

**ABSTRACT OF THE SPECIAL TOWN MEETING HELD
TUESDAY, OCTOBER 12, 2010, 7:00 P.M.
ACTON-BOXBOROUGH REGIONAL HIGH SCHOOL AUDITORIUM
WITH ADJOURNED SESSIONS HELD OCTOBER 25, 2010
NUMBER OF REGISTERED VOTERS ATTENDING TOWN MEETING
OCTOBER 12, 2010 – 15 OCTOBER 25, 2010 - 424**

Article Index

| <u>Article</u> | <u>Title</u> | <u>Page</u> |
|-----------------------|---|--------------------|
| 1 | Environmental Remediation, Etc. Expenses – Simeone-Caouette Property..... | 4 |
| 2 | Fund Collective Bargaining Agreement – Police Patrol Officers..... | 5 |
| 3 | Fund Collective Bargaining Agreement – Highway/Municipal Properties Personnel | 6 |
| 4 | Amend Zoning Bylaw – Broaden Exemption for Bikeway and Walkway Facilities | 7 |
| 5 | Amend Zoning Bylaw – Signs and Advertising Devices | 7 |
| 6 | Amend Zoning Bylaw – Rezone Lot at 22 Esterbrook Road..... | 9 |

The Moderator, Mr. Mackenzie, called the Special Town Meeting to order on Tuesday, October 12, 2010, at 7:00 PM.

MOTION: **Mrs. Rosenzweig Morton** moves to adjourn this Town Meeting to Monday, October 25, 2010, immediately following the Special Town Meeting previously scheduled for that date, in the same auditorium.

MOTION CARRIES UNANIMOUSLY

Special Town Meeting was adjourned at 7:02PM and will convene on October 25, 2010 at the close of the Special Town Meeting scheduled for October 25, 2010.

The Moderator, Mr. Mackenzie, called the Special Town Meeting, which was adjourned on October 12, 2010, to order on Monday, October 25, 2010, at 8:33PM.

ARTICLE 1 ENVIRONMENTAL REMEDIATION, ETC. EXPENSES –
(Majority vote) **SIMEONE-CAOUCETTE PROPERTY**

To see if the Town will vote to raise, appropriate or transfer from free cash or other available funds, or accept gifts for this purpose, the following amounts:

- (a) up to \$200,000 to pay for any environmental assessment, containment, removal and/or remedial actions required, in the discretion of the Board of Selectmen, concerning the property previously approved for acquisition by the Town under Article 25 of the Acton 2010 Annual Town Meeting (the "Property");
- (b) up to \$34,000 to pay for environmental testing and remediation recommendations for the Property in accordance with the Town's Request for Proposals issued on August 6, 2010; and

up to \$22,500 to pay for any extensions of the July 13, 2010 closing date that the Board of Selectmen deem necessary in their discretion as provided under the Fourth Amendment to Purchase and Sale Agreement dated as of July 13, 2010 and executed by the Town of Acton and the owners of the Property or otherwise;

or take any other action relative thereto.

MOTION: **Mr. Gowing** moves that the Town transfer from Free Cash and appropriate \$256,500 to fund the environmental and transaction costs all as set forth in paragraphs (a) through (c) of the article, including any project costs incidental and related thereto.

MOTION CARRIES UNANIMOUSLY

ARTICLE 2 FUND COLLECTIVE BARGAINING AGREEMENT
(Majority vote) **POLICE PATROL OFFICERS**

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: **Mrs. Rosenzweig Morton** moves that the Town take no action.

MOTION CARRIES

ARTICLE 3 FUND COLLECTIVE BARGAINING AGREEMENT
(Majority vote) **HIGHWAY/MUNICIPAL PROPERTIES PERSONNEL**

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 & Municipal Properties personnel union as filed with the Town Clerk, or take any other action relative thereto.

MOTION: **Mrs. Rosenzweig Morton** moves that the Town take no action.

MOTION CARRIES

ARTICLE 4 AMEND ZONING BYLAW – BROADEN EXEMPTION FOR
(Two-thirds vote) **BIKEWAY AND WALKWAY FACILITIES**

To see if the Town will vote to amend the Zoning Bylaw, Section 1.4 – Applicability, by inserting the following phrase after the words “public bicycle, pedestrian, and multi-use paths”:

“, and appurtenances and easements thereto,”.

[Note – Section 1.4 currently reads:

1.4 Applicability - All LOTS and parcels of land in the Town of Acton and all BUILDINGS, STRUCTURES and other improvements thereon shall be subject to the regulations, restrictions and requirements established in this Bylaw. Except when specifically referred to or stated otherwise,

this Bylaw shall not apply to STREETS and appurtenances and easements thereto; to railroad rights of way; to public bicycle, pedestrian, and multi-use paths funded, laid out, or constructed by the Town of Acton, the Commonwealth of Massachusetts, or the Federal Government; or to any BUILDING, STRUCTURE or USE of land, including grading, filling, and excavating, which is associated with a public sewer collection system owned or operated by the Town of Acton.]

, or take any other action relative thereto.

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

**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 5 AMEND ZONING BYLAW – SIGNS AND ADVERTISING DEVICES
(Two-thirds vote)

To see if the Town will vote to amend the Zoning Bylaw, Section 7 – Signs and Advertising Devices, as follows:

A. Under section 7.5, Signs which Do not Require a Sign Permit, insert a new sub-section 7.5.19 as follows:

7.5.19 "OPEN" SIGNS - One SIGN, other than a WINDOW SIGN, associated with a PRINCIPAL USE indicating that the establishment is open for business. Such a SIGN shall be either affixed to the BUILDING as near as practically possible to the entrance of the establishment or to a freestanding sign otherwise permitted under this Bylaw. Such a SIGN shall not exceed 6 square feet in DISPLAY AREA. The DISPLAY AREA of such an "OPEN" SIGN shall not count towards the DISPLAY AREA of any other sign on the premises. Notwithstanding section 7.3.6, an "OPEN" SIGN may be a flag or a banner.

B. Under section 7.4.3, Illumination, delete sub-section 7.4.3.6 and replace it with a new sub-section 7.4.3.6 as follows:

7.4.3.6 In all other Village Districts:

- a) PROJECTING SIGNS and AWNING SIGNS shall not be illuminated.
- b) WALL SIGNS shall not be illuminated except as described in Sections 7.4.3.4 b) or c), or from an external light source with the light projected downward from above.
- c) FREESTANDING SIGNS shall not be illuminated except as described in Sections 7.4.3.4 b) or c) or from an external light source.

[Note: Section 7.4.3.6 currently reads:

7.4.3.6 In all other Village Districts, PROJECTING SIGNS and AWNING SIGNS shall not be illuminated, WALL SIGNS shall not be illuminated except as described in Sections 7.4.3.4 b) or c),

and FREESTANDING SIGNS shall not be illuminated except as described in Sections 7.4.3.4 b) or c) or from an external light source.]

C. Under section 7.13, SIGNS Requiring a Special Permit from the Planning Board, delete the leading paragraph in subsection 7.13.1 and replace it with a new paragraph as follows:

7.13.1 The Planning Board, acting as the Special Permit Granting Authority under this Section, may approve, approve with conditions, or disapprove the following SIGNS and the following deviations from the requirements of Sections 7.4, 7.7 and 7.8.

[Note: The leading paragraph of sub-section 7.13.1 currently reads:

7.13.1 The Planning Board, acting as the Special Permit Granting Authority under this Section, may approve, approve with conditions, or disapprove the following SIGNS and the following deviations from the requirements of Sections 7.7 and 7.8.]

, or take any other action relative thereto.

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

MOTION CARRIES UNANIMOUSLY

ARTICLE 6 AMEND ZONING BYLAW – REZONE LOT AT 22 ESTERBROOK ROAD
(Two-thirds vote)

To see if the Town will vote to amend Map No. 1 of the Zoning Map (Zoning Map of the Town of Acton) by rezoning from the Residence 10/8 (R-10/8) District to the Residence 8 (R-8) District the parcel of land at 22 Esterbrook Road shown in the 2007 Acton Town Atlas on map F-4 as parcel 13-1, or take any other action relative thereto.

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

MOTION CARRIES UNANIMOUSLY

Town Meeting desolved 9:01PM.

Tellers Present:

Jeff Bergart
Dick Calandrella
Ann Chang
Belle Choate
Brewster Conant
Joan Gardner
Tom Geagan
Bob Ingram
Herman Kabakoff
Anne Kadlec