

ABSTRACT OF THE ANNUAL TOWN MEETING HELD
MONDAY, MAY 6, 2024, 7:00 P.M.
ACTON-BOXBOROUGH REGIONAL HIGH SCHOOL
AUDITORIUM AND UPPER GYMNASIUM (ALL-INDOOR SEATING)
NUMBER OF REGISTERED VOTERS ATTENDING TOWN MEETING
MAY 6, 2024 - 2579 MAY 7, 2024 - 502

Article Index

* Article is on Consent Calendar

Article submitted by Citizens' Petition

Article	Title	Page
1	Choose Town Officers	28
2 *	Receive and Accept Reports	29
3	Budget Transfer.....	29
4	Town Operating Budget.....	30
5	Town Capital - Public Works, Public Safety and Public Celebrations	30
6	Town Capital, Infrastructure, Design and Construction.....	32
7	Acton-Boxborough Regional School District Assessment	35
8	Minuteman Regional School District Assessment	35
9	Community Preservation Program – Direct Appropriations from Fund Balances.....	36
10	Amend Zoning Bylaw – Vehicle Sales, Rental.....	43
11	Amend Zoning Bylaw and Zoning Map – Assabet River Overlay District & Powder Mill Zoning District.....	45
12	Amend Zoning Bylaw and Zoning Map – MBTA Overlay District	55
13	Amend Zoning Bylaw and Zoning Map – South Acton Village Districts	67
14	Authorize Long-Term Lease – 19 and 21 Maple Street.....	80
15	Tax Increment Financing – Natural Stonewall Solutions, Inc. – 42 and 48 Knox Trail	81
16 #	Citizens' Petition – Amend General Bylaws – Gas-powered Leaf Blower Phase Out	83
17 *	Authorize Collective Bargaining Agreement – Highway, Municipal Properties and Cemetery.....	85
18 *	Authorize Collective Bargaining Agreement – Public Safety Dispatch	85
19 *	Amend Town Charter – Historic District Commission.....	86
20 *	Accept Land Gift – Portion of 38 Piper Road	87
21 *	Accept Legislation – Prudent Investor Rule	88
22 *	Amend General Bylaws – Establish New Revolving Funds.....	89
23 *	Revolving Fund Budgets.....	90
24 *	Commuter Lot & Station Maintenance	91
25 *	Septage Disposal Enterprise Budget	92
26 *	Transfer Station and Recycling Enterprise Budget	93
27 *	Sewer Enterprise Budget.....	94
28 *	Ambulance Enterprise Budget	95
29 *	Transportation Enterprise Budget	96
30 *	Authorize Easements.....	97
31 *	Highway Reimbursement Program (Chapter 90).....	97
32 *	Insurance Proceeds.....	98
33 *	Federal and State Reimbursement Aid.....	98
34 *	Performance Bonds.....	99
35 *	Sale of Foreclosed Properties.....	99

May 6, 2024

The Moderator, Ms. Jo-Ann Berry, called the Annual Town Meeting to order on Monday, May 6, 2024, at 7:04 PM.

The Moderator thanked the Town and School staff for the arrangement of the parking, shuttle and set-up of this meeting which is far and above what is normal for this Town Meeting

Ms. Berry also thanked Bill Mullin, Pat Clifford and Walter Foster for serving as deputy Moderators in the Gym.

Ms. Berry gave an overview of the process for Town Meeting.

Presentation for many Articles are available on Acton TV. Thank you to Acton TV for their assistance.

The Moderator explained that we will have two sessions to complete the warrant or the agenda. Tonight, we will cover Article 1, the Consent agenda and Article 4 through Article 8. Following Article 8 the election of the trustees for the West Acton Citizen Library will follow.

The Moderator gave a presentation on the I Clicker, the Electronic Voting equipment that we will use at this Town Meeting.

The Moderator asked Town Meeting to vote to allow Non-Resident Town and Regional School Staff, to speak to the Articles of this Annual Town Meeting if needed.
Motion carries to allow speakers.

The Moderator introduced the chair of the Select Board, James Snyder-Grant to introduce the tables. Town Manager – John Mangiaratti, Asst Town Manager Thom Begin, Mina Makarious - from Town Counsel, Leo Mercado – Deputy Town Clerk, and Eva Szkaradek - Town Clerk.

Mr. Snyder-Grant introduced the members of the Board at the table, David Martin, Fran Arsenault, Alisa Nicol and Dean Charter.

The Moderator introduced the Chair of the Finance Committee, Christi Anderson who then introduced the member of the Finance Committee, Jason Cole, Christine Russell, Steve Noone, Greg Jarboe, Scott Sullivan, Adam Nolde, Roland Bourdon and Dave Wellinghoff.

Presentation by Finance Committee on Point of View.

Article 1
(Majority vote)

Choose Town Officers

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 per Town Meeting session
Select Board, Chair	\$ 750 per year
Select Board, Member	\$ 650 per year

, or take any other action relative thereto.

MOTION

Mr. Snyder-Grant moves that the Town fix the compensation for elected officers as shown in the Article.

MOTION CARRIES

Mr. Snyder-Grant nominates William Mullin of Wilson Lane for the position of Temporary Moderator, term to expire 2025.

MOTION CARRIES

Michael Gowing, Trustee of the Elizabeth White Fund, nominates Leo Fochtman of 18 Wright Terrace, Acton, for the position of Trustee of the Elizabeth White Fund, term to expire 2025.

MOTION CARRIES

Michael Gowing, Trustee of the Elizabeth White Fund, nominates Lauren E. Richardt, of 220 Arlington St, Acton, for the position of Trustee of the Elizabeth White Fund, term to expire 2027.

MOTION CARRIES

Thomas Matthews, Trustee of the Acton Firefighters' Relief Fund, nominates Brent Carter, of 7 Dogwood Drive, Townsend, for the position of Trustee of the Acton Firefighters' Relief Fund, term to expire 2027.

MOTION CARRIES

Trustee of the West Acton Library will be taken up after Article 8

Article 2 *
(Majority vote)

Receive and Accept Reports

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. Snyder-Grant moves that the Town accept the reports of the various Town Officers and Boards as set forth in the 2023 Town Report and that the Moderator call for any other reports.

MOTION CARRIES UNANIMOUSLY

Article 3
(Majority vote)

Budget Transfer

To see if the Town will appropriate from available funds a sum of money to defray necessary expenses above the amount appropriated at the 2023 Annual Town Meeting, or take any other action relative thereto.

MOTION

Mr. Snyder-Grant moves that the Town transfer and appropriate \$221,800 from Free Cash to supplement the amount appropriated for the municipal operating budget at the 2023 Annual Town Meeting for the purpose of defraying necessary expenses incurred in fiscal year 2024 for health insurance claims.

MOTION CARRIES UNANIMOUSLY

Article 4
(Majority vote)

Town Operating Budget

To see if the Town will raise and appropriate, transfer and/or appropriate from available funds, the sum of \$38,993,663 to defray the necessary expenses of the departments, offices and boards of the Town, exclusive of the Regional Schools' budgets, or take any other action relative thereto.

MOTION

MOTION # 1 (Two-thirds vote) - Mr. Martin moves that the Town transfer from the Other Post-Employment Benefits trust fund and appropriate \$300,000 to be expended by the Town Manager for the payment of retiree health insurance costs.

Clicker vote for motion #1

Yes 1880 No 287

MOTION CARRIES BY 2/3 VOTE

MOTION

MOTION # 2 (Majority vote) - Mr. Martin moves that the Town appropriate \$38,693,663 to be expended by the Town Manager to fund the fiscal year 2025 municipal budget, and to raise such amount, \$38,643,663 be raised from general revenues, and \$50,000 be transferred from Cemetery trust funds for Cemetery use, 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.

Clicker vote for Motion #2

Yes 1898 No 534

MOTION CARRIES

Article 5
(Majority vote)**Town Capital - Public Works, Public Safety and Public Celebrations**

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

A.	Traffic calming and intersection improvements (and sidewalks) (DPW-15)	\$ 200,000
B.	Self-Contained Breathing Apparatus Replacement – Fire Department (FD-3)	\$ 300,000
C.	Fleet Replacement Program – Police	\$ 180,000
D.	Facility Study Priorities (FAC-New)	\$ 160,000
E.	Cyclical Data Collection- Real Property (FIN-1)	\$ 150,000
F.	Celebration Event for July 4 th	\$ 35,000
Total		\$ 1,025,000

MOTION

Mr. Martin moves that the Town transfer from Free Cash and appropriate \$1,025,000 for the purposes set forth in the Article, including costs incidental and related thereto.

MOTION CARRIES**Article 6**
(Two-thirds vote)**Town Capital, Infrastructure, Design and Construction**

To see if the Town will raise and appropriate, appropriate from available funds and/or borrow a sum of money to be expended by the Town Manager for the purchase, replacement, study, design, improvement of facilities or infrastructure as listed below, including all costs incidental and related thereto; and further, to see if the Town will authorize the Select Board to enter into a contract with the Concord Area Special Education Collaborative (“CASE”) for the use of the Fueling Station for a term of more than three years, and on other terms and conditions as the Select Board deem to be in the best interest of the Town; or take any other action relative thereto.

A.	DPW Facility Improvements – Fueling Station Replacement (DPW-12)	\$ 2,600,000
B.	Replacement of 2009 Aerial Ladder Truck (FD-5)	\$ 2,100,000
C.	Complete Streets – Prospect Intersection, Great Road, sidewalks (DPW-15)	\$ 1,200,000
D.	Stormwater Infrastructure Improvements Bridges/Culverts (DPW-23)	\$ 800,000
Total		\$ 6,700,000

MOTION

Mr. Charter moves that the Town:

1. Appropriate \$6,700,000 to be expended by the Town Manager for the purposes set forth in the table below, including all costs incidental and related thereto; that to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow \$6,700,000 pursuant to Massachusetts General Laws Chapter 44, Sections 7 and 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor;

2.

A.	DPW Facility Improvements – Fueling Station Replacement (DPW-12)	\$ 2,600,000
B.	Replacement of 2009 Aerial Ladder Truck (FD-5)	\$ 2,100,000
C.	Complete Streets – Prospect Intersection, Great Road, sidewalks (DPW-15)	\$ 1,200,000
D.	Stormwater Infrastructure Improvements Bridges/Culverts (DPW-23)	\$ 800,000
Total		\$ 6,700,000

3. Authorize the Select Board to enter into one or more facility user agreements, for terms up to 20 years, and any such resulting contributions may be used to defray the debt service of such borrowing; and
4. Transfer from Free Cash and appropriate \$564,138 for the payment of the first year of debt service and underwriting costs on such borrowing.

Clicker vote for Motion

Yes 2019 No 351

MOTION CARRIES BY 2/3 VOTE

Article 7
(Majority vote)

Acton-Boxborough Regional School District Assessment

To see if the Town will raise and appropriate, transfer and/or appropriate from available funds, the sum of \$79,070,675 to defray the necessary expenses of the Acton-Boxborough Regional School District, or take any other action relative thereto.

MOTION

Ms. Rebecca Wilson moves that the Town raise and appropriate \$79,070,675 to fund the fiscal year 2025 assessment of the Acton-Boxborough Regional School District.

Clicker vote for Motion

Yes 1844 No 704

MOTION CARRIES

Article 8
(Majority vote)

Minuteman Regional School District Assessment

To see if the Town will raise and appropriate, transfer and/or appropriate from available funds, the sum of \$3,600,903 to defray the necessary expenses of the Minuteman Regional Vocational Technical School District, or take any other action relative thereto.

MOTION

Mrs. Nourse moves that the Town raise and appropriate \$3,600,903 to fund the fiscal year 2025 assessment of the Minuteman Regional School District.

MOTION CARRIES

Choose Town Officers (Continued)

Trustee of the West Acton Citizens Library, one position open for a term to expire 2027.

Linda Vieira
Great Elm Way
Clicker E 203

Annette Lochrie
Windsor Ave
Clicker A 159

Linda Vieira voted into the Position as Trustee of the West Acton Citizens Library.

Consent (Two-thirds vote)

MOTION

Mr. Snyder-Grant moves that the Town take up 20 articles in the Consent Calendar of the Warrant: Articles 2 and 17 through 35, inclusive.

2 * Receive and Accept Reports

17 * Authorize Collective Bargaining Agreement – Highway, Municipal Properties and Cemetery

18 * Authorize Collective Bargaining Agreement – Public Safety Dispatch

19 * Amend Town Charter – Historic District Commission

20 * Accept Land Gift – Portion of 38 Piper Road

21 * Accept Legislation – Prudent Investor Rule

22 * Amend General Bylaws – Establish New Revolving Funds

23 * Revolving Fund Budgets

24 * Commuter Lot & Station Maintenance

25 * Septage Disposal Enterprise Budget

26 * Transfer Station and Recycling Enterprise Budget

27 * Sewer Enterprise Budget

28 * Ambulance Enterprise Budget

29 * Transportation Enterprise Budget

30 * Authorize Easements

31 * Highway Reimbursement Program (Chapter 90)

32 * Insurance Proceeds

33 * Federal and State Reimbursement Aid

34 * Performance Bonds

35 * Sale of Foreclosed Properties

Hold 21

Motion on remaining Articles

MOTION CARRIES UNANIMOUSLY

Article 21 held for question.

MOTION CARRIES UNANIMOUSLY

MOTION TO ADJOURN: Jim Snyder-Grant moves to adjourn the Town Meeting at 10:24 pm until May 7th at the Acton-Boxborough Regional High School Auditorium.

MOTION TO ADJOURN CARRIES

May 7, 2024

The Moderator, Ms. Jo-Ann Berry, called the Annual Town Meeting to order on Tuesday, May 7, 2024, at 7:02 pm

The Moderator introduced the Town Manager, John Mangiaratti who gave the presentation for the annual recipient of the “Joseph A. Lalli Merit Award” endowed by the Steinberg Lalli Charitable Foundation, for outstanding work of a Town of Acton Municipal Employee. This is the twentieth year that this award has been issued.

The Foundation gave funding sixteen years ago, to recognize Public Safety Employees with this award as well.

Town Manager, pleased to announce the recipients of the Joseph A. Lalli Merit Award for Municipal and Public Safety Employees of the Year for 2024. These individuals have demonstrated unparalleled dedication, exceptional performance, and a commitment to our values throughout the past year.

Please join us in congratulating Beverly Hutchings from the Council on Aging and Patrick Hawthorne from Public Safety Communications for their outstanding achievements and contributions to our team and to the community.

Patrick Hawthorne began his career as a public safety communicator in 2007. He is always calm and one step ahead of what needs to be done. Throughout the years he has effectively helped people who call 911 obtain the assistance that they need in a calm and professional manor. He was recognized this past year for his work on a difficult road rage incident. The caller was describing very aggressive behavior and operation by the vehicle behind him. The vehicle behind him also had several occupants inside. Originally the caller wasn't giving the correct location. However, Dispatcher Hawthorne quickly took control asking for landmarks. By doing so, he knew his exact location. Due to the severity of operation and threat from the second vehicle the caller was advised to drive directly to the Public Safety Building. Dispatcher Hawthorne stayed on the line repeating landmarks and directions until the caller was safe. Their hard work, passion, and positive attitude have not only propelled our commitment providing excellent customer service measures but have also inspired their colleagues to strive for excellence.

Patrick thanked the Manager and the Select Board for the Joseph A. Lalli Merit Award for Public Safety Employee of the year. Receiving this award is an honor and a privilege. Thank you to all those who submitted his name for this honor. He thanks his coworkers who have become like family. Thank you to the Police Chief, Jim Cogan and Deputy Chief Doug Sturniolo, Fire Chief Anita Arnum and Deputy Fire Chief Chris Sammet, Lieutenant Krug, Lieutenant Lawton, current supervisor Brendan Gray and Former

Supervisor Maryann McLaughlin for giving him this opportunity. He thanked his family for being understanding for all the hours that he has worked.

Beverly Hutchings began her career with Acton in the Nursing Department in 1997 before joining the Council on Aging as the Senior Services Coordinator in 2011. Beverly is incredibly patient, compassionate and resourceful. She goes above and beyond what is required and does her best to provide the seniors (and their caregivers) in this community with the assistance they need. She works well with her co-workers not only at the COA but within the Town. Her soft-spoken manor can diffuse any type of stressful situation and put others at ease. She makes home visits, wellness checks, coordinates transportation, arranges for grocery and medication deliveries and whatever else she can do to assist someone in need.

Beverly thanked the Manager and the Select Board for the Joseph A. Lalli Merit Award for the Municipal Employee of the year. Thank you to all her coworkers and Town Departments for the level of support. We all work together to provide for the resident in the Town of Acton.

The moderator gave an overview of tonight's meeting.

Article 9 **Community Preservation Program –** **(Majority vote)** **Direct Appropriations from Fund Balances**

To see if the Town will appropriate or set aside for later appropriation, and authorize and direct the Select Board and the Town Manager to expend or set aside, from the FY 2023 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 2023 COMMUNITY PRESERVATION FUND BALANCES	
FY 2023 Community Preservation Fund Revenues	
Community Preservation Fund Surcharge Collected in FY 2023	\$ 1,295,219
State Community Preservation Trust Fund Receipt, 2023	\$ 272,311
Other FY 2023 Community Preservation Fund Components	
Interest Earned in FY 2023 (less abatements and exemptions)	\$ 94,349
Unencumbered FY 2023 Fund Balance	\$ 8,074
Recapture of unspent previous years' project appropriations	\$ 5,018
Total - FY 2023 Community Preservation Fund Balance	\$ 1,674,971
FY 2023 Open Space Set-Aside	
Set-Aside Fund Balance from appropriations for the Acquisition, Creation, and Preservation of Open Space and its Rehabilitation and Restoration	\$ 1,014,882
Total FY 2023 Open Space Set-Aside Fund Balance	\$ 1,014,882
FY 2023 Historic Resources Set-Aside	
Set-Aside Fund Balance from appropriations for the Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources (includes recapture from 2021 appropriation)	\$ 10,647
Total FY 2023 Historic Resource Set-Aside Fund Balance	\$ 10,647

APPROPRIATIONS FROM FY 2023 COMMUNITY PRESERVATION FUND BALANCE	
Purposes	Recommended Amounts
<i>Open Space</i>	
Set-Aside Appropriations for	
A. Acquisition, Creation and Preservation of Open Space, and its Rehabilitation and Restoration	\$ 550,000
Spending Appropriations	
<i>Community Housing</i>	
B. McManus Village Window Replacement	\$ 307,342
C. Regional Housing Services Program	\$ 40,000
D. Acton Community Housing Corporation – Community Housing Program Fund*	\$ 50,000
<i>Historic Resources</i>	
E. National Register of Historic Places Application for Woodlawn Cemetery	\$ 14,750
F. Woodlawn Cemetery Iron Gates	\$ 23,500
G. Rebuild Faulkner Homestead Chimneys	\$ 42,900
H. Theatre III Restoration & Repainting	\$ 89,354
I. Town Hall Gutter Restoration	\$ 84,626
<i>Recreation</i>	
J. 53 River Street Phase II	\$ 200,000
K. Acton Community Dog Park	\$ 100,000
L. Jones Playground Shade Structure	\$ 40,000
M. NARA Sports Plaza Shade Structure	\$ 55,000
<i>Administrative and Operating Expenses</i>	
N. A fund for Community Preservation Committee (CPC) direct expenses and for reimbursing the Town of Acton for administrative services and operating expenses provided in support of the CPC	\$ 71,282
Total Recommended Appropriations from FY 2023 Community Preservation Fund Balance	\$1,668,754
APPROPRIATIONS FROM OPEN SPACE SET-ASIDE FUND BALANCE	
O. Wright Hill Open Space Land Acquisition – Debt Service	\$ 69,600
P. Piper Lane Open Space Land Acquisitions – Debt Service	\$ 53,900
Total Recommended Appropriations from the Open Space Set-Aside Fund	\$ 123,500
APPROPRIATION FROM HISTORIC RESOURCES SET-ASIDE FUND BALANCE	
Q. Theatre III Restoration & Repainting	\$ 10,646
Total Recommended Appropriations from the Historic Resources Set-Aside Fund	\$ 10,646
Resulting Fund Balances	
Resulting FY 2023 Community Preservation Fund Balance	\$ 6,217
Resulting Balance in the Set-Aside Fund for the Acquisition, Creation, and Preservation of Open Space, and its Rehabilitation and Restoration	\$ 1,441,382

Resulting Balance in the Set-Aside Fund for the Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources	\$ 1
Resulting Balance in the Set-Aside Fund for the Acquisition, Creation, Preservation, and Support of Community Housing**	\$ 0

* Pursuant to Town Charter Section 6-5 that the appropriation to the Community Housing Program Fund shall not lapse three years and one month following the effective date of the vote on this article, and that this appropriation and all prior appropriations to the Community Housing Program Fund shall continue to be available for the purpose specified until expended for that purpose or until the CPC recommends and Town Meeting votes to rescind the appropriation of any unspent funds appropriated for this purpose,

And, whereas Massachusetts General Laws Chapter 44B requires that the Town appropriate for spending, or set-aside for future spending, from the FY 2023 Community Preservation Fund Revenues at least 10% for open space, 10% for historic resources, and 10% for community housing;

And, whereas the recommended appropriations for open space, historic resources, and community housing each meet or exceed 10% of the FY 2023 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 2023 Community Preservation Fund Balance the minimum necessary amounts to allocate not less than 10% of the FY 2023 Community Preservation Fund Revenues for open space (\$156,753), not less than 10% of the FY 2023 Community Preservation Fund Revenues for historic resources (\$156,753) and not less than 10% of the FY 2023 Community Preservation Fund Revenues for community housing (\$156,753), or take any other action relative thereto.

**There is no Community Housing Set-Aside Fund Balance from FY2023 and no funds are proposed to be appropriated to the Community Housing Set-Aside Fund this Town Meeting.

MOTION

Mr. Charter 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 \$1,802,900 as set forth in the article 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.

Hold L, M, N,

Remaining items

MOTION CARRIES

L - Jones Playground Shade Structure

M - NARA Sport Plaza Shade Structure

MOTION CARRIES on L and M

N – Fund CPC

Mr. Petersen moves to amend the amount to 3% or \$47,000

Motion to amend fails

ORIGINAL MOTION CARRIES

Article 10

Amend Zoning Bylaw – Vehicle Sales, Rental

To see if the Town will vote to amend the Zoning Bylaw and to renumber or alphabetize as necessary:

In Section 3, Table of Principal Uses, for the row “Vehicle Sale, Rental”, for the Limited Business District where the PRINCIPAL USE is presently allowed by right (indicated by Y), change the PRINCIPAL USE to require a special permit from the Select Board (indicated by SPS).

		BUSINESS DISTRICTS			INDUSTRIAL DISTRICTS					SP. DIST.	
PRINCIPAL USES		KC	LB	PM	GI	LI	LI-1	SM(1)	TD	ARC	SITE PLAN
3.5 BUSINESS USES											
3.5.22	Vehicle Sale, Rental	N	SPS	Y	N	N	N	N	N	N	R

[Modifications from the current Bylaw are below. Added text is shown **bold**. Deleted text is shown with a strike.]

		BUSINESS DISTRICTS			INDUSTRIAL DISTRICTS				SP. DIST.		
PRINCIPAL USES		K C	LB	PM	GI	LI	LI -1	SM(1)	TD	ARC	SITE PLAN
3.5 BUSINESS USES											
3.5.2 2	Vehicle Sale, Rental	N	¥ SPS	Y	N	N	N	N	N	N	R

, or take any other action relative thereto.

MOTION

Mr, Martin moves to adopt the zoning bylaw amendment as set forth in the article.

Clicker vote on Motion

Yes 318 No 112

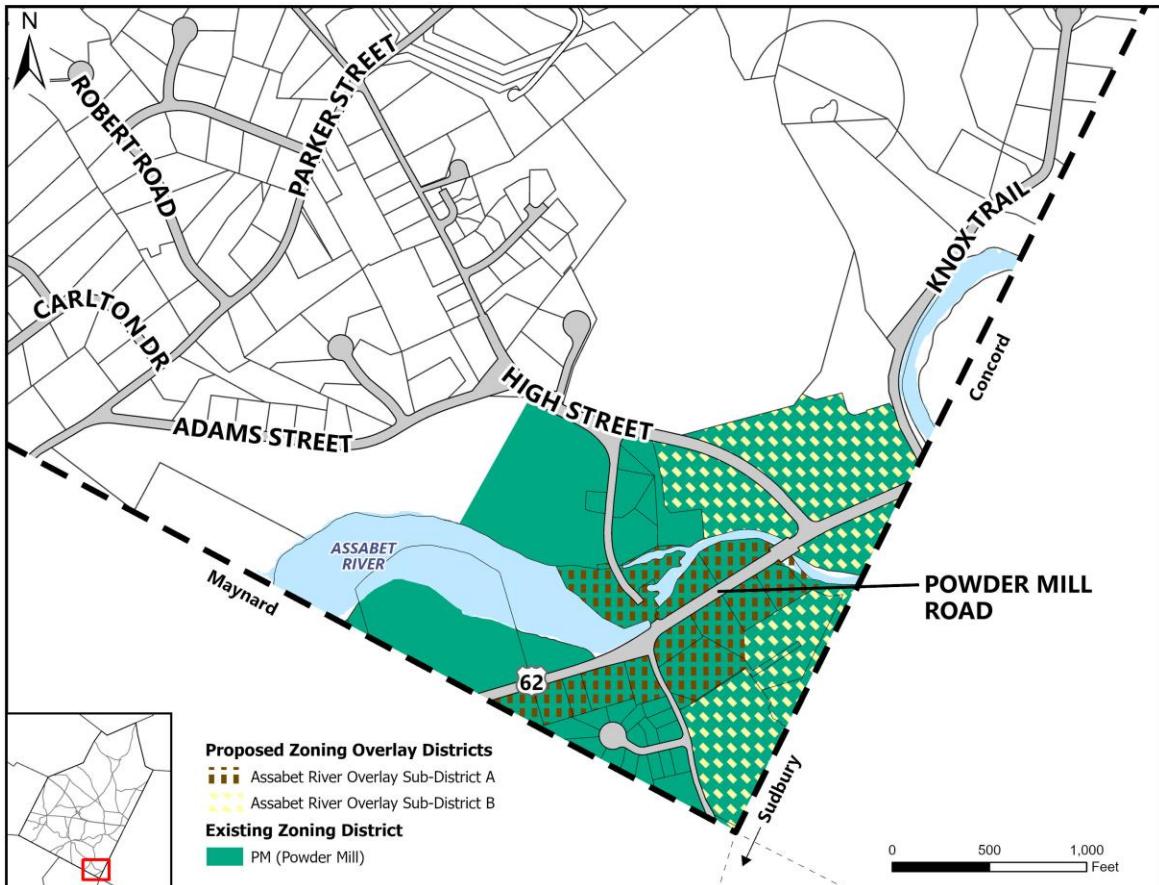
MOTION CARRIES BY 2/3 VOTE

Article 11

Amend Zoning Bylaw and Zoning Map – Assabet River Overlay District & Powder Mill Zoning District

To see if the Town will vote to amend the Zoning Bylaw and Zoning Map as follows and to renumber or alphabetize as necessary:

- A. Insert in the Table of Contents the following new Overlay District: Assabet River Overlay District
- B. Insert in Section 2 (Classification of Districts) the following new Overlay District:
Assabet River Overlay District
- C. Insert in Section 2.2 “Assabet River Overlay District Map of the Town of Acton” consisting of Map 5 and shown on the same sheet as Map Number 1.
- D. On the Zoning Map, Map Number 1, establish the Assabet River Overlay District. It shall be superimposed on the underlying Zoning District as shown on the map.



E. In Section 3, Table of Principal Uses, for the row “Vehicle Sale, Rental”, for the Powder Mill District where the PRINCIPAL USE is presently allowed by right (indicated by Y), change the PRINCIPAL USE to not allowed (indicated by N).

[Modifications from the current Bylaw are below. Added text is shown **bold**. Deleted text is shown with a *strike*.]

	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
3.5 BUSINESS USES											
3.5.22 Vehicle Sale, Rental	N	N	N	N	N	N	N	N	N	N	N

	BUSINESS DISTRICTS			INDUSTRIAL DISTRICTS				SP. DIST		
PRINCIPAL USES	K C	LB	PM	GI	LI	LI -1	SM(1)	TD	ARC	SITE PLAN
3.5 BUSINESS USES										
3.5.22 Vehicle Sale, Rental	N	Y	¥-N	N	N	N	N	N	N	R

F. Insert the following new section:

4.5 Assabet River Overlay District

4.5.1 Purpose – The Assabet River Overlay District is comprised of two sub-districts. The Assabet River Overlay District implements recommendations from the Acton 2020 Community Comprehensive Plan and the Connect Powder Mill redevelopment strategy. The intent is to promote an orderly mix of retail, commercial, residential, and community uses as the Powder Mill Road corridor grows and changes. This will accomplish the following goals:

- Create safe, non-motorized mobility throughout the corridor;
- Improve environmental quality through more sustainable development patterns;
- Strengthen the sense of community for existing and new residents, businesses, and visitors;
- Enhance the pedestrian experience along the corridor;
- Expand views and physical access to the river while fostering development that proactively protects the river from contaminants; and
- Contribute to meeting the diverse housing needs of the community.

The overlay zoning district considers existing development patterns and ensures that new development complements existing buildings and landscapes, especially the Assabet River. The overlay zoning district promotes the creation of more diverse housing options and small businesses to meet the needs of current and future residents, business owners, and other stakeholders. Housing provisions strive to provide housing choices for all income levels. Transportation safety and access is prioritized as developments occur, with an emphasis on creating new opportunities to walk, bike, or roll to local destinations.

4.5.2 Applicability

4.5.2.1 The provisions of this Section 4.5 may be utilized for any LOT located within the Assabet River Overlay District, subject to the provisions set forth in this Section 4.5.

4.5.2.2 LOTS utilizing the Assabet River Overlay District shall obtain a Site Plan Special Permit from the Select Board pursuant to Section 10.4.

4.5.2.3 The Assabet River Overlay District is defined and bounded as shown on the "Assabet River Overlay Map of the Town of Acton". The Assabet River Overlay District shall consist of two Sub-Districts:

- Sub-District A – The concept of Sub-District A is neighborhood businesses that foster smaller-scale mixed use with first-floor commercial to encourage pedestrian activity and connection with the river, promote commercial uses that are compatible with the riverfront, and incentivize environmentally sensitive redevelopment.
- Sub-District B – The concept of Sub-District B is commercial centers that allow commercial buildings with large footprints that incorporate pedestrian-friendly design, support economic development goals for creating sustainable employment opportunities, and encourage uses that meet needs of Powder Mill residents as well as surrounding neighborhoods.

4.5.2.4 The Assabet River Overlay District is superimposed over all Districts established by this Bylaw and the requirements of the Assabet River Overlay District are in addition to all other requirements set forth in this Bylaw. Where the requirements of the Assabet River Overlay District, as set forth in this Section 4.5, differ from or conflict with the requirements of the remainder of the Bylaw, the requirements established for the Assabet River Overlay District shall prevail, except for the requirements in the Groundwater Protection and Flood Plain Districts.

4.5.3 Allowed Uses in the Assabet River Overlay District – When using the Assabet River Overlay District, the Table of Principal Uses in Section 3 shall not apply. Section 3.1 Provisions and Table of Principal USES and PRINCIPAL USE Definitions shall apply. The following table of uses shall apply to the Assabet River Overlay District:

3.2 GENERAL USES	Sub-district A	Sub-district B	Site Plan
3.2.1 Agriculture	Y	Y	NR
3.2.2 Conservation	Y	Y	NR
3.2.3 Recreation	Y	Y	NR
3.3 RESIDENTIAL USES			
3.3.2 Two-FAMILY Dwelling	Y	N	NR
3.3.3 Dwelling Conversions	Y	N	NR
3.3.4 Multifamily Dwelling	Y	SPS	R
3.4 GOVERNMENTAL INSTITUTIONAL & PUBLIC SERVICE USES			
3.4.1 Municipal	Y	Y	NR
3.4.2 Educational	Y	Y	NR
3.4.3 Religious	Y	Y	NR
3.4.4 Nursing Home	N	Y	R
3.4.5 Public or Private Utility Facilities	N	Y	R
3.4.6 Child Care Facility	Y	Y	NR
3.4.7 Other Public Use	N	Y	R
3.4.8 Full Service Retirement Community	N	SPS	R
3.4.9 Assisted Living Residence	N	SPS	R
3.4.10 Personal Wireless Facility	N	SPS	NR
3.4.11 Commercial Education or Instruction	Y	Y	R

3.4.12 Community Service Organization	Y	Y	R
3.5 BUSINESS USES			
3.5.1 Retail Store	Y	Y	R
3.5.2 Office	Y	Y	R
3.5.3 Health Care Facility	Y	Y	R
3.5.4 Hospital, Medical Center	SPS	SPS	R
3.5.5 Restaurant	Y	Y	R
3.5.6 Combined Business & Dwelling	Y	SPS	R
3.5.7 Hotel, Motel, Inn, Conference Center	SPS	SPS	R
3.5.8 Bed & Breakfast	Y	SPS	R
3.5.9 Lodge or Club	SPS	Y	R
3.5.10 Veterinary Care	Y	Y	R
3.5.11 Animal Boarding	SPS	SPS	R
3.5.12 Services	Y	Y	R
3.5.13 Repair Shop, Technical Shop, Studio	Y	Y	R
3.5.14 Building Trade Shop	N	Y	R
3.5.15 Commercial Recreation (1)	SPS	Y	R
3.5.16 Commercial Entertainment (2)	SPS	Y	R
3.6 INDUSTRIAL USES			
3.6.3 Manufacturing	N	SPS	R
3.6.4 Scientific	N	Y	R
3.6.5 Ground-Mounted Neighborhood Solar Photovoltaic Installation	N	Y	NR

(1) No Special Permit shall be required for Commercial Recreation facilities with a NET FLOOR AREA of less than 2,000 square feet.

(2) No Special Permit shall be required for Commercial Entertainment facilities with a NET FLOOR AREA of less than 12,000 square feet.

4.5.4 Dimensional Standards in Sub-District A – The following dimensional provisions apply in Sub-District A:

MINIMUM LOT AREA (in sq. feet)	7,000
MINIMUM LOT FRONTAGE (in feet)	150
MINIMUM LOT WIDTH (in feet)	NR
MINIMUM/MAXIMUM FRONT YARD SETBACK (in feet)	10/15
MINIMUM SIDE & REAR YARD SETBACK (in feet)	NR (1)
MINIMUM OPEN SPACE (in percent)	20%
MAXIMUM FLOOR AREA RATIO	NR
MAXIMUM HEIGHT (in feet)	40

(1) If such LOT in Sub-District A is abutting a LOT located within the Powder Mill Zoning District that is not also located within the Assabet River Overlay District, the minimum side and rear yard setback shall be 10 feet.

4.5.5 Dimensional Standards in Sub-District B – The following dimensional provisions apply in Sub-District B:

MINIMUM LOT AREA (in sq. feet)	30,000
MINIMUM LOT FRONTAGE (in feet)	150
MINIMUM LOT WIDTH (in feet)	NR

MINIMUM/MAXIMUM FRONT YARD SETBACK (in feet)	25/40
MINIMUM SIDE & REAR YARD SETBACK (in feet)	30
MINIMUM OPEN SPACE (in percent)	35%
MAXIMUM FLOOR AREA RATIO	NR
MAXIMUM HEIGHT (in feet)	45

4.5.6 Parking Requirements – The Minimum Parking Space Requirements by USE table outlined in Section 6.3 shall not apply in the Assabet River Overlay District. There are no minimum or maximum parking space requirements in the Assabet River Overlay District. The least amount of surface parking spaces needed for the uses on the LOT is recommended.

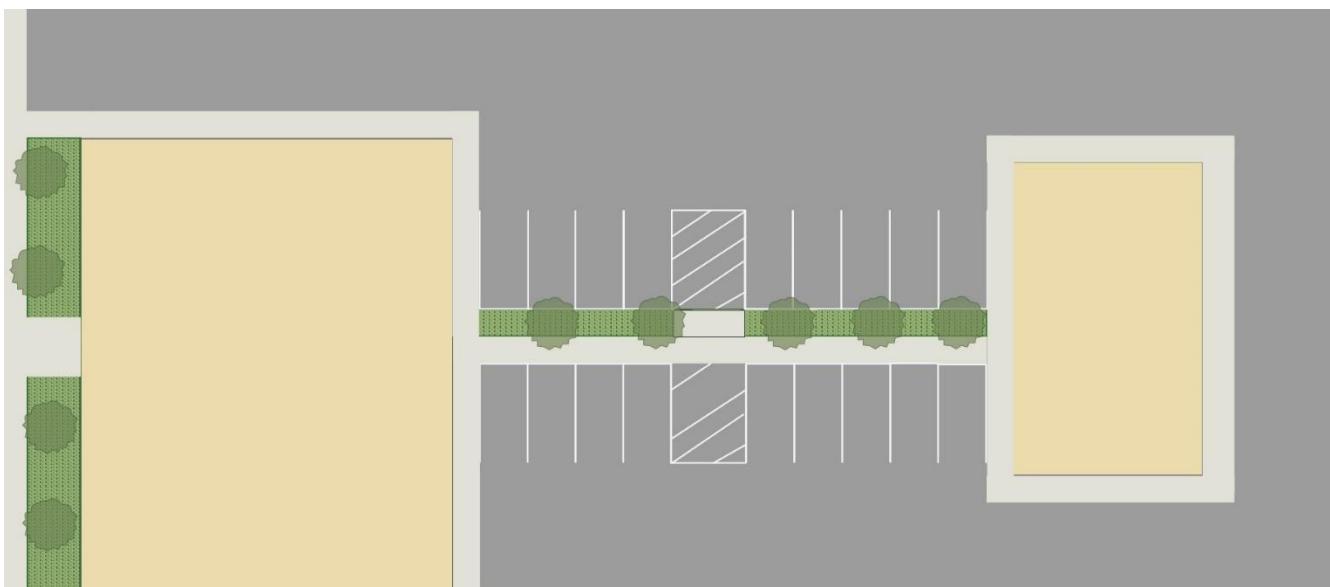
4.5.7 The following standards shall apply to new development on all LOTS utilizing the Assabet River Overlay District:

4.5.7.1 Walkways and Pedestrian Connections

4.5.7.1.1 Sidewalks – The Site Plan Special Permit Granting Authority shall require sidewalks along the LOT'S FRONTAGE on a STREET or STREETS and walkways between BUILDING entrances and the nearest STREET, STREETS, and BUILDINGS with minimal interruption by driveways. Parking lot aisles, and access and interior driveways do not count as walkways. A sidewalk shall be provided along the LOT's FRONTAGE on a STREET or STREETS. The sidewalk shall be at least 5 feet wide. Sidewalks may be located wholly or partially within the STREET layout. Sidewalks shall be constructed with concrete and vertical granite curb.

4.5.7.1.2 The Special Permit Granting Authority shall require that all parking facilities be connected by a common driveway to the parking facilities of all adjacent USES and to all adjacent land within the Assabet River Overlay District, unless it finds that physical constraints, present site configuration, uncooperative abutters, or land vacancy precludes strict compliance. In such cases, the site and the parking facility shall be designed to provide for the future construction of common driveways. For the purposes of this Section, common driveway shall be defined as a driveway that is shared by two or more LOTS and located at least partially within the required setback areas of such LOTS. Such a common driveway can be either a shared ACCESS driveway to a STREET, or a driveway to a STREET, or a driveway connecting such LOTS with each other.

4.5.7.1.3 In Sub-District B, parking areas shall be interconnected in a manner that allows the unobstructed flow of pedestrians between uses and parking areas. Paving treatments or other features should be used to indicate safe travel paths for pedestrians.



Example of an interconnected parking area.

4.5.7.2 Front yard requirements – The front yard setback shall include landscaping that consists of a minimum of one street tree for every 40 feet of LOT frontage. Street trees shall be placed at reasonable intervals. Water-wise landscaping shall be utilized, including drought tolerant plants and mulching. Unless otherwise determined by the Conservation Commission, street trees included in the required front yard setback shall consist of a mix of not-invasive tree species that have a minimum caliper size of three (3) inches when planted. The front yard setback may consist of pedestrian walkways, pedestrian amenities, and pedestrian plazas.

4.5.7.3 Sustainability

4.5.7.3.1 Electric Vehicle (EV) Charging Stations – One (1) functioning Universal Level 2 EV charging station shall be installed for every 10 residential parking spaces, with a minimum of one (1) Universal Level 2 EV charging station installed. The EV charging station can be located within the required landscaped areas for parking lots as required in Section 6.7.

4.5.7.3.2 Low emitting materials – BUILDINGS shall satisfy at least one product category from requirements within the LEED BD+C: New Construction, Low-Emitting Materials, as amended.

4.5.7.3.3 Green Stormwater Requirements – Stormwater management systems shall utilize at least one of the following on the LOT unless the applicant proves to the Site Plan Special Permit Granting Authority that such management mechanisms cannot be accommodated on the LOT:

- Bioretention cells (exfiltrating and filtering);
- Constructed stormwater wetlands (including gravel wetland designs);
- Treebox filters (exfiltrating and filtering);
- Water quality swales;
- Grass channels; or
- Green roofs.

4.5.7.4 Pedestrian Plaza – LOTS utilizing the Assabet River Overlay District shall have one or more pedestrian plazas on it.

4.5.7.4.1 The combined area of pedestrian plazas shall measure at least five percent (5%) of the NET FLOOR AREA on the LOT, but not more than 3,000 square feet in combined area shall be required. No pedestrian plaza shall measure more than 3,000 square feet.

4.5.7.4.2 The pedestrian plaza shall be a natural gathering spot at the STREET level in front of a BUILDING, on the side of a BUILDING, in between BUILDINGS, or abutting the Assabet River, which is to be used exclusively by pedestrians and connects to the sidewalk and walkways. For the purpose of this Section, a pedestrian arcade located within a BUILDING footprint and open to the outdoors may be counted towards the minimum area required for a pedestrian plaza.

4.5.7.4.3 The pedestrian plaza shall be designed to be open on one side to an adjacent larger space, natural view, or outdoor activity area such as an outdoor cafe, coffee cart, food stand, basketball hoop, game tables, or playground. Within the pedestrian plaza, at least one seating area or activity pocket shall be placed along the edge of the plaza facing the plaza. The pedestrian plaza shall be accented with pedestrian amenities such as benches, kiosks and other partly enclosed outdoor structures to facilitate waiting or group activities. To create minor boundaries between outdoor areas and BUILDINGS where there is no grade change, the applicant shall add “sitting walls”. Sitting walls should be no higher than 17 inches, but at least 12 inches wide.

4.5.7.4.4 Shade trees, ornamental trees and other landscaping shall be included to provide shelter from the sun, to reduce noise, to beautify or enhance the appearance of the Assabet River Overlay District and to mitigate fumes. All landscaping shall use species that are tolerant to the climatic conditions in Acton and shall be designed to facilitate ongoing maintenance.

4.5.7.4.5 Notwithstanding any other provisions of this Bylaw to the contrary, the serving of foods and drinks at outdoor tables shall be permitted in a pedestrian plaza, provided all other applicable permits for food service have been issued by the Town.

4.5.7.4.6 A pedestrian plaza shall be considered part of the minimum required OPEN SPACE and can extend into the front yard. The area required for a sidewalk shall not be included in the pedestrian plaza.

4.5.7.5 Location of Driveways and Parking Lots – No driveway or parking lot shall be placed in the portion of a LOT that is directly in front of a BUILDING as seen from a STREET, whether or not the BUILDING is located on the same LOT as the driveway or parking lot, except that a driveway and parking lot may be placed in the front of a BUILDING that is located in the rear of another BUILDING when viewed from a STREET. No driveways or parking lots shall be located between a pedestrian plaza and a STREET, unless the pedestrian plazas are located in the rear of a BUILDING when viewed from a STREET. No driveway or parking lot shall intersect or be mixed with a pedestrian plaza. Vehicular driveways and parking lots may be located to the side and rear of BUILDINGS, to the rear of a pedestrian plaza or underground.

4.5.7.6 BUILDING Design

4.5.7.6.1 At least sixty percent (60%) of the front side of a LOT facing a STREET, measured in percentage of linear feet of the LOT FRONTAGE, shall be occupied by BUILDINGS or by a pedestrian plaza. When in Sub-District A, a BUILDING or pedestrian plaza must be located within 15 feet of the front property line to count towards the sixty percent (60%). When in Sub-District B, a BUILDING or pedestrian plaza must be located within 40 feet of the front property line to count towards the 60 percent (60%). A reduction of this requirement to 50

percent (50%) of the front side of a LOT may be allowed provided the Site Plan Special Permit Granting Authority finds that the alternative design features are consistent with this Section of the Bylaw.

- 4.5.7.6.2 BUILDING facades facing STREETS or pedestrian plazas are also referred to herein as the BUILDING front(s) or BUILDING front facade(s). Such BUILDING fronts shall have a vertical orientation, meaning either that the BUILDING shall actually have a greater height than width, or that the facades or roof lines of the BUILDING are designed to reduce the massing so that it appears as a group of smaller masses with a distinct vertical orientation.
- 4.5.7.6.3 The BUILDING front facades shall use different textures, shadow lines, uneven angles, detailing and contrasting shapes. BUILDING facades shall have a varied articulated façade at a minimum of every twenty-five (25) feet. BUILDING facades may incorporate architectural elements that project or recess by at least two (2) feet from the adjacent section of the façade.
- 4.5.7.6.4 The ground floor of buildings along a STREET in Sub-district A shall be occupied, or designed to be available for occupancy, by Business Uses that typically have a regular flow of people into and out of the establishment. This includes the following uses: Retail Store; Services; Restaurant; Services; Commercial Recreation; Community Service Organization; Hotel, Motel, Inn, Conference Center; Bed & Breakfast; Lodge or Club; Commercial Entertainment; Veterinary Care; Animal Boarding; Repair Shop, Technical Shop, and Studio. Additional uses may be allowed by a Use special permit from the Select Board. All other USES shall be located on BUILDING floors other than the ground level floor, on the ground level floor in a rear portion of a BUILDING, or in a BUILDING situated in the rear of other BUILDINGS that face one or more STREETS, and be hidden or screened so as to be unobtrusive when viewed from a STREET.
- 4.5.7.6.5 A main business entrance to each ground floor business, identified by the larger doors, signs, canopy or similar means of highlighting, shall be from the BUILDING front.
- 4.5.7.6.6 Arcades and canopies may not be located within 10 feet of the sideline of a STREET unless the Site Plan Special Permit Granting Authority finds that the reduction in setback to the sideline of the STREET is consistent this Section of the Bylaw.
- 4.5.7.6.7 The BUILDING front(s) shall contain windows covering at least 15 percent (15%) of the facade surface. Windows shall be highlighted with frames, lintels and sills or equivalent trim features. Windows and doors shall be arranged to give the facade a sense of balance and symmetry.
- 4.5.7.6.8 Windows shall cover at least 60 percent (60%) but no more than 80 percent (80%) of the ground level BUILDING front façade. Ground floor display windows shall be framed on all sides. They shall be highlighted with frames, lintels and sills or equivalent trim features, or may instead be recessed into the wall or projected from the wall.
- 4.5.7.6.9 Mirror windows and highly reflective surfaces shall not be allowed.
- 4.5.7.6.10 Roofs may be gabled with a minimum pitch of 9/12 (9" vertical for every 12" horizontal) and shall have overhanging eaves of at least one foot. BUILDINGS with two or more stories may have a flat roof provided that the tops of the BUILDING front facades are treated with a cornice or other architectural treatment that appears an integral part of the BUILDING from all visible sides of the BUILDING.

4.5.7.6.11 Flat-roofed buildings in Sub-district B that have a height greater than 36' must provide a minimum of a 5' stepback of the building front façade between the third and fourth stories.

4.5.7.6.12 The main features of the architectural treatment of the BUILDING front facades, including the materials used, shall be continued around all sides of the BUILDING that are visible from a STREET or a pedestrian plaza. The Site Plan Special Permit Granting Authority may approve alternate treatment of side and rear BUILDING walls that is consistent with the Bylaw and preserves the architectural integrity of the BUILDING as a whole.

4.5.7.6.13 The design for multi-story buildings shall create a visual distinction between upper and ground floors. Upper stories should have the effect of “receding” from the ground floor. The intended effect can be achieved through several means, including a 1' step-back, architectural banding above the first story of approximately 1' in height or depth, or other visual break that creates a similar effect.

4.5.7.6.14 Garage doors or loading docks shall not be allowed in the BUILDING fronts.

4.5.7.6.15 Air conditioning equipment, electric utility boxes, satellite dishes, trash receptacles and other ground level utilities shall be unobtrusive when viewed from the STREET and adjacent LOTS.

4.5.7.6.16 Rooftop mechanical equipment shall be screened from a STREET by the use of architecturally compatible materials

4.5.8 In addition to the standards outlined elsewhere in Section 4.5, the following standards shall apply to all LOTS in the Assabet River Overlay District that abut the Assabet River:

4.5.8.1 River Access – New buildings constructed on any LOT shall provide a walkway, path, viewing area, seating area, or other form or physical access that allows views of the Assabet River and riverfront area. The applicant may provide an easement for public access to the Town in lieu of physical infrastructure. When also meeting the standards of Section 4.5.7.4, this requirement may be counted towards the minimum area required for a pedestrian plaza.

4.5.8.2 Building Siting – New buildings shall be sited to maintain a view of the Assabet River from the public right-of-way. Where possible, the site design will preserve, enhance, and create views of the Assabet River.

, or take any other action relative thereto.

MOTION

Mr. Cappetta moves to adopt the zoning bylaw and zoning map amendments as set forth in the article.

Clicker vote on Motion

Yes 368 no 102

MOTION CARRIES BY 2/3 VOTE

Article 12
(Majority vote)

Amend Zoning Bylaw and Zoning Map – MBTA Overlay District

To see if the Town will vote to amend the Zoning Bylaw and Zoning Map as follows and to renumber or alphabetize as necessary:

- A. Insert in the Table of Contents the following new Overlay District: MBTA Overlay District
- B. In the INFORMATION RELATING TO LAWS AND REGULATIONS GOVERNING LAND USE, replace the language in the section for, SITE PLAN RULES AND REGULATIONS with the following:

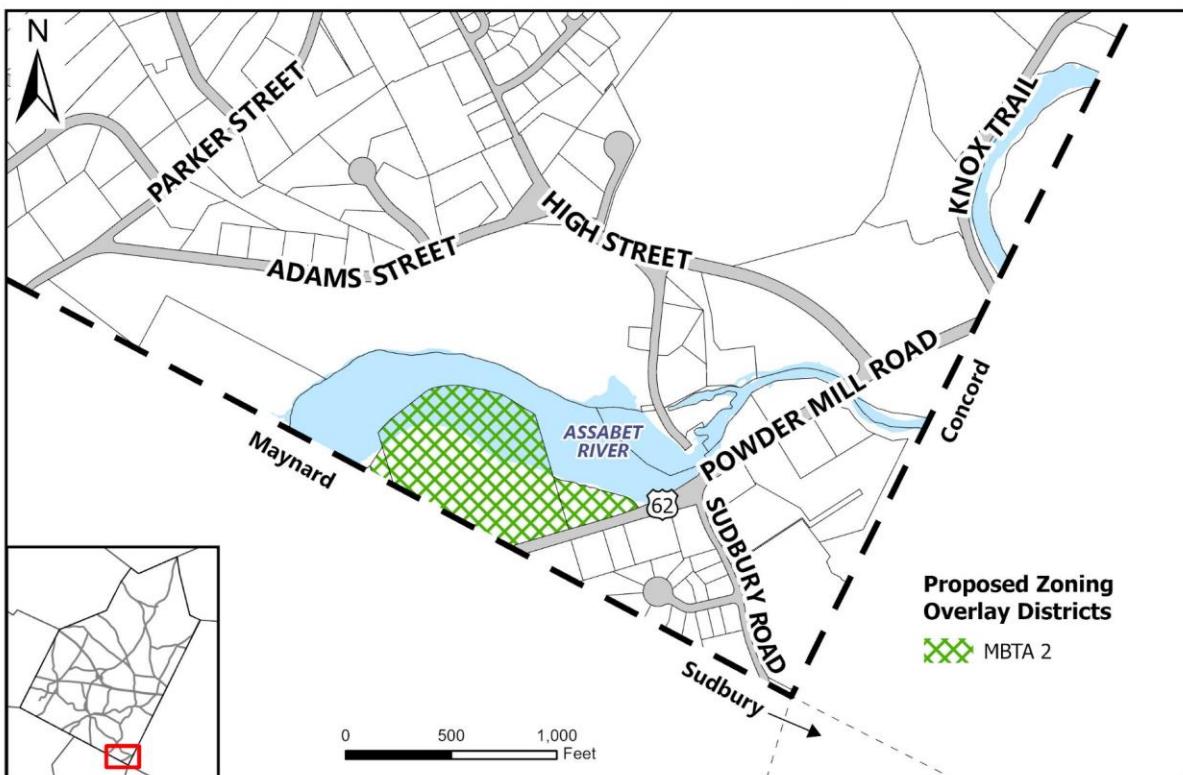
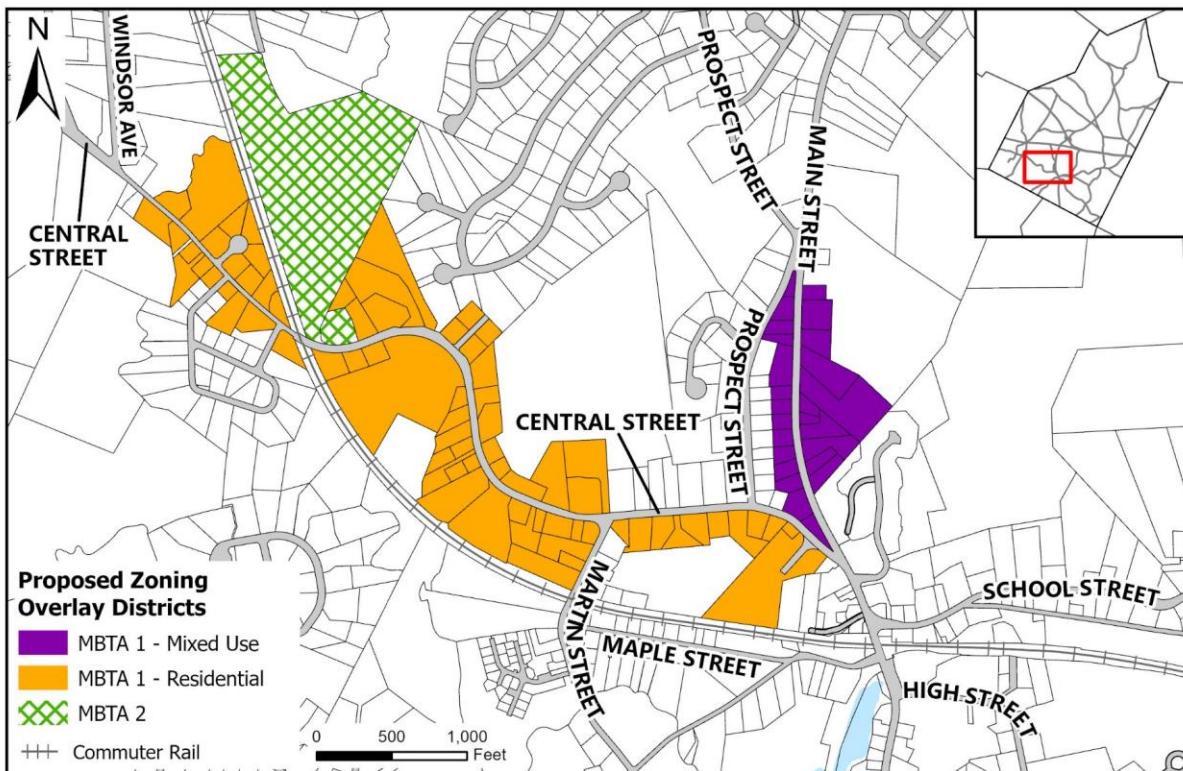
SITE PLAN RULES AND REGULATIONS set forth the rules and regulations, administered by the Select Board, to be followed for site development where a Site Plan Special Permit or Site Plan Approval is required.

*[Modifications from the current Bylaw are below. Added text is shown **bold**.]*

SITE PLAN RULES AND REGULATIONS set forth the rules and regulations, administered by the Select Board, to be followed for site development where a Site Plan Special Permit **or Site Plan Approval** is required.

- C. Insert in Section 2 (Classification of Districts) the following new Overlay District: MBTA Overlay District;
- D. Insert in Section 2.2 “MBTA Overlay District Map of the Town of Acton” consisting of Map 6 and shown on the same sheet as Map Number 1.

E. On the Zoning Map, Map Number 1, establish the MTBA Overlay District as shown on the map. It shall be superimposed on the underlying Zoning District.



F. Insert in Section 3.3 a new subsection as follows:

- Where a site plan has been permitted in the MBTA Overlay District under Section 4.6 of this Bylaw.

G. Insert in Section 4 the following new subsection:

4.6 MBTA Overlay District

4.6.1 Purpose – The purpose of this Section is to increase opportunities for diverse housing near transit and walkable neighborhoods close to villages and centers. In order to allow opportunities for housing in a manner consistent with State and local housing policies, including the Town’s Climate Action Plan, the Town encourages new housing developments to contain a proportion of the DWELLING UNITS AFFORDABLE to persons or households at 80 percent Area Median Income. Accordingly, the provisions of this Section are designed: (1) to meet compliance with MGL Chapter 40A Section3A; (2) to encourage a greater diversity of housing accommodations to meet the diverse needs of all people; and (3) to allow for more housing choices within a ½ mile of public transit and near existing village districts and centers.

4.6.2 Site Plan Review – The Select Board shall grant Site Plan Approval to any development that complies with the following subsections and with the requirements of Section 10.6.

4.6.3 Applicability

4.6.3.1 The provisions of this Section 4.6 may be utilized for any LOT located within the MBTA Overlay District, subject to the requirements and standards set forth in this Section 4.6.

4.6.3.2 The MBTA Overlay District is defined and bounded as shown on the "MBTA Overlay District Map of the Town of Acton". The MBTA Overlay District shall consist of three Sub-Districts:

- a) MBTA Sub-District 1 - Residential (MBTA 1 - Residential);
- b) MBTA Sub-District 1 – Mixed Use (MBTA 1 - Mixed Use);
- c) MBTA Sub-District 2 (MBTA-2).

4.6.3.3 Said MBTA Overlay District is superimposed over all Districts established by this Bylaw and the requirements of the MBTA Overlay District are in addition to all other requirements set forth in this Bylaw. Where the requirements of the MBTA Overlay District, as set forth in this Section 4.6, differ from or conflict with the requirements of the remainder of the Bylaw, the requirements of the MBTA Overlay District shall prevail, except for the requirements established in the Groundwater Protection and Flood Plain Districts.

4.6.3.4 Site Plan Approval Required – Anyone seeking a permit pursuant to this Section of the Bylaw shall obtain Site Plan Approval from the Select Board.

4.6.4 Allowed Residential Uses - Multi-family and Two-Family Dwellings shall be allowed as-of-right in both the MBTA 1- Residential, MBTA 1 – Mixed-Use and MBTA-2.

4.6.5 Allowed Commercial Uses - Commercial Uses allowed in the SAV-1 District identified with a “Y” in the Table of Principal Uses are allowed in MBTA 1 - Mixed Use Sub District only on the ground floor of BUILDING(s), provided that all Parking is located in the rear or on the side of a BUILDING(s).

4.6.6 Affordability Requirements for Initial Development – For the initial development of Multi-family Dwellings in MBTA 1- Residential, MBTA 1 – Mixed Use, and MBTA-2, such developments shall provide a minimum of ten percent (10%) of the DWELLING UNITS to be sold, rented, or leased at prices and rents that are affordable to individuals or FAMILIES at or below eighty percent (80%) of the median income for the Boston Primary Metropolitan Statistical Area. Said affordable DWELLING UNITS shall be eligible for the Subsidized Housing Inventory managed by the Executive Office of Housing and Livable Communities.

4.6.7 MBTA 1- Residential and MBTA 1 - Mixed Use Developments – MBTA 1- Residential and MBTA 1 – Mixed Use Developments shall be considered additional development options, subject to the following provisions:

4.6.7.2 Dimensional and Parking Space Provisions in MBTA 1- Residential and MBTA 1 – Mixed Use Developments – The following dimensional and parking space provisions apply:

MINIMUM LOT AREA (in sq. feet)	5,000
MINIMUM LOT FRONTAGE (in feet)	50
MINIMUM LOT WIDTH (in feet)	0
MINIMUM FRONT YARD SETBACK (in feet)	10
MINIMUM SIDE & REAR YARD SETBACK (in feet)	10
MINIMUM OPEN SPACE (in percent)	20%
MAXIMUM FLOOR AREA RATIO	NR
MAXIMUM HEIGHT (feet)	36
MAXIMUM DENSITY (units/acre)	10 units per acre
MAXIMUM PARKING SPACES	1.5 spaces per unit for surface parking or 2 spaces per unit if one or more spaces are interior garage spaces
MINIMUM PARKING SPACES	None

4.6.7.3 Site and Building Design Provisions - For the initial development of or conversion to Multi-family or Two-family Dwellings within MBTA 1- Residential and MBTA 1 – Mixed Use Developments, the following site and building design provisions shall apply. This section shall not apply to conversions where only interior renovations and minor exterior renovations for compliance with the State Building Code are proposed.

4.6.7.3.1 Pedestrian and Community Accommodations

a. Sidewalks – Sidewalks shall be required along the LOTS's FRONTAGE on a STREET or STREETS. The sidewalk shall be at least 5 feet wide. Sidewalk construction shall consist of concrete and vertical granite curb. Sidewalks may be allowed wholly or partially within the STREET layout. Sidewalks shall be considered part of the minimum required OPEN SPACE. The sidewalk shall be separated, where feasible, from the vehicular roadway with a landscaped or hardscape buffer to provide both safety to pedestrians and to create the sense of a village neighborhood.

b. Street Trees - One street tree shall be provided for every 50 feet of FRONTAGE. Where a landscape buffer of more than 4 feet wide is provided, street trees shall be placed within the landscape buffer. Where less than 4 feet of landscape buffer is provided street trees shall be placed between the sidewalk and building. Street trees

shall have a minimum DBH of 3 inches and shall be planted in accordance with Appendix P-1 of the Subdivision Rules and Regulations.

c. Walkways – Walkways shall be required from the sidewalk to BUILDING entrances using straight or gently curving paths connecting BUILDINGS to BUILDINGS, BUILDINGS to STREETS and BUILDINGS to sidewalks with minimal interruption by driveways. Parking aisle, along with access and interior driveways, do not count as walkways. Walkways should include “bulges” to allow for gathering points that may include special features (e.g., water elements, sculptures, statues, benches).

4.6.7.3.2 Driveways and Parking Lots – The parking lot design requirements set forth in Section 6.7 shall apply to the extent such requirements do not conflict with any requirements of this subsection.

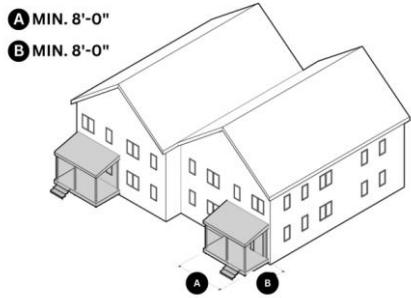
- a. No driveway or parking lot shall be placed in the portion of the LOT that is directly in front of a BUILDING as seen from a STREET, whether or not the BUILDING is located on the same LOT as the driveway or parking lot, except that a driveway and parking lot may be placed in the front of a BUILDING that is located in the rear of another BUILDING when viewed from a STREET. Additional parking lot design requirements set forth in Section 6.7 shall be required for parking lots serving more than a four-family residential Use.
- b. Vehicular driveways and parking lots may be located to the side and rear of BUILDINGS, underground, in a garage or parking structure.

4.6.7.3.3 Building Design

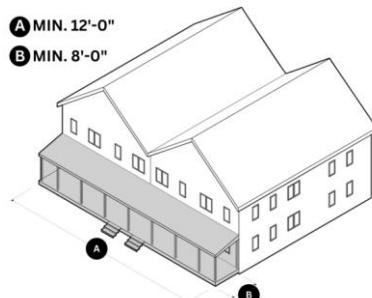
- a. BUILDING facades facing STREETS are also referred to herein as the BUILDING front(s) or BUILDING front façade(s). Such BUILDING front shall have a vertical orientation, meaning either that the BUILDING shall actually have a greater height than width, or that the facades and roof lines of the BUILDING are designed to reduce the massing so that it appears as a group of smaller masses with a distinct vertical articulation.
- b. The BUILDING front facades shall be articulated with different textures, shadow lines, uneven angles, detailing and contrasting shapes are required. BUILDING facades shall incorporate architectural elements that project or recess by at least two feet from the adjacent section of the façade. The projecting or recessed facade shall occur on a minimum interval of fifty feet or less. Not more than fifty feet of a continuous BUILDING front shall be in the same vertical plane.
- c. The main features of the architectural treatment of the BUILDING front facades, including the materials used, shall be continued around all sides of the BUILDING that are visible from a STREET.
- d. Windows – Mirror windows and highly reflective surfaces shall not be allowed on the BUILDING fronts. BUILDINGS shall contain windows covering at least 15 percent of the façade surface. Windows shall be highlighted with frames, lintels, and sills, or equivalent trim. Where Commercial Uses are proposed on the ground floor, the amount of windows in the façade surface shall be at least forty percent (40%), but no larger than eighty percent (80%) of the façade surface.
- f. Roofs - Roofs shall be gabled with a minimum pitch of 9/12 (9" for every 12" horizontal) and have overhanging eaves of at least one foot. Two or three story BUILDINGS, or two or three story portions of a BUILDING, may have a flat roof provided that the tops of the BUILDING front facades are treated with a cornice, dormers or other architectural treatment that appears as integral part of the BUILDING from all visible sides of the BUILDING. Rooftop mechanical equipment shall be screened from public view by the use of architecturally compatible materials.

g. Residential unit entrances that face the STREET shall be articulated with one or more of the following architectural features:

- i. Porches, shared or individual. Individual porches shall be a minimum of 8 feet in depth and 8 feet in width. Shared porches shall be a minimum of 12 feet in width.

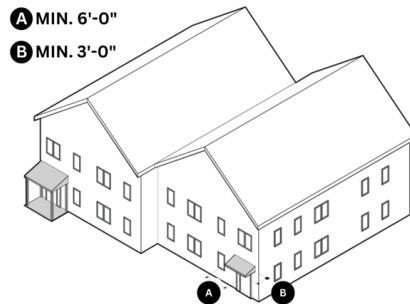


Example of individual porches.



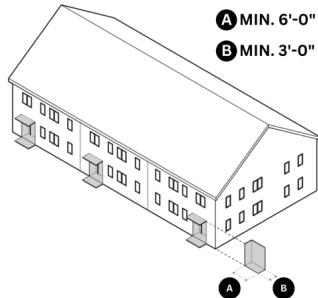
Example of shared porches.

- ii. Covered Entry, a minimum 6 feet in width. The covered area shall be a minimum of 3 feet in depth.



Example of covered entry.

- iii. Recessed Entry, a minimum of 3 feet in depth and 6' in width.



Example of recessed entry.

- iv. Where covered entrances consist of both a recessed and projected area, the minimum depth shall be considered the full depth of the projected and recessed area.

- v. Porches and covered entries at residential entrances that project from the BUILDING may be located within the front yard setback.

h. Accessory STRUCTURES, air conditioning equipment, electrical utility boxes, ground-mounted solar installations, satellite dishes, trash receptacles, and other ground level utilities shall be screened when viewed from the STREET and adjacent LOTS.

- i. Garage doors and loading docks shall not be allowed within the BUILDING fronts.

4.6.8 MBTA-2 Developments – A MBTA-2 Development shall be considered an additional development option. Developments permitted in the MBTA-2 are subject to the following provisions:

4.6.8.1 Dimensional and Parking Space Provisions in MBTA-2 – The following dimensional and parking space provisions apply in MBTA-2:

MINIMUM LOT AREA (in sq. feet)	43,560
MINIMUM LOT FRONTAGE (in feet)	50
MINIMUM LOT WIDTH (in feet)	0
MINIMUM FRONT YARD SETBACK (in feet)	35
MINIMUM SIDE & REAR YARD SETBACK (in feet)	50
MINIMUM OPEN SPACE (in percent)	40%
MAXIMUM FLOOR AREA RATIO	NR
MAXIMUM HEIGHT (feet)	55
MAXIMUM DENSITY (units/acre)	25 units per acre
MAXIMUM PARKING SPACES	2 spaces per unit
MINIMUM PARKING SPACES	None

4.6.8.2 Site and Building Design Provisions – For the initial development of or conversion to Multi-family or Two-family Dwellings within MBTA-2, the following site and building design provisions shall apply.

4.6.8.2.1 Pedestrian and Community Accommodations

a. Sidewalks – Sidewalks shall be required along the LOTS's FRONTAGE on a STREET or STREETS. The sidewalk shall be at least 5 feet wide. Sidewalk construction shall consist of concrete and vertical granite curb. Sidewalks may be allowed wholly or partially within the STREET layout. Sidewalks shall be considered part of the minimum required OPEN SPACE. The sidewalk shall be separated, where feasible, from the vehicular roadway with a landscaped or hardscape buffer to provide both safety to pedestrians and to create the sense of a village neighborhood.

b. Street Trees - One street tree shall be provided for every 50 feet of FRONTAGE. Where a landscape buffer of more than 4 feet wide is provided, street trees shall be placed within the landscape buffer. Where less than 4 feet of landscape buffer is provided street trees shall be placed between the sidewalk and building. Street trees shall have a minimum DBH of 3 inches and shall be planted in accordance with Appendix P-1 of the Subdivision Rules and Regulations.

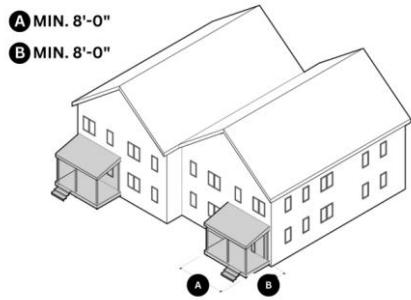
c. Walkways – Walkways shall be required from the sidewalk to BUILDING entrances using straight or gently curving paths connecting BUILDINGS to BUILDINGS, BUILDINGS to STREETS and BUILDINGS to sidewalks with minimal interruption by driveways. Parking aisle, along with access and interior driveways, do not count as walkways. Walkways should include “bulges” to allow for gathering points that may include special features (e.g., water elements, sculptures, statues, benches).

4.6.8.2.2 Driveways and Parking Lots

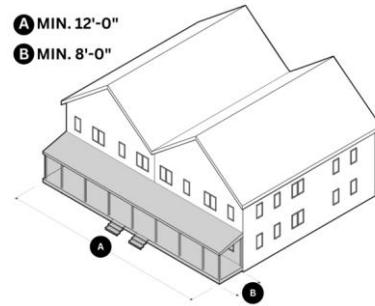
- a. No driveway or parking lot shall be placed in the portion of the LOT that is directly in front of a BUILDING as seen from a STREET, whether or not the BUILDING is located on the same LOT as the driveway or parking lot, except that a driveway and parking lot may be placed in the front of a BUILDING that is located in the rear of another BUILDING when viewed from a STREET. Additional parking lot design requirements set forth in Section 6.7 shall be required for parking lots serving more than a four DWELLING UNITS.
- b. Vehicular driveways and parking lots may be located to the side and rear of BUILDINGS, underground, in a garage or parking structure.

4.6.8.2.3 Building Design Guidelines

- a. Building facades facing STREETS also referred to herein as the building front(s) or Building façade. The BUILDING facades shall be articulated with different textures, shadow lines, uneven angles, detailing and contrasting shapes. Not more than 50 feet of a BUILDING front shall be in the same vertical plane.
- c. The main features of the architectural treatment of the BUILDING front facades, including the materials used, shall be continued around all sides of the BUILDING that are visible from a STREET.
- d. Windows - Mirror windows and highly reflective surfaces shall not be allowed on the BUILDING fronts. Building front(s) shall contain windows covering at least fifteen percent (15%) of the façade surface. Windows shall be highlighted with frames, lintels and sills or equivalent trim features. Windows and doors shall be arranged to give the façade a sense of balance and symmetry.
- e. Roofs shall be gabled with a minimum pitch of 6/12 (6" for every 12" horizontal) and have overhanging eaves of at least one foot. BUILDINGS over three stories or portions of BUILDINGS over three stories may have a flat roof provided that the tops of the BUILDING front facades are treated with a cornice, dormers or other architectural treatment that appears as integral part of the BUILDING from all visible sides of the BUILDING.
- f. Residential unit entrances facing the STREET on BUILDINGS located within 50 feet of the STREET shall be articulated with one or more of the following architectural features:
 - i. Porches, shared or individual. Individual porches shall be a minimum of 8 feet in depth and 8 feet in width. Shared porches shall be a minimum of 12 feet in width and 8 feet in depth.

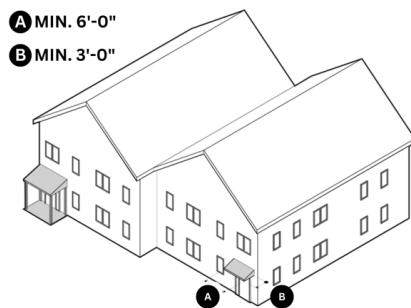


Example of individual porches.



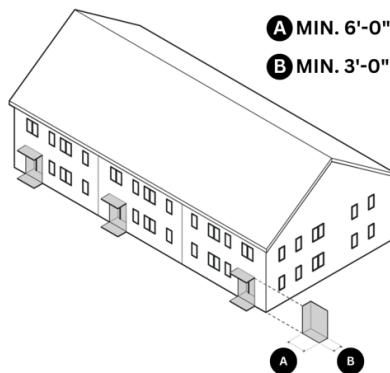
Example of shared porches.

- i. Projected Covered Entry, a minimum of 6 feet in width. The covered area shall be a minimum of 3 feet in depth.



Example of projected covered entry.

- ii. Recessed Covered Entry, a minimum of 3 feet in depth and 6' in width.



Example of recessed entry.

- iii. Where covered entrances consist of both a recessed and projected area, the minimum depth shall be considered the full depth of the projected and recessed area.

- iv. Porches and covered entries at residential entrances that project from the BUILDING may be located within the front yard setback.
- g. A minimum of fifty percent (50%) of the GROUND FLOOR units shall be designed with the following inclusive visitability design approaches: at least one entry from an accessible path, shall have a threshold no greater than 0.5 inches high, and door widths of 36 inches. If the GROUND FLOOR unit has multiple stories, such units shall also include at least one-half bathroom on the ground floor.
- h. Garage doors shall not be allowed in the BUILDING fronts.
- i. Accessory STRUCTURES, air conditioning equipment, electrical utility boxes, ground-mounted solar installations, satellite dishes, trash receptacles, and other ground level utilities shall be screened when viewed from the STREET and adjacent LOTS.

4.6.8.2.4 Activated Outdoor Spaces – Where a LOT has STRUCTURES totaling a NET FLOOR AREA of 10,000 square feet or more, it shall have one or more activated outdoor spaces as follows:

- a. The combined area of activated outdoor space shall measure at least 5% of the NET FLOOR AREA on the LOT, but not more than 3,000 square feet in combined area shall be required. At least one activated outdoor area shall measure 1,500 square feet or more with a minimum side dimension of 20 feet.
- b. The activated outdoor space shall provide an outdoor space for residents to gather or play. Activated outdoor spaces may include, but are not limited to, shared seating areas, playgrounds, pools, parks, or pedestrian plazas.
- c. The activated outdoor space shall be located at the STREET level in front of a BUILDING, on the side or rear of a BUILDING, or in between BUILDINGS, and shall connect to sidewalks and walkways.
- d. Shade trees, ornamental trees and other landscaping shall be included to provide shelter from the sun, to reduce noise, to beautify the appearance of MBTA-2 and to mitigate fumes. All landscaping shall use species that are tolerant to the climatic conditions in Acton and shall be designed to facilitate ongoing maintenance and watering.
- e. Activated outdoor spaces shall be considered part of the minimum required OPEN SPACE. The area required for a sidewalk shall not be included in the activated outdoor space.

, or take any other action relative thereto.

MOTION

Mr. Fuccione move to adopt the zoning bylaw and zoning map amendments as set forth in the article.

Ms. Moran moves to postpone Article 12 indefinitely.

Clicker vote on this Motion

Yes 115 no 315

Amended motion fails

Original motion

Clicker vote on original motion

yes 316 no 144

ORIGINAL MOTION CARRIES

Article 13
(Two-thirds vote)

Amend Zoning Bylaw and Zoning Map – South Acton Village Districts

To see if the Town will vote to amend the Zoning Bylaw and Zoning Map and to renumber or alphabetize as necessary:

A. In the Table of Contents, delete the line for Section 6.9 and replace it with the following:

6.9 Special Provisions for the Village, Kelley's Corner, Powder Mill Districts, South Acton Village District 1 and South Acton Village District 2

*[Modifications from the current Bylaw are below. Text shown in ~~strike-through~~ is being replaced with text shown in **bold**.]*

6.9 Special Provisions for the Village, Kelley's Corner, ~~and~~ Powder Mill Districts, **South Acton Village District 1 and South Acton Village District 2.**

B. In the Classification of Districts, Section 2, replace SOUTH ACTON VILLAGE with the following new districts:

SOUTH ACTON VILLAGE 1 **SAV-1**
SOUTH ACTON VILLAGE 2 **SAV-2**

*[Modifications from the current Bylaw are below. Added text is shown in **bold**.]*

~~**SOUTH ACTON VILLAGE**~~ **SAV**
SOUTH ACTON VILLAGE 1 **SAV-1**
SOUTH ACTON VILLAGE 2 **SAV-2**

C. In Section 3 – Table of Principal Uses, in the Village District group, remove the SAV column and replace it with the following two new columns: SAV-1 and SAV-2 as follows:

PRINCIPAL USES	VILLAGE DISTRICTS					OFFICE DISTRICTS			BUSINESS DISTRICTS			INDUSTRIAL DISTRICTS					SP. DIST.	ARC	SITE PLAN
	EAV	EAV-2	NAV	SAV-1 (13)	SAV-2 (14)	WAV	OP-1	OP-2	KC	LB	PM	GI	LI	LI-1	SM(1)	TD			
3.2 GENERAL USES																			
3.2.1 Agriculture	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	NR	
3.2.2 Conservation	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	NR	
3.2.3 Recreation	N	N	N	Y	Y	N	N	N	N	N	N	N	N	N	N	N	N	NR	
3.3 RESIDENTIAL USES																			
3.3.1 Single FAMILY Dwelling	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y	N	N	N	N	N	N	NR	
3.3.2 Two-FAMILY Dwelling	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N	N	N	N	N	N	NR	
3.3.3 Dwelling Conversions	SPA	SPA	SPA	Y	Y	SPA	N	N	SPA	SPA	N	N	N	N	N	N	N	NR	
3.3.4 Multifamily Dwelling	Y(2)	Y(2)	N(3)	Y	Y	Y	N	N	N	N	N	N	N	N	N	N	N	R	
3.4 GOVERNMENTAL INSTITUTIONAL & PUBLIC SERVICE USES																			
3.4.1 Municipal	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	NR	
3.4.2 Educational	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	NR	
3.4.3 Religious	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	NR	
3.4.4 Nursing Home	N	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	N	R	
3.4.5 Public or Private Utility Facilities	SPS	SPS	SPS	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	R	
3.4.6 Child Care Facility	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	NR	
3.4.7 Other Public Use (4)	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	N	R	
3.4.8 Full Service Retirement Community	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	SPS	N	R	
3.4.9 Assisted Living Residence (5)	SPS	SPS	SPS	SPS	SPS	SPS	N	N	SPS	SPS	SPS	N	N	N	N	N	R		
3.4.10 Personal Wireless Facility (6)	N	SPP	N	N	N	N	SPP	SPP	N	SPP	SPP	SPP	SPP	SPP	SPP	SPP	NR		
3.4.11 Commercial Education or Instruction	Y	Y	SPS	SPS	SPS	SPS	Y	Y	SPS	Y	Y	Y	Y	Y	Y	Y	N	R	
3.4.12 Community Service Organization	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	R	
3.5 BUSINESS USES																			
3.5.1 Retail Store	SPS(10)	Y	Y	Y	Y	Y	N	N	Y	Y	Y	N	N	N	N	N	N	R	
3.5.2 Office	SPS(10)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	R	
3.5.3 Health Care Facility	Y	SPS(10)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	R	
3.5.4 Hospital, Medical Center	N	N	N	N	N	N	SPS	SPS	N	SPS	SPS	SPS	SPS	SPS	SPS	SPS	N	R	
3.5.5 Restaurant (8)	SPS	SPS	SPS	Y(8)	Y(8)	SPS	N	SPS	SPS	SPS	SPS	N	N	N	N	SPS	N	R	
3.5.6 Combined Business & Dwelling	Y	Y	Y	Y	Y	Y	N	N	Y	Y	Y	N	N	N	N	N	N	R	
3.5.7 Hotel, Motel, Inn, Conference Center	SPS	SPS	SPS	SPS	SPS	SPS	N	SPS	SPS	SPS	SPS	N	N	N	SPS	N	R		

D. In the Notes for Table of Principal Uses, replace note (2) as follows:

(2) Not more than four DWELLING UNITS shall be permitted per multifamily dwelling. In the VR District a Site Plan Special Permit shall not be required.

*[Modifications from the current Bylaw are below. Text shown in ~~strike through~~ is being replaced with text shown in **bold**]*

(2) Not more than four DWELLING UNITS shall be permitted per multifamily dwelling. In the VR District a Site Plan Special Permit shall not be required. ~~In the SAV district, the Select Board may by Special Permit allow more than four DWELLING UNITS per Multifamily Dwelling.~~

E. In the Notes for Table of Principal Uses, add the following new notes:

- (13) Subject to certain provisions in Section 3.9.4.
- (14) Subject to certain provisions in Section 3.9.5.

F. In Section 3.3 Residential USES, remove subsection a) and replace it with the following:

- a) in the following Districts: Village Districts (EAV, NAV, SAV-1 and SAV-2, WAV); Residence A District (R-A); Residence AA District (R-AA);

*[Modifications from the current Bylaw are below. Text shown in ~~strike through~~ is being replaced with text shown in **bold**]*

- b) in the following Districts: Village Districts (EAV, NAV, ~~SAV, SAV-1 and SAV-2~~, WAV); Residence A District (R-A); Residence AA District (R-AA);

G. In Section 3.3.3, definition of Dwelling Conversions, remove the existing definition and replace it with the following:

3.3.3 Dwelling Conversions – A single FAMILY dwelling or other residential BUILDING in existence prior to April 1, 1971 with less than four DWELLING UNITS may be altered and used for not more than four DWELLING UNITS if the LOT on which the BUILDING is located contains not less than 10,000 square feet per DWELLING UNIT and if one of the units is occupied by the owner of the property. In the R-A, R-AA, VR, SAV-1 and SAV-2, WAV, NAV, EAV and KC Districts the preceding requirement that the LOT on which the BUILDING is located shall contain not less than 10,000 square feet per DWELLING UNIT shall not apply. In the SAV-1 and SAV-2 the owner occupancy requirement shall not apply.

*[Modifications from the current Bylaw are below. Text shown in ~~strike through~~ is being replaced with text shown in **bold**]*

3.3.3 Dwelling Conversions – A single FAMILY dwelling or other residential BUILDING in existence prior to April 1, 1971 with less than four DWELLING UNITS may be altered and used for not more than four DWELLING UNITS if the LOT on which the BUILDING is located contains not less than 10,000 square feet per DWELLING UNIT and if one of the units is occupied by the owner of the property. In the R-A, R-AA, VR, ~~SAV, SAV-1 and SAV-2~~,

WAV, NAV, EAV and KC Districts, the preceding requirement that the LOT on which the BUILDING is located shall contain not less than 10,000 square feet per DWELLING UNIT shall not apply. **In the SAV-1 and SAV-2 Districts, the owner occupancy requirement shall not apply.**

H. In Section 3.8, Accessory Use Regulations remove Section 3.8.1.2 and replace it with the following:

3.8.1.2 A home occupation, other than retail sales, conducted entirely within the DWELLING UNIT or an accessory BUILDING by a resident and employing no persons other than the residents. In the Village Residential District, the portion of the DWELLING UNIT or accessory BUILDING used for a home occupation shall be limited to 500 square feet of NET FLOOR AREA. The Board of Appeals may authorize by special permit a home occupation which 1) conducts retail sales, or 2) employs non-residents provided that no more than two such non-resident employees shall be present on the premises at any one time. In the SAV-1 and SAV-2 Districts the regulations on retail sales and resident employees do not apply.

*[Modifications from the current Bylaw are below. Added text is shown in **bold**.]*

3.8.1.2 A home occupation, other than retail sales, conducted entirely within the DWELLING UNIT or an accessory BUILDING by a resident and employing no persons other than the residents. In the Village Residential District, the portion of the DWELLING UNIT or accessory BUILDING used for a home occupation shall be limited to 500 square feet of NET FLOOR AREA. The Board of Appeals may authorize by special permit a home occupation which 1) conducts retail sales, or 2) employs non-residents provided that no more than two such non-resident employees shall be present on the premises at any one time. **In the SAV-1 and SAV-2 Districts, the restrictions on retail sales and resident employees shall not apply.**

I. In Section 3.9, Special Provisions Applicable to Nonresidential USEs, add the following new sections:

3.9.4 Nonresidential USES in the SAV-1 District - On LOTS in the SAV-1 District where the FLOOR AREA RATIO exceeds 0.40, only the following USES shall be located on the ground floor side of the BUILDING that is facing a STREET: Retail Store; Restaurant; Community Service Organization; Services; Commercial Recreation; Repair Shop, Technical Shop, Studio; Hotel, Motel, Inn, Conference Center; Bed & Breakfast; Lodge or Club; and Commercial Entertainment. All other USES shall be located on BUILDING floors other than the ground level floor, on the ground level floor in a rear portion of a BUILDING, or in a BUILDING situated to the rear of other BUILDINGS.

3.9.5 Nonresidential USES in the SAV-2 District - On LOTS in the SAV-2 District only the following USES shall be located on the ground floor side of the BUILDING that is facing a STREET: Community Service Organization; Retail Store; Restaurant; Services; Commercial Recreation; Repair Shop, Technical Shop, Studio Shop; Hotel, Motel Inn, Conference Center; Bed & Breakfast; Lodge or Club; Commercial Entertainment. All other USES shall be located on BUILDING floors other than the ground level floor, on the ground level floor

in a rear portion of a BUILDING, or in a BUILDING situated to the rear of other BUILDINGS.

J. In Section 5 – Table of Dimensional Regulations, in the Village District group, replace SAV row and replace it with the following two new rows: SAV-1 and SAV-2 as follows:

DISTRICT	ZONING DISTRICTS	MINIMUM LOT AREA in sq. ft.	MINIMUM LOT FRONTAGE in feet	MINIMUM LOT WIDTH In feet	MINIMUM FRONT YARD in feet	MINIMUM SIDE & REAR YARD in feet	MINIMUM OPEN SPACE in percent	MAXIMUM FLOOR AREA RATIO	MAXIMUM HEIGHT in feet
VILLAGE DISTRICTS	EAV	NR	NR	NR	10 (10)	NR (1)	25%	0.20 (4)	36
	EAV-2	15,000	50	NR	10	10 (1)	35%	0.20 (4)	36
	NAV	10,000	100	50	10 (9)	10 (1)	35%	0.20 (4)	36
	SAV-1	NR	NR	NR	5 (10)	10	NR	0.40 (13)	40
	SAV-2	NR	NR	NR	5 (10)	NR(18)	NR	NR	45(19)
	WAV	NR	NR	NR	5 (10)	NR (1)	NR	0.40 (11)	36 (12)

And delete note (10), and replace it with the following new note (10):

(10) The maximum front yard shall be ten (10) feet in the WAV District, SAV-1 and SAV-2 Districts and twenty feet (20') in the EAV Districts, or the lesser of the front yards of the two BUILDINGS or STRUCTURES on either side, whichever is the least. In the SAV-1 and SAV-2 Districts, if parallel parking is provided in accordance with Section 6.9.7.4.1, the maximum setback is twenty (20) feet. In the SAV-1 and SAV-2 Districts, if a pedestrian plaza is located in front of a BUILDING the maximum front yard setback shall be fifteen (15) feet, and if a pedestrian plaza and parallel parking on the LOT are located in front of a BUILDING, the maximum setback shall be twenty-five (25) feet. Exceptions: a) The maximum front yard requirement shall not apply to a BUILDING or STRUCTURE in the rear of an existing BUILDING or to an addition to the rear of an existing BUILDING or STRUCTURE, if all are located on one LOT with FRONTAGE on only one STREET; and b) The maximum front yard requirement shall not apply to a BUILDING or STRUCTURE on a LOT without FRONTAGE and located entirely in the rear of existing BUILDINGS or STRUCTURES so that it does not front on a STREET.

And delete note (13), and replace it with the following new note (13):

(13) The maximum Floor Area Ratio (FAR) may be increased to 1.0, provided that the following USE(s) are located on the ground floor side of the BUILDING fronting a STREET: Community Service Organization; Retail Store; Restaurant; Services; Commercial Recreation; Repair Shop Technical Shop, Studio; Hotel, Motel Inn, Conference Center; Bed & Breakfast; Lodge or Club; and Commercial Entertainment.

And insert notes (18) and (19) as follows:

(18) If a LOT abuts a South Acton Village 1 District the side and rear yard setback shall be 10 feet.

(19) If a LOT abuts a South Acton Village 1 District, the maximum height is limited to 40 feet within 30 feet of the SAV-1 District.

*[Modifications from the current Bylaw are below. Text shown in ~~strike through~~ is being replaced with text shown in **bold**]*

In Section 5 – Table of Dimensional Regulations, in the Village District group, replace SAV row and replace it with the following two new rows: SAV-1 and SAV-2 as follows:

DISTRICT	ZONING DISTRICTS	MINIMUM LOT AREA in sq. ft.	MINIMUM LOT FRONTAGE in feet	MINIMUM LOT WIDTH In feet	MINIMUM FRONT YARD in feet	MINIMUM SIDE & REAR YARD in feet	MINIMUM OPEN SPACE in percent	MAXIMUM FLOOR AREA RATIO	MAXIMUM HEIGHT in feet
VILLAGE DISTRICTS	EAV	NR	NR	NR	10 (10)	NR (1)	25%	0.20 (4)	36
	EAV-2	15,000	50	NR	10	10 (1)	35%	0.20 (4)	36
	NAV	10,000	100	50	10 (9)	10 (1)	35%	0.20 (4)	36
	SAV	NR	NR	NR	10 (10)	40	NR	0.20(13)	36(12)
	SAV-1	NR	NR	NR	5 (10)	10	NR	0.40 (13)	40
	SAV-2	NR	NR	NR	5 (10)	NR(18)	NR	NR	45(19)
	WAV	NR	NR	NR	5 (10)	NR (1)	NR	0.40 (11)	36 (12)

And delete note (10), and replace it with the following new note (10):

(10) The maximum front yard shall be ten (10) feet in the WAV District and ~~twenty feet (20')~~ in the SAV, and, **SAV-1 and SAV-2 Districts** and twenty feet (20') in the EAV Districts, or the lesser of the front yards of the two BUILDINGS or STRUCTURES on either side, whichever is the least. In the SAV-1 and SAV-2 Districts, if parallel parking is provided in accordance with Section 6.9.7.4.1, the maximum setback is twenty (20) feet. In the SAV-1 and SAV-2 Districts, if a pedestrian plaza is located in front of a BUILDING the maximum front yard setback shall be fifteen (15) feet, and if a pedestrian plaza and parallel parking on the LOT are located in front of a BUILDING, the maximum setback shall be twenty-five (25) feet. Exceptions: a) The maximum front yard requirement shall not apply to a BUILDING or STRUCTURE in the rear of an existing BUILDING or to an addition to the rear of an existing BUILDING or STRUCTURE, if all are located on one LOT with FRONTAGE on only one STREET; and b) The maximum front yard requirement shall not apply to a BUILDING or STRUCTURE on a LOT without FRONTAGE and located entirely in the rear of existing BUILDINGS or STRUCTURES so that it does not front on a STREET.

And delete note (13), and replace it with the following new note (13):

(13) ~~The maximum Floor Area Ratio (FAR) may be increased to .40, provided that for every square foot of non-residential NET FLOOR AREA built above FAR of .20 and equal amount or more of habitable residential NET FLOOR AREA is provided simultaneously, and set aside for exclusive residential USE. The maximum Floor Area Ratio (FAR) may be increased to 1.0, provided that the following USE(s) are located on the ground floor side of the BUILDING fronting a STREET: Community Service Organization; Retail Store; Restaurant; Services; Commercial Recreation; Repair Shop Technical Shop, Studio; Hotel, Motel Inn, Conference Center; Bed & Breakfast; Lodge or Club; and Commercial Entertainment.~~

K. In Section 5.5, insert a new Section 5.5D, Special Provisions for the South Acton Village District 1 and South Acton Village District 2.

5.5D Special Provisions for the South Acton Village 2 (SAV-2) District and parcels in the South Acton Village 1 (SAV-1) District located outside on the South Acton Historic District.

5.5D.1 LOTs in SAV-2 District that abut LOTs in the SAV-1 District – If a LOT in the SAV-2 District abuts the SAV-1 District, the maximum height is limited to 40 feet within 30 feet of the SAV-1 District.

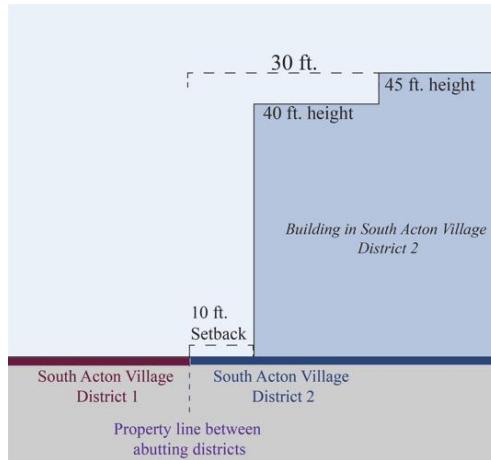
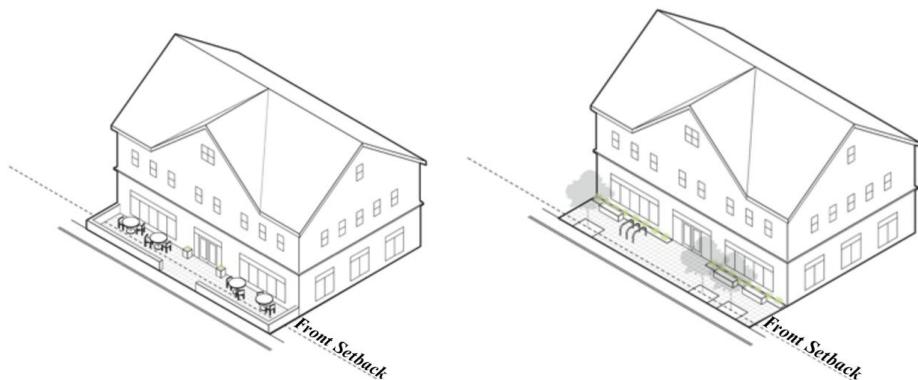


Image showing setback requirements for BUILDINGS on LOTS in the SAV-2 District that abut the SAV-1 District.

5.5D.2 BUILDING Design and layout

- a. BUILDING facades fronting on STREETS are also referred to herein as building fronts or building front facades.
- b. The entire front side of a LOT fronting on a STREET shall be occupied by BUILDINGS or by a pedestrian plaza that are located within the ten (10) foot maximum setback, with the exception of sidewalks, walkways and the minimum allowed width for access drives. Pedestrian plazas shall be a natural gathering spot at the STREET level in front of a BUILDING, on the side of a BUILDING, or in between BUILDINGS, which is to be used exclusively by pedestrians and connects to the sidewalk and walkways. Pedestrian plazas may be utilized for outdoor dining.



Example of pedestrian plaza and building fronts.

- c. Gabled roofs shall have a minimum pitch of 9/12 and have overhang eaves of at least one (1) foot. BUILDINGS with a flat roof shall have tops that are treated with an cornice, or other architectural treatment that appears an integral part of the BUILDING from all visible sides of the BUILDING.
- d. Rooftop mechanical equipment shall be screened from a STREET by the use of materials architecturally compatible with the BUILDING facade.
- e. The architectural features of the BUILDING front facades, including the materials used, shall be continued around all sides of the BUILDING that are visible from a STREET. The Site Plan Special Permit Granting Authority may approve alternative treatment of the side and rear of a BUILDING that is consistent with elements of the BUILDING front facade.

- f. Visual distinction – the BUILDING design for multi-story and multi-use BUILDINGS shall create a visual distinction between upper and lower stories. Upper stories should have the effect of receding from the ground floor. The intended effect can be achieved through several means, including a 1' step-back, architectural banding above the first story of approximately 1' in height or depth, or other visual breaks that creates a similar effect.
- g. Flat-roofed BUILDINGS shall have a minimum step-back of five (5) feet from the BUILDING front between the third and fourth stories.
- h. The BUILDING front facades shall use different textures, shadow lines, uneven angles, detailing and contrasting shapes. BUILDING facades shall have a varied articulated façade at a minimum of every twenty-five (25) feet. BUILDING facades may incorporate architectural elements that project or recess by at least two (2) feet from the adjacent section of the façade.
- i. On the ground floor of a BUILDING front, the amount of windows shall be at least sixty (60%) percent of the BUILDING façade surface. Ground floor display windows shall be framed on all sides. They shall be highlighted with frames, lintels and sills or equivalent trim features, or may instead be recessed into the wall or projected from the wall.
- j. Mirror windows and highly reflective surfaces shall not be allowed.
- k. Main business entrances to each ground floor business shall be from the BUILDING front and shall be identified by larger doors, signs, canopy or similar means of highlighting.
- l. Projecting Storefront – a projecting storefront shall be no more than twenty (20) feet in width and three (3) feet in depth, and shall not exceed one story in height. A projecting storefront may have a flat roof.
- m. Accessory STRUCTURES, air conditioning equipment, electric utility boxes, satellite dishes, trash receptacles and other ground level utilities shall be screened such that they are minimally visible when viewed from the STREET and adjacent LOTS.
- n. Garage doors or loading docks shall not be allowed in the BUILDING fronts.
- o. Low emitting materials – BUILDINGS shall meet at least one product category from LEED BD+C: New Construction, Low-Emitting Materials, as amended.

5.D.3 Street Trees – The front yard setback shall include landscaping that consists of a minimum of one tree for every forty (40) feet of LOT frontage. Trees shall be placed at reasonable intervals. Water-wise landscaping shall be utilized, including drought tolerant plants and mulching. Trees included in the required front yard setback shall consist of a mix of non-invasive tree species that have a minimum caliper size of three (3) inches when planted. Trees with narrow crotch angles shall be used only as a last resort if no other tree options are available.

L. Replace Section 6.9.4, by removing SAV, as follows:

WAV Districts – In the WAV District, except as otherwise provided herein, no BUILDING or STRUCTURE shall be located on any LOT and no activity shall be conducted upon any LOT unless off-STREET parking is provided in accordance with the following requirements:

[Modifications from the current Bylaw are below. Text shown in ~~strike-through~~ is being removed.

WAV and SAV Districts – In the WAV and SAV Districts, except as otherwise provided herein, no BUILDING or STRUCTURE shall be located on any LOT and no activity shall be conducted upon any LOT unless off-STREET parking is provided in accordance with the following requirements:

M. In Section 6.9, Special Provisions for Parking in the Village, Kelley's Corner, and Powder Mill Districts, insert a new section 6.9.7 SAV-1 and SAV-2 Districts as follows:

6.9.7 SAV-1 and SAV-2 Districts – In the South Acton Village 1 and South Acton Village 2 Districts, no BUILDING or STRUCTURE shall be located on a LOT and no activity shall be conducted upon any LOT unless off-STREET parking is provided in accordance with the following requirements:

6.9.7.1 Required off-STREET parking for a USE may be provided on any LOT within the SAV-1 or SAV-2 Districts as the USE, but not necessarily on the same LOT as the USE.

6.9.7.2 Design Requirements – The parking lot design requirements of Section 6.7 shall not apply in the SAV-1 and SAV-2 Districts. Off-STREET parking spaces shall be either contained within a BUILDING or STRUCTURE, or subject to the following requirements.

- a) Required parking spaces, ACCESS driveways, and interior driveways shall be provided and maintained with suitable grading, paved surfaces, adequate drainage, and landscaping as required in Section 6.9.7.3.
- b) ACCESS Driveways – Not more than one ACCESS driveway for two-way traffic from a STREET to a parking facility shall be permitted. An additional ACCESS driveway from a STREET may be permitted provided that the ACCESS driveways are limited to one-way traffic. However, there shall not be more than two (2) ACCESS driveways for one-way traffic for any parking facility. ACCESS, interior and common driveways for two-way traffic shall be twenty feet (20') wide. The ACCESS, interior and common driveways for one-way traffic shall be fourteen (14) feet wide.
- c) Set-Backs – Except where parking lots established in accordance with Section 6.9.4.5 cross over common LOT lines, all parking spaces and paved surfaces other than ACCESS driveways or common driveways shall be set back a minimum of five (5) feet from any LOT lines.

6.9.7.3 Landscaping of Parking Lots – Parking lots shall include a landscape area equal to a minimum of five percent (5%) of the area of the parking lot.

- a) Street trees – One tree shall be provided for each two thousand (2,000) square feet or less of pavement area. Each tree shall be from a deciduous species rated for the current U.S.D.A. Hardiness Zone for Acton, Massachusetts that is expected to reach at least 20 feet in height at maturity; be seven (7) feet in height with a trunk caliper size of at least 3/4 inches at the time of planting; and be surrounded by a landscaped area of one hundred square feet (100 sq. ft.) to accommodate the root system of the tree.
- b) Perimeter Planting Strip – Parking lots adjacent to STREETS, sidewalks, paths or ACCESS driveways shall include a perimeter planting strip at least seven and one-half (7.5) feet wide. However, if the planting strip is protected from vehicular damage through the use of planting beds that are raised above the surface of the parking lot at least twelve (12) inches or through the use of bollards or balustrades, the width of the planting strip may be reduced to five (5) feet. Said planting strip shall feature a physical separation of

the parking lot and adjacent ways of at least two and one-half (2.5) feet in height. This physical separation may be created through the use of plantings, walls, or fencing (other than chain link or smooth concrete) or a combination of plantings and fencing. No more than twenty percent (20%) of this perimeter planting strip shall be impervious.

- c) Plantings – Plantings for landscaped areas shall include a mixture of flowering and decorative deciduous and evergreen trees and shrubs and shall be planted with suitable ground cover.
- d) Sight Distance – All landscaping along any STREET FRONTAGE shall be placed and maintained so that it will not obstruct sight distance.
- e) Protection of Landscaped Areas – Landscaped areas shall be planted and protected in such a manner that the plantings will not be damaged by vehicles.

6.9.7.4 No off-STREET parking spaces shall be established between the front line of the principal BUILDING and the front property line along a STREET, except for on-street parallel parking as described in Section 6.9.7.4.1.

6.9.7.4.1 On-Street Parallel Parking – the Site Plan Special Permit Granting Authority may allow parallel parking spaces within a LOT, designed as on-street parking, in front of a BUILDING along the RIGHT OF WAY to support the viability of commercial uses and provide traffic calming by separating busy streets from the pedestrian way.

- a. On-street parallel parking shall be deemed an extension of the street onto the LOT at the election of the applicant.
- b. On-street parallel parking shall not conflict with crosswalks and bike lanes, and shall be coordinated with all existing and new curb cuts to maintain and promote a safe pedestrian experience.
- c. On-street parallel parking lanes shall be a minimum of eight (8) feet wide and twenty (20) feet long. At the beginning and end of an on-street parking section a minimum of eight feet shall be provided to transition the curb from the parking space and the abutting property. If on-street parallel parking is provided, the maximum front yard setback for STRUCTURES shall be increased to twenty (20) feet.
- d. No on-street parallel parking shall be allowed within twenty (20) feet of an intersection.
- e. Continuous sidewalks shall be provided directly behind the on-street parallel parking. All sidewalks shall connect to walkways and sidewalks on adjacent LOTS.

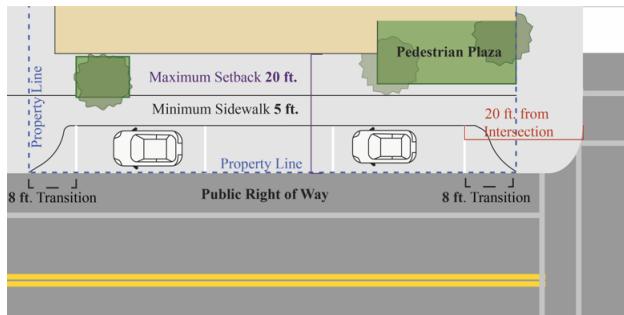


Image of optional on-street parallel parking.

6.9.7.5 Connection of Parking – A Special Permit Granting Authority shall require that all parking facilities be connected by a common driveway to the parking facilities of all adjacent USES and to all adjacent land in the same Zoning District, unless it finds that physical constraints, present site configuration, uncooperative abutters, or land vacancy precludes strict compliance.

In such cases, the site and the parking facility shall be designed to provide for the future construction of common driveways. For the purposes of this section, common driveway shall be defined as a driveway that is shared by two or more LOTS and located at least partially within the required setback areas of such LOTS. Such a common driveway can be either a shared ACCESS driveway to a STREET or a driveway to a STREET or a driveway connecting such LOTS with each other.

6.9.7.6 Number of Parking Spaces – Unless otherwise noted below in the SAV-1 and SAV-2 Parking Schedule, the maximum number of allowed parking spaces shall be the requirements in Section 6.3.1. The minimum number of required parking spaces shall be seventy percent (70%) of the requirements in Section 6.3.1. In the case of collective use of a parking lot in accordance with Section 6.9.7.7 below, the minimum number of required parking spaces shall be fifty percent (50%) of the requirements in Section 6.3.1.

SAV-1 and SAV-2 Parking Schedule

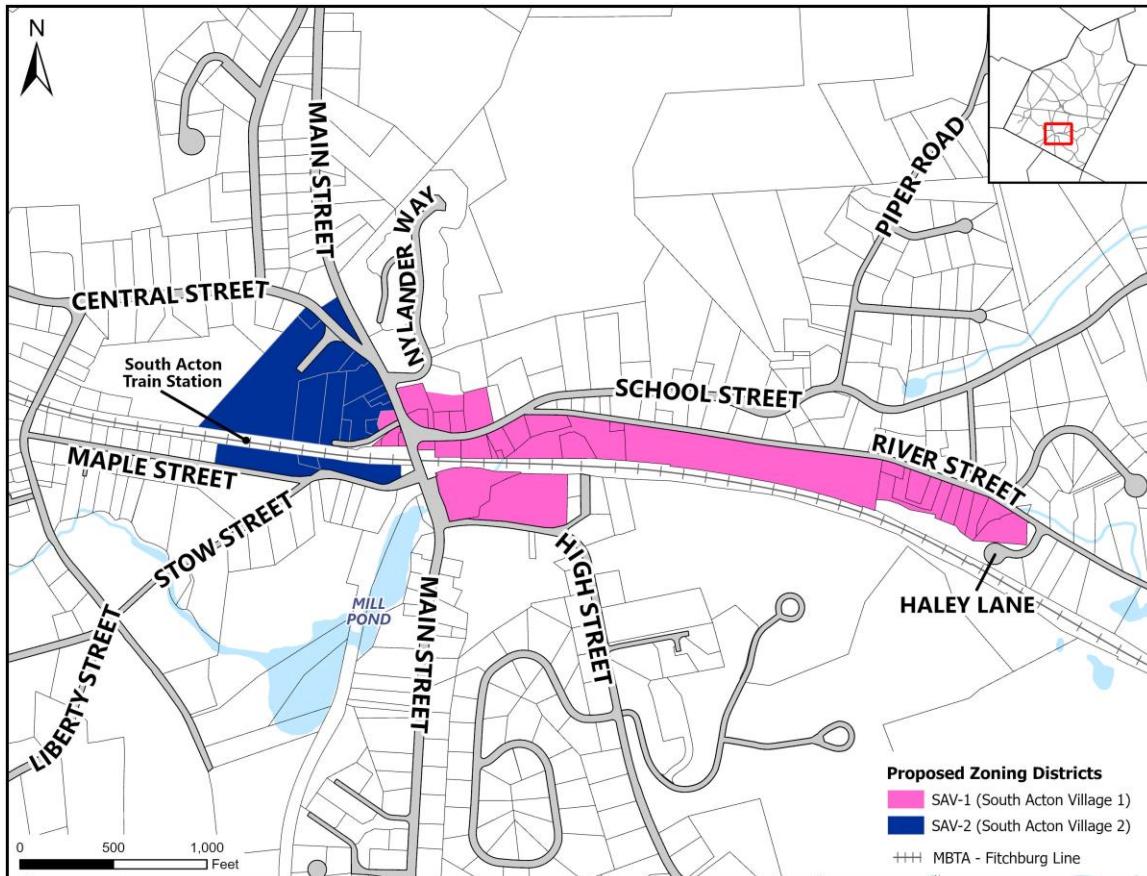
Dwelling	Minimum of one space for each DWELLING UNIT, no maximum parking spaces.
Retail Stores and Services, Repair Shop, Technical Shop, Studio; Restaurants without seats; Restaurants with seats; Fast Food Restaurants with seating but no table service; Commercial Recreation; Commercial Entertainment	No minimum and no maximum parking spaces.

6.9.7.7 Collective Use of Parking Facilities – Off-STREET parking facilities may collectively serve different USES located throughout the same Zoning District where such a collective use of the parking facility is based on a written agreement that: 1) assures the continued collective use; 2) states the number of parking spaces allocated to each participating USE; and 3) assures ACCESS to and maintenance of the common parking facility. The parking spaces provided through the collective use of parking facilities shall be counted towards the minimum required number of spaces for the participating USES applying the discount as set forth in Section 6.9.7.6.

N. In Section 10.4.3, Site Design Standards for Site Plan Special Permits, insert a new Section, 10.4.3.13 Special Provisions Applicable to the SAV-1 and SAV-2 Districts as follows:

10.4.3.13 Special Provisions Applicable to the SAV-1 and SAV-2 Districts – In the SAV-1 and SAV-2 Districts, the site and BUILDING design shall be in compliance with Section 5.5D of this Bylaw.

O. Amend the Zoning Map by removing the South Acton Village Zoning District and creating two new Zoning Districts, South Acton Village District 1 or South Acton Village District 2 as follows:



, or take any other action relative thereto.

MOTION

Mr. Cappetta moves to adopt the zoning bylaw and zoning map amendments as set forth in the article.

Clicker vote on this Motion

Yes 328 no 70

MOTION CARRIES BY 2/3 VOTE

Article 14

Authorize Long-Term Lease – 19 and 21 Maple Street

(Two-thirds vote)

To see if the Town will authorize the Select Board to enter into a lease of three or more years pursuant to Massachusetts General Laws Chapter 30B, and on such other terms and conditions as the Select Board may determine, for all or a portion of land and buildings at 19-21 Maple Street, shown as Parcels 42 and 37 on the Town of Acton Atlas Map H2-A and in the deeds recorded at the Middlesex South Registry of Deeds in Book 45836, Page 526 and Book 11658, Page 673, respectively; or take any other action relative thereto.

MOTION

Ms. Arsenault moves that the Town authorize the Select Board to enter into a lease with a term of up to twenty years pursuant to Massachusetts General Laws Chapter 30B, and on such other terms and conditions as the Select Board may determine, for all or a portion of land and buildings at 19-21 Maple Street, as set forth in the article.

MOTION CARRIES UNANIMOUSLY

Article 15
(Majority vote)

**Tax Increment Financing - Natural Stonewall Solutions, Inc.
42 and 48 Knox Trail**

To see if the Town will vote, pursuant to M.G.L. c.40, § 59 and M.G.L. c.23A, §§ 3A-3F to authorize the Select Board to (a) approve and execute a Tax Increment Financing (“TIF”) Agreement between the Town and Natural Stonewall Solutions, Inc., providing real property tax exemptions for property containing approximately 1.61 acres located at 42 and 48 Knox Trail, Acton, MA, on terms and conditions deemed by the Select Board to be in the best interest of the Town; (b) approve submission of a Certified Project application and the TIF Agreement to the Massachusetts Economic Assistance Coordinating Council (EACC); and (c), approve and execute any necessary documents relating thereto, and to take such other actions as are necessary or appropriate to obtain approval of and implement the TIF Agreement and Certified Project application; or to take any other action in relation thereto.

MOTION

Ms. Arsenault moves that the Town endorse the designation of 42 and 48 Knox Trail as an Exceptional Opportunity Area, approve and authorize the Select Board to execute a Tax Increment Financing (TIF) Agreement for said parcel as negotiated by the Select Board with Natural Stonewall Solutions, Inc. and substantially in the form as shown on the handout, approve submission of a Certified Project application and the TIF Agreement for said parcel to the Economic Assistance Coordinating Council (EACC) and authorize the Select Board to approve any documents and take any necessary actions related thereto.

MOTION CARRIES

Article 16 #
(Majority vote)

**Citizens’ Petition – Amend General Bylaws –
Gas-powered Leaf Blower Phase Out**

To determine whether the Town will vote to amend the Town Bylaws by adding a Bylaw to phase out the use of gas-powered leaf blowers in Acton. This is a Binding Petition.

Section 1. Purpose and Intent

The purpose of this bylaw is the reduction of noise pollution, air pollution, greenhouse gas emission, harm to wildlife, soil, and plants, and general negative public health outcomes from the use of gas-powered leaf blowers.

Section 2. Definitions

“Gas-powered Leaf Blower” -- Any handheld, backpack, or wheeled leaf blower that is powered by a petroleum-based engine and used in any landscape maintenance, construction, or property maintenance activity.

“Portable Gas-powered Leaf Blower” -- Any handheld or backpack style leaf blower that is powered by a petroleum-based engine and used in any landscape maintenance, construction, or property maintenance activity. Excluded from this definition are Wheeled Gas-powered Leaf Blowers.

“Wheeled Gas-powered Leaf Blower” -- Any wheeled or walk-behind style leaf blower that is powered by a petroleum-based engine and used in any landscape maintenance, construction, or property maintenance activity. Excluded from this definition are Portable Gas-powered Leaf Blowers.

“Commercial Leaf Blower Operator” -- Any entity, organization, or multi-parcel owner that receives income, remuneration, or compensation of any kind, whether as a fee, a charge, a salary, wages, or otherwise, for operating a leaf blower.

“Property Owner” shall mean the legal owner of record of real property as listed by the tax assessor's records.

"Property Manager" shall mean any tenant in possession or person or entity in control of real property, including, but not limited to, a condominium association.

"Town" shall mean the Town of Acton, Massachusetts.

Section 3. Regulations

3.1 Seasonal restrictions on Gas-powered Leaf Blowers will begin June 1, 2025. Gas-powered Leaf Blower use by any user is limited to the following designated Spring and Fall cleanup periods:

Spring Cleanup Period: March 15 to May 31.

Fall Cleanup Period: September 15 to December 31.

3.2 The use of Gas-powered Leaf Blowers will be phased out:

Effective June 1, 2026, the use of Gas-powered Leaf Blowers by Commercial Leaf Blower Operators will be prohibited.

Effective June 1, 2027, the use of Gas-powered Leaf Blowers by any user, including Town Residents and Property Managers, will be prohibited.

3.3 The Director of the Department of Public Works shall have the authority to temporarily waive any of the limitations on the use of Gas-powered Leaf Blowers set forth in this Bylaw in order to aid in emergency operations or clean-up associated with storms.

Section 4. Exemptions

The use of Wheeled Gas-powered Leaf Blowers powered by 4-stroke engines and leaf blowers attached to tractors or mowers will be allowed on lots larger than 1 acre during the Spring and Fall cleanup periods.

Section 5. Enforcement

5.1 The Department of Health or designee is responsible for the enforcement of this bylaw with assistance from the Department of Public Works and Police Department.

This bylaw may be enforced by any lawful means in law or equity including, but not limited to, a non-criminal disposition as provided in the M.G.L. Ch. 40, §21D and appropriate chapter of the General Bylaws of the Town of Acton. If non-criminal disposition is elected, then any Commercial Leaf Blower Operator, Property Owner, or Property Manager that violates any provision of this bylaw may be subject to the penalties in subsection 5.2.

5.2 Violators of the regulation may be fined up to \$300 per incident.

Section 6. Severability

Each section of this bylaw shall be construed as separate to the end that if any section, sentence, clause or phrase thereof shall be invalid for any reason, the remainder of this bylaw shall continue in force.

Section 7. Effective Date

This bylaw shall take effect January 1, 2025.

MOTION

Mr. Kampas moves that the Town amend the General Bylaws as set forth in the Article.

David Martin moves to have this matter deferred to the Select Board for future action.

MOTION TO DEFER - CARRIES

Article 17 * **Authorize Collective Bargaining Agreement -
(Majority vote) Highway, Municipal Properties and Cemetery**

To see if the Town will vote to authorize the cost items contained in Collective Bargaining Agreement between the Town and its Highway, Municipal Properties and Cemetery personnel union (AFSCME) as filed with the Town Clerk, or take any other action relative thereto.

MOTION

Jim Snyder-Grant moves that the Town take no action.

MOTION CARRIES UNANIMOUSLY

Article 18 * **Authorize Collective Bargaining Agreement – Public Safety Dispatch
(Majority vote)**

To see if the Town will vote to authorize the cost items contained in the Collective Bargaining Agreement between the Town and its Public Safety Dispatchers Union, International Brotherhood of Teamsters Local Union 25 as filed with the Town Clerk, or take any other action relative thereto.

MOTION

Jim Snyder-Grant moves that the Town take no action.

MOTION CARRIES UNANIMOUSLY

Article 19 * **Amend Town Charter– Historic District Commission
(Two-thirds vote)**

To see if the Town will vote, pursuant to Section 8-3 of the Charter of the Town of Acton and Chapter 43B of the Massachusetts General Laws, to amend Section 4-2 of the Town Charter by changing the Number of Members column for the Historic District Commission from six (6) to seven (7), contingent upon the voters of the Town approving a ballot question regarding acceptance of this change by a majority vote at the next annual election, or take any other action relative thereto.

MOTION

Fran Arsenault moves that the Town adopt the Charter amendment as set forth in the Article.

MOTION CARRIES UNANIMOUSLY

Article 20 * **Accept Land Gift – Portion of 38 Piper Road
(Two-thirds vote)**

To authorize the Select Board to accept as a gift from William Montague a parcel of land consisting of 4 acres, more or less, shown as parcel 190 on the Town of Acton Assessor's Map G3, for conservation purposes in perpetuity, or take any other action relative thereto.

MOTION

Alissa Nicol moves that the Town authorize the Select Board to accept the gift of land as set forth in the Article, on such terms and conditions as the Select Board may determine.

MOTION CARRIES UNANIMOUSLY

Article 21 *
(Majority vote)

Accept Legislation – Prudent Investor Rule

To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 44, Section 54(b) to allow Town trust funds to be invested in accordance with Massachusetts General Laws, Chapter 203C, the Prudent Investor Act, or take any other action relative thereto.

MOTION

David Martin moves that the Town accept the provisions of Chapter 44, Section 54(b) of the Massachusetts General Laws, as amended, to allow Town trust funds to be invested in accordance with Chapter 203C, the Prudent Investor Act.

MOTION CARRIES UNANIMOUSLY

Article 22 *
(Majority vote)

Amend General Bylaws – Establish New Revolving Funds

To see if the Town will vote to amend the General Bylaws, Chapter Y – Department Revolving Funds, pursuant to Massachusetts General Laws Chapter 44, Section 53E½ by appending the following rows to the table in Section 5, “Authorized Revolving Funds,” or take any other action relative thereto.

*[Note: Column titles are provided for reference purposes and remain unchanged. Text shown in ~~strike-through~~ is being deleted. Text shown in **bold** is being added.]*

<u>A</u> Revolving Fund	<u>B</u> Entity Authorized to Spend	<u>C</u> Receipts Credited to Fund	<u>D</u> Expenses Payable from Fund	<u>E</u> Fiscal Years
Fire Prevention	Fire Department	Permit and inspection fees, payments to the Fire Department related to fire prevention and fire inspection activities	Permit, inspection, and fire prevention expenses including salaries, benefits, purchase and maintenance of required equipment	FY 2025, et seq.
Senior Center	Council on Aging	Receipts from program sales	Operational expenses including salaries, benefits, purchase and maintenance of equipment	FY 2025, et seq.

MOTION

David Martin moves that the Town amend the General Bylaws as set forth in the Article.

MOTION CARRIES UNANIMOUSLY

Article 23 *
(Majority vote)

Revolving Fund Budgets

To see if the Town will vote, pursuant to the provisions of Massachusetts General Laws Chapter 44, Section 53E½, to set the annual spending limits for the revolving funds established in Chapter Y of the General Bylaws as noted in the FY25 Budgeted Expense column below, or take any other action relative thereto.

Fund Balance 6/30/2023	FY24 Budgeted Revenue	FY24 Budgeted Expense	Est. Fund Balance 6/30/2024	FY25 Budgeted Revenue	FY25 Budgeted Expense	Est. Fund Balance 6/30/2025
Historic District Commission						
\$ 3,023	\$ 200	\$ 200	\$ 3,023	\$ 200	\$ 200	\$ 3,023
Building Department						
500,778	484,053	484,053	500,778	517,909	517,909	500,778
Hazardous Materials Inspection						
18,064	46,311	46,311	18,064	48,791	48,791	18,064
Food Service Inspection						
21,077	45,653	45,653	21,077	47,790	47,790	21,077
Stormwater						
208,482	91,408	91,408	208,482	92,490	92,490	208,482
Sealer of Weights and Measures						
78,878	26,884	26,884	78,878	21,603	21,603	78,878
CrossTown Connect						
47,538	180,000	180,000	47,538	180,000	180,000	47,538
Fire Alarm Network						
181,312	75,115	75,115	181,312	75,115	75,115	181,312
Fire Prevention						
—	—	—	—	75,000	75,000	0
Roadway Maintenance						
181,674	53,235	53,235	181,674	53,613	53,613	181,674
Public Shade Trees						
0	25,000	25,000	0	25,000	25,000	0
Recreation						
450,925	651,700	651,700	450,925	754,700	754,700	450,925
Senior Center						
—	—	—	—	25,000	25,000	0
Total				\$1,917,211	\$1,917,211	

MOTION

Dean Charter moves that all revolving funds be authorized and continued in the amounts, for the purposes, and with the limits on the total amount that may be expended as set forth in the Article.

MOTION CARRIES UNANIMOUSLY**Article 24 *****Commuter Lot & Station Maintenance**

(Majority vote)

To see if the Town will raise and appropriate, appropriate from available funds, and/or transfer a sum of money to be expended by the Town Manager for debt service, service fees, operation, maintenance or improvement of facilities and infrastructure at the South Acton Commuter Lot, including all costs incidental and related thereto, or take any other action relative thereto.

MOTION

David Martin moves that the Town raise from department receipts and appropriate \$84,363 for the purposes set forth in the Article.

MOTION CARRIES UNANIMOUSLY**Article 25 *****Septage Disposal Enterprise Budget**

(Majority vote)

To see if the Town will raise and appropriate, appropriate from available funds, and/or transfer a sum of money for the purpose of septage disposal, in accordance with Massachusetts General Laws Chapter 44, Section 53 F $\frac{1}{2}$, Enterprise Fund Law, or take any other action relative thereto.

MOTION

Alissa Nicol moves that the Town raise \$100,000 from department receipts, transfer \$64,059 from retained earnings and appropriate \$164,059 to operate the septage waste disposal program.

MOTION CARRIES UNANIMOUSLY**Article 26 *****Transfer Station and Recycling Enterprise Budget**

(Majority vote)

To see if the Town will raise and appropriate, appropriate from available funds, and/or transfer a sum of money for the purpose of solid waste disposal and recycling in accordance with Massachusetts General Laws Chapter 44, Section 53 F $\frac{1}{2}$, Enterprise Fund Law, or take any other action relative thereto.

MOTION

Jim Snyder-Grant moves that the Town raise \$663,000 from department receipts, transfer \$176,876 from retained earnings and appropriate \$839,876 for the purpose of solid waste disposal and recycling, and further 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 CARRIES UNANIMOUSLY

Article 27 *
(Majority vote)

Sewer Enterprise Budget

To see if the Town will raise and appropriate, appropriate from available funds, and/or transfer a sum of money for the purpose of operating, maintaining and upgrading a sewer collection and treatment facility, in accordance with Massachusetts General Laws Chapter 44, Section 53 F $\frac{1}{2}$, Enterprise Fund Law, or take any other action relative thereto.

MOTION

Alissa Nicol moves that the Town raise \$1,564,958 from department receipts, transfer \$319,813 from retained earnings, and appropriate \$1,884,771 for the purpose of operating the sewer system and wastewater treatment facility upgrades.

MOTION CARRIES UNANIMOUSLY

Article 28 *
(Majority vote)

Ambulance Enterprise Budget

To see if the Town will raise and appropriate, appropriate from available funds, and/or transfer a sum of money for the purpose of health care, in accordance with Massachusetts General Laws Chapter 44, Section 53 F $\frac{1}{2}$, Enterprise Fund Law, or take any other action relative thereto.

MOTION

Dean Charter moves that the Town raise \$1,400,500 from department receipts, raise \$390,000 from general revenues, transfer \$152,050 from retained earnings and appropriate \$1,942,550 for the purpose of operating the ambulance service.

MOTION CARRIES UNANIMOUSLY

Article 29 *
(Majority vote)

Transportation Enterprise Budget

To see if the Town will raise and appropriate, appropriate from available funds, and/or transfer a sum of money for the purpose of transportation services, in accordance with Massachusetts General Laws Chapter 44, Section 53 F $\frac{1}{2}$, Enterprise Fund Law, or take any other action relative thereto.

MOTION

Mr. Snyder-Grant moves that the Town raise \$252,391 from department receipts, raise \$150,000 from general revenues, transfer \$68,170 from retained earnings and appropriate \$470,561 for the purpose of operating the transportation service

MOTION CARRIES UNANIMOUSLY

Article 30 *

(Two-thirds vote)

Authorize Easements

To see if the Town will vote to authorize the Select Board to grant, abandon or acquire by purchase, gift, eminent domain or otherwise and to grant, terminate or accept deeds of easement interests for streets, trails, drainage, sewer, utility or other public purpose, on such terms and conditions and in a final location or locations as the Select Board may determine, or take any other action relative thereto.

MOTION

Alissa Nicol moves that the Town authorize the grant, termination or acquisition of easements as set forth in the article.

MOTION CARRIES UNANIMOUSLY

Article 31 *

(Majority vote)

Highway Reimbursement Program (Chapter 90)

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 Laws Chapter 90, and any other applicable laws, or take any other action relative thereto.

MOTION

Jim Snyder-Grant 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.

MOTION CARRIES UNANIMOUSLY

Article 32 *

(Majority vote)

Insurance Proceeds

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

Dean Charter 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.

MOTION CARRIES UNANIMOUSLY

Article 33 *
(Majority vote)

Federal and State Reimbursement Aid

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 Laws Chapter 40, Section 4A, the Select Board or Town Manager are authorized to enter into an agreement or agreements on behalf of the Town, on such terms and conditions as the Select Board or the Town Manager may determine, or take any other action relative thereto.

MOTION

David Martin 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.

MOTION CARRIES UNANIMOUSLY

Article 34 *
(Majority vote)

Performance Bonds

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

Dean Charter 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.

MOTION CARRIES UNANIMOUSLY

Article 35 *
(Two-thirds vote)

Sale of Foreclosed Properties

To see if the Town will vote to authorize the Select Board 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

Fran Arsenault moves in the words of the Article.

MOTION CARRIES UNANIMOUSLY

MOTION TO ADJOURN: Jim Snyder Grant moves to adjourn the Town Meeting at 10:36 pm until May 7th at 6:30 pm, at the Acton-Boxborough Regional High School Auditorium.

MOTION TO ADJOURN CARRIES