

**ABSTRACT OF THE SPECIAL TOWN MEETING HELD
WEDNESDAY, NOVEMBER 12, 2014, 7:00 P.M.
ACTON-BOXBOROUGH REGIONAL HIGH SCHOOL AUDITORIUM
NUMBER OF REGISTERED VOTERS ATTENDING TOWN MEETING
NOVEMBER 12, 2014 - 499**

Article Index

* Article is on Consent Calendar

Article submitted by Citizens' Petition

<u>Article</u>	<u>Title</u>	<u>Page</u>
1 #	Resolution of the Town of Acton Related to the Operation and Funding of the Acton Nursing Service	8
2	Nursing Service Enterprise Fund – Supplemental Appropriation to Continue to Operate.....	10
3	Nursing Service Enterprise Fund – Supplemental Appropriation to Implement Health Navigator and Wind Down Nursing Service	11
4	Nursing Service Enterprise Fund – Supplemental Appropriation to Wind Down Nursing Service	12
5	Nursing Service Enterprise Fund – Authorization to Revoke	13
6	Home Rule Petition – Exempt Police Force from Provisions of the Civil Service Law	14
7	Fund Collective Bargaining Agreement – Police Patrol Officers	15
8	Fund Collective Bargaining Agreement – Police Superior Officers	16
9	Amend Zoning Map – Brookside Shops	17
10	Amend Zoning Bylaw – Groundwater Protection District.....	17
11	Amend Zoning Bylaw – Pharmacy and Bank Drive-Up Window	24
12 *	Amend Zoning Bylaw – Political Signs	25
13 *	Amend Zoning Bylaw – Public Acquisition	26
14 *	Amend Zoning Bylaw – Senior Residence	27
15 *	Amend Zoning Bylaw – Walkways, Sidewalks, Bikeways in Front, Side and Rear Yards.....	28
16 *	Amend Zoning Bylaw – Outdoor Sales (Farmers' Markets)	29
17 *	Acquisition of Real Property Interests - Assabet River Rail Trail Right of Way	29
18 *	Accept Trail Easements – Wright Hill	31
19 *	Land Acquisition – Dunn Property	32

November 12, 2014

The Moderator, Mr. Don Mackenzie, called the Annual Town Meeting to order on Wednesday, November 12, 2014, at 7:02 PM.

The Moderator introduced Andy Brockway, Chair of the Kelley's Corner Steering Committee to update Town Meeting on what is happening with Kelley's Corner Project.

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.

Mr. Mackenzie covered the voting process and how the voting will be handled at this Town Meeting.

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

Mr. Mackenzie introduced the chairman of the Board of Selectmen, Mike Gowing, who then introduced the members at the table. Eva Szkaradek-Town Clerk, Stephen Anderson-Town Counsel, Steve Ledoux-Town Manager, Katie Green-Vice Chair, Janet Adachi, and Franny Osman members of the Board of Selectmen and Peter Berry-Clerk of the Board of Selectmen..

The Moderator introduced the Chair of the Finance Committee, Steve Noone, who then introduced the members of the Finance Committee, Bill Mullin, Margaret Busse, Mike Majors, Herman Kabakoff, Doug Tindal, Bob Evans, and Mary Ann Ashton. Roland Bourdon also a member was not in attendance.

Article 1 # Resolution of the Town of Acton Related to the
(Majority vote) **Operation and Funding of the Acton Nursing Service**

Whereas, the Acton Nursing Service has been part of the Town’s municipal government since 1923.

Whereas, the Acton Nursing Service has a distinguished record of providing highly professional, compassionate and sustained care recognized for its excellence, including being chosen in 2013 as one of the top 500 home care providers in the nation.

Whereas, the operation of the Acton Nursing Service within Town Hall enhances the availability of the state-mandated public health services.

Whereas, in addition to the mandated public-health services the Acton Nursing Service provides a full range of home care services including skilled nursing, home health care assistance, medical social services, and physical, occupational and speech therapy.

Whereas, the demographics of the Acton population indicate a growing number of older residents, many living alone, who are more likely to need home care.

Whereas, the national and state healthcare systems are undergoing unpredictable changes which are likely to adversely affect the financial viability of those healthcare providers who rely solely on revenue from insurance reimbursements and donations.

Whereas, the trend is to limit hospital stay and to rely more on home care.

Whereas, continuing to maintain full local support and control of the Acton Nursing Service assures that it can provide care for all residents regardless of ability to pay, and that it can coordinate closely with other Town departments, especially Fire and Police.

Whereas, re-creating the Acton Nursing Service would be extremely difficult if not impossible should its present operation be terminated or transferred to an outside organization.

Now, therefore be it resolved that :

1. the Acton Board of Selectmen direct the Town Manager to provide for the continuation of the operation of the Acton Nursing Service as part of the town municipal government.
2. the Acton Nursing Service continue to operate as a CMS certified home care provider.

3. the cost of operating the Acton Nursing Service be included in the Town of Acton yearly municipal budget starting with Fiscal Year 2016, and the Nursing Service Enterprise Fund be terminated at the end of Fiscal Year 2015.
4. the Town of Acton Finance Department set up an account to accept donations designated for the Acton Nursing Service.
5. the Board of Selectmen direct the Town Manager to develop and implement a business plan for the Acton Nursing Service.

MOTION: Mr. Kadlec moves that the Town adopt the non-binding resolution as set forth in the Article.

The Moderator asked town meeting to vote to allow Doug Halley, Board of Health, Director, to speak on this article.

Motion carries unanimous to allow to speak.

MOTION CARRIES

Article 2 **Nursing Service Enterprise Fund**
(Majority vote) **Supplemental Appropriation to Continue to Operate**

To see if the Town will vote to raise and appropriate, appropriate from available funds, and/or transfer to the Nursing Service Enterprise Fund an amount of money for Fiscal Year 2015, above the amount appropriated under Article 7 at the 2014 Annual Town Meeting, to continue to operate the Acton Nursing Service, or take any other action relative thereto.

MOTION: Ms. Green moves that the Town appropriate and transfer to the Nursing Service Enterprise Fund \$165,000 for the purpose of operating the Nursing Service, and to raise such amount, \$165,000 be transferred from Free Cash.

MOTION CARRIES

Article 3 **Nursing Service Enterprise Fund**
(Majority vote) **Supplemental Appropriation to Implement Health Navigator and**
 Wind Down Nursing Service

To see if the Town will vote to raise and appropriate, appropriate from available funds, and/or transfer to the Nursing Service Enterprise Fund an amount of money for Fiscal Year 2015, above the amount appropriated under Article 7 at the 2014 Annual Town Meeting, to implement a Health Navigator program, to continue public health nursing services, and to wind down the other operations of the Acton Nursing Service, or take any other action relative thereto.

MOTION: Ms Green moves that the Town take no action under Article 3.

MOTION CARRIES UNANIMOUSLY

Article 4 **Nursing Service Enterprise Fund**
(Majority vote) **Supplemental Appropriation to Wind Down Nursing Service**

To see if the Town will vote to raise and appropriate, appropriate from available funds, and/or transfer to the Nursing Service Enterprise Fund an amount of money from Fiscal Year 2015, above the amount appropriated under Article 7 at the 2014 Annual Town Meeting, to continue public health nursing services and to wind down the other operations of the Acton Nursing Service by a date certain to be determined by Town Meeting, or take any other action relative thereto.

MOTION: Ms Green moves that the Town take no action under Article 4.

MOTION CARRIES UNANIMOUSLY

Article 5 **Nursing Service Enterprise Fund**
(Majority vote) **Authorization to Revoke**

To see if the Town will vote, effective as of the close of Fiscal Year 2015, to revoke the provisions of Chapter 44, Section 53F½ of the Massachusetts General Laws as to the Nursing Service Enterprise Fund; to close the Nursing Service Enterprise Fund balance to the General Fund and transfer any assets, debts and long-term liabilities of the Nursing Service Enterprise Fund to the General Fund; and to authorize the Town Manager and the Board of Selectmen to take all steps necessary to combine, reorganize, or discontinue any remaining operations of the Acton Nursing Service, or take any other action relative thereto.

MOTION: Ms Green moves that, effective as of the close of Fiscal Year 2015, the Town revoke the provisions of Chapter 44, Section 53F½ of the General Laws as to the Nursing Service Enterprise Fund; close the Nursing Service Enterprise Fund balance to the General Fund and transfer any assets and liabilities of the Nursing Service Enterprise Fund to the General Fund; and authorize the Town Manager with the approval of the Board of Selectmen to take all steps he deems necessary to combine, reorganize, or discontinue any remaining operations of the Acton Nursing Service.

The Moderator asked Ms Green to explain what a Yes / “Aye” vote and a No / “Nay” vote would mean.

Ms Green explained that an “Aye” vote would close the Enterprise Fund but move the funding for the Nursing Service into the Town Operation Budget Starting in FY16.

A “Nay” vote would still maintain the Nursing Service but keep the funding in the Enterprise Budget as it is now.

MOTION CARRIES

Article 6 **Home Rule Petition – Exempt Police Force from Provisions of the Civil Service Law**
(Majority vote)

To see if the Town will vote to (a) rescind the acceptance of Chapter 212 of the Acts of 1954, entitled “An Act Placing the Positions of the Regular or Permanent Members of the Police Force of the Town of Acton under the Civil Service Laws” effective upon the enactment of the special legislation referenced below, and (b) authorize the Board of Selectmen to petition the General Court to enact special legislation in substantially the form set forth below to exempt all police patrol officers and superior officers in the Acton Police Department from the provisions of Chapter 31 of the General Laws relative to Civil Service contingent on an affirmative vote under Articles 7 and 8 of this Special Town Meeting Warrant, or take any other action relative thereto.

An Act Exempting Town of Acton Police Patrol Officers and Superior Officers from the Provisions of the Civil Service Law

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

SECTION 1: Notwithstanding the provisions of any general or special law to the contrary, all positions of police patrol officers and superior officers within the police department in the Town of Acton shall be exempt from the provisions of Chapter 31 of the General Laws.

SECTION 2: Section 1 shall not impair the Civil Service status of any person holding the position of police patrol officer or superior officer in the Town of Acton on the effective date of this act.

SECTION 3: This act shall take effect upon its passage.

MOTION: Mr. Berry moves that the Town (a) rescind the acceptance of Chapter 212 of the Acts of 1954 effective upon the enactment of the special legislation referenced below, and (b) authorize the Board of Selectmen to petition the General Court to enact special legislation in substantially the form set forth in the article contingent on an affirmative vote under Articles 7 and 8 of this Special Town Meeting Warrant.

MOTION CARRIES

Article 7 **Fund Collective Bargaining Agreement – Police Patrol Officers**
(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 a Memorandum of Agreement between the Town and the Acton Police Patrol Officers Association as filed with the Town Clerk, contingent on an affirmative vote under Articles 6 and 8 of this Special Town Meeting Warrant, or take any other action relative thereto.

MOTION: Mr. Berry moves that the Town transfer from the fiscal year 2015 Town Operating Budget and appropriate \$63,096 to fund the first-year cost items contained in the referenced Memorandum of Agreement between the Town and the Acton Police Patrol Officers Association, contingent on an affirmative vote under Articles 6 and 8 of this Special Town Meeting Warrant.

MOTION CARRIES UNANIMOUSLY

Article 8 Fund Collective Bargaining Agreement – Police Superior Officers
(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 a Memorandum of Agreement between the Town and the Massachusetts Coalition of Police Local 380 as filed with the Town Clerk, contingent on an affirmative vote under Articles 6 and 7 of this Special Town Meeting Warrant, or take any other action relative thereto.

MOTION: Mr. Berry moves that the Town transfer from the fiscal year 2015 Town Operating Budget and appropriate \$33,727 to fund the first-year cost items contained in the referenced Memorandum of Agreement between the Town and the Massachusetts Coalition of Police Local 380, contingent on an affirmative vote under Articles 6 and 7 of this Special Town Meeting Warrant.

MOTION CARRIES UNANIMOUSLY

Article 9 Amend Zoning Map – Brookside Shops
(Two-thirds vote)

To see if the Town will vote to amend the Zoning Bylaw, Map Number 1, by changing the zoning district designation for Town Atlas parcel F-4/37 (145 to 149 Great Road) from Residence 8 (R-8) to Limited Business (LB), or take any other action relative thereto.

MOTION: Mr. Ashton moves to take no action on this article.

MOTION CARRIES

Article 10 Amend Zoning Bylaw – Groundwater Protection District
(Two-thirds vote)

To see if the Town will vote to amend the Zoning Bylaw Section 4.3 – Groundwater Protection District, by amending various sections as follows:

- A. In section 4.3.1 - Purpose, in the first paragraph insert after the phrase “present and future residents of Acton” the following:

“to prevent temporary and permanent contamination of GROUNDWATER and SURFACE WATER.”.

And, insert the words “and quantity” after the “quality” near the end of the first paragraph.

[The first paragraph of section 4.3.1 currently reads:

Purpose – GROUNDWATER is the sole source of drinking water available to the residents, businesses and industries of the Town of Acton. The purpose of the GROUNDWATER Protection District is to protect the public health, safety, and welfare by protecting the Town's limited present and future drinking water supply, to ensure a sufficient quantity of potable pure drinking water for the present and future residents of Acton, and to limit the adverse effects of the USE and development of land on the quality of the GROUNDWATER and SURFACE WATER resources of the Town of Acton.]

B. In section 4.3.2 - District Boundaries, amend various subsections as follows:

1. In subsection 4.3.2.1 - ZONE 1, in the section title insert “- Well Protection Area –” after “ZONE 1”.
2. In subsection 4.3.2.2 - ZONE 2, delete the last sentence and replace it with:

“All ZONES 2 have been approved by the Massachusetts Department of Environmental Protection (DEP) as the State approved Zones II, and all ZONES 2 described and referred to herein shall be deemed identical to the DEP approved Zones II.”

[The last sentence of subsection 4.3.2.2 currently reads:

All Zones 2 have been approved by the Massachusetts Department of Environmental Protection (DEP) as the State approved Zones 2.]

3. In subsection 4.3.2.4 – Zone 4, in the 3rd sentence delete the words “lower lying” before the phrase “areas of ZONES 1, 2 and 3”;
- and in the last sentence delete the word “possible” before the phrase “contamination of the GROUNDWATER”.

[Section 4.3.2.4 currently reads:

ZONE 4 - The Watershed Protection Area – Consists of the entire TOWN including ZONES 1-3 and separates the TOWN into watershed areas along the existing GROUNDWATER divides. The areas of ZONE 4 outside from the boundaries of ZONES 1, 2 and 3 consist primarily of bedrock, glacial till and small isolated sand and gravel deposits. Water from these areas will eventually recharge into the lower lying areas of ZONES 1, 2 and 3, although at a rather slow rate. Recharge from these areas into ZONES 1, 2 and 3 occurs through movement of GROUNDWATER and SURFACE WATER. The purpose of ZONE 4 is to promote public awareness that all GROUNDWATER areas in the Town are interconnected and to prevent possible contamination of the GROUNDWATER from any source.]

4. In subsection 4.3.2.5 - Boundary Determination, delete the words “as amended” in both occurrences and replace them with the words “as last amended”.

And, delete the last sentence and replace it with:

“Locating the boundary between ZONE 3 and ZONE 4 may be assisted through field investigations conducted by a Certified Professional Soil Scientist (CPSS) certified by the Soil Science Society of America (SSSA), by a soil scientist who is certified as a Professional Member of the Society of Soil Scientists of Southern New England (SSSSNE), by a Certified Professional Geologist (CPG) certified by the American Institute of Professional Geologists (AIPG), or by a Massachusetts Registered Professional Engineer versed in soil identification and classification.”

[The last sentence of subsection 4.3.2.5 currently reads:

Locating the boundary between ZONE 3 and ZONE 4 may be assisted through field investigations conducted by a soil scientist who is certified under qualification class A (advanced qualifications) by the Society of Soil Scientist of Southern New England or by a Professional Engineer versed in soil identification and classification.]

5. In subsection 4.3.2.6 - Split ZONE LOTS, add at the end the phrase “, subject to the provisions set forth in section 4.3.6.5”.

[Subsection 4.3.2.6 currently reads:

Split ZONE LOTS – Notwithstanding any other provisions of this Bylaw, whenever a GROUNDWATER Protection District ZONE boundary line divides a LOT, each portion of the LOT shall comply with the requirements of this Bylaw applicable to its respective ZONE.]

- C. In section 4.3.3 - Definitions, amend various subsections as follows:

1. In the section lead paragraph numbered 4.3.3, insert the word “District” after “GROUNDWATER Protection” so that the paragraph correctly refers to the GROUNDWATER Protection District.

2. Delete subsection 4.3.3.1 – AQUIFER, and replace it with:

4.3.3.1 AQUIFER – A geologic formation composed of FRACTURED BEDROCK, sand or gravel that contains significant amounts of potentially recoverable groundwater.

[Subsection 4.3.3.1 currently reads:

AQUIFER – An area of permeable deposits of rock or soil, containing significant amounts of potentially recoverable water.]

3. Insert a new subsection 4.3.3.5 as follows:

4.3.3.5. FRACTURED BEDROCK – is a geological formation (e.g. crystalline rock, marble, schist) where groundwater flows through cracks and fractures. Flow through fractures is typically relatively fast. FRACTURED BEDROCK is an alternative AQUIFER to STRATIFIED DRIFT AQUIFERS. FRACTURED BEDROCK typically underlies the overlying sand and gravel and glacial till deposits. Recharge to the FRACTURED BEDROCK is typically from these overlying deposits. Although the Town of Acton has not yet utilized FRACTURED BEDROCK AQUIFERS as a source of drinking water, protection of them is vital as GROUNDWATER from a FRACTURED BEDROCK AQUIFER can recharge the overlying sand and gravel deposits and other surface water bodies.

And, renumber the follow subsequent subsections of section 4.3.3 in the proper sequential order.

4. In subsection 4.3.3.5 (as renumbered) - GENERATOR OF HAZARDOUS MATERIALS OR WASTE, delete the unnecessary section references “pursuant to Section 4.3.3.14” and “as defined in Section 4.3.3.7”.
5. Delete subsection 4.3.3.6 (as renumbered) - GROUNDWATER, and replace it with:
 - 4.3.3.7 GROUNDWATER – Water beneath the ground surface in the zone of saturation where every pore space between sediment particles or all open fractures in FRACTURED BEDROCK is saturated with water.

[Subsection 4.3.3.6 currently reads:

GROUNDWATER – Water beneath the ground surface in the zone of saturation where every pore space between rock and soil particles is saturated with water.]

6. In subsection 4.3.3.7 (as renumbered) - HAZARDOUS MATERIAL OR WASTE, delete the phrase “petroleum or derivatives thereof” beginning on the first line, and replace it with “PETROLEUM PRODUCTS, coal, or derivatives thereof”.

7. Insert a new subsection 4.3.3.10 as follows:

4.3.3.10 LEACHABLE WASTES – Waste materials including SOLID WASTE, sludge, agricultural wastes, and composts that are capable of releasing water borne contaminants to the surrounding environment including the AQUIFERS of the Town.

And, renumber the subsequent subsections of section 4.3.3 in the proper sequential order.

8. In subsection 4.3.3.9 (as renumbered) - MAXIMUM GROUNDWATER ELEVATION, third sentence, delete the phrase “as determined by the United States Geological Survey (USGS)” and replace it with “as most recently determined by the United States Geological Survey (USGS)”.

9. Insert a new subsection 4.3.3.12 as follows:

4.3.3.12 PETROLEUM PRODUCT – PETROLEUM PRODUCT means oils of any kind or origin or in any form and includes, but is not limited to, fuel oil; gasoline; diesel fuel; kerosene; aviation jet fuel; aviation gasoline; lubricating oils; oily sludge; waste oil; oil refuse; oil mixed with other wastes; crude oils; coal tar emulsions, driveway sealers, or other liquid hydrocarbons regardless of specific gravity. PETROLEUM PRODUCT shall not include liquefied petroleum gas including, but not limited to, liquefied natural gas, propane or butane.

And, renumber the subsequent subsections of section 4.3.3 in the proper sequential order.

10. Relocate into the proper alphabetical order, and renumber accordingly, the current subsection 4.3.3.10 - UNDISTURBED OPEN SPACE, to be located after subsection 4.3.3.15 (as renumbered) - SURFACE WATER.

11. In subsection 4.3.3.11 (as renumbered) - SOLID WASTE, correct the Code of Massachusetts Regulation reference from 310 C.M.R. 18 to 310 C.M.R. 19.

12. In subsection 4.3.3.12 (as renumbered) - SPECIAL WASTE, correct the Code of Massachusetts Regulation reference from 310 C.M.R. 19.061(6)(c)4 to 310 C.M.R. 19.061(2)(b), and delete the reference in the parentheses at the end of the section.

- D. In section 4.3.6 - Other Design and Operation Requirements, amend various subsections as follows:

1. Delete subsection 4.3.6.1 - FILL, and replace it with:

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

[Subsection 4.3.6.1 currently reads:

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

2. In subsection 4.3.6.2 - Watershed Recharge, delete the 2nd sentence and replace it with:

“Where a Special Permit or Subdivision Approval is required the Special Permit Granting Authority or the Planning Board, or the Zoning Enforcement officer if no Special Permit is required, shall require a hydrologic budget or water balance calculation for the site, showing pre- and post-development conditions, prepared by a Certified Professional Soil Scientist (CPSS) certified by the Soil Science Society of America (SSSA), by a soil scientist who is certified as a Professional Member of the Society of Soil Scientists of Southern New England (SSSSNE), or by a Massachusetts Registered Professional Engineer experienced in hydrogeology.”

[The second sentence of subsection 4.3.6.2 currently reads:

Where a Special Permit or Subdivision Approval is required the Special Permit Granting Authority or the Planning Board shall require a hydrologic budget or water balance calculation for the site, showing pre- and post-development conditions, prepared by a Massachusetts Registered Professional Engineer experienced in hydrogeology.]

3. In subsection 4.3.6.3 - Treatment and Renovation of Runoff, add the following phrase at the end of the last sentence:

“, or by the Zoning Enforcement officer if no Special Permit is required, if he determines the intent of this section is met.”

[The last sentence of subsection 4.3.6.3 currently reads:

Alternate methods of runoff treatment and renovation may be approved by the Special Permit Granting Authority if the Special Permit Granting Authority determines the intent of this Section is met.]

4. In subsection 4.3.6.5 - Location, delete the first sentence and replace it with:

“Where a LOT is divided into two or more protection ZONES, potential pollution sources, such as HAZARDOUS MATERIALS OR WASTE processing, remediation, storage and disposal systems, septic systems, or wastewater treatment plants, shall be located and contained on that portion of the LOT which is in the ZONE farthest away from the public wells.”

[The first sentence of subsection 4.3.6.5 currently reads:

Where a LOT is divided into two or more protection ZONES, potential pollution sources, such as HAZARDOUS MATERIALS OR WASTE processing, storage and disposal systems, septic systems, or wastewater treatment plants, shall be located on that portion of the LOT which is in the ZONE farthest away from the public wells.]

- E. In the lead paragraph of section 4.3.7 - GROUNDWATER Protection District Use Regulations, correct this title by replacing the word “Use” with “USE”.

- F. In Table 4.3.7.2 - USE Regulations within the GROUNDWATER Protection District, amend various lines as follows:

1. Delete lines 6., 7. and 8., and replace them with:

	ZONE 1 Well Protection Area	ZONE 2 Recharge Protection Area	ZONE 3 Aquifer Protection Area
6. Aboveground STORAGE of PETROLEUM PRODUCTS for purposes other than heating the premises on which it is located****	N	N	Y***
7. Underground STORAGE of PETROLEUM PRODUCTS or other HAZARDOUS MATERIALS OR WASTES	N	N	N
8. Underground STORAGE of PETROLEUM PRODUCTS, or other HAZARDOUS MATERIALS OR WASTES associated with residential USE	N	N	N
<i>[Lines 6., 7. and 8. currently read as follows:</i>			
<i>6. STORAGE of petroleum products for purposes other than heating the premises on which it is located</i>	<i>N</i>	<i>N</i>	<i>Y</i>
<i>7. Underground STORAGE of fuel oil, gasoline, or other HAZARDOUS MATERIALS</i>	<i>N</i>	<i>N</i>	<i>N</i>
<i>8. Underground STORAGE of fuel oil, gasoline, or other HAZARDOUS MATERIALS associated with residential USE</i>	<i>N</i>	<i>N</i>	<i>N</i>

2. Delete line 13 and replace it with:

	ZONE 1 Well Protection Area	ZONE 2 Recharge Protection Area	ZONE 3 Aquifer Protection Area
13. STORAGE outside of a BUILDING of fertilizers, pesticides, herbicides, deicing chemicals; and STORAGE outside of a BUILDING of LEACHABLE WASTE except as provided in line 14. below	N	N	N
<i>[Line 13. currently reads:</i>			
<i>13. Outdoor STORAGE of fertilizer, animal manure, soil conditioner, pesticide, herbicide and, deicing chemicals</i>	<i>N</i>	<i>N</i>	<i>Y</i>

3. Insert a new line 14. as follows:

	ZONE 1 Well Protection Area	ZONE 2 Recharge Protection Area	ZONE 3 Aquifer Protection Area
14. STORAGE outside of a BUILDING of animal manure, soil conditioner, or compost in aggregate quantities larger than ten (10) cubic yards	N	N	Y

And, renumber the subsequent lines of Table 4.3.7.2 in the proper sequential order.

4. Amend the Notes section at the bottom of Table 4.3.7.2 as follows:
- a. In footnote (*) - delete the errant phrase at the beginning of the second sentence, which reads “Except as indicated in NOTE(***),”.
 - b. Insert new footnotes (***) and (****) and follows:
 - (***) See Hazardous Materials Control Bylaw.
 - (****) Aboveground storage of quantities greater than 1,320 gallons requires compliance with Federal SPCC regulations (Spill Prevention Control and Countermeasures Plan; 40 C.F.R. part 112)
 - c. Insert below “gpd Gallons per day” a new line stating “sf Square feet”.

- G. Amend section 4.3.8 - Special Permit for the change or extension of nonconforming USES in the Groundwater Protection District, as follows:

1. In subsection 4.3.8.2.a) - Maintain GROUNDWATER Quality, delete the first sentence and replace it with:

“That the change or extension of the USE will not cause the GROUNDWATER quality at the down-gradient property boundary to exceed the maximum contaminant levels established in 314 C.M.R. 22.00, Massachusetts Drinking Water Regulations, to fall below the standards established in 314 C.M.R. 5.00, Massachusetts Ground Water Standards, or where no such standards exist to fall below applicable GROUNDWATER or drinking water standards established by the Acton Water District or the Acton Board of Health.”

[The first sentence of subsection 4.3.2.8.a) currently reads:

That the change or extension of the USE will not cause the GROUNDWATER quality at the down-gradient property boundary to fall below the drinking water standards established by the Acton Water District, or where no such standards exist, below standards established in 314 C.M.R. 6.00, Massachusetts Drinking Water Standards, or by the Acton Board of Health.]

2. Insert a new subsection 4.3.8.2.d) as follows:

d) The Planning Board may impose conditions in the special permit to protect the GROUNDWATER, SURFACE WATER and overall WATER SUPPLY of the Town of Acton, including without limitation conditions to require the placement and periodic sampling and testing of GROUNDWATER monitoring wells or SURFACE WATER at the applicant's expense around any aboveground or underground storage tank, SOLID or HAZARDOUS WASTE area, or any structure or activity that may adversely affect an AQUIFER ZONE as defined in Section 4.3.2. The Planning Board may require that the placement of wells and/or periodic sampling and testing be paid for by the applicant and conducted by an agent of the Acton Water District.

, 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.

The Moderator asked town meeting to vote to allow Matt Mostoller Environmental Manager for Acton Water District, to speak on this article.

Motion carries unanimous to allow to speak.

MOTION CARRIES UNANIMOUSLY

Article 11 Amend Zoning Bylaw – Pharmacy and Bank Drive-Up Window

(Two-thirds vote)

To see if the Town will vote to amend the Zoning Bylaw section 3.8.2 (Accessory Uses Permitted in the Office, Business, and Industrial Districts) by deleting subsection 3.8.2.2 and replacing it with the following:

3.8.2.2 Drive-up facilities in a bank or pharmacy subject to the grant of a special permit by the Board of Selectmen and the following requirements and limitations:

- a) Drive-up facilities shall be located only on the side or rear of a BUILDING; not on the front of a BUILDING that faces a street. In a case where a BUILDING has more than one front facing a street the Board of Selectmen may as part of the required special permit grant an exception to this rule.
- b) A pharmacy shall be allowed only one drive-up lane and window for the pharmacy; such drive-up window shall be integrated with or attached to the pharmacy BUILDING, and drive-up window customer service shall only occur from the public access restricted pharmacy area within the store.
- c) Drive-up facilities at pharmacies shall be limited to prescription services for customers.
- d) Drive-up facilities at pharmacies shall not be allowed in the Kelley's Corner District.

*[Note: Subsection 3.8.2.2 currently reads:
3.8.2.2 Drive-up facilities in a bank.]*

, 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:

Mr. Kabakoff moves to amend the Motion under Article 11 to delete subparagraph d of subsection 3.8.2.2

MOTION TO AMEND LOST

ORIGINAL MOTION LOST

Consent (two-thirds vote)

Mr. Gowing moves that the Town take up the eight articles in the Consent Calendar on pages 25 through 33 of the Warrant: Articles 12, 13, 14, 15, 16, 17, 18 and 19.

12 * Amend Zoning Bylaw – Political Signs (two-thirds vote)

13 * Amend Zoning Bylaw – Public Acquisition (two-thirds vote)

14 * Amend Zoning Bylaw – Senior Residence (two-thirds vote)

**15 * Amend Zoning Bylaw – Walkways, Sidewalks, Bikeways in Front, Side and Rear Yards
(two-thirds vote)**

16 * Amend Zoning Bylaw – Outdoor Sales (Farmers’ Markets) (two-thirds vote)

**17 * Acquisition of Real Property Interests - Assabet River Rail Trail Right of Way
(two-thirds vote)**

18 * Accept Trail Easements – Wright Hill (two-thirds vote)

19 * Land Acquisition – Dunn Property (two-thirds vote)

Held from consent Article 15

REMAINING CONSENT MOTION CARRIES UNANIMOUSLY

Article 12 * Amend Zoning Bylaw – Political Signs

(Two-thirds vote)

To see if the Town will vote to amend the Zoning Bylaw Section 7.5 – ACCESSORY USE Regulations, by deleting subsection 7.5.12 (Political SIGNS) and replacing it with a new subsection as follows:

7.5.12 Political SIGNS – In addition to WINDOW SIGNS, SIGNS may be ERECTED on a LOT displaying political messages. Such SIGNS shall be stationary and shall not be illuminated. The height of such SIGNS shall not exceed 4 feet and the DISPLAY AREA of each sign shall not exceed 6 square feet. SIGNS associated with a political event such as elections, primaries, balloting, or voter registration shall be removed within 5 days after the event.

[Note: Subsection 7.5.12 currently reads:

Political SIGNS – In addition to WINDOW SIGNS, SIGNS may be ERECTED on a LOT displaying political messages. Such SIGNS shall be stationary and shall not be illuminated. The height of such SIGNS shall not exceed 4 feet and their DISPLAY AREA shall not exceed 6 square feet. SIGNS associated with a political event such as elections, primaries, balloting, or voter registration shall be removed within 5 days after the event.]

, or take any other action relative thereto.

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

CONSENT MOTION CARRIES UNANIMOUSLY

Article 13 * Amend Zoning Bylaw – Public Acquisition

(Two-thirds vote)

To see if the Town will vote to amend the Zoning Bylaw Section 8.8 – Public Acquisition, by deleting Section 8.8 and replacing it with a new subsection as follows:

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

[Note: Section 8.8 currently reads:

Public Acquisition – If the area, FRONTAGE, width or other dimensions of a LOT, parcel or TRACT OF LAND is decreased by a taking or acquisition of part of such land by the Town of Acton or the Water Supply District of Acton for public purposes, no existing USE, BUILDING or STRUCTURE located on, or dependent upon the existing area or other dimensions of such LOT, parcel or TRACT OF LAND for compliance with the requirements of this Zoning Bylaw, shall be rendered non-complying solely by reason of such taking or acquisition.]

, or take any other action relative thereto.

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

CONSENT MOTION CARRIES UNANIMOUSLY

Article 14 * Amend Zoning Bylaw – Senior Residence
(Two-thirds vote)

To see if the Town will vote to amend the Zoning Bylaw Section 9B – Senior Residence, by deleting subsection 9B.12.9.2 (Affordability, Monetary contributions) and replacing it with a new subsection as follows:

9B.12.9.2 Monetary contributions in support of affordable housing made to the Acton Community Housing Program Fund. To be eligible for this alternative, the Planning Board, upon recommendation from the Acton Community Housing Corporation, must determine that there will be an extraordinary benefit or advantage to achieving the Town’s affordable housing objectives as a result of allowing a monetary contribution rather than providing the AFFORDABLE DWELLING UNITS as otherwise required herein. The amount of the contribution shall be determined as the total of (a) the amount equal to the product of the otherwise required number of AFFORDABLE DWELLING UNITS times the difference in sale price between the AFFORDABLE DWELLING UNITS and the equivalent market-rate units, plus (b) all avoided costs associated with that number of otherwise required AFFORDABLE DWELLING UNITS including, but not limited to (1) preparation and recording of affordable housing restrictions or deed riders, (2) preparation of cost, income and eligibility certifications, (3) marketing and lottery administration, (4) closing costs, and (5) costs to obtain the inclusion of those units in Acton’s subsidized housing inventory under M.G.L. Chapter 40B.

[Note – Section 9B.12.9.2 currently reads: Monetary contributions for affordable housing programs made to the Acton Community Housing Program Fund in an amount sufficient for the Town or its designee to create off-site affordable family or individual persons’ housing, as the Planning Board may determine, and eligible for inclusion in Acton’s subsidized housing inventory under M.G.L. Chapter 40B.]

, or take any other action relative thereto.

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

CONSENT MOTION CARRIES UNANIMOUSLY

Article 15 * Amend Zoning Bylaw – Walkways, Sidewalks, Bikeways in
(Two-thirds vote) **Front, Side and Rear Yards**

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

A. Delete section 6.7.2 and replace it with a new section 6.7.2 as follows:

6.7.2 Set-Backs – Except as may be required elsewhere in this Bylaw, no parking space or other paved surface, other than ACCESS driveways, common driveways, walkways, sidewalks or bikeways, shall be located within 30 feet of the front LOT line and within 10 feet of the side and rear LOT lines, and notwithstanding the foregoing, no parking space or other paved surface, other than ACCESS driveways, common driveways, walkways, sidewalks or bikeways, shall be located within the limits of a landscaped buffer area required under Section 10.4.3.5 and Section 10.4.3.6.

[Note: Section 6.7.2 currently reads:

6.7.2 Set-Backs – Except as may be required elsewhere in this Bylaw, no parking space or other paved surface, other than ACCESS driveways, common driveways or walkways, shall be located within 30 feet of the front LOT line and within 10 feet of the side and rear LOT lines, and notwithstanding the foregoing, no parking space or other paved surface, other than ACCESS driveways, common driveways or walkways, shall be located within the limits of a landscaped buffer area required under Section 10.4.3.5. and Section 10.4.3.6.]

B. Section 10.4.3.6 – Special Landscaping Provisions Applicable to the Limited Business District, Office Districts, Small Manufacturing District, and Light Industrial-1 District, by deleting subsection 1) and replacing it with a new subsection 1) as follows:

1) No STRUCTURE, pavement, display of goods, materials or vehicles, or other impervious materials, other than allowed ACCESS driveways, walkways, sidewalks, bikeways, landscaping elements and signs, shall be placed within the minimum front yard.

[Note: Subsection 10.4.3.6.1) currently reads:

No STRUCTURE, pavement, display of goods, materials or vehicles, or other impervious materials, other than allowed ACCESS driveways, landscaping elements and signs, shall be placed within the minimum front yard.]

, or take any other action relative thereto.

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

Held from consent

MOTION CARRIES UNANIMOUSLY

Article 16 * Amend Zoning Bylaw – Outdoor Sales (Farmers’ Markets)

(Two-thirds vote)

To see if the Town will vote to amend the Zoning Bylaw Section 3.8 – ACCESSORY USE Regulations, by amending subsection 3.8.4.8 e) (Farmers’ markets) as follows:

3.8.4.8 e) The farmers’ market shall not recur more than one day per week, with the exception of sales of holiday trees and related items within the months of November and December.

[Note: Subsection 3.8.4.8 e) currently reads:

The farmers’ market shall not recur more than one day per week.]

, or take any other action relative thereto.

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

CONSENT MOTION CARRIES UNANIMOUSLY

Article 17 * Acquisition of Real Property Interests –

(Two-thirds vote) **Assabet River Rail Trail Right of Way**

To see if the Town will vote to authorize the Board of Selectmen, for purposes of establishing, constructing, operating, maintaining, repairing and using a multi-use rail trail/bicycle path for non-motorized transportation, open space and recreation purposes and for all other purposes for which rail trails are now or hereafter may be used in the Commonwealth, (1) to acquire by purchase, gift, eminent domain or otherwise, on such terms and conditions as the Selectmen may determine, fee, easement, leasehold, license and/or other real property interests in, on, over, across, under and along all or any portion of the land, premises, easements, rights-of-way and other rights in Acton comprising the former Boston & Maine Railroad Maynard Branch right-of-way, and contiguous, abutting, and underlying properties, and (2) to amend, relocate, acquire by purchase, gift, eminent domain or otherwise, and relinquish, all on such terms and conditions as the Selectmen may determine, covenants and easements for rail-trail purposes on, over, under, across, along, through and within the burdened property referenced in that certain Declaration of Covenants and Grant of Easements between Robert E. Anderson, Trustee of the Wedgewood Realty Trust, and the Town of Acton, dated as of May 9, 2005, filed for registration with the Middlesex South Land Registration District of the Land Court on September 13, 2005, as Document No. 1387934, noted on Certificate of Title No. 169457 in Registration Book 977, Page 101 and recorded with the Middlesex South District Registry of Deeds on September 13, 2005 in Book 46076, Page 394, and other property of the Trust referenced in the deed recorded at Book 14527, Page 405; all as necessary for clearing title to said railroad right-of-way, laying out a multi-use rail trail/bicycle path within that right-of-way and within associated easements and other real property interests in said properties, providing access thereto, and enabling the construction, operation, maintenance, repair and use of the multi-use rail trail/bicycle path, and further to see if the Town will raise, appropriate, transfer from available funds, or accept gifts for these purposes; or take any other action relative thereto.

MOTION: Ms. Adachi moves that the Town authorize the Board of Selectmen, for purposes of establishing the Assabet River Rail Trail in Acton, to take all actions specified in the article, all on such terms and conditions as the Selectmen may determine.

CONSENT MOTION CARRIES UNANIMOUSLY

Article 18 * Accept Trail Easements – Wright Hill

(Two-thirds vote)

To see if the Town will vote to authorize the Board of Selectmen to acquire, on such terms and conditions as the Selectmen may determine, by purchase, gift, eminent domain or otherwise and to accept a deed or deeds of easement interests for purposes of establishing and maintaining a trail or trails for public non-motorized use on, the entirety of that certain land shown as “Proposed Access Easement” on the land identified as “Lot 14” on a plan entitled “Plan of Land in Acton, Massachusetts, No. 18 Wright Terrace” dated March 27, 2014, prepared by Stamski and McNary, Inc., and filed with the Middlesex South Registry District of the Land Court as Plan No. 2006 of 2014 in Plan Book 1458, Page 14 and noted on Certificate of Title No. 257358, or take any other action relative thereto.

MOTION: Mr. Gowing moves that the Town authorize the Board of Selectmen to acquire and accept the trail easements as set forth in the Article and on such terms and conditions as the Selectmen may determine.

CONSENT MOTION CARRIES UNANIMOUSLY

Article 19 * Land Acquisition – Dunn Property

(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 recreation purposes, Parcels 1 and 5 as shown on the Town of Acton Atlas Map H-1, and recorded at the Middlesex South Registry of Deeds in Deed Book 30999 Page 454; 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: Ms. Osman moves that the Town authorize the Board of Selectmen to acquire the real property as set forth in the Article and on such terms and conditions as the Selectmen may determine, and appropriate and transfer from Free Cash \$28,800 to fund said acquisition and related transaction costs.

CONSENT MOTION CARRIES UNANIMOUSLY

MOTION TO DISSOLVE: Move to dissolve the Special Town Meeting at 10:52 PM.

MOTION CARRIES

The following served as Town Meeting Tellers at the November 4, 2014 Special Town Meeting:

Ann Chang, Head Teller
Jeff Bergart
Peter Colby
Bob Ingram
Joan Gardner
Herman Kabakoff
Pam Lynn

Peter Ashton
Mary Ann Ashton
Brewster Conant
Marion Maxwell
Molly Hardy