijuana Treatment Center shall mean a not-for-profit entity, as defined by Massachusetts law only, registered under this law, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.” The Medical Marijuana Law enables the Massachusetts Department of Public Health (DPH) to register up to 35 such centers within the first year of enactment, with a minimum of one and a maximum of five located within each county. DPH must issue regulations for the implementation of the Medical Marijuana Law by May 1, 2013.

3.11.2 Purpose and Justification – The purpose of the temporary moratorium is to give the Town of Acton sufficient time after the promulgation of DPH regulations to evaluate the potential land use impacts of Medical Marijuana Treatment Centers as such term is defined under the Medical Marijuana Law, and, if necessary and appropriate, to prepare and adopt zoning standards for Medical Marijuana Treatment Centers.

3.11.3 Temporary Moratorium Provision – For the duration of this Temporary Moratorium a Medical Marijuana Treatment Center as defined in the Medical Marijuana Law shall be prohibited as a PRINCIPAL and ACCESSORY USE in all zoning districts, and no use variance shall be granted to allow a Medical Marijuana Treatment Center.

3.11.4 Temporary Moratorium Expiration - Unless extended, continued or modified by a subsequent action of Town Meeting, the provisions of this Temporary Moratorium shall expire upon either of the first to occur of: (a) the adoption by Town Meeting of an amendment to this Bylaw that explicitly rescinds or replaces this moratorium, and the approval of any such amendment by the Massachusetts Attorney General, or (b) July 1, 2014.

, or take any other action relative thereto.

MOTION: Dr. Harting-Barrat moves that the Town adopt the zoning bylaw amendments as set forth in the Article.

Held from consent

**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 44 * AMEND ZONING BYLAW – OUTDOOR SALES
(Two-thirds vote)

To see if the Town will vote to amend Section 3 of the Zoning Bylaw as set forth below:

A. In Section 3.7 – Prohibited USES, delete the last sentence of the first paragraph and replace it with the following new sentence:

“In addition, the following USES are prohibited in all zoning districts, unless otherwise specifically permitted in this Bylaw.”

[Note – the first paragraph of Section 3.7 currently reads:

3.7 Prohibited USES – All USES that pose a present or potential hazard to human health, safety, welfare, or the environment through the emission of smoke, particulate matter, noise or vibration, or through fire or explosive hazard, or glare are expressly prohibited in all zoning districts. In addition, the following USES are expressly prohibited in all zoning districts.]

B. In Section 3.8 – ACCESSORY USE Regulations, insert a new subsection 3.8.3 as follows:

3.8.3 ACCESSORY USES permitted in the Business and Village Districts.

3.8.3.1 The on-premises outdoor display and sale of merchandise by Retail PRINCIPAL USES on private property, subject to the following requirements:

- a) The outdoor display and sale of merchandise shall be conducted only by a PRINCIPAL Retail USE located on the same LOT, and shall only include merchandise that is regularly offered for sale inside that business establishment. The outdoor display of seasonal merchandise that is not typically offered for sale indoors, such as but not limited to winter tools, flowers, and beach or pool accessories shall be allowed.
- b) The outdoor display and sale shall be confined to an area that is directly contiguous to the BUILDING space that the PRINCIPAL Retail USE occupies.

- c) Each outdoor display and sale area shall meet the minimum side, and rear yard setback requirements for BUILDINGS and STRUCTURES of the zoning district in which it is located.
- d) Outdoor display and sale areas shall not be placed on lawns and other landscaped areas.
- e) Outdoor display and sale areas shall not be placed or located so as to block or obstruct the following: pedestrian or building access or egress; the minimum number of vehicle parking and handicap parking spaces required under this Bylaw and under the Massachusetts Architectural Access Board (AAB); ACCESS driveways; interior driveways; maneuvering aisles; loading areas; public or private utilities, services, or drainage systems; fire lanes, alarms, hydrants, or other fire protection equipment; or emergency access or egress.
- f) Outdoor display and sale areas shall be operated and maintained so that all sidewalks and walkways continuously meet minimum Americans with Disabilities Act (ADA) and Massachusetts Architectural Access Board (AAB) standards.

, and

Renumber the current Section 3.8.3, including all its subsections 3.8.3.1 through 3.8.3.7 to become Section 3.8.4 and subsections 3.8.4.1 through 3.8.4.7.

C. Insert in Section 3.8.3 – ACCESSORY USES Permitted in the Business and Village Districts (as inserted in Part B above) a new subsection 3.8.3.2 as follows:

3.8.3.2 The Zoning Enforcement Officer may issue up to two permits per calendar year for each private property where Retail is a PRINCIPAL USE allowing temporary outdoor sale events, such as a bazaar, festival, fair or similar event, that includes the outdoor display and sale of merchandise, subject to the following requirements:

- a) The property owner shall submit a permit application to the Zoning Enforcement Officer sixty (60) days prior to the start of the event.
- b) Prior to issuance of the permit, the property owner shall have obtained all other applicable permits and licenses for the event that may be required under other local, State or Federal law.
- c) Prior to issuance of the permit, the property owner shall have obtained written notice from the Acton Police Department to proceed with the event.
- d) Only the retailers that are permanent tenants on the property may participate in the outdoor sales event. The owner shall not allow off-site or traveling retailers or vendors to participate.
- e) Each outdoor display and sale area shall meet the minimum side, and rear yard setback requirements for BUILDINGS and STRUCTURES of the zoning district in which it is located.
- f) Outdoor display and sale areas shall not be placed or located so as to block or obstruct the following: pedestrian or building access or egress; the minimum number of handicap parking spaces under the Massachusetts Architectural Access Board (AAB); ACCESS driveways; fire lanes, alarms, hydrants, or other fire protection equipment; and emergency access or egress.
- g) Outdoor display and sale areas shall be operated and maintained so that all sidewalks and walkways continuously meet minimum Americans with Disabilities Act (ADA) and Massachusetts Architectural Access Board (AAB) standards.
- h) The event shall last a maximum of three days.
- i) The event's hours of operation shall be limited to 7 AM to 8 PM on Monday through Friday and to 9 AM to 8 PM on Saturday and Sunday, unless otherwise specified by the Zoning Enforcement Officer.

- j) Signs displayed during the event shall not be subject to the zoning regulations for signs set forth in section 7 of this bylaw.
- k) All signs, trash and debris shall be removed from the event site immediately upon the termination of the activity.
- l) The Zoning Enforcement Officer when issuing the zoning permit shall require documents and information sufficient to determine compliance with this section.

D. Insert in Section 3.8.3 – ACCESSORY USES Permitted in the Business and Village Districts (as inserted in Part B above) a new subsection 3.8.3.3 as follows:

3.8.3.3 On-premises outdoor self-service conveniences such as rental movie kiosks, vending machines, propane tank dispensers or similar convenience on private property where Retail is a PRINCIPAL USE, subject to the following requirements:

- a) Outdoor self service conveniences shall be confined to an area immediately contiguous to the BUILDING space that the PRINCIPAL Retail USE occupies.
- b) Outdoor self service conveniences shall not be placed on lawns and other landscaped areas.
- c) Outdoor self service conveniences shall meet the minimum front, side, and rear yard setback requirements for BUILDINGS and STRUCTURES of the zoning district in which it is located.
- d) Outdoor self service conveniences shall not be placed or located so as to interfere with the following: pedestrian or building access or egress; the minimum number of vehicle parking and handicap parking spaces required under this Bylaw and under the Massachusetts Architectural Access Board (AAB); ACCESS driveways; interior driveways; maneuvering aisles; loading areas; public or private utilities, services, or drainage systems; fire lanes, alarms, hydrants, or other fire protection equipment; or emergency access or egress.
- e) The outdoor self service conveniences shall be maintained so that all sidewalks and walkways continuously meet minimum Americans with Disabilities Act (ADA) and Massachusetts Architectural Access Board (AAB) standards.

E. Insert in Section 3.8.4– ACCESSORY USES Permitted in any Zoning Districts (as renumbered in Part B above) a new subsection 3.8.4.8 as follows:

3.8.4.8 In Village, Office, Business and Industrial Districts only, the Zoning Enforcement Officer may issue a permit for the recurring outdoor seasonal sales of New England farm products (farmers' market) on private property, subject to the following requirements:

- a) Such permit shall be limited to one calendar year per LOT.
- b) The owner of the property upon which the event will be held shall submit a permit application to the Zoning Enforcement Officer sixty (60) days prior to the start of the first farmers' market of the calendar year.
- c) Prior to issuance of the permit, the property owner shall have obtained all other applicable permits and licenses for the farmers' market that may be required under other local, State or Federal law.
- d) Prior to issuance of the permit, the property owner shall have obtained written notice from the Acton Police Department to proceed with the farmers' market.
- e) The farmers' market shall not recur more than one day per week.

- f) The event's hours of operation shall be limited to 7 AM to 8 PM on Monday through Friday and to 9 AM to 8 PM on Saturday and Sunday, unless otherwise specified by the Zoning Enforcement Officer.
- g) When applying for the permit, the property owner must specify the proposed hours, and the dates and/or regularity of the farmers' market.
- h) Each outdoor display and sale area shall meet the minimum side, and rear yard setback requirements for BUILDINGS and STRUCTURES of the zoning district in which it is located.
- i) Outdoor display and sale areas shall not be placed or located so as to block or obstruct the following: the minimum required number of handicap parking spaces and their associated interior driveways and maneuvering aisles as required under this Bylaw for PRINCIPAL USES on the property, and under the Massachusetts Architectural Access Board (AAB); Parking spaces for PRINCIPAL USES on the property remaining open during the event; ACCESS driveways; loading areas; fire lanes, alarms, hydrants, or other fire protection equipment; and emergency access or egress.
- j) Outdoor display and sale areas shall be operated and maintained so that all sidewalks and walkways continuously meet minimum Americans with Disabilities Act (ADA) and Massachusetts Architectural Access Board (AAB) standards.
- k) At all times adequate ingress and egress and sufficient parking shall be maintained as determined by the Zoning Enforcement Officer.
- l) Products sold at the farmers' markets must be produced or made on farms in the New England region, with the exception of seasonal Christmas tree sales.
- m) Signs displayed during the hours of operation of the farmer's market shall not be subject to the zoning regulations for signs set forth in section 7 of this bylaw.
- n) All signs, trash and debris shall be removed from the event site immediately upon the termination of the activity.
- o) The Zoning Enforcement Officer when issuing the zoning permit for a farmers' market shall require documents and information sufficient to determine compliance with this section.

F. Insert in Section 3.8.4 – ACCESSORY USES Permitted in any Zoning District (as renumbered in Part B above) a new subsection 3.8.4.9 as follows:

3.8.4.9 Temporary yard or garage sales limited to a total of not more than 3 days for each calendar year on a LOT with Residential USE on it.

, or take any other action relative thereto.

MOTION: Dr. Harting-Barrat moves that the Town adopt the zoning bylaw amendments as set forth in the Article.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 45 * AMEND ZONING BYLAW – COMMERCIAL INSTRUCTION
(Two-thirds vote) IN PRIVATE COMMUNITY FACILITIES

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

A. In Section 3 of the Zoning Bylaw containing definitions of principal land uses, delete the principal definition 3.2.3 Recreation in its entirety and replace it with the following new definition:

3.2.3 Recreation – A pool, tennis or other recreation facility owned and operated by a neighborhood association or a condominium for the use by the members of the association or condominium and their guests. The facility may also be used for commercial instruction, education and training in skills of all kinds for the members of the association or condominium or the public at large.

[Note: definition 3.2.3 currently reads: 3.2.3 Recreation – A pool or recreation center owned and operated by a neighborhood association, the use of which is limited to members of the association and their guests.]

B. In Zoning Bylaw Section 9 - Planned Conservation Residential Community, delete subsection 9.6.1 in its entirety and replace it with the following:

9.6.1 Permitted USES – Permitted USES in a PCRC shall be any use permitted in the underlying Zoning District as well as ACCESSORY USES typically associated with residential USES. Permitted USES in a PCRC shall also include community facilities owned and operated by the owner of the PCRC or the residents within the PCRC, such as building and grounds maintenance facilities, waste water disposal facilities, recreational facilities, or club houses. Community facilities shall be for the use by the residents within the PCRC and their guests. They may also be used for commercial instruction, education and training in skills of all kinds for the residents within the PCRC and the public at large.

[Note: Subsection 9.6.1 currently states: 9.6.1 Permitted USES – Permitted USES in a PCRC shall be any USE permitted in the underlying Zoning District, as well as ACCESSORY USES typically associated with residential USES, owned and operated by the owner of the PCRC or the residents within the PCRC, such as building and grounds maintenance facilities, wastewater disposal facilities, recreation facilities, or club houses.]

C. In Zoning Bylaw Section 9B - Senior Residence developments, delete subsection 9B.4.6 in its entirety and replace it with the following:

9B.4.6 Support services to meet SENIORS' needs, such as skilled nursing service, medical and other health service, food service, recreation and leisure facilities, or a community center; including the use of recreation, leisure, and community center facilities for commercial instruction, education and training in skills of all kinds for SENIORS and the public at large.

[Note: Subsection 9B.4.6 currently reads: Support services to meet SENIORS' needs, such as skilled nursing service, medical and other health service, recreation and leisure facilities, a community center, or food service.]

, or take any other action relative thereto.

MOTION: Dr. Harting-Barrat moves that the Town adopt the zoning bylaw amendments as set forth in the Article.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 46 * AMEND ZONING BYLAW – SOLAR POWER INSTALLATIONS

(Two-thirds vote)

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

A. Delete the words “solar systems;” from subsection 3.8.1.1 under Section 3.8.1 (Accessory Uses permitted in the Residential Districts and dwellings in Non-residential Districts),

and

Insert under Section 3.8.4 (Accessory Uses permitted in any Zoning District as renumbered in a previous article of this warrant) the following new subsections 3.8.4.10 and 3.8.4.11:

3.8.4.10 Solar photovoltaic and thermal energy systems and devices that primarily benefit and support the PRINCIPAL USE(S) on the same LOT, including but not limited to roof -, wall -, ground -, and pole-mounted installations, and canopy installations above parking lots or driveways.

3.8.4.11 Solar photovoltaic and thermal energy systems and devices that, without limitation, may benefit all energy users provided such systems are roof mounted or wall mounted installations, or canopy installations above parking lot or driveways.

[Note: Subsection 3.8.1.1 currently reads:3.8.1.1 Private garages or carports; solar systems; greenhouses; tool sheds; barns; swimming pools or tennis courts provided that such recreational facilities are used only by the residents and their guests.]

B. In Section 3, Table of Principal Uses, insert the following new lines and footnote:

		RESIDENTIAL DISTRICTS				VILLAGE DISTRICTS					OFFICE DISTRICTS	
PRINCIPAL USES		R-2 R-4 R-8 R-8/4 R-10 R-10/8	R-A	R-AA	VR	EAV	EAV-2	NAV	SAV	WAV	OP-1	OP-2
3.2 INDUSTRIAL USES												
3.6.5	Ground-Mounted Neighborhood Solar Photovoltaic Installation (12)	Y	Y	Y	N	N	N	N	N	N	Y	Y
3.6.6	Ground-Mounted Industrial Solar Photovoltaic Installation (12)	SPP	SPP	SPP	N	N	N	N	N	N	Y	Y

		BUSINESS DISTRICTS			INDUSTRIAL DISTRICTS				SP. DIST.		
PRINCIPAL USES		KC	LB	PM	GI	LI	LI-1	SM(1)	TD	ARC	SITE PLAN
3.2 INDUSTRIAL USES											
3.6.5	Ground-Mounted Neighborhood Solar Photovoltaic Installation (12)	N	Y	Y	Y	Y	Y	Y	Y	Y	NR
3.6.6	Ground-Mounted Industrial Solar Photovoltaic Installation (12)	N	SPP	SPP	Y	Y	Y	Y	Y	Y	NR

(12) Refer to Section 3.11 for specific standards, requirements, exemptions and special permit criteria for Ground-Mounted Solar Photovoltaic Installations.

C. In Section 3.6 (Industrial Use Definitions), insert the following new subsections:

3.6.5 Ground-Mounted Neighborhood Solar Photovoltaic Installation - A solar photovoltaic installation with a layout that is not more than one (1) acre in size and that is primarily designed to benefit the energy needs of USES in the immediately surrounding area or neighborhood. Layout shall mean the total area of the vertical projection on the ground of all panels in the installation’s most horizontal tilt position and shall include all spaces between the panels. Ground-Mounted shall mean that installations are structurally mounted to the ground in any manner, including but not limited to ground anchored pole, rack, or rail installations, or non-ground penetrating ballasted installations; not roof-mounted installations or canopy installations above parking lots or driveways.

3.6.6 Ground-Mounted Industrial Solar Photovoltaic Installation - A solar photovoltaic installation with a layout that is of any size and that is primarily designed to benefit all energy users regardless of location or vicinity to the installation. The words ‘layout’ and ‘ground-mounted’ shall have the same meaning as in Section 3.6.5 above.

D. Insert a new Section 3.11 as follows:

3.11 Special Requirements for Ground-Mounted Solar Photovoltaic Installations

3.11.1 Purposes – To provide reasonable regulations pertaining to public health, safety and welfare for Ground-Mounted Solar Photovoltaic Installations in accordance with Massachusetts General Law Chapter 40A, Section 3.

3.11.2 Applicability – This Section 3.11 shall apply to all Ground-Mounted Neighborhood and Industrial Solar Photovoltaic Installations, including related BUILDINGS, STRUCTURES, and equipment, and to physical modifications of such installations that materially alter their type, configuration, or size. For regulations on solar energy systems as ACCESSORY USES, see Section 3.8.3 of this bylaw.

3.11.3 Standard and Requirements – Except where specifically stated otherwise, the following provisions shall apply to all Ground-Mounted Neighborhood and Industrial Solar

Photovoltaic Installations in all zoning districts. They shall not apply to solar energy systems as ACCESSORY USES under Section 3.8.3.

- 3.11.3.1 Setbacks – The layout of an installation and all related STRUCTURES, BUILDINGS and equipment shall comply with the front, side and rear yard requirements of the zoning district in which they are located, except for power feed and distribution lines and equipment where underground installation is not possible.
- 3.11.3.2 Landscaping, Screening, and Panel Orientation and Tilt – Landscaping or architectural screening shall be provided to reduce the visual impact of installations and specifically to protect nearby receptors from danger, harm, or nuisance that may result from reflective solar glare of photovoltaic panels. Where necessary, panels shall be oriented or tilted in a manner to prevent such glare upon receptors.
- 3.11.3.3 Lighting – Night Lighting is prohibited except for security lighting controlled by motion detectors or infrared sensors with an on-time of no more than ten (10) minutes per activation.
- 3.11.3.4 Utility Connections - All utility connections, conduits, cables, power lines transformers and inverters shall be placed underground, except (a) where otherwise required by the Massachusetts State Building Code or the utility provider; (b) in adverse ground conditions such as ledge or excess water; or (c) for connection to existing above ground utility lines. Wiring within the installation’s layout shall follow industry standards.
- 3.11.3.5 SIGNS – SIGNS shall comply with the requirements of Section 7 of this Bylaw. However, in Residential Districts not more than one (1) sign up to six (6) square feet in display area may be installed with the names, current telephone numbers, websites and trademarks of the installer, manufacturer, owner, and operator of the installation. In addition, pedestrian scale educational displays are permitted, which may include the names and contact information of the display sponsors, and directions and contacts for additional information.
- 3.11.3.6 Water Management and Conservation – To the largest extent possible, the ground shall remain pervious to rain water. Where necessary, adequate provision shall be made for groundwater recharge and to prevent site run-off and erosion.
- 3.11.3.7 Protection of Forest Land – Not more than 1 acre of land shall be deforested for any one Ground-Mounted Industrial Solar Photovoltaic Installation, and no such installation shall be placed on such land that was deforested within the prior 5 years.
- 3.11.3.8 Exemptions from Zoning Requirements – Ground-Mounted Solar Photovoltaic Installations shall be exempt from requirements of this Bylaw pertaining to LOT area, FLOOR AREA RATIO, Impervious Cover, OPEN SPACE, and vehicular parking.
- 3.11.3.9 Solar Access - The owners and operators of Ground-Mounted Solar Photovoltaic Installations are advised to acquire solar access easements from abutters where access to sunlight could be impacted from an allowed use on an abutting parcel.
- 3.11.4 Special Permit for Certain Ground-Mounted Industrial Solar Photovoltaic Installations where required in the Table of Principal USES – The Planning Board may grant Special Permits for Ground-Mounted Industrial Solar Photovoltaic Installations in certain zoning districts as indicated in the Table of Principal USES. When granting such special permit, the Planning Board shall vote in the affirmative the Mandatory Findings for special permits required in Section 10.3 of this Bylaw, and, in addition, find that:
 - 3.11.4.1 In the case of a Residential District location, the visual impact of the installation on its immediate abutters and on the nearby neighborhood has been effectively neutralized through appropriate designs, landscaping, or structural screening; or
 - 3.11.4.2 In the case of a Business District location, the specific site of the installation does not detract from or interrupt the vitality of the business district, or impede its further business development; and that the visual impact of the installation has been sufficiently mitigated through appropriate designs, landscaping, or structural screening.

3.11.5 Special Permit for Certain Other Ground-Mounted Solar Photovoltaic Installations – The Planning Board may grant Special Permits for Ground-Mounted Solar Photovoltaic Installations that do not meet the standards set forth in Section 3.11.3 above, or any of its subsections. When granting such special permit, the Planning Board shall vote in the affirmative the Mandatory Findings for special permits required in Section 10.3 of this Bylaw, and, in addition, find that:

3.11.5.1 The benefit of installing solar photovoltaic power at the installation site as proposed by the application substantially outweighs the public health, safety, and welfare concerns that Section 3.11.3 requirements are intended to protect; or

3.11.5.2 That the particular design, mitigation measures, offsets, agreements, or other provisions for the proposed installation address such concerns in an alternative and satisfactory manner.

, or take any other action relative thereto.

MOTION: Dr. Harting-Barrat moves that the Town adopt the zoning bylaw amendments as set forth in the Article.

Held from consent

**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 47 * LAND AND EASEMENT ACQUISITION – MOUNT HOPE CEMETERY
(Two-thirds 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 (i) a deed of fee simple interest, on such terms and conditions as the Selectmen may determine and for conservation and historic preservation purposes and access by the Cemetery Commission to the shed, Parcel X, measuring +/-13,991 square feet, and (ii) a deed of a 20-foot by 60-foot easement interest including and around the shed adjacent to Parcel X for purposes of access and maintenance by the Cemetery Commission, all as shown on a plan entitled “P.C.R.C. lot layout for Central Street in Acton, Mass.”, scale 1”=50’, dated February 23, 2012, last revised November 26, 2012, prepared for Mt. Laurel Realty by R. Wilson & Associates, Inc. (available for viewing at the Acton Planning Department); and further to see if the Town will raise, appropriate, transfer from available funds or accept gifts for this purpose, or take any other action relative thereto.

MOTION: Dr. Harting-Barrat moves in the words of the Article.

Held from consent

MOTION CARRIES UNANIMOUSLY

ARTICLE 48 * ACCEPT TRAIL EASEMENT – CENTRAL STREET

(Two-thirds 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 a deed of an easement interest for purposes of establishing and maintaining a trail for public pedestrian use, on such terms and conditions and in such final locations as the Selectmen may determine, on land at 176 Central Street, shown on the Acton Town Atlas as parcel F-2B/106. The easement shall provide a pedestrian trail connection between Central Street and land owned by the Town of Acton at the rear of 108 Willow Street (Acton Town Atlas parcel G-1/320) following largely the alignment of the “Existing Cart Path” shown on a plan entitled “P.C.R.C. Lot Layout for Central Street in Acton, Mass.”, scale 1”=50’, dated February 23, 2012, last revised November 26, 2012, prepared for Mt. Laurel Realty by R. Wilson & Associates, Inc. (available for viewing at the Acton Planning Department); and further to see if the Town will raise, appropriate, transfer from available funds or accept gifts for this purpose, or take any other action relative thereto.

MOTION: Dr. Harting-Barrat moves that the Town authorize the acquisition of the easements as set forth in the Article.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 49 * ACCEPT TRAIL EASEMENT – SKYLINE DRIVE

(Two-thirds 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 a deed of an easement interest for purposes of establishing and maintaining a trail for public pedestrian use, on such terms and conditions as the Selectmen may determine, on land at 354 Great Road, shown on the Acton Town Atlas as parcel D-4/4, formerly shown as D-4/2. The easement is shown as “Proposed Trail Easement” on sheet 3 (with detail on sheet 2) of a plan consisting of three sheets entitled “Plan of Land in the Town of Acton, Massachusetts”, scale 1”=100’, dated April 19, 2012, prepared for Pulte Homes of New England, LLC, by Control Point Associates, Inc., and recorded at the Middlesex South Registry of Deeds as Plan No. 437 of 2012; and further to see if the Town will raise, appropriate, transfer from available funds or accept gifts for this purpose, or take any other action relative thereto.

MOTION: Dr. Harting-Barrat moves that the Town authorize the acquisition of the easements as set forth in the Article.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 50 * ACCEPT SIDEWALK EASEMENTS

(Two-thirds 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 deeds of easement interests for sidewalks along the frontage on the following public ways for all purposes which streets, sidewalks and ways are now or hereafter used in the Town, on such terms and conditions as the Selectmen may determine and in a final location or locations as the Selectmen may determine, on, across, over, and/or under the following land:

(a) Main Street (from Great Road to Ledge Rock Way):

1. Land n/f of Somerset Hills Limited Partnership of 677-687 Main Street (Town Atlas Map D-5 Parcel 19),
2. Land n/f of Alan Lee Kollien and Carla M Kollien of 689 Main Street (Town Atlas Map D-5 Parcel 19-1),
3. Land n/f of Gina M Ghioldi-Varley and Patrick J. Varley of 693 Main Street (Town Atlas Map D-5 Parcel 19-2),
4. Land n/f of Anthony J. Geraneo of 697 Main Street (Town Atlas Map D-5 Parcel 19-3),
5. Land n/f of Steven J Augst and Samantha J Augst of 701 Main Street (Town Atlas Map D-5 Parcel 19-4),
6. Land n/f of Cheekiong Ng and Sokchin Chong of 705 Main Street (Town Atlas Map D-5 Parcel 19-5),
7. Land n/f of Laurence E Ullmann and Helen S Ullmann and of 713 Main Street (Town Atlas Map D-5 Parcels 16 & 16-1),
8. Land n/f of Robert R Johnson and Ilona W Johnson of 715 Main Street (Town Atlas Map D-5 Parcel 15-1),
9. Land n/f of Janet L Irons of 717 Main Street (Town Atlas Map D-5 Parcel 15),
10. Land n/f of James F Reilley and Denise J Reilley of 725 Main Street (Town Atlas Map D-5 Parcel 14),
11. Land n/f of Louis H Perry, Jr. and Marcy J Perry of 729 Main Street (Town Atlas Map D-5 Parcel 14-1),
12. Land n/f of Patrick D Murphy, Trustee of the Patrick D Murphy Revocable Trust of 733 Main Street (Town Atlas Map D-5 Parcel 14-2),
13. Land n/f of Casey McHargue and Anna McHargue of 741 Main Street (Town Atlas Map D-5 Parcel 10),
14. Land n/f of Martin Burke and Christina Burke of 743 Main Street (Town Atlas Map D-5 Parcel 5),

15. Land n/f of William N Hall of 749 Main Street (Town Atlas Map D-5 Parcels 41 & 42),
16. Land n/f of Michael J Gowing and Brenda Gowing of 93 Harris Street (Town Atlas Map C-5 Parcel 111),
17. Land n/f of Myohee Hong of 763 Main Street (Town Atlas Map C-5 Parcel 100-2),
18. Land n/f of Matthew C Jucius and Annabella M Jucius of 767 Main Street (Town Atlas Map C-5 Parcel 100-1),
19. Land n/f of J Stephen Byers, Trustee of 773 Main Street Realty Trust of 773 Main Street (Town Atlas Map C-5 Parcel 100),
20. Land n/f of J Stephen Byers, Trustee of 781 Main Street Realty Trust of 781 Main Street (Town Atlas Map C-5 Parcel 101),
21. Land n/f of Philip A Harris of 791 Main Street (Town Atlas Map C-5 Parcel 93),

(b) Taylor Road (from Main Street to the Conant School):

1. Land n/f of Julia R. Costello, a/k/a Guilia R. Costello and Daniel J. Costello, Sr., Co-Trustees of the Julia R. Costello, a/k/a Guilia R Costello Revocable Trust of 26 Taylor Road (Town Atlas Map F-3 Parcel 68),
2. Land n/f of Nicholas P Miller and Andrea S Miller, Trustees of the Taylor Road Realty Trust of 30 Taylor Road (Town Atlas Map F-3 Parcel 73),
3. Land n/f of Mary M Donald of 42 & 52 Taylor Road (Town Atlas Map F-3 Parcels 76, 78 & 84),
4. Land n/f of Steven B Hargreaves and Margaret B Hargreaves of 62 Taylor Road (Town Atlas Map F-3 Parcel 92),

(c) Minot Ave (from Taylor Road to the Conant School crosswalk):

1. Land n/f of Prasad S Jonnalagadda and Radha D Jonnalagadda of 43 Minot Ave (Town Atlas Map F-3 Parcel 92-1),
2. Land n/f of Stuart B Strong, Jr. and Laura H Strong of 41 Minot Ave (Town Atlas Map F-3 Parcel 111),

(d) Willow Street (from Central Street to Kingman Road):

1. Land n/f of Ned Gallant 244 Central Street (Town Atlas Map F-2B Parcel 26),
2. Land n/f of Deborah Sandock of Unit A, 240-242 Central Street (Town Atlas Map F-2B Parcel 33),
3. Land n/f of Raymond D Gallant and Cathryn H Gallant of Unit B, 240-242 Central Street (Town Atlas Map F-2B Parcel 33),

4. Land n/f of Salvatore Panetta, Jr. and Jean V Panetta of 236 Central Street and 5-11 Willow Street (Town Atlas Map F-2B Parcels 37 & 41),
5. Land n/f of Garrison E Crowell of 13 Willow Street (Town Atlas Map F-2B Parcel 49),
6. Land n/f of Philip Scarbro and Allison G Hammer of 21 Willow Street (Town Atlas Map F-2B Parcel 48),
7. Land n/f of Sara Louise Howland of 35 Willow Street (Town Atlas Map F-2B Parcel 48-1),
8. Land n/f of Janet H McGrath of 45 Willow Street (Town Atlas Map F-2B Parcel 74),
9. Land n/f of James L Richey, Jr. of 51 Willow Street (Town Atlas Map F-2B Parcel 80),
10. Land n/f of Roselyn M Romberg and Douglas S Hardy of 33 Summer Street (Town Atlas Map F-2B Parcel 73-1),

(e) Stow Street (from Maple Street to Martin Street):

1. Land n/f of L&G Realty, LLC of 28 Maple Street (Town Atlas Map H-2A Parcel 41-5),
2. Land n/f of Angelo Lombardo and Mark A Lombardo, Trustees of the A and M Realty Trust of 17 Stow Street (Town Atlas Map H-2A Parcel 41),

(f) Parker Street (from High Street to Drummer Road):

1. Land n/f of Arkady Khasin and Irina Khasin of 220 High Street (Town Atlas Map I-3 Parcel 134-2),
2. Land n/f of Ian Hirst as Trustee of the Hirst Nominee Trust of 14 Assabet Crossing (Town Atlas Map I-3 Parcel 134-3),
3. Land n/f of Paul M Gaboury and Michele A Gaboury of 12 Assabet Crossing (Town Atlas Map I-3 Parcel 134-4),
4. Land n/f of Jeremy A Greene and Maria N Greene of 10 Assabet Crossing (Town Atlas Map I-3 Parcel 134-7),
5. Land n/f of Anand Krishnamurthy and Ruth J Lievano of 8 Assabet Crossing (Town Atlas Map I-3 Parcel 134-9),
6. Land n/f of Michael C Perry and Elizabeth H Perry of 6 Assabet Crossing (Town Atlas Map I-3 Parcel 134-10),
7. Land n/f of David S Greer and Alice Webb Greer of 4 Assabet Crossing (Town Atlas Map I-3 Parcel 134-11),
8. Land n/f of Liyakath A Mohamed-Ibrahim and Fathahana Noori a/k/a Fathahana Noori Akbarbasha of 2 Assabet Crossing (Town Atlas Map I-3 Parcel 134-14),

9. Land n/f of Susan M Haverstock of 1 Assabet Crossing (Town Atlas Map I-3 Parcel 134-8),
10. Land n/f of Stow Street Realty, Inc. of 170 Parker Street (Town Atlas Map I-3 Parcel 134-5),
11. Land n/f of Karen Ann Lozier of 164 Parker Street (Town Atlas Map I-3 Parcel 134-6),
12. Land n/f of Edward H Howard and Thomas Chappell of 4 Independence Road (Town Atlas Map I-3 Parcel 120),
13. Land n/f of Brian K Hazzard of 150 Parker Street (Town Atlas Map I-3 Parcel 116),
14. Land n/f of Margaret E. Gleason and James B McGill, Jr. of 148 Parker Street (Town Atlas Map I-3 Parcel 109),
15. Land n/f of Maia A Kennedy and Joseph A Kennedy, Jr. of 144 Parker Street (Town Atlas Map I-3 Parcel 103),
16. Land n/f of Parker Village Condominium of 1-6 Drummer Road and 130-132 Parker Street (Town Atlas Map I-3 Parcels 76, 65, 55 and 48),
17. Land n/f of Drummer Farms Condominium (Town Atlas Map I-3 Parcels 38 and 38-1),
18. Land n/f of Rose Stone Village Condominium of 128 Parker Street (Town Atlas Map I-3 Parcel 37),
19. Land n/f of Parker's Crossing Condominium of 118-126 Parker Street (Town Atlas Map I-3 Parcels 9, 10 and 25),

and further see if the Town will raise, appropriate, transfer from available funds or accept gifts for this purpose, or take any other action relative thereto.

MOTION: Dr. Harting-Barrat moves that the Town authorize the acquisition of the easements as set forth in the Article.

Held from consent

The Moderator asked town meeting to vote to allow Corey York, Town Engineer / Department of Public Works Director, permission to speak on this article.

Motion carries to allow speaker.

ORIGINAL MOTION CARRIES UNANIMOUSLY

ARTICLE 51 * HIGHWAY REIMBURSEMENT PROGRAM (CHAPTER 90)

(Majority vote)

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

MOTION: Dr. Harting-Barrat moves that the Town authorize the Town Manager to accept Highway funds from all sources and that such funds are hereby appropriated for highway purposes.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 52 * INSURANCE PROCEEDS

(Majority vote)

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

MOTION: Dr. Harting-Barrat 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 UNANIMOUSLY

ARTICLE 53 * 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, and that, consistent with the requirements of Massachusetts General Law, Chapter 40, Section 4A, the Board of Selectmen or Town Manager are authorized to enter into an agreement or agreements on behalf of the Town, on such terms and conditions as the Board of Selectmen or the Town Manager may determine, for the stated purposes of the gifts or grants, or take any other action relative thereto.

MOTION: Dr. Harting-Barrat 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 UNANIMOUSLY

ARTICLE 54 * FEDERAL AND STATE REIMBURSEMENT AID

(Majority vote)

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

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

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 55 * 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: Dr. Harting-Barrat moves that the Town appropriate the proceeds of any performance bonds, for the purposes stated in said bonds, available as a result of any default, non-performance or other covered conditions.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 56 * SALE OF FORECLOSED PROPERTIES

(Two-thirds vote)

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

MOTION: Dr. Harting-Barrat moves in the words of the Article.

CONSENT MOTION CARRIES UNANIMOUSLY

ARTICLE 57 * 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: Dr. Harting-Barrat moves that the Town continue to accept the provisions of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, providing for a 100% increase in certain property tax exemptions.

CONSENT MOTION CARRIES UNANIMOUSLY

MOTION TO DISSOLVE: Dr Harting-Barrat moves to dissolve the Annual Town Meeting at 9:16 PM.
MOTION CARRIES UNANIMOUSLY

The following served as tellers at the April 2013 Annual Town Meeting:

Charles Kadlec, Head Teller
Jeff Bergart **
Dick Calandrella
Ann Chang
Brewster Conant
Lois Duskocil
Al Duskocil
Joan Gardner
Bob Ingram
Herman Kabakoff
Anne Kadlec
Pam Lynn
Marilyn Peterson

** Jeff Bergart also served as Acting Head Teller for Article 14