TOWN CLERK

TOWN OF ACTON
472 MAIN STREET
ACTON, MASSACHUSETTS, 01720
TELEPHONE (978) 929-6620
FAX (978) 929-6340
clerk@acton-ma.gov

March 13, 2015

MIDDLESEX, SS:

ON THE ABOVE DATE, I POSTED ATTESTED COPIES OF THE AMENDMENT TO THE TOWN ZONING BYLAW, ARTICLES 10, 12, 13, 14, 15, AND 16, WHICH PASSED AT THE SPECIAL TOWN MEETING THAT CONVENED ON NOVEMBER 12, 2014. THE ARTICLES MENTIONED FOR THE ZONING BYLAW, WERE APPROVED BY THE ATTORNEY GENERAL, MAURA HEALEY ON MARCH 10, 2015 AND IS POSTED AT THE FOLLOWING PLACES IN THE TOWN OF ACTON:

NAGOG WOODS POST OFFICE, TOWN HALL, WEST ACTON POST OFFICE, CENTER POST OFFICE, PUBLIC SAFETY FACILITY, CENTER LIBRARY AND TOWN WEB PAGE.

CONSTABLE

CLAIMS OF INVALIDITY BY REASON OF ANY DEFECT IN THE PROCEDURE OF ADOPTION OR AMENDMENTS OF THESE BYLAWS MAY ONLY BE MADE WITHIN NINETY DAYS (90) PER CHAPTER 40, SECTION 32, OF THE GENERAL LAWS OF THE COMMONWEALTH.

EVA K. SZKARADEK
TOWN CLERK

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

MAURA HEALEY
ATTORNEY GENERAL

(508) 792-7600
(508) 795-1991 fax
www.mass.gov/ago

March 10, 2015

Eva K. Szkaradek, Town Clerk
Town of Acton
472 Main Street
Acton, MA 01720

RE: Acton Special Town Meeting of November 12, 2014 - Case # 7463
Warrant Articles # 10, 12, 13, 14, 15, and 16 (Zoning)

Dear Ms. Szkaradek:

Articles 10, 12, 13, 14, 15, and 16 - We approve Articles 10, 12, 13, 14, 15, and 16 from the November 12, 2014, Acton Special Town Meeting. Our comments on Article 12 are provided below.

Article 12 - Article 12 deletes the existing text of subsection 7.5.12 pertaining to political signs from the Town's zoning by-laws and inserts new text. The new subsection 7.5.12 provides as follows:

> 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.

The new subsection 7.5.12 requires signs associated with a political event, including elections, primaries, balloting, and voter registration, to be removed within five days of the event. The legitimacy of durational limits, particularly as applied to pre-election political signs, is doubtful. "Although the Supreme Court has not considered the issue, the overwhelming majority of courts that have reviewed sign ordinances imposing durational limits for temporary political signs tied to a specific election date have found them to be unconstitutional." Painesville Bldg. Dep't v. Dworken & Bernstein Co., 733 N.E. 2d 1152, 1157 (Ohio, 2000) (holding that limiting display of political signs to seventeen days before and two days after election was unconstitutional). Numerous courts in other jurisdictions have held that the application of durational limits to political signs is unconstitutional.[1] For example, in Antioch v.

[1] See, e.g., Whitton v. City of Gladstone, 54 F. 3d 1400 (8th Cir. 1995) (limiting political signs to thirty

Candidates' Outdoor Graphic Service, 557 F. Supp. 52 (N.D. Cal. 1982), the court considered an ordinance that allowed candidates' political signs to be displayed only within sixty days prior to an election. Analyzing the ordinance as a year-round ban that was temporarily suspended for sixty days before each election, the court held that the ordinance restricted the expression of political speech in a constitutionally impermissible manner. While Massachusetts courts have not specifically address the validity of durational limits,[2] one Massachusetts court has provided the following guidance:

> This Court is not convinced that a thirty-or sixty day durational limit is *per se* unconstitutional (although upon consideration of the issue, the Court believes that a thirty day limit would be less likely to survive review). However, the Court does agree with the Antioch court that before a town may impose a durational limitation on aesthetic grounds, "it must show that it is 'serious[ly] and comprehensively addressing aesthetic concerns with respect to its environment.'"

Tauber v. Town of Longmeadow, 695 F. Supp. 1358, 1362 (D. Mass. 1988) quoting Antioch, 557 F. Supp. at 60. The durational limits established in subsection 7.5.12 may be subject to a constitutional challenge in court, the outcome of which cannot be predicted with certainty. We urge the Town to consult with Town Counsel to consider the constitutionality of the durational limits in subsection 7.5.12.

---

days before and seven days after election held unconstitutional); Dimas v. City of Warren, 939 F. Supp. 554 (E.D. Mich. 1996) (limiting political signs to forty-five days before and seven days after election held unconstitutional); McCormack v. Clinton Township, 872 F. Supp. 1320 (D.N.J. 1994) (enjoining ordinance limiting display of political sings to ten days before and three days after election); Antioch v. Candidates' Outdoor Graphic Service, 557 F. Supp. 52 (N.D. Cal. 1982) (sixty-day pre-election limit unconstitutional); Orazio v. Town of North Hempstead, 426 F. Supp. 1144, 1149 (E.D.N.Y. 1977) ("no time limit on the display of pre-election political signs is constitutionally permissible under the First Amendment"); Union City Board of Zoning Appeals v. Justice Outdoor Displays, Inc., 467 S.E. 2nd 875 (Ga. 1996) (limiting display of political signs to six weeks before and one week after election held unconstitutional content-based restriction); Collier v. City of Tacoma, 854 P. 2d 1046 (Wash. 1993) (sixty-day pre-election limit on display of political signs held unconstitutional). Cf. Messer v. City of Douglasville, 975 F. 2d 1505 (11th Cir. 1992) (upholding requirement that political signs be removed within ten days following election); Sugarman v. Village of Chester, 192 F. Supp. 2d 282 (S.D.N.Y. 2002) (requiring removal of temporary political signs within twenty days after election not unconstitutional); City of Waterloo v. Markham, 600 N.E. 2d 1320 (Ill. App. Ct. 1992) (ninety-day limit on display of temporary signs not unconstitutional).

[2] In 1980, the First Circuit Court of Appeals struck down a state law that, inter alia, limited the display of political billboards to three weeks prior to an election. See John Donnelly & Sons v. Campbell, 639 F. 2d 6, 15 (1st Cir. 1980) ("we doubt that three weeks is enough time to publicize a campaign, particularly for the little-known or unpopular candidate, cause, with the greatest need for exposure"). However, the degree to which the durational limit motivated the court's decision is not clear.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

MAURA HEALEY
ATTORNEY GENERAL
Kelli E. Gunagan
by: Kelli E. Gunagan, Assistant Attorney General
Municipal Law Unit
Office of the Attorney General
Ten Mechanic Street, Suite 301
Worcester, MA 01608
508-792-7600

cc: Town Counsel Stephen D. Anderson

TOWN CLERK

TOWN OF ACTON
472 MAIN STREET
ACTON, MASSACHUSETTS, 01720
TELEPHONE (978) 929-6620
FAX (978) 929-6340
clerk@acton-ma.gov

EXCERPT 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 SPECIAL TOWN MEETING
NOVEMBER 12, 2014 - 499

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
[Lines 6., 7. and 8. currently read as follows:			
6. STORAGE of petroleum products for purposes other than heating the premises on which it is located	*N*	*N*	*Y*
7. Underground STORAGE of fuel oil, gasoline, or other HAZARDOUS MATERIALS	*N*	*N*	*N*
8. Underground STORAGE of fuel oil, gasoline, or other HAZARDOUS MATERIALS associated with residential USE	*N*	*N*	*N]*

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
[Line 13. currently reads:			
13. Outdoor STORAGE of fertilizer, animal manure, soil conditioner, pesticide, herbicide and, deicing chemicals	*N*	*N*	*Y*

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.

MOTION CARRIES UNANIMOUSLY

TOWN CLERK

TOWN OF ACTON
472 MAIN STREET
ACTON, MASSACHUSETTS, 01720
TELEPHONE (978) 929-6620
FAX (978) 929-6340
clerk@acton-ma.gov

EXCERPT 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 SPECIAL TOWN MEETING
NOVEMBER 12, 2014 - 499

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

TOWN CLERK

TOWN OF ACTON
472 MAIN STREET
ACTON, MASSACHUSETTS, 01720
TELEPHONE (978) 929-6620
FAX (978) 929-6340
clerk@acton-ma.gov

EXCERPT 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 SPECIAL TOWN MEETING
NOVEMBER 12, 2014 - 499

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

TOWN CLERK

TOWN OF ACTON
472 MAIN STREET
ACTON, MASSACHUSETTS, 01720
TELEPHONE (978) 929-6620
FAX (978) 929-6340
clerk@acton-ma.gov

EXCERPT 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 SPECIAL TOWN MEETING
NOVEMBER 12, 2014 - 499

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

TOWN CLERK

TOWN OF ACTON
472 MAIN STREET
ACTON, MASSACHUSETTS, 01720
TELEPHONE (978) 929-6620
FAX (978) 929-6340
clerk@acton-ma.gov

EXCERPT 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 SPECIAL TOWN MEETING
NOVEMBER 12, 2014 - 499

Article 15 * (Two-thirds vote) **Amend Zoning Bylaw – Walkways, Sidewalks, Bikeways in 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

TOWN CLERK

TOWN OF ACTON
472 MAIN STREET
ACTON, MASSACHUSETTS, 01720
TELEPHONE (978) 929-6620
FAX (978) 929-6340
clerk@acton-ma.gov

EXCERPT 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 SPECIAL TOWN MEETING
NOVEMBER 12, 2014 - 499

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