



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

TOWN CLERK

**EXCERPT OF THE ANNUAL TOWN MEETING HELD
MONDAY, MAY 5, 2025, 7:00 P.M.
ACTON-BOXBOROUGH REGIONAL HIGH SCHOOL AUDITORIUM
WITH ADJOURNED SESSION HELD MAY 6, 2025**

Article 1: Choose Town Officers (*majority vote*)

To choose all necessary Town Officers and Committees and to fix the salaries and compensation of all the elective officers of the Town as follows:

Moderator \$ 20 per Town Meeting session

Select Board, Chair \$ 750 per year

Select Board, Member \$ 650 per year

, or take any other action relative thereto.

MOTION

Ms. Arsenault moves that the Town fix the compensation for elected officers as shown in the Article.

MOTION CARRIES

Ms. Arsenault nominates William Mullin of Wilson Lane for the position of Temporary Moderator, term to expire 2026.

MOTION CARRIES

James Wood, Trustee of the Elizabeth White Fund, nominates Leo Fochtman for the position of Trustee of the Elizabeth White Fund, term to expire 2028

MOTION CARRIES

Brent Carter, Trustee of the Acton Firefighters' Relief Fund, nominates Robert Vanderhoof for the position of Trustee of the Acton Firefighters' Relief Fund, term to expire 2028

MOTION CARRIES

Thomas Ryder, Trustee of the Charlotte Goodnow Fund, nominates Sheryl M. Ryder for the position of Trustee of the Charlotte Goodnow Fund, term to expire 2028

MOTION CARRIES

Mariam Lezak nominates Monica Biswas for Trustee of the West Acton Citizens Library, for a term to expire 2027

MOTION CARRIES



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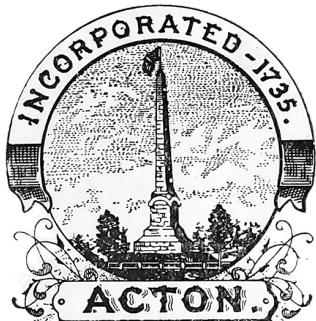
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*** Article 2: Receive and Accept Reports** (*majority vote*)

Mr. Martin moves 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 CARRIES



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Article 3: Budget Transfer *(majority vote)*

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

VOTE TO TAKE NO ACTION TAKEN

MOTION CARRIES



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Article 4: Appropriations for Municipal Operating Budget (*majority & 2/3rd majority*)

To see if the Town will raise and appropriate, transfer and/or appropriate from available funds, the sum of \$40,810,464 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 # 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.

MOTION CARRIES

MOTION # 2 (Majority vote) - Mr. Martin moves that the Town appropriate \$40,510,464 to be expended by the Town Manager to fund the remainder of the fiscal year 2026 municipal budget, and to meet such appropriation, raise \$40,460,464 from general revenues, and transfer \$50,000 from Cemetery trust funds for Cemetery use, 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



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Article 5: Appropriations for Town Capital Equipment and Projects (*majority vote*)

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 and implementation of programs, vehicles, equipment, improvement of facilities or infrastructure including all costs incidental and related thereto, or take any other action relative thereto.

	Project Title	Amount	Source
A1.	Public Safety Facility Improvements	\$350,000	Sale Proceeds
A2.	Acton Memorial Library Interior Improvements	\$350,000	Sale Proceeds
A3.	Town Facility Roof Replacements and Town Hall Interior Improvements	\$300,000	Sale Proceeds
B.	Police Department Cruiser Replacements	\$225,000	Free Cash
C.	Fire Department Command Vehicle	\$100,000	Free Cash
D.	Traffic Calming Measures	\$90,000	Free Cash
E.	Fire Department Turnout Gear Replacements	\$75,000	Free Cash
F.	Handheld Radio Replacement - Phase 1	\$60,000	Free Cash
G.	Town Facility Roof Replacements	\$90,000	Free Cash
H.	South Acton Traffic Signal Replacement	\$50,000	Free Cash
I.	Childcare and Transfer Station Subsidy	\$40,000	Free Cash
J.	Fireworks for Community Celebrations (4th of July)	\$40,000	Free Cash
K.	Vegetation Management Program	\$15,000	Free Cash

MOTION CARRIES

MAJORITY VOTE



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Article 6: Authorize Borrowing for Town Capital Equipment and Projects (two-thirds majority vote)

Motion

Mr. Charter moves that the Town:

1. Appropriate \$10,850,000 to be expended by the Town Manager in the amounts identified in Article 6 for each such project, including all costs incidental and related thereto; and to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow \$10,850,000 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. Appropriate and transfer from Free Cash \$603,909 for the payment of debt service and underwriting costs on the borrowings for A, B, C, D and E identified in Article 6; and Appropriate the unexpended funds in the amount of \$92,500 related to financing the Wastewater Treatment System Rehabilitation Project, which project is now complete, and for which no further liabilities remain, to pay costs for debt service on the borrowing for F identified in Article 6, including the payment of costs incidental or related thereto

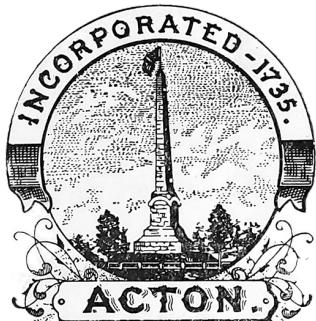
	Project Title	Amount	Source
A.	Town Hall HVAC Replacement Project	\$3,750,000	Borrowing: General Fund /Energy Efficiency Fund
B.	Complete Streets and Sidewalks	\$1,900,000	Borrowing: General Fund
C.	Replacement of 2005 Fire Engine	\$1,500,000	Borrowing: General Fund
D.	Stormwater Program (Bridge/Culvert)	\$850,000	Borrowing: General Fund
E	Public Safety Radio System Replacement Project Phase 2	\$750,000	Borrowing: General Fund

F.	Equalization Tank for Waste Water Treatment Plant	\$2,100,000	Borrowing: Sewer Enterprise
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MOTION 2, ITEM A FAILED; DID NOT REACH A 2/3 MAJORITY; 255 YES – 131 NO

MOTION 1 CARRIES

MOTION 2 ITEMS B, C, D, E & F CARRIED BY 2/3 MAJORITY VOTE



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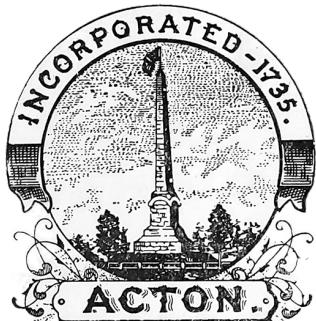
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**Article 7: Authorize Appropriation for design and engineering costs,
for a Public Works Facility (Majority Vote)**

Motion

Mr. Charter moves that the Town appropriate \$150,000 to be expended by the Town Manager for design and engineering costs, including the investigation of possible alternatives, for a public works facility as set forth in the Article, including the payment of costs incidental or related thereto; and that to meet this appropriation, \$150,000 shall be transferred from Free Cash

MOTION CARRIES



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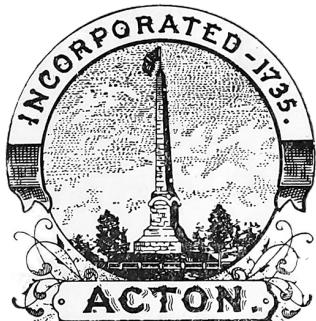
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Article 8: Acton-Boxborough Regional School District Assessment (majority vote)

Motion

Ms. Wilson moves that the Town raise and appropriate \$79,959,269 to fund Acton's fiscal year 2026 assessment from the Acton-Boxborough Regional School District.

MOTION CARRIES



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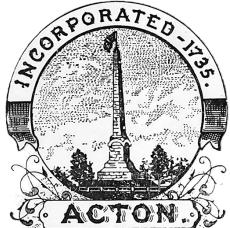
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Article 9: Minuteman Regional School District Assessment (majority vote)

Motion

Mrs. Nourse moves that the Town raise and appropriate \$3,498,892 to fund Acton's fiscal year 2026 assessment from the Minuteman Regional School District

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	Interpretive Panel at Heath Hen Meadow	Design and install informational panel at Heath Hen Meadow Conservation Land boardwalk bridge & finish railing.	Recreation	\$3,000
B	Disc Golf Design and Construction	Design and construct a 6-hole disc golf course (plus 1 practice basket) abutting NARA.	Recreation	\$40,835
C	Greening the Red House: A Living Example of Community & Climate Resilience	Build accessible patio, bioswale, signage, and community environmental education space for the Climate Resilient Park at 468 Main Street.	Recreation	\$78,000
D	Acton Arboretum Draft Strategic Plan Design, Layout, and Copy Editing	Draft & complete Acton Arboretum Strategic Plan by a professional copy editor.	Recreation	\$7,000
E	Acton Housing Authority – Sachem Way Playground and Garden	Prepare site for a new playground at Sachem Way which includes moving existing community garden.	Recreation	\$50,000
F	53 River Street Construction	Fund final grading and construction for the park at 53 River Street.	Recreation	\$201,000

2025 Annual Town Meeting Warrant Town of Acton, Massachusetts Page 29

	Project	Description	Category	Recommended Amount
G	53 River Street Historic Signage	Research, design, fabricate, and install historical signage for the park at 53 River Street.	Historic Resources	\$26,000
H	Antique Fire Apparatus Restoration	Restore two Acton 1936 antique fire engines.	Historic Resources	\$100,000
I	Theatre III Stabilization and Historic Preservation of Building Exterior	Stabilize and preserve the building including: repair rotted wood, railings, boiler room ventilation, and evaluating exterior walls.	Historic Resources	\$132,200

J	RH Adhesives Fire Suppression Upgrades	Install & connect fire suppression system throughout an historic mill building.	Historic Resources	\$97,786 (\$40,458.68 funded from Historic Resources Set-Aside Fund.)
K	Acton Library Preservation Assessment & Collection Identification	Assess the Town's historical documents and artifacts at the Acton Memorial Library & prioritize them for preservation.	Historic Resources	\$9,063.20
L	Acton Historical Society Window repair, reglazing, and selected interior painting	Repair & reglaze 49 windows on the three buildings at the Hosmer House site & paint interior of Hosmer House.	Historic Resources	\$17,666
M	17 Woodbury Lane Community Space – Shutters Replacement & Hardscaping	Install shutters & hardscape, including accessible walkways & seating.	Historic Resources	\$106,280
N	Acton Housing Authority – McCarthy Village Window Replacement	Replace 158 existing windows located at 1-2 Sachem Way.	Community Housing	\$242,560
O	Regional Housing Services Office	Fund one year of service to meet the administrative, compliance and monitoring needs for the Town's existing affordable housing units and to further regional housing goals.	Community Housing	\$50,000
P	Community Housing Program Fund	Replenish the Fund to acquire, create, preserve, and support community housing.	Community Housing	\$50,000
Q	Open Space Acquisition and Set-Aside Fund	Replenish the Fund to acquire, create, preserve, rehabilitate, or restore open space.	Open Space	\$750,000
R	CPA Admin Support	Fund administrative and legal expenses incurred in connection with the support of the Community Preservation Act.	Admin Support	\$72,454

2025 Annual Town Meeting Warrant Town of Acton, Massachusetts Page 30

	Project	Description	Category	Recommended Amount
S	Wright Hill Open Space Land Acquisition – Debt Service	Pay annual debt service for purchase of Wright Hill Open Space in 2014. Pay-off date: 7/1/31	Open Space	\$67,800 funded from the Open Space Acquisition and Set-Aside Fund.
T	Piper Lane Open Space Land Acquisitions – Debt Service	Pay annual debt service for purchase of Piper Lane Open Space in 2020. Pay-off date: 3/15/36	Open Space	\$46,900 funded from the Open Space Acquisition and Set-Aside Fund.
U	19 and 35 Wetherbee Street Open Space Land Acquisitions – Debt Service	Pay anticipated debt service payment for FY26 for 19 and 35 Wetherbee Street, authorized for purchase at the November 2024 Special Town Meeting.	Open Space	Up to \$168,790.28 from the Open Space Acquisition and Set-Aside Fund.

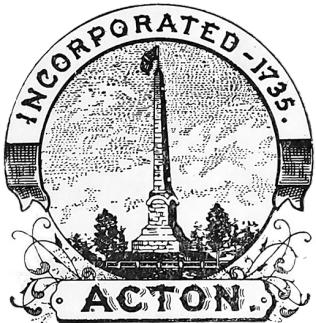
And to meet such appropriation, expend:

- \$1,993,385.52 from the FY 2024 Community Preservation General Fund balance;
- \$40,458.68 from the Historic Resources Set-Aside Fund balance; and
- Up to \$283,490.28 from the Open Space Set-Aside Fund balance.

And, provided that, 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 2024 Community Preservation Fund Revenues at least 10% for open space, 10% for historic resources, and 10% for community housing, and the recommended appropriations for open space, historic resources, and community housing each meet or exceed 10% of the FY 2024 Community Preservation Fund Revenues, but recognizing that Town Meeting may vote to delete or reduce any of the recommended amounts to see if, in the event that recommended amounts are deleted or reduced, the Town will vote to appropriate as a set-aside for future spending from the FY 2024 Community Preservation Fund Balance the minimum necessary amounts to allocate not less than 10% (\$170,933.50) of the FY 2024 Community Preservation Fund Revenues for open space, historic resources, or community housing; or take any other action relative thereto.

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Article 11

Approve Home Rule Petition Related to Acton Memorial Library (*majority vote*)

To see if the Town will vote to authorize the Select Board to petition the Massachusetts General Court to enact legislation in substantially the form below, and further to authorize the Select Board to approve amendments to said legislation before its enactment by the General Court that are within the scope of the general objectives of this motion; or take any other action relative thereto.

**CHAPTER XXX AN ACT AMENDING THE SPECIAL LEGISLATION ESTABLISHING
THE ACTON MEMORIAL LIBRARY.**

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

SECTION 1. The first sentence of Section 3 of Chapter 52 of the Acts and Resolves of 1890 is hereby amended to delete the word “nine” and replace with the word “twelve.”

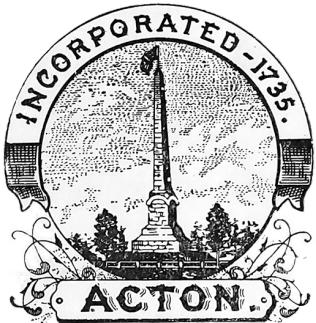
SECTION 2. Chapter 52 of the Acts and Resolves of 1890 is hereby further amended to insert the following sentence after the first sentence in Section 3: “Three of the trustees elected shall be those elected as Citizens’ Library Trustees.”

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

Motion:

Ms. Nicol moves that the Town authorize the Select Board to petition the General Court for a Home Rule Act as set forth in the Article.

CONSENT MOTION CARRIES, ARTICLE HELD; ELECTRONIC VOTE 204-40



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SECTION 2. Chapter 52 of the Acts and Resolves of 1890 is hereby further amended to insert the following sentence after the first sentence in Section 3: “Three of the trustees elected shall be those elected as Citizens’ Library Trustees.”

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

Motion:

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CONSENT MOTION CARRIES, ARTICLE HELD; ELECTRONIC VOTE 204-40



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Article 13: Authorize Real Property Disposition – 13 School Street (*two-thirds majority vote*)

To see if the Town will vote to authorize the Select Board to transfer the real property shown as Parcel 49 on the Town of Acton Atlas Map H2-A and set forth in the deed recorded at the Middlesex South Registry of Deeds in Book 22137, Page 277, which land is currently held for general municipal purposes, from the current custodian to the Select Board for the purpose of conveyance, and to authorize the Select Board to convey such land on such terms and conditions and for such consideration, which may be non-monetary consideration, as the Select Board may determine, or take any other action relative thereto.

MOTION CARRIES; 213-57



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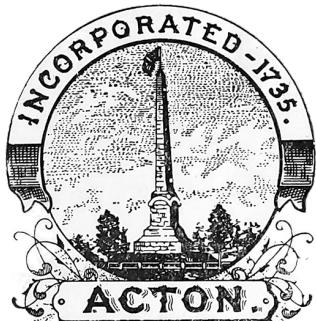
**ACTON-BOXBOROUGH REGIONAL HIGH SCHOOL AUDITORIUM
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**Article 14: Authorize Collective Bargaining Agreement with Fire Department
Personnel (*majority vote*)**

Motion

Ms. Nicol moves that the Town authorize the first- year cost items contained in the Collective Bargaining Agreement between the Town and the Acton Permanent Firefighters, Local #1904, International Association of Firefighters, AFL-CIO.

MOTION CARRIES



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***Article 15: Authorize Collective Bargaining Agreement with Police Patrol Officers
(majority vote)**

Motion

Ms. Nicol moves that the Town authorize the first- year cost items contained in the Collective Bargaining Agreement between the Town and the Acton Police Patrol Officers Association.

MOTION CARRIES



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***Article 16: Authorize Collective Bargaining Agreement with Police
Superior Officers (*majority vote*)**

Motion

Ms. Nicol moves that the Town authorize the first- year cost items contained in the Collective Bargaining Agreement between the Town and the Massachusetts Coalition of Police Local 380.

MOTION CARRIES



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***Article 17: Authorize Revolving Fund Budgets (*majority vote*)**

Motion

Move 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



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***Article 18: Commuter Lot & Station Maintenance (majority vote)**

Motion

Move that the Town raise from department receipts and appropriate \$102,563 for the purposes set forth in the Article.

MOTION CARRIES



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***Article 19: Approve Septage Disposal Enterprise Budget (majority vote)**

Motion

Move that the Town raise \$102,500 from department receipts, transfer \$64,187 from retained earnings and appropriate \$166,687 to operate the septage waste disposal program

MOTION CARRIES



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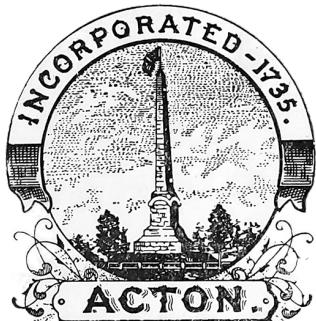
**EXCERPT OF THE ANNUAL TOWN MEETING HELD
MONDAY, MAY 5, 2025, 7:00 P.M.
ACTON-BOXBOROUGH REGIONAL HIGH SCHOOL AUDITORIUM
WITH ADJOURNED SESSION HELD MAY 6, 2025**

***Article 20: Approve Transfer Station and Recycling Enterprise Budget (majority vote)**

Motion

Move that the Town raise \$670,000 from department receipts, transfer \$322,724 from retained earnings and appropriate \$992,724 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



**TOWN OF ACTON
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TOWN CLERK

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WITH ADJOURNED SESSION HELD MAY 6, 2025**

***Article 21: Approve Sewer Enterprise Budget (majority vote)**

Motion

Move that the Town raise \$2,216,300 from department receipts, transfer \$369,976 from retained earnings, and appropriate \$2,586,276 for the purpose of operating the sewer system and wastewater treatment facility upgrades.

MOTION CARRIES



TOWN CLERK

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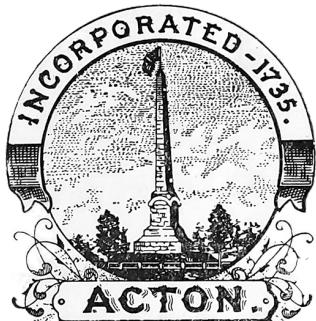
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***Article 22: Approve Ambulance Enterprise Budget (majority vote)**

Motion

Move that the Town raise \$1,427,500 from department receipts, raise \$401,700 from general revenues, transfer \$194,057 from retained earnings and appropriate \$2,023,257 for the purpose of operating the ambulance service.

MOTION CARRIES



TOWN CLERK

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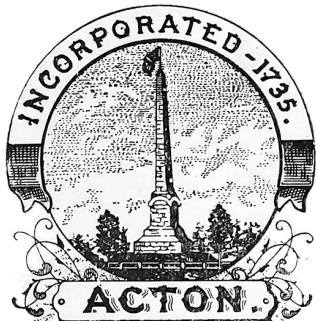
**ACTON-BOXBOROUGH REGIONAL HIGH SCHOOL AUDITORIUM
WITH ADJOURNED SESSION HELD MAY 6, 2025**

***Article 23: Approve Transportation Enterprise Budget (majority vote)**

Motion

Move that the Town raise \$248,618 from department receipts, raise \$154,500 from general revenues, transfer \$100,000 from the commuter lot parking fees fund balance, transfer \$62,481 from retained earnings and appropriate \$565,599 for the purpose of operating the transportation service.

MOTION CARRIES



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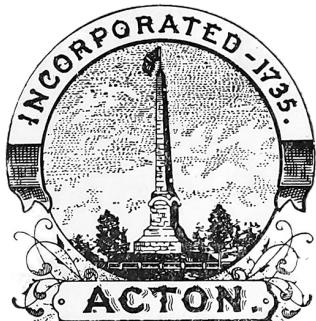
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WITH ADJOURNED SESSION HELD MAY 6, 2025**

***Article 24: Authorize Easements** (*two-thirds majority vote*)

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 CARRIES



TOWN CLERK

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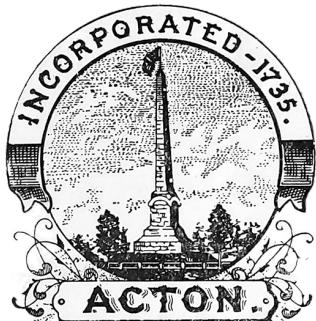
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***Article 25: Authorize Highway Reimbursement Program (Chapter 90) (majority vote)**

Motion

Move 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



TOWN CLERK

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***Article 26: Appropriate Insurance Proceeds (majority vote)**

Motion

Move 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



TOWN CLERK

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***Article 27: Authorize Acceptance of Federal and State Reimbursement Aid (*majority vote*)**

Motion

Move 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



TOWN CLERK

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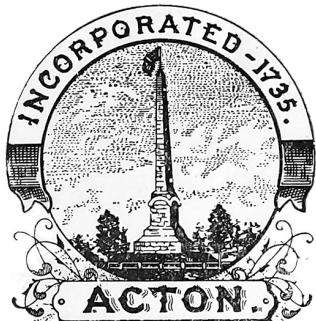
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***Article 28: Authorize Appropriation of Performance Bonds (majority vote)**

Motion

Move 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



TOWN CLERK

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**EXCERPT OF THE ANNUAL TOWN MEETING HELD
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**ACTON-BOXBOROUGH REGIONAL HIGH SCHOOL AUDITORIUM
WITH ADJOURNED SESSION HELD MAY 6, 2025**

***Article 29: Authorize Sale of Foreclosed Properties** (*two-thirds majority vote*)

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 CARRIES



TOWN CLERK

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**EXCERPT OF THE ANNUAL TOWN MEETING HELD
MONDAY, MAY 5, 2025, 7:00 P.M.**

**ACTON-BOXBOROUGH REGIONAL HIGH SCHOOL AUDITORIUM
WITH ADJOURNED SESSION HELD MAY 6, 2025**

Article 30: Amend Zoning Bylaw: Accessory Dwelling Units (*two-thirds majority vote*)

A. To see if the Town will vote to amend the Zoning Bylaw by deleting Section 3.8.1.6 in its entirety

and replacing with the following:

3.8.1.6 Accessory DWELLING UNITS shall be subject to the following standards and requirements. The purpose of this Section is to allow for Accessory DWELLING UNITS (ADUs), as defined under M.G.L. c. 40A, §1A, to be built as-of-right in Single-Family Residential Zoning Districts in accordance with M.G.L. c. 40A, § 3, as amended by Section 8 of Chapter 150 of the Acts of 2024, and the regulations promulgated at 760 CMR 71.00.

- a) There shall be not more than one accessory DWELLING UNIT on a LOT.
- b) The GROSS FLOOR AREA of an accessory DWELLING UNIT shall be less than fifty percent of the GROSS FLOOR AREA of the Principal Unit or 900 square feet, whichever is smaller.
- c) An Accessory DWELLING UNIT located in a basement area of a PRINCIPAL DWELLING UNIT and that has been continuously used since before May 6, 2025 shall have no maximum GROSS FLOOR AREA.
- d) If a detached BUILDING on a LOT has existed since before April 2, 2019 and its footprint and floor area, including the area of interior garage or parking spaces, is not expanded or enlarged thereafter, an Accessory DWELLING UNIT in such a detached BUILDING may have a GROSS FLOOR AREA of up to 2000 square feet, not including attic or basement areas.

- e) An Accessory DWELLING UNIT located on a lot outside a 0.5-mile radius of a transit station shall have one additional parking space dedicated for use by the resident of the Accessory DWELLING UNIT.
- f) A LOT containing a BUILDING with a Principal Unit and an Accessory DWELLING UNIT within a detached BUILDING shall not be further divided resulting in the separation of the Principal Unit and the Accessory DWELLING UNIT, unless both resulting LOTS and the BUILDINGS thereon meet all minimum area, FRONTAGE, width and yard requirements of the applicable zoning district.
- g) Any Accessory DWELLING UNIT in a detached BUILDING shall be constructed on a permanent foundation.
- h) No Accessory DWELLING UNIT permitted under this Section shall be constructed and occupied without Building and Occupancy Permits issued by the Building Commissioner.

B. To see if the Town will vote to amend the Zoning Bylaw by replacing the term “Accessory Apartment” with “Accessory DWELLING UNIT” wherever it appears throughout the Zoning Bylaw.
, or take any other action relative thereto.

MOTION CARRIES; 243-26



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Article 31: Amend Zoning Bylaw and Map: Open Space Residential Development (*Simple Majority Vote A, D, E, H*) (*2/3rds majority B, C, F, G, I, J, K*)

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

A. In Section 1.3 – Definitions, insert the following new subsection: 1.3.15 RESOURCE LAND

Land subject to a use restriction within a SUBDIVISION including, but not limited to: natural areas, wetlands, forests, woodlands, meadows, streams or other areas containing fish or wildlife habitat and features of archaeological or historical value, and used in accordance with Section 5.5. RESOURCE LAND shall be considered open land as defined in M.G.L. c. 40A, §§ 1A and 9.

B. In Section 2.1 – Classification of Districts, OVERLAY DISTRICTS, delete the following lines:
AFFORDABLE HOUSING OVERLAY DISTRICT
OPEN SPACE DEVELOPMENT OSD

C. In Section 2.2 – Zoning Map, delete the following line:

• “Affordable Housing Overlay District Map of the Town of Acton” as last amended, consisting of Map Number 4 and shown on the same sheet as Map Number 1.

D. In the Notes for Table of Principal Uses, add the following new note, note (15):

RESIDENTIAL
DISTRICTS

PRINCIPAL USES	R-2 R-4 R-8 R-8/4 R-10 R-10/8
3.3 RESIDENTIAL USES	
3.3.2	Two-FAMILY Dwelling
3.3.4	Multifamily Dwelling

(15) Two-FAMILY Dwelling and Multifamily Dwellings with not more than four DWELLING UNITS in any residential BUILDING are allowed in subdivisions in accordance with the provisions of Table 2 and Sections 5.4 and 5.6. There shall not be more than six DWELLING UNITS in any residential BUILDING in accordance with Section 5.7.1.

E. Amend Section 3.3 – Residential Uses, as follows:

1. In paragraph c) delete the phrase “a Planned Conservation Residential Community (PCRC) under Section 9 of this Bylaw” and “an AFFORDABLE Housing Development under Section 4.4 of this Bylaw;
2. After paragraph d) insert a new paragraph, as follows:

e) Where a SUBDIVISION Approval has been granted per M.G.L. c. 41, §§ 81K-81GG in compliance with the dimensional requirements of Section 5, Table 2 and Section 5.4.

F. In Section 4 – Overlay Districts, delete Section 4.2 – Open Space Development in its entirety and renumber the following sections accordingly.

G. In Section 4 – Overlay Districts, delete Section 4.4 – AFFORDABLE Housing Incentives and Overlay District in its entirety.

H. Amend Section 5 – Dimensional Regulations, as follows:

1. Delete Section 5.1 and replace it with a new Section 5.1, as follows:

5.1 Standard Dimensional Provisions – This Bylaw contains two sets of dimensional regulations. No land shall be used, and no STRUCTURE or BUILDING shall be used or constructed except in accordance with Section 5 Dimensional Regulations and the Tables 1 or 2 of Standard Dimensional Regulations as applicable, unless otherwise specifically permitted in this Bylaw.

5.1.1 TABLE 1 shall apply to LOTS in the Village, Office, Business, and Industrial Districts and in the R-A, R-AA, and VR zoning districts, to all divisions of land in all zoning districts using the ANR (Approval not Required) method per M.G.L. c. 41, §§ 81K-81GG, and to all lots in all zoning districts created prior to May 6, 2025, unless Section 5.2.1 applies.

5.1.2 TABLE 2 shall apply in Residential Districts R-2, R-4, R-8, R-8/4, R-10, and R-10/8 to all divisions of land using the Subdivision method per M.G.L. c. 41, §§ 81K-81GG, c. 40A, §§ 1A, 9.

2. Delete the header for Section 5.2 and replace it with:

5.2 Methods for Calculating Dimensional Requirements in Table 1 and Table 2 – The following shall apply:

3. Delete the title “**TABLE OF STANDARD DIMENSIONAL REGULATIONS**” and replace it with “**TABLE 1 – TABLE OF STANDARD DIMENSIONAL REGULATIONS APPLICABLE TO LOTS DEVELOPED UNDER SECTION 5.1.1**”

And in the paragraph below the table's title delete the words "Open Space Developments (OSD - Section 4.2), Planned Conservation Residential Communities (PCRC - Section 9);
And delete the title "**NOTES for TABLE OF STANDARD DIMENSIONAL REGULATIONS**" and replace it with

"NOTES FOR TABLE 1 – STANDARD DIMENSIONAL REGULATIONS".

4. Delete the header for Section 5.3 and replace it with:

5.3 Special Provisions and Exceptions to Table 1 of Dimensional Regulations

5. Amend Section 5 – Dimensional Regulations by inserting the new table after subsection 5.3.12 as follows:

TABLE 2 – TABLE OF STANDARD DIMENSIONAL REGULATIONS APPLICABLE TO LOTS DEVELOPED UNDER SECTION 5.1.2

The following dimensional Regulations and standards shall apply in the R-2, R-4, R-8, R-8/4, R-10, and R-10/8 zoning districts to all new Subdivisions of TRACTS OF LANDS made pursuant to the Subdivision Control Law, M.G.L. c. 41, §§ 81K-81GG and M.G.L. c. 40A, §§ 1A and 9. There shall be no minimum LOT area, FRONTAGE, LOT width, yard or other dimensional requirements except as follows, and as further set forth in Section 5.4:

Minimum land area per DWELLING	R-2 25,000
UNIT in TRACT OF LAND (sq. ft.). The maximum number of DWELLING UNITS permitted shall be rounded to the nearest integer.	R-4 50,000 R-8/4 50,000 R-8 100,000 R-10/8 100,000 R-10 125,000
Minimum RESOURCE LAND in TRACT OF LAND (%) (The minimum required area of the RESOURCE LAND shall not contain a greater percentage of wetlands, as defined in M.G.L. c. 131, § 40, than the percentage of wetlands found in the overall TRACT of LAND on which the subdivision is located.)	60
Minimum distance for STRUCTURES from pre-existing STREET in the R-2 zoning district (feet)	30
Minimum distance for STRUCTURES from pre-existing STREET in the R-4, R-8/4, R-8, R-10/8, R-10 (feet)	45
Minimum distance for STRUCTURES from pavement edge of the travelled way (feet)	20
Minimum distance for STRUCTURES from RESOURCE LAND (feet)	40
Minimum distance for STRUCTURES from boundary line of the subdivision in the R-2 zoning district (feet)	10

Minimum distance for STRUCTURES from boundary line of the subdivision in the R-4, R-8/4, R-8, R-10/8, R-10 zoning district (feet)	20
Minimum distance between residential BUILDINGS	40
Maximum Height (feet)	36

6. Amend Section 5 – Dimensional Regulations by inserting new Sections 5.4, 5.5, and 5.6, 5.7 and 5.8 as follows:

5.4 Additional Dimensional Standards for Subdivisions in the R-2, R-4, R-8, R-8/4, R-10 and R-10/8 Zoning Districts

5.4.1. LOTS on directly opposite sides of a STREET shall qualify as a single TRACT OF LAND. The total number of permitted DWELLING UNITS may be constructed on either side of the STREET.

5.4.2 Where a TRACT OF LAND is divided by a zoning district boundary between any of the R-2, R-4, R-8, R-8/4, R-10 or R-10/8 districts the total

number of DWELLING UNITS permitted shall not exceed the number permitted in each district considered separately. The total number of permitted DWELLING UNITS may be constructed in either district.

5.5 USE of the RESOURCE LAND for Subdivisions in the R-2, R-4, R-8, R-8/4, R-10 and R-10/8 Zoning Districts - The RESOURCE LAND shall be used in accordance with Section 5.5.1 and shall be subject to a perpetual use restriction as required in M.G.L. c. 40A, § 1A.

5.5.1 The perpetual use restriction shall allow any and all of the following: any outdoor activity that occurs in a natural setting with minimum disturbance of the natural and cultural resources and that is consistent with quiet enjoyment of the land including but not limited to hiking, nature study, outdoor education, cross country skiing, snowshoeing, horseback riding, trail bicycling, fishing, picnicking, canoeing, ice-skating, community gardening in existing fields, swimming in a natural water body, informal sports activities, natural surface trails, or subsurface leaching areas if associated with septic disposal systems serving the Subdivision. Passive outdoor recreation areas may also be managed for sustainable forestry and farming including community farms and forests.

5.6 Incentives for Smaller Units for Subdivisions in the R-2, R-4, R-8, R-8/4, R-10 and R-10/8 Zoning Districts

5.6.1 DWELLING UNITS with a maximum GROSS FLOOR AREA of 3,000 square feet above grade, including garages, may use the following dimensional regulations:

Minimum land area per DWELLING UNIT in TRACT OF LAND (sq. ft.). The maximum number of DWELLING UNITS permitted shall be rounded to the nearest integer. R-2 20,000 R-4 40,000

R-2	20,000
R-4	40,000
R-8/4	40,000
R-8	80,000
R-10/8	80,000
R-10	100,000

5.7 Incentives for Affordability for Subdivisions in the R-2, R-4, R-8, R-8/4, R-10 and R-10/8 Zoning Districts –Five (5) or more DWELLING UNITS may be developed, as pursuant to this Section,

provided that such development conforms with the affordability requirements set forth in Section 5.7.3 and is otherwise in accordance with Section 5.4, 5.5, 5.6, and 5.8:

5.7.1 DWELLING UNITS with a maximum GROSS FLOOR AREA of 1,500 square feet above grade, including garages, shall have a maximum density of 7 units per acre provided that at least 10% of the DWELLING UNITS in the subdivision are AFFORDABLE to persons and households of LOW-INCOME.

5.7.1.1 There shall not be more than six DWELLING UNITS in any residential BUILDING.

5.7.1.2 The maximum number of DWELLING UNITS permitted shall be rounded to the nearest integer.

5.7.1.3 The following dimensional and parking space provisions apply:

Minimum land area per DWELLING UNIT in TRACT OF LAND (sq. ft.) N/A

Minimum RESOURCE LAND in TRACT OF LAND (%) 60

(The minimum required area of the Resource Land shall not contain a greater percentage of wetlands, as defined in M.G.L. c 131, § 40, than the percentage of wetlands found in the overall TRACT of LAND on which the subdivision is located.)

Minimum distance for STRUCTURES from pre-existing STREET in the R-2 zoning district (feet) 30

Minimum distance for STRUCTURES from pre-existing STREET in the R-4, R-8/4, R-8, R-10/8, R-10 (feet) 45

Minimum distance for STRUCTURES from paved pavement edge of the travelled way (feet) 15

Minimum distance for STRUCTURES from RESOURCE LAND (feet) 30

Minimum distance for STRUCTURES from boundary line of the subdivision in the R-2 zoning district (feet) 10

Minimum distance for STRUCTURES from boundary line of the subdivision in the R-4, R-8/4, R-8, R-10/8, R-10 zoning district (feet) 20

Minimum distance between residential BUILDINGS 15

Maximum Height (feet) 36

Minimum Parking 1.5 spaces per unit

5.7.2 Multi-family Special Permit – The Planning Board may grant a special permit in accordance with section 10.3.5 for developments with six (6) or more DWELLING UNITS in one BUILDING in accordance with this Section:

5.7.2.1 The maximum number of DWELLING UNITS shall be 15 units an acre provided that at least 10% of the DWELLING UNITS in the subdivision are AFFORDABLE to persons and households of LOW-INCOME.

5.7.2.2 The DWELLING UNITS shall have a maximum GROSS FLOOR AREA of 1,500 square feet above grade, including garages.

5.7.2.3 The maximum number of DWELLING UNITS permitted shall be rounded to the nearest integer.

5.7.2.4 The minimum number of parking spaces shall be 1.5 per dwelling unit.

5.7.2.5 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.

5.7.2.6 The minimum required RESOURCE LAND shall be 80% of the TRACT OF LAND. All other dimensional regulations of TABLE 2 - TABLE OF STANDARD DIMENSIONAL REGULATIONS APPLICABLE TO LOTS DEVELOPED UNDER SECTION 5.1.2 shall apply.

5.7.2.7 A landscape buffer of 10 feet within the side and rear yard setbacks shall be provided on the LOT to enhance visual impact of the Use upon the LOT and adjacent property. Where appropriate, existing vegetation may be retained and used to satisfy the landscaping requirements.

5.7.2.8 Vegetative Buffer Requirements – The required minimum distance for STRUCTURES from the pre-existing STREET shall contain a vegetative buffer which shall be no less than twenty (25) feet in width, unless in accordance with Section 5.7.2.8 g. The vegetative buffer shall be located along the pre-existing STREET. The following additional requirements shall apply:

- a) The vegetative buffer shall consist of at least one shrub per thirty (30) square feet and one small, ornamental to mid-size tree per two hundred (200) square feet. One species cannot comprise more than 50% of the total number of shrubs and the total number of shade trees.
- b) Trees included in the required front yard setback shall consist of a mix of not-invasive, not-aggressive tree species, from the most recent U.S.D.A. Hardiness Zone, that have a minimum caliper size of five (5) inches when planted. Trees when full-grown shall not interfere with utility wires.
- c) Shrubs shall be a mix of deciduous and evergreen varieties, from the most recent U.S.D.A. Hardiness Zone, and be at least three (3) feet in height at time of planting.
- d) Species of shrubs and trees shall not be any species listed as “Invasive,” “Likely Invasive,” or “Potentially Invasive” by the Massachusetts Invasive Plants Advisory Group.
- e) No species shall be selected that are on the Massachusetts Prohibited Plant List.
- f) Wherever possible, the above requirements shall be met by retention of healthy, non-invasive existing vegetation.
- g) Sight Distance – Vegetation in the vegetation buffer shall be placed and maintained so that it will not obstruct sight distance.

5.7.3 AFFORDABILITY requirements –

5.7.3.1 All affordable housing units shall meet the eligibility requirements of 760 CMR 56.00. Affordable units shall be subject to a perpetual affordable housing restriction and a regulatory agreement in a form to ensure that affordable units can be counted toward the Town’s Subsidized Housing Inventory.

5.7.3.2 All documents necessary to ensure compliance with this bylaw shall be subject to the review and approval by the Zoning Enforcement Officer and shall be executed prior to and as a condition of the issuance of any Building Permit.

5.7.3.3 Occupancy permits for any market rate unit or uses other than Dwelling Units in a project shall be issued proportionately in the required ratio as occupancy permits for the entire project.

5.7.3.4 Affordable units shall be dispersed throughout the project and shall be indistinguishable from market rate units in external appearance. The affordable units shall have the same mechanical systems as market units, except that affordable units with up to two bedrooms may have only one-bathroom, affordable units with three bedrooms shall have at least 1.5 bathrooms, and affordable units with four bedrooms shall have at least two bathrooms. Affordable units shall have the same finishes and appliances as the market rate units except where the Zoning Enforcement Officer specifically approves, in advance, a request for different finishes and/or appliances.

5.7.3.5 The affordable units shall contain square footage which is no less than (1) the average size of market rate units containing the same number of bedrooms, or (2) the following, whichever is the larger:

0 bedrooms: 500 square feet

1 bedroom: 700 square feet

2 bedrooms: 900 square feet

3 bedrooms: 1100 square feet

4 bedrooms: 1300 square feet

5.7.3.5.1 For purposes of this subparagraph only, square footage shall be calculated within the interior surfaces of the perimeter walls of the unit.

5.7.3.5.2 Floor plans for affordable units which differ from those of market rate units shall not be approved without the recommendation of the Zoning Enforcement Officer.

5.8 Exemption for Subdivisions from Table 2 and Subsection 5.4 for Subdivisions in the R-2, R-4, R-8, R-8/4, R-10 and R-10/8 Zoning Districts

In the R-2, R-4, R-8, R-8/4, R-10 and R-10/8 Zoning Districts the Planning Board may by special permit approve a subdivision per M.G.L. c. 41, §§ 81K-81GG with LOTS that conform to the dimensional standards set forth in Table 1 and applicable provisions of Section 5.3 above. As a prerequisite to the granting such special permit, the Planning Board must find, in addition to the required findings in Section 10.3.5 of this Bylaw, that the resulting subdivision will preserve RESOURCE LAND to at least an equivalent extent to that preserved under a subdivision by right and is consistent with the Open Space and Recreation Plan then in effect.

I. Delete the title and first paragraph of Section 8.9 – Planned Unit Development (PUD) and replace it with a new title and paragraph as follows:

8.9 Discontinued Developments, - Notwithstanding the repeals of former Section 4.2 - Open Space Development (OSD), Section 4.4 – Affordable Housing Incentives and Overlay District, Section 9 - Planned Conservation Residential Community (PCRC), and Section 9A Planned Unit Development (PUD), any TRACT OF LAND for which a special permit for OSD, Affordable Housing Incentives and Overlay District, PCRC or PUD has been granted shall continue to be governed by such special permit.

J. Delete Section 9 – Planned Conservation Residential Community (PCRC) in its entirety.

K. On the Zoning Map, Map Number 1, delete the Affordable Housing Overlay District consisting of Map 4.

Or, take any other action relative thereto.

Motion #1

Ms. Nicol moves Sections A, D, E, H of the Article.

Motion Carried 218-53

Motion #2

Ms. Nicol moves Sections B, C, F, G, I, J, K of the Article

Motion Carried 218 - 47



TOWN OF ACTON

472 MAIN STREET

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TOWN CLERK

EXCERPT OF THE ANNUAL TOWN MEETING HELD

MONDAY, MAY 5, 2025, 7:00 P.M.

ACTON-BOXBOROUGH REGIONAL HIGH SCHOOL AUDITORIUM

WITH ADJOURNED SESSION HELD MAY 6, 2025

Article 32: Adopt New General Bylaw - Leaf Blower Control (majority vote)

To see if the Town will vote to amend the General Bylaws of the Town by adding a new Chapter AG titled Leaf Blower Control to read as follows, and that non-substantive changes in the numbering and heading of this bylaw be permitted in order that it be in compliance with the format of the General Bylaws; or take any other action relative thereto.

SECTION 1: STATEMENT OF PURPOSE

The purpose of this Bylaw is to reduce noise pollution, air pollution, harm to wildlife, soil, and plants, and general negative public health outcomes from the combustion of petroleum-based fuels used in gas-powered leaf blowers.

SECTION 2: DEFINITIONS

- a. "Leaf Blower" shall mean a portable handheld or backpack style power tool that is powered by petroleum-based fuel or electricity and used in any landscape maintenance, construction, property repair, or property maintenance for the purpose of blowing, moving, removing, dispersing, or redistributing leaves, dust, dirt, grass clippings, cuttings, and trimmings from trees and shrubs or any other type of litter or debris.

Excluded from this definition are wheeled four-stroke leaf blowers, and any leaf blowing devices attached to a tractor and/or mower.

- a) "Gas-Powered Leaf Blower" shall mean any portable handheld or backpack style power leaf blower that is powered by a petroleum-based engine and used in any landscape maintenance, construction, property repair, or property maintenance for the purpose of blowing, moving, removing, dispersing, or redistributing leaves, dust, dirt, grass clippings, cuttings, and trimmings from trees and shrubs, or any other type of litter or debris. Excluded from this definition are wheeled four-stroke leaf blowers, and any leaf blowing devices attached to a tractor and/or mower.
- b) "Wheeled Four-Stroke Leaf Blower" shall mean any wheeled walk-behind or ride-on leaf blower that is powered by a petroleum-based four-stroke engine and used in any landscape maintenance, construction, property repair, or property maintenance for the purpose of blowing, moving, removing, dispersing, or redistributing leaves, dust, dirt, grass clippings, cuttings, trimmings from trees and shrubs, or any other type of litter or debris. Excluded from this definition are any leaf blowing devices attached to a tractor and/or mower.
- c) "Commercial Leaf Blower Operator" shall mean any entity, organization, or multi-parcel owner, as defined in this Chapter with three (3) or more workers that receive income, remuneration, or compensation of any kind, whether as a fee, a charge, salary, wages, or otherwise, for operating a leaf blower.
- d) "Small Commercial Leaf Blower Operator" shall mean any entity, organization, or multi-parcel owner, as defined in this Chapter with two (2) or fewer workers that receive income, remuneration, or compensation of any kind, whether as a fee, a charge, salary, wage, or otherwise, for operating a leaf blower.
- e) "Municipal Leaf Blower Operator" shall mean any public entity, or any contractor with workers that receive income, remuneration, or compensation of any kind from a Municipal entity, whether as a fee, a charge, salary, wages, or otherwise, for operating a leaf blower.
- f) "Property Owner" shall mean the legal owner of record of real property as listed by the tax assessor's records.
- g) "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.
- i. "Town" shall mean the Town of Acton, Massachusetts.

SECTION 3: LIMITATIONS ON USE

- a. Effective January 1, 2027, the Town shall prohibit the use of Gas-Powered Leaf Blowers by all operators including, but not limited to, Commercial Leaf Blower Operators, Municipal Blower Operators, Small Commercial Leaf Blower Operators, and property owners.
- b. During the first year, the prohibition in Subsection 3.a shall not apply during the spring clean-up period of March 15, 2027 to May 31, 2027 and the fall clean-up period of September 15, 2027 to December 31, 2027.
- c. Effective December 31, 2027, the use of Gas-Powered Leaf Blowers in the Town shall be prohibited by all operators at all times, including during spring and fall clean-up periods.

- d. The prohibitions in Subsections 3.a and 3.c shall not apply to the use of Wheeled Four-Stroke Leaf Blowers, or to leaf blowing devices attached to a tractor or mower.

SECTION 4: REGULATIONS AND ADMINISTRATION

- a. The Town Manager (or their designee) shall have the authority to waive temporarily any of the limitations on the use of Leaf Blowers set forth in this Bylaw in order to aid in emergency operations or clean-up associated with storms. In the event of issuing a temporary waiver, the Town Manager (or their designee) shall post a notice prominently on the Town of Acton's web site and make other good faith efforts to notify the public.
- b. After January 1, 2026, the Town shall not purchase or acquire Gas Powered Leaf Blowers. The Town shall phase out the use of wheeled four-stroke leaf blowers as soon as it deems it technologically and financially feasible to do so.
- c. The Town shall make available information notifying the public and commercial landscapers about the health and safety effects of gas-powered leaf blowers and inform them about this Bylaw.

SECTION 5: ENFORCEMENT

- a. The Town Manager (or their designee) shall enforce the provisions of this Bylaw. 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 noncriminal 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.b.
- b. For violations of this Bylaw in any calendar year, the Commercial Leaf Blower Operator, Property Owner, or Property Manager shall be subject to the following penalties:
 - i. For the first offense, a written warning will be issued.
 - ii. The penalty shall be \$100 for a second offense, and \$300 for the third and each subsequent offense.
 - iii. Each day or part thereof shall constitute a separate offense.

**AMENDMENT TO ADD ONE YEAR TO START OF ENFORCEMENT OF BYLAW MOVED AND
SECONDED; MOTION TO ADD ONE YEAR TO START OF ENFORCEMENT VOTED ON;
MOTION CARRIES; NEW EFFECTIVE DATE WILL BE DECEMBER 31, 2028**

MOTION CARRIES; 149-105



**EXCERPT OF THE ANNUAL TOWN MEETING HELD
MONDAY, MAY 5, 2025, 7:00 P.M.
ACTON-BOXBOROUGH REGIONAL HIGH SCHOOL AUDITORIUM
WITH ADJOURNED SESSION HELD MAY 6, 2025**

**Article 33: Adopt New and Amend General Bylaws - Tree Clearing Delay Bylaw
(majority vote)**

A. To determine whether the Town will vote to amend the Town Bylaws by adding a new Bylaw, Tree Clearing Delay Bylaw, to regulate tree clearing prior to obtaining a development permit as follows:

Chapter AF

TREE CLEARING DELAY BYLAW

Section AF1 Intent and Purpose

The Town of Acton finds that mature Trees have aesthetic appeal, improve air quality, provide stormwater and heat protection, reduce noise, aid in the stabilization of soil, provide natural flood and drainage control, create habitats for wildlife, enhance property values, store carbon and prevent or ameliorate the adverse impacts by climate change, confer physical and mental health benefits and contribute to the distinct character of neighborhoods and provide natural privacy to neighbors.

The intent of the Tree Clearing Delay Bylaw (“Tree Bylaw”) is to prevent clearcutting and preserve and protect trees, including tree canopy, understory, root system, soil, and to encourage the Clearing Delay of Trees on private property until a development permit is approved.

The purpose of the Tree Bylaw is to protect these interests by minimizing the removal of trees and disturbance of soil, that are likely to have cumulative and significant effects on these protected interests. This Tree Bylaw will prevent the loss of trees and their associated benefits in the event a permit is not approved or does not move forward. Safeguarding these interests is critical for maintaining a healthy environment and the vital life-supporting services it provides to the residents of Acton.

Section AF2 Applicability

No person shall remove a Forest prior to issuance of the following permits: Land Disturbance Permit, Site Plan Special Permit under Zoning Bylaw section 10.4, Senior Residence Development under Zoning Bylaw Section 9B, Subdivision Approval under M.G.L. c. 41, §§ 81K-81GG and the Town of Acton Planning Board Subdivision Rules and Regulations including Approval Not Required Plans (ANR), and M.G.L. Chapter 40B.

Section AF3 Definitions

- Caliper: the diameter of a Tree trunk (in inches). For Trees up to and including four (4) inches in diameter, the Caliper is measured six (6) inches above the existing grade at the base of the Tree. For Trees larger than four (4) inches in diameter, the Caliper is measured twelve (12) inches above the existing grade at the base of the Tree.
- Diameter at Breast Height (DBH): the diameter (in inches) of a Tree trunk four and one-half (4.5) feet above the existing grade at the base of the Tree. If a Tree has multiple trunks, the aggregate diameters of the multiple trunks shall be used.

2025 Annual Town Meeting Warrant Town of Acton, Massachusetts Page 58

- Certified Arborist: professional arborist possessing current certification issued by the International Society of Arboriculture (I.S.A.) and/or the Massachusetts Arborist Association (M.A.A.).
- Forest: An area of 40,000sf or more dominated by Trees with a canopy of 50% or greater.
- Forestry: the science, the art and the practice of conserving and managing for human benefit the natural resources, including trees, other plants, animals, soil and water, that occur on and in association with forest lands.
- Implementing Authority: Any agent delegated in writing by the Town Manager pursuant to Section AF4 to implement the Tree Bylaw.
- Tree: Any self-supporting, woody perennial plant usually having a single trunk with aDBH of three (3) inches or more which normally attains a mature height of six (6) feet or greater.
- Tree Removal: shall mean mechanical demolition of a living Tree, or any act (a) that has caused or will cause a Tree to die within the previous 12 months or (b) is likely to cause significant decline or death as determined by the Implementing Authority based on arboricultural practices recommended by the International Society of Arboriculture (I.S.A.)
- Cross-Sectional Estimate: A measurement in square inches, created by squaring the diameter of a tree, whether Caliper or DBH, and multiplying by three-fourths, used as a rough estimate of the cross-section of a tree.

Section AF4 Responsibility for Administration

The Acton Select Board shall administer this Tree Bylaw. It shall, with the approval of the Town Manager, designate a Town department or official to be the Implementing Authority for this Bylaw.

Section AF5 Exemptions

The following shall be exempt from the requirements of the Tree Bylaw:

- Public Shade Trees pursuant to M.G.L. Chapter 87;
- Property owned by the Federal Government, the Commonwealth, the Town of Acton or the Acton Water Supply District;
- Property under the care, custody, management and control of the Conservation Commission or Agricultural Commission;
- Emergency projects necessary for public safety, health and welfare, as determined by the Implementing Authority;

- Removal of trees severely damaged as the direct result of a natural disaster, disease or insect infestation of a permanent nature, or trees that are hazardous as determined by the Implemented Authority;
- Land subject to a Conservation Restriction;
- Land subject to a M.G.L. c. 61;
- Land subject to a M.G.L. c. 132; and
- Land used for Agriculture as defined in 310 CMR 10.00: Wetland Clearing Delay Act (WPA), Subsection 10.04.

Section AF6 Procedures and Requirements for Tree Protection

If, in the 24 months prior to obtaining a permit required under this Tree Bylaw, any Forest of more than 40,000sf that was previously exempt under Section AF5 has been removed within the proposed development, the Implementing Authority may impose fines pursuant to the fine schedule in Section AF7 of this bylaw

Section AF7 Enforcement

The Implementing Authority shall enforce the provisions of the Tree Bylaw. Anyone who violates a provision of this Bylaw by doing Tree Removal of a Forest without the applicable permit(s) shall be required to provide the following mitigation:

- a. Replacement of Trees on the same Lot or abutting property shall be calculated as follows: for each individual tree that was removed, find the area (πr^2) of the cross-section whether Caliper or DBH, then divide by two. For example: If a tree is measured as 10 inches DBH, the radius is 5 inches. Multiplying 5 by 5 equals 25, which when multiplied by 3.14 (π) equals 78.5. Thus, the cross-sectional area of a 10 inches DBH tree is 78.5. Then, divide 78.5 by two, the total replacement tree area would be 39.25 total cross section; or
- b. Contribution to the Town of Acton's Tree Fund, according to the most recent Tree Mitigation Contribution Rate Schedule set forth in the Regulations promulgated under this Bylaw; or
- c. A combination of on- or near-site tree replacement and contribution to the Town of Acton pursuant to Section AF7(2).

If the Implementing Authority is unable to determine the number of trees that were removed due to excessive clearing and grading, the replacement shall be based off the ratio of trees per acre pursuant to the average Forestry count in Massachusetts.

In addition, anyone who violates any provision of this Bylaw may also be subject to a fine pursuant to M.G.L. c. 40, §21D of not more than three hundred dollars for each offense as set forth in General Bylaws Chapter E45.

Section AF8 Town of Acton Tree Fund

Any moneys collected per Section AF7 shall be deposited in the Tree Fund, established pursuant to M.G.L. 44, § 53E½, and shall be used solely for the purpose of tree assessments and/or surveys, buying, planting and maintaining Trees within the Town.

Section AF9 Rules & Regulations

The Acton Select Board may promulgate and amend from time to time Rules and Regulations to administer this Tree Bylaw and shall file a copy of said Rules and Regulations in the office of the Town Clerk. Such Rules and Regulations may prescribe the size, form, contents, style, and number of copies of plans and specifications, the procedure for the submission and approval of such plans, the procedure for determining compliance and a fine schedule in the case of violations. The Select Board shall adopt or amend the Rules and Regulations only after a public hearing, which shall be advertised at least 14 days prior to the date of the public hearing.

Section AF10 Severability Clause

If any provision of this Bylaw is declared unconstitutional or illegal by final judgment, order or decree a court of competent jurisdiction, the validity of the remaining provisions of this Bylaw shall not be affected thereby.

B. Amend Chapter Y of General Bylaw by retitle of the Revolving Fund Bylaw, “Public Shade Trees”, to “Tree Fund”.

C. Amend Chapter E45 of the General Bylaw to add fines pursuant to non-criminal disposition for violations of this Bylaw as set forth herein.

; or take any other action relative thereto.

:

MOTION CARRIES; 125-123



TOWN CLERK

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**EXCERPT OF THE ANNUAL TOWN MEETING HELD
MONDAY, MAY 5, 2025, 7:00 P.M.
ACTON-BOXBOROUGH REGIONAL HIGH SCHOOL AUDITORIUM
WITH ADJOURNED SESSION HELD MAY 6, 2025**

Article 34: Home Rule Petition - Checkout Bag Minimum Charge (*majority vote*)

To see if the Town will vote to authorize the Select Board to petition the General Court to adopt legislation, as set forth below, to implement a minimum charge of \$0.15 for all new checkout bags distributed in the Town of Acton, which legislation would have the underlying purposes of (1) incentivizing consumers to reuse checkout bags, the most environmentally sustainable and economical option, (2) allowing consumers to have the choice of not paying for unwanted or unneeded new checkout bags, (3) allowing collected money to be retained by the retailer so as to help businesses defray the costs of switching to more environmentally sustainable checkout bag options, and (4) reducing the generation of waste and associated costs of disposal and recycling that must be borne by the Town and its residents; provided, however, that the General Court may make clerical and editorial changes of form only to said bill, unless the Select Board approves amendments to the bill prior to enactment by the General Court; and provided further that the Select Board shall be authorized to approve any such amendments which shall be within the scope of the general public purposes of this petition; or to take any other action relative thereto.

SECTION 1. The following words, unless the context clearly requires otherwise, shall have the following meanings:

“Checkout Bag” shall mean a bag provided by a retail establishment to a customer at the point of sale. Checkout bags shall not include any type of bag, used by a retail establishment, or provided to its customer for:

1. prescription medications,
2. produce, bakery items, and other food items to keep such items fresh or unsoiled,
3. preventing frozen food items, including ice cream, from thawing,
4. containing products or items that are saturated, wet, prone to leak, or need to be immersed in a liquid,
5. containing products or items that are granular, powdery, dirty or greasy,

6. protecting an item from damage or contamination, or to protect a second item when both are carried together from the retail establishment,
7. protecting articles of clothing on a hanger,
8. items that contain any herbicide, pesticide, solvent, corrosive, automotive type fluid or other chemical, that can be harmful to public health, whether or not, the item is prepackaged in a sealed container or bag,
9. protecting small items from loss,
10. any item that requires the use of a certain type bag, under federal and state laws and regulations.

“Retail Establishment” shall mean any business facility that sells goods directly to the consumer whether for or not for profit, including but not limited to, retail stores, restaurants, pharmacies, convenience and grocery stores, liquor stores, and seasonal and temporary businesses.

SECTION 2.

- (a) Notwithstanding any general or special law to the contrary, any retail establishment which makes available checkout bags in the Town of Acton shall charge for each such bag a fee equal to or greater than \$0.15 per checkout bag, as established by regulations to be duly promulgated by the Acton Board of Health.
- (b) All monies collected pursuant to this section shall be retained by the retail establishment.
- (c) Any charge for a checkout bag shall be separately stated on a receipt provided to the customer at the time of sale and shall be identified as the “checkout bag charge” thereon.

SECTION 3.

- (a) The Health Agent for the Acton Board of Health or his/her designee shall have authority to oversee this Act and any regulations promulgated thereunder.
- (b) The Acton Board of Health may adopt and amend rules and regulations to effectuate the purposes of this Act.

SECTION 4. If any provision of this Act is declared to be invalid or unenforceable, the other provisions shall be severable and shall not be affected thereby.

SECTION 5. This Act shall take effect three months after its passage.

AN ACT AUTHORIZING THE TOWN OF ACTON TO ESTABLISH A MINIMUM CHARGE FOR A CHECKOUT BAG

Motion:

Ms. Arsenault moves that the Town authorize the Select Board to petition the General Court for a Home Rule Act as set forth in the Article.

CONSENT MOTION CARRIES; ARTICLE HELD; ELECTRONIC VOTE 125-123



TOWN CLERK

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**EXCERPT OF THE ANNUAL TOWN MEETING HELD
MONDAY, MAY 5, 2025, 7:00 P.M.
ACTON-BOXBOROUGH REGIONAL HIGH SCHOOL AUDITORIUM
WITH ADJOURNED SESSION HELD MAY 6, 2025**

Article 34: Home Rule Petition - Checkout Bag Minimum Charge (*majority vote*)

To see if the Town will vote to authorize the Select Board to petition the General Court to adopt legislation, as set forth below, to implement a minimum charge of \$0.15 for all new checkout bags distributed in the Town of Acton, which legislation would have the underlying purposes of (1) incentivizing consumers to reuse checkout bags, the most environmentally sustainable and economical option, (2) allowing consumers to have the choice of not paying for unwanted or unneeded new checkout bags, (3) allowing collected money to be retained by the retailer so as to help businesses defray the costs of switching to more environmentally sustainable checkout bag options, and (4) reducing the generation of waste and associated costs of disposal and recycling that must be borne by the Town and its residents; provided, however, that the General Court may make clerical and editorial changes of form only to said bill, unless the Select Board approves amendments to the bill prior to enactment by the General Court; and provided further that the Select Board shall be authorized to approve any such amendments which shall be within the scope of the general public purposes of this petition; or to take any other action relative thereto.

SECTION 1. The following words, unless the context clearly requires otherwise, shall have the following meanings:

“Checkout Bag” shall mean a bag provided by a retail establishment to a customer at the point of sale. Checkout bags shall not include any type of bag, used by a retail establishment, or provided to its customer for:

1. prescription medications,
2. produce, bakery items, and other food items to keep such items fresh or unsoiled,
3. preventing frozen food items, including ice cream, from thawing,
4. containing products or items that are saturated, wet, prone to leak, or need to be immersed in a liquid,
5. containing products or items that are granular, powdery, dirty or greasy,

6. protecting an item from damage or contamination, or to protect a second item when both are carried together from the retail establishment,
7. protecting articles of clothing on a hanger,
8. items that contain any herbicide, pesticide, solvent, corrosive, automotive type fluid or other chemical, that can be harmful to public health, whether or not, the item is prepackaged in a sealed container or bag,
9. protecting small items from loss,
10. any item that requires the use of a certain type bag, under federal and state laws and regulations.

“Retail Establishment” shall mean any business facility that sells goods directly to the consumer whether for or not for profit, including but not limited to, retail stores, restaurants, pharmacies, convenience and grocery stores, liquor stores, and seasonal and temporary businesses.

SECTION 2.

- (a) Notwithstanding any general or special law to the contrary, any retail establishment which makes available checkout bags in the Town of Acton shall charge for each such bag a fee equal to or greater than \$0.15 per checkout bag, as established by regulations to be duly promulgated by the Acton Board of Health.
- (b) All monies collected pursuant to this section shall be retained by the retail establishment.
- (c) Any charge for a checkout bag shall be separately stated on a receipt provided to the customer at the time of sale and shall be identified as the “checkout bag charge” thereon.

SECTION 3.

- (a) The Health Agent for the Acton Board of Health or his/her designee shall have authority to oversee this Act and any regulations promulgated thereunder.
- (b) The Acton Board of Health may adopt and amend rules and regulations to effectuate the purposes of this Act.

SECTION 4. If any provision of this Act is declared to be invalid or unenforceable, the other provisions shall be severable and shall not be affected thereby.

SECTION 5. This Act shall take effect three months after its passage.

AN ACT AUTHORIZING THE TOWN OF ACTON TO ESTABLISH A MINIMUM CHARGE FOR A CHECKOUT BAG

Motion:

Ms. Arsenault moves that the Town authorize the Select Board to petition the General Court for a Home Rule Act as set forth in the Article.

CONSENT MOTION CARRIES; ARTICLE HELD; ELECTRONIC VOTE 125-123



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TOWN CLERK

**EXCERPT OF THE ANNUAL TOWN MEETING HELD
MONDAY, MAY 5, 2025, 7:00 P.M.
ACTON-BOXBOROUGH REGIONAL HIGH SCHOOL AUDITORIUM
WITH ADJOURNED SESSION HELD MAY 6, 2025**

**Article 35: Home Rule Petition - Public Safety Residency Radius Requirement
(majority vote)**

To see if the Town will vote to authorize the Select Board to petition the General Court and take the necessary action to enact special legislation to establish that, notwithstanding the provisions of G. L c. 41, § 99A, the Town of Acton, upon enactment of the legislation, may increase the fifteen (15) mile residency requirement on members of the Acton Police and Fire Departments that is contained in G. L c. 41, § 99A, provided, however, that any increase in the residency limit would be subject to a collective bargaining agreement negotiated in accordance with G. L c. 150E.

Motion:

Ms. Arsenault moves that the Town authorize the Select Board to petition the General Court for a Home Rule Act as set forth in the Article.

CONSENT MOTION CARRIES



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MONDAY, MAY 5, 2025, 7:00 P.M.
ACTON-BOXBOROUGH REGIONAL HIGH SCHOOL AUDITORIUM
WITH ADJOURNED SESSION HELD MAY 6, 2025**

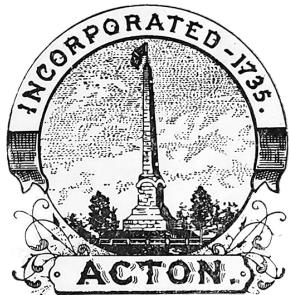
**Article 35: Home Rule Petition - Public Safety Residency Radius Requirement
(majority vote)**

To see if the Town will vote to authorize the Select Board to petition the General Court and take the necessary action to enact special legislation to establish that, notwithstanding the provisions of G. L c. 41, § 99A, the Town of Acton, upon enactment of the legislation, may increase the fifteen (15) mile residency requirement on members of the Acton Police and Fire Departments that is contained in G. L c. 41, § 99A, provided, however, that any increase in the residency limit would be subject to a collective bargaining agreement negotiated in accordance with G. L c. 150E.

Motion:

Ms. Arsenault moves that the Town authorize the Select Board to petition the General Court for a Home Rule Act as set forth in the Article.

CONSENT MOTION CARRIES



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**ACTON-BOXBOROUGH REGIONAL HIGH SCHOOL AUDITORIUM
WITH ADJOURNED SESSION HELD MAY 6, 2025**

***Article 36: Acceptance of the Municipal Modernization Act Amendment of 2016**

(majority vote)

To see if the Town will vote to accept the provisions of M.G.L. c. 32B, § 20, as amended by Chapter 218, Section 15 of the Acts of 2016 (the “Municipal Modernization Amendment”) governing the Town’s Other Post-Employment Benefit (OPEB) Trust Fund for the benefit of retired Town employees

and their dependents, or take any other action relative thereto.

MOTION CARRIES



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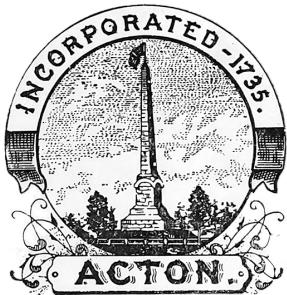
Article 37: Citizen Petition Citizens Library Expenses 1 (majority vote)

Petition for a 2025 Town Meeting Warrant Article

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 to fund legal expenses relative to limiting the authority of the

West Acton Citizens' Library Association of West Acton, also known as West Acton Citizens' Library.

**MOTION TO TAKE NO ACTION; MOVED AND SECONDED
MOTION CARRIES**



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TOWN CLERK

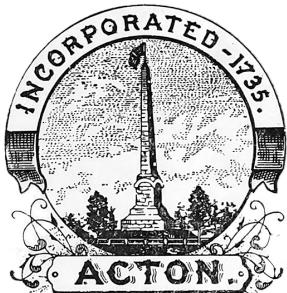
**EXCERPT OF THE ANNUAL TOWN MEETING HELD
MONDAY, MAY 5, 2025, 7:00 P.M.
ACTON-BOXBOROUGH REGIONAL HIGH SCHOOL AUDITORIUM
WITH ADJOURNED SESSION HELD MAY 6, 2025**

Article 38: Citizen Petition Citizens Library Expenses 2 (majority vote)

The undersigned call for the following motion and summary to be added to the 2025 Town Meeting Warrant

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 to fund legal expenses relative to limiting the authority of the West Acton Citizens' Library Association of West Acton, also known as West Acton Citizens' Library.

**MOTION TO TAKE NO ACTION; MOVED AND SECONDED
MOTION CARRIES**



TOWN OF ACTON
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TOWN CLERK

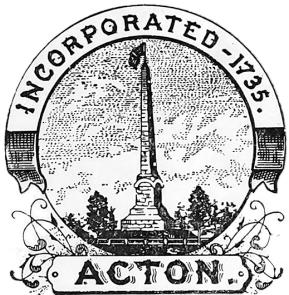
**EXCERPT OF THE ANNUAL TOWN MEETING HELD
MONDAY, MAY 5, 2025, 7:00 P.M.
ACTON-BOXBOROUGH REGIONAL HIGH SCHOOL AUDITORIUM
WITH ADJOURNED SESSION HELD MAY 6, 2025**

Article 39: Citizen Petition Citizens Library Expenses 3 (majority vote)

The undersigned call for the following motion and summary to be added to the 2025 Town Meeting Warrant

Motion: 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 to fund legal expenses relative to limiting the authority of the Trustees of the West Acton Citizens' Library Association of West Acton, also known as West Acton Citizens' Library.

**MOVED TO POSTPONE INDEFINITELY
MOTION CARRIES**



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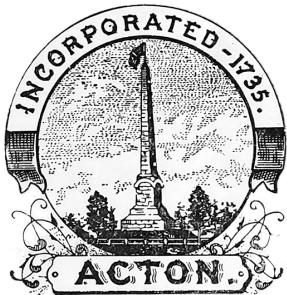
TOWN CLERK

**EXCERPT OF THE ANNUAL TOWN MEETING HELD
MONDAY, MAY 5, 2025, 7:00 P.M.
ACTON-BOXBOROUGH REGIONAL HIGH SCHOOL AUDITORIUM
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Article 40: Citizen Petition to Hold Workshop *(majority vote)*

Motion: To see if Town Meeting wants the Select Board to hold a workshop to examine the pros and cons regarding the proposal to add a traffic light at the intersection of Hayward and Main Streets, and for feedback from, neighbors and the general public at such a workshop to inform its decision making.

MOTION CARRIES; 94-42



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Article 41: Citizen Petition to Conduct Impact Study *(majority vote)*

Motion: We urge Town leaders, before recommending any major zoning proposal, to perform [and release for public review] detailed impact studies, which examine various outcomes, such as likely and worst case scenarios of what would/could happen should the zoning proposal be accepted.

MOTION CARRIES