

**ABSTRACT OF THE ANNUAL TOWN MEETING HELD
MONDAY, APRIL 4, 2016, 7:00 P.M.
ACTON-BOXBOROUGH REGIONAL HIGH SCHOOL AUDITORIUM
WITH ADJOURNED SESSION HELD APRIL 5, 2016
NUMBER OF REGISTERED VOTERS ATTENDING TOWN MEETING
APRIL 4, 2016 – 242 AND APRIL 5, 2016 – 496**

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The Moderator, Mr. Don Mackenzie, called the Annual Town Meeting to order on Monday, April 4, 2016, at 7:02 PM.

Mr. MacKenzie announced that we will be electing the new moderator as a Temporary Moderator for this Town Meeting to work a few articles so that Town Meeting can get to know him better.

The Moderator introduced the Town Clerk, Eva Szkaradek so that Town Meeting could elect a Temporary Moderator.

The Town Clerk, Eva Szkaradek - Under Town Charter Section 3-2 and General Law, chapter 39, section 14, Town Meeting will now elect a Temporary Moderator to assist the Moderator and to preside over portions of this Annual Town Meeting.

Ms Green nominates Peter K. Ashton of 1 Olde Barn Way, Acton, to be the Temporary Moderator for the Annual Town Meeting.

Motion Carries Unanimously

Mr. Ashton was sworn in by the Town Clerk.

Mr. Mackenzie introduced the chairman of the Board of Selectmen, Ms. Katie Green, who then introduced the members at the table. Eva Szkaradek - Town Clerk, Steve Anderson - Town Counsel, Steve Ledoux – Town Manager, Peter Berry – V Chair, Janet Adachi – Clerk, as well as Franny Osman and Chingsung Chang, members of the Board of Selectmen.

The Moderator introduced the Chair of the Finance Committee, Mike Majors, who then introduced the members of the Finance Committee, Margaret Busse-vice chair, Doug Tindal-clerk, Steve Noone, Bob Evans, Roland Bourdon, Jason Cole, Dave Wellinghoff, and Shuyu Lee.

Mr. Mackenzie gave a brief overview of the process of Town Meeting.

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	\$ 20.00 per Town Meeting session
Board of Selectmen, Chairman	\$ 750.00 per year
Board of Selectmen, Member	\$ 650.00 per year

, or take any other action relative thereto.

MOTION: **Ms. Green** moves that the Town fix the compensation for elected officers as shown in the Article.

MOTION CARRIES

Andrea Miller, Trustee of the Elizabeth White Fund, nominates Jo-Ann M. Berry of 2 Heron View Rd, Acton, for the position of Trustee of the Elizabeth White Fund, term to expire 2019.

MOTION CARRIES UNANIMOUSLY

Andrea Miller, Trustee of the Elizabeth White Fund, nominates MaryAnn B. Ashton, of 1 Olde Barn Way, Acton, for the position of Trustee of the Elizabeth White Fund, term to expire 2018.

MOTION CARRIES UNANIMOUSLY

Pamela Cochrane, Trustee of the West Acton Citizens Library, nominates Nancy Lenicheck of 24 Windsor Ave, Acton, for the position of Trustee of the West Acton Citizens Library, term to expire 2019.

MOTION CARRIES UNANIMOUSLY

William Klauer, Trustee of the Acton Firefighters' Relief Fund, nominates Robert A. Vanderhoof of 125 Willow Street, Acton, for the position of Trustee of the Acton Firefighters' Relief Fund, term to expire 2019.

MOTION CARRIES UNANIMOUSLY

Ms Chang moves to have the Articles dealing with Kelley's corner be the first order of business on Tuesday night, these would be Articles 22 and 23.

Motion carries unanimously to take up Article 22 and 23 as the first order of business on Tuesday.

Article 2 Hear and Accept Reports
(Majority vote)

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: **Mrs. Osman** moves that the Town accept the reports of the various Town Officers and Boards as set forth in the 2015 Town Report and that the Moderator call for any other reports.

MOTION CARRIES UNANIMOUSLY

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 amount appropriated at the 2015 Annual Town Meeting, or take any other action relative thereto.

MOTION: **Ms. Green** moves that the Town take no action.

MOTION CARRIES UNANIMOUSLY

Article 4 Town Operating Budget
(Majority vote)

To see if the Town will raise and appropriate, transfer or appropriate from available funds, a sum of money to defray the necessary expenses of the departments, offices and boards of the Town, exclusive of the Regional School budgets, or take any other action relative thereto.

MOTION: **Ms. Green** moves that the Town appropriate \$32,247,604 to be expended by the Town Manager for the purpose of funding the fiscal year 2017 municipal budget, and to meet this appropriation,

\$31,593,447 be raised from general revenues,

\$ 654,157 be transferred from Free Cash,

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.

MOTION CARRIES UNANIMOUSLY

Article 5 Acton-Boxborough Regional School District Assessment
(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, a sum of money to defray the necessary expenses of the Acton-Boxborough Regional School District, or take any other action relative thereto.

MOTION: **Mrs. Rychlik** moves that the Town appropriate \$55,547,097 to be expended by the Superintendent of Schools to fund the fiscal year 2017 assessment of the Acton-Boxborough Regional School District, and to meet this appropriation,

\$54,892,940 be raised from general revenues and

\$ 654,157 be transferred from Free Cash.

MOTION CARRIES UNANIMOUSLY

Krystina Rychlik introduced the members of the Regional School Committee and thanked Michael Coppolino, who will be stepping down after eighteen years of service to the school committee.

Mr. Coppolino thanked all the citizens of Acton as well as past town meeting members.

Mrs. Rychlik introduced the newest School Committee member, Yi Zhang, who will be sworn in at the close of Town Meeting.

Article 6 Stabilization Fund – Capital
(Two-thirds vote)

To see if the Town will transfer and appropriate from available funds a sum of money to the Capital Stabilization Fund, or take any other action relative thereto.

MOTION: **Ms. Green** moves that the Town appropriate and transfer \$1,800,000 from Free Cash to the Capital Stabilization Fund.

MOTION CARRIES
Declared 2/3 by Moderator*

Town of Acton has accepted MGL CH 39 Sec 15 at its Annual Town Meeting April 2001, Article 43 and the amended Bylaw 5A was approved by the Attorney General on Aug. 6, 2001.
(The Town Meeting Moderator is not required to count a 2/3 required vote.)

Article 7 Capital Vehicles and Equipment
(Two-thirds vote)

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

A.	Fire Engine (Pumper)	\$ 650,000
B.	Ambulance	245,000
C.	Shift Commander Vehicle	60,000
	Total	\$ 955,000

MOTION: **Ms. Green** moves that the Town appropriate \$955,000 to be expended by the Town Manager for the purposes set forth in the Article, including costs incidental and related thereto, and to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$955,000 under Massachusetts General Laws Chapter 44, Section 7, as amended, and that the debt service related to any borrowing incurred pursuant to this vote shall be paid through the Ambulance Enterprise Fund, and that the Town Manager be authorized to sell, trade or dispose of vehicles and equipment being replaced and to expend any proceeds so received.

MOTION CARRIES UNANIMOUSLY

Article 8 Capital Infrastructure and Design
(Majority vote)

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

A.	Paint Town Hall	162,000
B.	South Acton Commuter Lot Landscaping Design	20,000
	Total	\$ 182,000

MOTION: **Ms. Green** moves that the Town appropriate \$182,000 to be expended by the Town Manager for the purposes set forth in the Article, including costs incidental and related thereto, and to meet this appropriation,

\$ 162,000 be transferred from Free Cash, and

\$ 20,000 be transferred from the commuter lot parking fees fund balance and used for item 8-B.

Mr. Mackenzie asked that this Article be moderated by the new and incoming Moderator, Mr. Peter Ashton.

Mr. Tindal moved to amend to paint the Town Hall building white.

Motion to amend lost

Original Motion Carries

Article 9 Minuteman Regional School District Assessment (Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, a sum of money 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 appropriate and transfer \$997,655 from Free Cash to fund the fiscal year 2017 assessment of the Minuteman Regional School District.

The Moderator asked Town Meeting to vote to allow Mr. Kevin Mahoney, Assistant Superintendent of Finance of the Minuteman Regional High School to make the presentation on this article.

Motion carries unanimously to allow speaker.

MOTION CARRIES UNANIMOUSLY

Article 10 Authorize Debt Issuance – Minuteman Regional School District (Majority vote)

To see if the Town will approve the \$144,922,478 borrowing authorized by the Minuteman Regional Vocational Technical School District (the “District”) for the purpose of paying costs of designing, constructing and originally equipping a new district school, to be located at 758 Marrett Road, Lexington, Massachusetts, and for the payment of all other costs incidental and related thereto (the “Project”), which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended at the direction of School Building Committee. The MSBA’s grant program is a non-entitlement, discretionary program based on need as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities. Any grant that the District may receive from the MSBA for the Project shall not exceed the lesser of (i) forty four and three quarters percent (44.75 %) of eligible, approved project costs, as determined by the MSBA, or (ii) the total maximum grant amount determined by the MSBA, and the amount of borrowing authorized shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the District and the MSBA. Any approval of this borrowing shall be contingent upon the approval, on or before March 1, 2016, of the 2016 Amended Regional Agreement for the District by the town meetings of all 16 member towns of the District,

Or take any other action relative thereto.

MOTION: **Mrs. Nourse** moves that the Town approve the borrowing authorized by the Minuteman Regional Vocational Technical School District of \$144,922,478 for the purpose of paying costs of designing, constructing and originally equipping a new district school, to be located at 758 Marrett Road, Lexington, Massachusetts, and for the payment of all other costs incidental and related thereto, as set forth in the Article, on the condition that a majority vote in favor of the motion shall constitute the Town of Acton's approval of the borrowing of said amount by the District and a majority vote opposed to the motion shall constitute the Town of Acton's disapproval of the borrowing of said amount by the District pursuant to Massachusetts General Laws Chapter 71, Section 16(d).

[Please note: Town Counsel drafted this motion, and the Regional School District's Bond Counsel concurs, such that a majority vote in favor of the motion shall constitute the Town of Acton's approval of the borrowing by the District; and that a majority vote opposed to the motion shall constitute the Town of Acton's disapproval of the borrowing of the District pursuant to Massachusetts General Laws Chapter 71, Section 16(d).]

MOTION CARRIES UNANIMOUSLY

Article 11 Fund Collective Bargaining Agreement – Police Patrol (FY16-FY18)
(Majority vote)

To see if the Town will raise and appropriate, transfer or appropriate from available funds a sum of money necessary to fund the cost items contained in Collective Bargaining Agreement(s) between the Town and its police patrol officers union as filed with the Town Clerk, or take any other action relative thereto.

MOTION: **Mr. Berry** moves that the Town appropriate and transfer \$49,668 from the fiscal year 2016 Town Operating Budget to fund the first-year cost items contained in the fiscal year 2016 for the July 1, 2015 through June 30, 2018 Collective Bargaining Agreement between the Town and the Acton Police Patrol Officers Association.

MOTION CARRIES UNANIMOUSLY

Article 12 Fund Collective Bargaining Agreement – Dispatch (FY16-FY18)
(Majority vote)

To see if the Town will raise and appropriate, transfer or appropriate from available funds a sum of money necessary to fund the cost items contained in Collective Bargaining Agreement(s) between the Town and its public safety dispatcher personnel union as filed with the Town Clerk, or take any other action relative thereto.

MOTION: **Mr. Berry** moves that the Town appropriate and transfer \$14,611 from the fiscal year 2016 Town Operating Budget to fund the first-year cost items contained in the fiscal year 2016 for the July 1, 2015 through June 30, 2018 Collective Bargaining Agreement between the Town and the Public Safety Dispatchers Union, International Brotherhood of Teamsters Local Union 25.

MOTION CARRIES UNANIMOUSLY

Budget Consent (majority vote)

Article 13 * Septage Disposal Enterprise Budget

Article 14 * Sewer Enterprise Budget

Article 15 * Transfer Station and Recycling Enterprise Budget

Article 16 * Ambulance Enterprise Budget

Article 17 * Transportation Enterprise Fund

Article 18 * Self-Funding Programs (Revolving Funds)

Article 19 * Town Board Support – Acton-Boxborough Cultural Council

Article 20 * Rescind Borrowing Authorizations

Article 21 * Authorize Payment in Lieu of Taxes – Landfill Solar Facility

MOTION: **Ms. Green** moves that the Town take up the nine articles in the Consent Calendar on pages 41 through 48 of the Warrant: Articles 13, 14, 15, 16, 17, 18, 19, 20 and 21

Hold Article 15 and Article 17

REMAINING CONSENT MOTION CARRIES UNANIMOUSLY

Article 13 * Septage Disposal Enterprise Budget
(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds a sum of money for the purpose of septage disposal, in accordance with Massachusetts General Laws Chapter 44, Section 53 F½, Enterprise Fund Law, or take any other action relative thereto.

MOTION: **Ms. Green** moves that the Town raise from department receipts and appropriate \$138,650 for the purpose of septage disposal.

CONSENT MOTION CARRIES UNANIMOUSLY

Article 14 * Sewer Enterprise Budget
(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds a sum of money for the purpose of operating and maintaining a sewer collection and treatment facility, in accordance with Massachusetts General Laws Chapter 44, Section 53 F½, Enterprise Fund Law, or take any other action relative thereto.

MOTION: Ms. Green moves that the Town raise from department receipts and appropriate \$1,762,541 for the purpose of operating the sewer system.

CONSENT MOTION CARRIES UNANIMOUSLY

Article 16 * Ambulance Enterprise Budget
(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, and transfer a sum of money for the purpose of health care, in accordance with Massachusetts General Laws Chapter 44, Section 53 F½, Enterprise Fund Law, or take any other action relative thereto.

MOTION: Ms. Green moves that the Town appropriate \$785,535 for the purpose of operating the ambulance service, and to raise such amount, \$628,500 be raised from department receipts and \$157,035 be transferred from retained earnings.

CONSENT MOTION CARRIES UNANIMOUSLY

Article 18 * Self-Funding Programs (Revolving Funds)
(Majority vote)

To see if the Town will vote, pursuant to Massachusetts General Laws Chapter 44, Section 53 E½ to establish or continue revolving funds for the Historic District Commission, Building Department, Sealer of Weights and Measures, Health Inspectional Services and Fire Department Fire Alarm Network as noted below:

Fund	Estimated Revenue (\$)	Authorized Expenditure (\$)
Historic District Commission	200	200
Building Department	297,291	297,291
Sealer of Weights and Measures	13,676	13,676

Health Department		
Food Service Inspections	81,623	81,623
Hazardous Materials Inspections	51,476	51,476
Stormwater Inspections	54,680	54,680
Transportation Service		
Crosstown Connect	190,000	190,000
Fire Department		
Fire Alarm Network	64,715	64,715
Total	\$ 753,661	\$ 753,661

, or take any other action relative thereto.

MOTION: **Ms. Green** moves that the revolving funds for the Historic District Commission, Building Department, Sealer of Weights and Measures, Health Department, Transportation Service and Fire Department be continued in the amounts and for the purposes set forth in the expense column of this Article.

CONSENT MOTION CARRIES UNANIMOUSLY

Article 19 * **Town Board Support – Acton-Boxborough Cultural Council**
(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$2,000 to be expended by the Town Manager for the ongoing expenses of the Acton-Boxborough Cultural Council for programs in Acton, or take any other action relative thereto.

MOTION: **Ms. Green** moves that the Town raise and appropriate \$2,000 for the ongoing expenses of the Acton-Boxborough Cultural Council.

CONSENT MOTION CARRIES UNANIMOUSLY

Article 20 * **Rescind Borrowing Authorizations**
(Majority vote)

To see if the Town will rescind the authorized, but unissued balances of the borrowing authorizations set forth below, as such amounts are no longer needed to complete the projects for which they were initially approved:

1. \$226,420 approved under Article 29 of the April 2008 Annual Town Meeting for the purpose of repairing or replacing boiler and heating/ventilation systems at the Conant School.
2. \$332,102 approved under Article 17 of the April 2009 Annual Town Meeting for the purpose of replacing the roof at the Douglas School.

Or take any other action relative thereto.

MOTION: **Ms. Green** moves that the Town rescind the authorized, but unissued balances of the borrowing authorizations set forth in the Article.

CONSENT MOTION CARRIES UNANIMOUSLY

Article 21 * Authorize Payment in Lieu of Taxes – Landfill Solar Facility
(Majority vote)

To see if the Town will authorize, pursuant to the provisions of Massachusetts General Laws, Chapter 59, Section 38H, the Board of Selectmen, Town Manager, and Board of Assessors to negotiate and enter into a payment in lieu of tax agreement (PILOT) with the lessee/operator of the solar photovoltaic energy generating facility at the Acton Landfill, located at 8 Forest Road, and shown on Assessor's Map as Parcel G4-76, upon such terms and conditions as the Board of Selectmen, Town Manager, and Board of Assessors shall deem to be in the best interest of the Town, or take any other action relative thereto.

MOTION: **Ms. Green** moves in the words of the Article.

CONSENT MOTION CARRIES UNANIMOUSLY

Motion to Adjourn: **Ms. Green** moves to adjourn until April 5th at 7:00 PM, at the Acton-Boxborough Regional High School Auditorium.

MOTION TO ADJOURN CARRIES

Annual Town Meeting adjourned at 10:32 PM, until Tuesday, April 5, 2016 at the Acton-Boxborough Regional High School Auditorium at 7:00 PM.

April 5, 2016

The Moderator, Mr. Mackenzie, called the Annual Town Meeting to order on Tuesday, April 5, 2016, at 7:03 PM.

Mr. Mackenzie introduced Town Counsel, Nina Pickering Cook who will be covering for Mr. Anderson.

The Moderator introduced the Town Manager, Steve Ledoux 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 Twelfth year that this award has been issued. The Foundation gave funding eight years ago, to recognize Public Safety Employees with this award as well.

On behalf of the Board of Selectmen and the Town, we would like to thank the Steinberg Lalli Charitable Foundation.

This year's Municipal Employee of the Year award is presented to Weiyuan Sun, of the Health Department. Wei has demonstrated leadership and commitment by graciously taking on the roll as staff translator. Wei bridges language barriers acting and translator for several Town departments when they work with the Asian community. She has been instrumental in helping the town provide programs to allow this population to thrive. Wei is a great asset to the Town and to the Health Department.

Wei thanked the Town for the award and the opportunity to help the community.

Mr. Ledoux honored the eighth annual recipient of the "Joseph A. Lalli Merit Award" for outstanding work of a Public Safety Employee. This year's Public Safety Employee of the Year is presented to Firefighter / EMT Shaun Shattuck of the Acton Fire Department. Shaun joined the Town of Acton in 2012. Shaun helps the Fire Department keep patient care records for the ambulance transports up to date and accurate. Shaun is a great asset to the Town and the Fire Department.

Shaun thanked the citizens of Acton, Elected official and fellow public employees of the Town for being selected to receive the Public safety Employee of the year award.

Mr. Ledoux recognized Police Chief, Frank Widmayer, who will be facing mandatory retirement in January of 2017.

Mr. Ledoux introduced Bill Klauer who presented an award to Tom Tidman for his assistance to Scouting in Acton.

The Town Manager introduced Moderator Elect, Peter Ashton who recognized Don Mackenzie presiding at his last Annual Town Meeting this week. His first Town Meeting was in 1977; making this a total of 40 years that he has served the Town as Moderator. This makes him the longest serving Moderator in the Town's history, and one of the longest in the state.

Don, as Moderator, has made over 100 appointments to the Finance Committee. Don has appointed a former Finance Committee member, a former Selectmen and even a former Town Manager at various times to be the School Committee representative for the Minuteman Regional Vocational Technical School District.

Mr. Mackenzie has been chair of the Massachusetts Moderators Association, Trustee of the Acton Memorial Library Foundation and serves on the board of the Discovery Museums.

Before being elected as Town Moderator, Don served on the Personnel Board for nine years, giving him almost fifty years of volunteer experience to the Town of Acton.

Mr. Ashton thanked Mr. Mackenzie for his service to the Town and for all his extraordinary efforts as Moderator.

Mr. Mackenzie thanked Town Meeting members for allowing him to serve the Town.

Mr. Mackenzie asks Mr. Ashton to preside over the next few Articles.

Article 15 * Transfer Station and Recycling Enterprise Budget
(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, and transfer a sum of money for the purpose of solid waste disposal and recycling in accordance with Massachusetts General Laws Chapter 44, Section 53 F½, Enterprise Fund Law, or take any other action relative thereto.

MOTION: **Ms. Green** moves that the Town appropriate \$848,067 for the purpose of solid waste disposal and recycling, and to raise such amount, \$672,342 be raised from department receipts and \$175,725 be transferred from retained earnings, 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.

Held from consent

The Moderator asked Town Meeting to vote to allow Mr. Corey York, to speak to this article.
Motion carries unanimously to allow speaker.

MOTION CARRIES

Article 17 * Transportation Enterprise Fund
(Majority vote)

To see if the Town will raise and appropriate, transfer or appropriate from available funds a sum of money for the purpose of transportation services, in accordance with Massachusetts General Laws Chapter 44, Section 53 F½, Enterprise Fund Law, or take any other action relative thereto.

MOTION: **Ms Osman** moves that the Town appropriate \$556,288 for the purpose of operating the transportation service, and to raise such amount, \$195,000 be raised from department receipts, \$245,000 be raised from general revenues and \$116,288 be transferred from commuter lot parking fees fund balance.

Held from consent

The Moderator asked Town Meeting to vote to allow Mr. Doug Halley, to speak to this article.
Motion carries unanimously to allow speaker.

MOTION CARRIES UNANIMOUSLY

Moderator, Mr. Mackenzie stepped in to preside on the next Article.

Article 22 Amend Zoning Bylaw & Zoning Map – Kelley's Corner
 (Two-thirds vote)

To see if the Town will amend the Zoning Bylaw and Zoning Map as set forth in this article:

A. In Section 5 - Table of Standard Dimensional Regulations, in the Business District group, delete the line for the KC (Kelley's Corner) Zoning District, and replace it with the following new line:

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
BUSINESS DISTRICTS	KC(15)	10,000	100	50	25(19)	NR(6)	NR	0.20	36

And delete footnote (6), and replace it with the following new footnote (6):

(6) The minimum side or rear yard to a residential zoning district boundary shall be not less than 50 feet. On LOTS in existence on or before February 15, 1990 where this side or rear yard requirement exceeds 20 percent of the LOT depth, the requirement may be reduced to 20 percent of the LOT depth, but not to less than 30 feet. Lot depth shall be measured in a line that is perpendicular to the applicable side or rear LOT line.

And delete footnote (15), and replace it with the following new footnote (15):

(15) Subject to certain provisions in Section 5.6, Special Provisions for the Kelley's Corner District. Section 4.5 establishes the Kelley's Corner Master Planned Development (KC-MPD) Overlay District with different thresholds and dimensions.

And insert a new footnote (19) as follows:

(19) The maximum front yard shall be 30 feet for BUILDINGS that must be located near a STREET pursuant to Section 5.6, Special Provisions for the Kelley's Corner District.

[Notes -

The line for the KC District in the Table of Standard Dimensional Regulations currently reads:

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
BUSINESS DISTRICTS	KC	10,000	100	50	30	NR(6)	NR	0.40(15)	36

Footnote (6) currently reads:

If the LOT abuts a residential zoning district the minimum side and rear yard shall be 50 feet. On LOTS in existence on or before February 15, 1990 where the minimum side or rear yard exceeds 20% of the LOT depth, the side or rear yard may be reduced to 20% of that LOT depth, but not to less than 30 feet. Lot depth shall be measured in a line that is perpendicular to the applicable side or rear LOT line

Footnote (15) currently reads:

Subject to certain provisions in Section 5.6, Special Provisions for the Kelley's Corner District.]

B. Delete Sections 5.6 - Special Provisions for the Kelley's Corner District, 10.4.3.4.g) – Sidewalk requirements for Kelley's Corner per 1995 Plan, and 10.4.3.5.2) - Special Landscaping Standards

for the Kelley's Corner District, and replace them with a new Section 5.6 as follows:

5.6 Special Provisions for the Kelley's Corner District

5.6.1 Purposes – This Section 5.6 is intended to support, enhance and implement the Acton 2020 (Acton's Comprehensive Community Plan) and Kelley's Corner Improvement Initiative goals for Kelley's Corner. Accordingly, the purposes of the zoning regulations set forth herein are to help achieve the following objectives:

- Transform Kelley's Corner into a vibrant town center where people can safely and efficiently navigate using various transportation modes.
- Create the form, cohesion, order, and supporting infrastructure that will identify the Kelley's Corner District as an attractive, walkable, and pleasant town center for living, business, shopping, and community activities.
- Encourage sustainable mixed-use development of properties into places where people enjoy living, working, shopping and socializing.
- Emphasize architecture and site layout that encourages pedestrian interaction and use. Expectations include BUILDINGS with interesting and articulated facades; details and activities at the STREET and sidewalk level that invite interest, interaction and BUILDING access; and outdoor plazas and pocket parks as informal gathering places.
- Provide the minimum necessary vehicular parking sufficient to support the land USES that depend on it.
- Promote pedestrian and bicycle accessibility with generous safety and comfort.
- Use of effective, resilient, and low maintenance landscaping, including shade trees.
- Manage and accommodate site access and egress from and to STREETS with sufficient spacing between access driveways to minimize on-STREET congestion.

5.6.2 Standards – The Site Plan Special Permit Granting Authority (Site Plan SPGA) shall require compliance with the following standards on all LOTS in the KC District. In determining compliance, the Site Plan SPGA shall consult the Kelley's Corner Design Guidelines and solicit advice from the Design Review Board:

5.6.2.1 Buffer to Residence 2 (R-2) Zoning District - Where a business, industrial or multi-family USE, or a parking lot abuts the R-2 District, the Site Plan SPGA shall require a substantially opaque landscape buffer of at least 20 feet in depth that is designed to reduce noise and other impacts.

- a) Where deemed appropriate and necessary to protect abutting Single Family Residential USES in the R-2 District, the Site Plan SPGA may require an increase in the width of this landscape buffer to 30 feet.
- b) In areas where abutting LOTS in the R-2 District have Single Family Dwellings on them, the Site Plan SPGA may require that this buffer shall include a fence, up to eight feet but not less than five feet in height, designed to prevent access to the abutting LOTS.

5.6.2.2 Sidewalks and Walkways – Sidewalks shall be installed along the LOT FRONTAGE on a STREET or on STREETS, and walkways shall be provided between BUILDING entrances

and the nearest STREET or STREETS with minimal interruption by driveways.

- a) Parking lot aisles, and access and interior driveways, shall not be considered walkways.
- b) Sidewalks along STREETS shall be at least 8 feet wide.
- c) Sidewalks may be located within the layout of STREETS or on LOTS.
- d) Unless directed otherwise by the Site Plan SPGA, sidewalks shall be separated from vehicular travel lanes with buffers at least 4 feet wide having landscaped or hardscaped surfaces and where possible room for trees, light poles, and street furniture.

5.6.2.3 STREET Trees – As a baseline standard, trees shall be placed behind sidewalks at 40-45 foot intervals and provided with adequate space to reach maturity. Each such tree shall be from a deciduous species rated for U.S.D.A. Hardiness Zone 5 that is expected to reach at least 30 feet in height at maturity; be at the time of planting at least seven (7) feet in height with a trunk caliper size of at least 2.5 inches; and be situated within a landscaped area of two hundred square feet (200 sq. ft.) to accommodate the root system of the mature tree. The Site Plan SPGA may modify this baseline standard to adjust for site-specific circumstances such as building or driveway locations, or overhead utility lines, while ensuring the adequate provision of STREET trees.

5.6.2.4 BUILDING Design and Layout – Building designs and layouts shall be consistent with the Kelley's Corner Design Guidelines. In addition, the following specific requirements shall apply:

- a) At least 60 percent of the LOT FRONTAGE, measured in percentage of linear feet of the LOT FRONTAGE, shall be occupied by BUILDINGS that are located within 30 feet of the STREET sideline. The Site Plan SPGA may require that a portion not exceeding 20 percent of the 60 percent requirement must be occupied by pedestrian plazas instead of BUILDINGS.
- b) Where the LOT FRONTAGE exceeds 300 feet, at least 70 percent of the LOT FRONTAGE, measured in percentage of linear feet of the LOT FRONTAGE, shall be occupied by BUILDINGS that are located within 30 feet of the STREET sideline. The Site Plan SPGA may require that a portion not exceeding 15 percent of the 70 percent requirement must be occupied by pedestrian plazas instead of BUILDINGS.
- c) Where the LOT FRONTAGE exceeds 500 feet, at least 80 percent of the LOT FRONTAGE, measured in percentage of linear feet of the LOT FRONTAGE, shall be occupied by BUILDINGS that are located within 30 feet of the STREET sideline. The Site Plan SPGA may require that a portion not exceeding 10 percent of the 80 percent requirement must be occupied by pedestrian plazas instead of BUILDINGS.
- d) Any LOT having FRONTAGE on more than one STREET shall comply with the aforesaid BUILDING and pedestrian plaza location requirements along all STREETS on which the LOT has FRONTAGE.
- e) For any LOT with a STREET intersection on its corner the aforesaid BUILDING and pedestrian plaza location requirements shall be met inclusive of the entire STREET corner; in other words, the STREET corner shall be occupied by a BUILDING or a pedestrian plaza.

- f) The Site Plan SPGA may allow a reduction of the aforesaid BUILDING and pedestrian plaza location requirements, if it finds that the presence of statutorily protected natural resource areas, including their no-build and no disturb buffer zones pursuant to the applicable Acton General Bylaws, make strict compliance infeasible. However, such further reduction shall only be made to the minimum necessary extent.
- g) Pedestrian plazas shall function as gathering spots at the STREET level directly adjacent in the fronts or on the sides of BUILDINGS. They shall be designed for exclusive pedestrian use and shall be open and connect to the sidewalk and walkways.
- h) No driveway or parking lot shall be placed in the space between STREETS, and the BUILDINGS and Pedestrian Plazas that abut STREETS within 30 feet as required in this Section.
- i) On the LOT FRONTAGE, the ground floors of BUILDINGS, which abut STREETS within 30 feet as required in this Section, shall be occupied, or designed to be available for occupancy, by USES that promote and interact with a pedestrian, walkable environment. Such USES are Retail Stores, Restaurants, various Services, or similar USES as determined by the Site Plan SPGA. Exempt from this requirement are BUILDING entrances that serve upper stories.
- j) In BUILDINGS that abut STREETS within 30 feet as required in this Section, the main business entrance to each ground floor business, identified by larger doors, signs, canopies, awnings or similar means of highlighting, shall be from the BUILDING front. Additional, secondary ground floor business entrances may be in other location. Retail Stores with a NET FLOOR AREA of at least 20,000 square feet may have a second main entrance in another location, for instance towards a parking lot in the rear or the side of a BUILDING.
- k) Ground floor USES in BUILDINGS that abut STREETS within 30 feet shall have not less than 40 percent transparent windows in the façade facing the STREET.
- l) The main architectural features of the front facades of BUILDINGS, which abut STREETS within 30 feet as required in this Section, including the materials used, shall be continued around all sides of the BUILDINGS that are visible from a STREET. The Site Plan SPGA may approve alternate facades for side and rear BUILDING walls that are consistent with the purposes of this Section 5.6 as stated in Section 5.6.1 and preserve the architectural integrity of the BUILDING as a whole.
- m) The minimum height of single story flat roof BUILDINGS shall be as follows:
 - 20 feet for buildings with overall horizontal side dimensions not exceeding 80 feet in any direction; and
 - 25 feet for buildings with overall horizontal side dimensions measuring 80 feet or greater in any direction.
- n) Garage doors and loading docks are not allowed in the front facades of BUILDINGS that abut STREETS.
- o) BUILDING service and loading areas shall incorporate effective methods for visual and noise buffering from adjacent USES.
- p) A BUILDING's mechanical equipment shall not be visible from the STREET.

5.6.2.5 Driveways and Parking Lots –

- a) No driveway or parking lot shall be placed in the space that is directly between STREETS and BUILDINGS and pedestrian plazas that abut STREETS within 30 feet as required in Section 5.6.2.4. Vehicular driveways and parking lots may be located to the side and rear of such BUILDINGS and pedestrian plazas.
- b) On the sides of BUILDINGS that abut STREETS within 30 feet as required in Section 5.6.2.4, parking lots shall not be located between the sideline of a STREET and the front line of such adjacent BUILDINGS on the same LOT.
- c) Driveway and walkway connections shall be provided to abutting LOTS within the KC District where possible. Where such connections are not available due to current conditions on abutting LOTS, the Site Plan SPGA may require site design that facilitates such connections to such abutting LOTS at a future date.
- d) Access driveways shall be shared as common driveways with adjacent LOTS whenever possible. Where such sharing of driveways is not possible due to current conditions on abutting LOTS, provisions shall be required to create such common driveways at a future date in locations and by means that the Site Plan SPGA may determine.

5.6.2.6 Connectivity - LOTS in the KC District shall have pedestrian and bikeway connections to abutting neighborhoods and facilities outside the KC District. Where such connections are not available due to current conditions in the surrounding area, the Site Plan SPGA may require site design that facilitates such connections at a future date.

[Notes –

Section 5.6 currently reads:

5.6 Special Provisions for the Kelley's Corner District

5.6.1 Purpose – In the Kelley's Corner District, the principal goal guiding the regulations set forth herein is to sustain and encourage a vital business center that provides needed goods, services, jobs and increased tax revenues in a manner that is compatible with Acton's historic development pattern and establishes pedestrian accessibility and circulation throughout the Kelley's Corner area. These regulations will provide clear guidance to those who would like to expand or locate businesses in the Kelley's Corner District. They will ensure that future development will help create the form, cohesion, order, and supporting infrastructure that will identify the Kelley's Corner District as an attractive, pleasant, and desirable center for business, shopping and other commercial and community activities.

Pedestrian access and circulation are favored in order to limit vehicular congestion and air pollution. Adjacent residential neighborhoods will be connected to the Kelley's Corner District via pedestrian ways but are otherwise separated with landscape buffers. In order to support the growth and vitality of the center, higher density developments are required to contribute to a fund for the construction of a centralized wastewater collection and treatment system serving the Kelley's Corner District and surrounding areas. The regulations are intended to implement the Kelley's Corner Plan as amended.

It is widely recognized that the mere provision of sidewalks and crosswalks will not encourage pedestrian use of a commercial area unless the layout and design of the sites and BUILDINGS are also conducive to pedestrian use. The leading design principles are therefore to provide convenient and efficient pedestrian access within the Kelley's Corner District and to surrounding neighborhoods and facilities, to provide a safe and comfortable pedestrian environment with walkways, pedestrian conveniences and amenities, and to encourage BUILDINGS with a pedestrian oriented scale and design.

5.6.2 The following standards shall apply to all LOTS in the KC District:

5.6.2.1 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 or STREETS with minimal interruption by driveways. Parking lot aisles, and access and interior driveways do not count as walkways;

5.6.2.2 The Site Plan Special Permit Granting Authority shall require driveway and walkway connections to abutting LOTS within the KC District. Where such connections are not available due to current conditions on abutting LOTS, provisions shall be required to connect to such abutting LOTS at a future date in locations determined by the Site Plan Special Permit Granting Authority;

5.6.2.3 The Site Plan Special Permit Granting Authority shall require pedestrian connections to abutting neighborhoods and facilities outside the KC District. Where such connections are not available due to current conditions in the surrounding area, provisions shall be required for such connections at a future date in locations determined by the Site Plan Special Permit Granting Authority.

5.6.3 The following standards shall apply on all LOTS in the KC District where the FLOOR AREA RATIO exceeds 0.20:

5.6.3.1 The Sidewalk – A sidewalk shall be provided along the LOT'S FRONTAGE on a STREET or STREETS. The sidewalk shall be at least 10 feet wide. Sidewalks may be located wholly or partially within the STREET layout. The sidewalk shall be separated from the vehicular roadway with a landscaped buffer at least 10 feet wide, which shall consist of shade trees placed at 40-45 foot intervals and other landscaping or STREET design elements, and which may consist in part of on-STREET vehicular parking spaces.

5.6.3.2 The Pedestrian Plaza – A pedestrian plaza shall be provided on any LOT where the NET FLOOR AREA is 30,000 square feet or more and the FLOOR AREA RATIO exceeds 0.35.

- a) The pedestrian plaza shall be an area 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. 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.*
- b) A pedestrian plaza shall contain a minimum of 1,500 square feet in area and shall measure at least 20 feet in width. If the NET FLOOR AREA of the BUILDINGS on a LOT exceeds 100,000 square feet, the minimum area for a pedestrian plaza shall be 3,000 square feet. The area required for a sidewalk shall not be included in the pedestrian plaza.*
- c) The pedestrian plaza shall be next to the STREET and sidewalk, and shall be open on one or more sides to the sidewalk.*
- d) The pedestrian plaza shall be accented with pedestrian amenities such as benches and kiosks. Shade trees, ornamental trees and other landscaping shall be provided to create a separation between pedestrian and vehicular traffic, to highlight BUILDINGS and pedestrian spaces, to provide shelter from the sun, to minimize glare for drivers, to reduce noise, and to mitigate fumes.*
- e) All landscaping shall use species that are tolerant to the climatic conditions in Acton and shall be designed to facilitate ongoing maintenance and watering.*
- f) 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.*

5.6.3.3 Driveways and Parking Lots –

- a) 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, nor shall any driveway or parking lot intersect or be mixed with a pedestrian plaza.*
- b) Vehicular driveways and parking lots may be located to the side and rear of BUILDINGS or to the rear of a pedestrian plaza.*

5.6.3.4 *BUILDING Design –*

- a) *At least 60 percent 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 that are located within 40 feet of the STREET sideline. A reduction of this requirement to 50 percent 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 Section 5.6.1 of this Bylaw.*
- b) *BUILDINGS shall be of a design similar to the architecture in historic commercial centers of New England in terms of scale, massing, roof shape, spacing and exterior materials. Alternative designs may be allowed provided the Site Plan Special Permit Granting Authority finds the alternative design is consistent with Section 5.6.1 of the Bylaw.*
- c) *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 and roof lines of the BUILDING are designed to reduce the massing and bulk so that it appears as a group of smaller masses with a distinct vertical orientation.*
- d) *The BUILDING front facades shall be articulated to achieve a human scale and interest. The use of different textures, shadow lines, detailing and contrasting shapes is required. Not more than 50 feet of a BUILDING front shall be in the same vertical plane.*
- e) *The BUILDING front facade(s) shall be faced with materials used in historic New England architecture. Alternative materials may be used on the BUILDING front facade(s) provided that the Site Plan Special Permit Granting Authority finds the materials to be consistent with Section 5.6.1 of the Bylaw.*
- f) *On the BUILDING fronts, the ground floor shall be occupied, or designed to be available for occupancy, by Retail Stores; Restaurants; Hotel, Motel, Inn, Conference Center; Lodges or Clubs; Bed & Breakfast; Services; Commercial Entertainment; real estate agencies; insurance agencies; travel agencies; law offices; medical and dental offices; walk-in clinics; small equipment repair services; tailors; or photography studios.*
- g) *The 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.*
- h) *Grocery retailers with a NET FLOOR AREA larger than 20,000 square feet may have a second main entrance in another location, for instance towards a parking lot in the rear or the side of a BUILDING.*
- i) *Arcades and canopies shall not be considered part of the BUILDING. 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 with Section 5.6.1 of the Bylaw.*
- j) *The BUILDING front(s) shall contain windows covering at least 15 percent 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.*
- k) *Except for ground level display windows, windows shall have a 2:1 ratio of height to width. Alternative window designs may be allowed provided the Site Plan Special Permit Granting Authority finds them to be consistent with Section 5.6.1 of the Bylaw and that they enhance one or more architectural features.*
- l) *On the ground level portion of the BUILDING front, the amount of windows in the facade surface shall be at least 20 percent but not larger than 80 percent. Ground floor display windows shall be framed on all sides by the surrounding wall. 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.*
- m) *Mirror windows and highly reflective surfaces shall not be allowed on the BUILDING fronts.*

- n) *Roofs shall be gabled with a minimum pitch of 9/12 (9" vertical 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 an articulated cornice, dormers, or other architectural treatment that appears an integral part of the BUILDING from all visible sides of the BUILDING.*
- o) *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 Section 5.6.1 of the Bylaw and preserves the architectural integrity of the BUILDING as a whole.*
- p) *Garage doors or loading docks shall not be allowed in the BUILDING fronts.*
- q) *BUILDING service and loading areas shall incorporate effective techniques for visual and noise buffering from adjacent uses.*
- r) *Accessory STRUCTURES, 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.*
- s) *Rooftop mechanical equipment shall be screened from public view by the use of architecturally compatible materials.*

Section 10.4.3.4.g) currently reads:

- g) *In the Kelley's Corner District, the Board of Selectmen shall require on-site and off-site sidewalks, walkways, bikeways and crosswalks consistent with the planning objectives set forth in the 1995 Kelley's Corner Plan, as amended. The Kelley's Corner Plan identifies necessary improvements designed to accommodate future growth in the Kelley's Corner District. Off-site improvements hereunder shall be made as determined by the Board of Selectmen to encourage pedestrian circulation and bicycle use within the Kelley's Corner District and to adjacent areas as a direct measure to help minimize traffic impacts from the proposed development. Off-site improvements shall be located on ways and land owned or controlled by the Town of Acton, or in other locations where their owner allows and agrees to the improvements. The cost of the required off-site improvements shall be kept in reasonable proportion to the anticipated pedestrian and vehicular traffic from the development.*

Section 10.4.3.5.2) currently reads:

- 2) *In the Kelley's Corner District where a business or industrial USE abuts a Residential District, the Board of Selectmen shall require a substantially opaque landscape buffer of at least 20 feet in depth that is designed to reduce noise and other impacts of the business or industrial USE on abutting Residential Districts.*

- a) *Where deemed appropriate and necessary to protect abutting residential USES, the Board of Selectmen may require an increase in the width of this landscape buffer to 30 feet.*
- b) *In areas where abutting LOTS in Residential Districts have single family dwellings on them, the Board of Selectmen may require that this buffer shall include a fence, up to eight feet in height, designed to prevent access to abutting LOTS.]*

C. Amend Section 6.9.5 - Special Provisions for Parking in the Kelley's Corner District, as follows:

1. Insert new Sub-sections 6.9.5.2 and 6.9.5.3 as follows:

- 6.9.5.2 No driveway or parking lot shall be located directly between STREETS and BUILDINGS or pedestrian plazas that abut STREETS within 30 feet as required in Section 5.6.2.4. Vehicular driveways and parking lots may be located to the side and rear of such BUILDINGS and pedestrian plazas.

- 6.9.5.3 On the sides of BUILDINGS that abut STREETS within 30 feet as required in Section

5.6.2.4 of this Bylaw, parking lots shall not be located between the sideline of a STREET and the front line of such adjacent BUILDINGS on the same LOT.

And renumber the current Sub-sections 6.9.5.2 through 6.9.5.5 to become Sub-section 6.9.5.4 through 6.9.5.7 respectively.

2. Delete Subsection 6.9.5.5 (as renumbered to 6.9.5.7 above) - Design Requirements and Landscaping, and replace it with new Subsections 6.9.5.7 and 6.9.5.8 as follows:

6.9.5.7 Design Requirements – The parking lot design requirements of Section 6.7 shall not apply in the KC District. Off-STREET parking spaces, except parking spaces serving a single to four-FAMILY residential USE or an Assisted Living Residence with 10 or fewer residents, 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 6.9.5.6.
- b) ACCESS Driveways – Not more than one ACCESS driveway per LOT from a STREET shall be permitted. One additional ACCESS driveway from another STREET may be permitted.
- c) Common ACCESS Driveways – Access driveways shall be shared as common driveways with adjacent LOTS whenever possible. Where such sharing of driveways is not possible due to current conditions on abutting LOTS, the Site Plan Special Permit Granting Authority may require site design that facilitates the sharing of driveways at a future date.
- d) Driveway width - Driveways shall be 20 feet wide for two-way traffic and 14 feet wide for one-way traffic. Greater width may be permitted for intersection roundings and curves as needed, and to meet Fire Code requirements but only to the extent needed to safely accommodate all expected vehicles types.
- e) Set-Backs – Except where parking lots established in accordance with Section 6.9.5.4 cross over common LOT lines, and except where greater setback dimensions are required under sections 5.6.2.1 and 6.9.5.3 of this Bylaw, all parking spaces and paved surfaces other than ACCESS driveways or common driveways shall be set back a minimum of 5 feet from any LOT lines. However, on the sides of BUILDINGS, which abut STREETS within 30 feet as required in Section 5.6.2.4 of this Bylaw, parking lots shall not be located between the sideline of a STREET and the front line of such adjacent BUILDINGS on the same LOT.

6.9.5.8 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) Shade trees – At least one shade tree shall be provided for each two thousand (2,000) square feet or less of pavement area. Each shade tree shall be from a deciduous species rated for U.S.D.A. Hardiness Zone 5 that is expected to reach at least 30 feet in height at maturity; be at the time of planting at least seven (7) feet in height with a trunk caliper size of at least 2.5 inches; and be surrounded by a landscaped area of two hundred square feet (200 sq. ft.) to accommodate the root system of the mature tree.
- b) Perimeter Planting Strip – Parking lots adjacent to STREETS, sidewalks, paths,

pedestrian plazas, ACCESS driveways and BUILDINGS shall include a perimeter planting strip that is at least seven and one-half (7.5) feet wide. However, the width of planting strips, which are protected with 12-inch or higher vertical curbs or with bollards or balustrades may be reduced to five (5) feet. Said planting strip shall provide a vertical separation between the parking lot and adjacent ways of at least 2.5 feet in height. This vertical separation may consist of plantings, walls, or fencing (other than chain link or smooth concrete) or a combination thereof.

- c) Placement of Landscaped Areas - Landscaped areas shall be arranged so that no parking space is located more than ninety (90) feet from a landscape area.
- d) 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.
- e) Additional landscaping may be required by the Site Plan Special Permit Granting Authority to appropriately screen the parking lot from the STREET and adjacent USES.
- f) Sight Distance – All landscaping along any STREET FRONTAGE and at driveways shall be placed and maintained so that it will not obstruct sight distance for vehicular traffic.
- g) Protection of Landscaped Areas – Landscaped areas shall be planted and protected in such a manner that the plantings will not be damaged by vehicles.
- h) Landscaped areas shall be reasonably cared for and maintained in good condition; plants that die or become diseased shall periodically be replaced with suitable and equivalent substitutes.

[Note – Section 6.9.5.5 currently reads:

6.9.5.5 Design Requirements and Landscaping – Off-STREET parking spaces, except spaces serving a single to four-FAMILY residential USE or an Assisted Living Residence with 10 or less residents, shall either be contained within a BUILDING or STRUCTURE, or be provided in accordance with the design requirements of section 6.7 including all its subsections. In addition, no parking space or other paved surface, other than walkways and bikeways, shall be located within 20 feet of an abutting residential zoning district.]

D. On the Zoning Map, Map Number 1, establish the Kelley's Corner Master Planned Development (KC-MPD) Overlay District. It shall be superimposed on the underlying Kelley's Corner (KC) Zoning District and shall have the same area and boundaries as the KC Zoning District, except that the portion of the KC District that is located at 204-222 Main Street at the intersection of Main and Prospect Streets (Town Atlas parcels G2-110-1, G2-117, and G2-143) shall not be included in the KC-MPD Overlay District.

E. In Section 2.1 – Classification of District, under Overlay Districts, insert a new line as follows:

Kelley's Corner Master Planned Development KC-MPD

And, in Section 4 - Overlay Districts, insert a new Section 4.5 as follows:

4.5 Kelley's Corner Master Planned Development (KC-MPD) Overlay District

4.5.1 **Purpose** – To encourage, guide, and regulate larger-scale, mixed-use Master Planned Development (MPD) projects in the Kelley's Corner area consistent with Acton 2020 and

the Kelley's Corner Improvement Initiative. The MPD is available as an alternate and optional permitting path for development and redevelopment of TRACTS OF LAND with certain minimum dimensions in Kelley's Corner. It accommodates phased permitting procedures to ensure comprehensive project planning, to expedite permitting, and to establish certainty intended to facilitate project financing.

This section 4.5 is intended to support, enhance and implement Acton 2020 (Acton's Comprehensive Community Plan) and Kelley's Corner Improvement Initiative goals. Accordingly, the purposes of the zoning regulations set forth herein are to help achieve the following objectives:

- Transform Kelley's Corner into a vibrant town center where people can safely and efficiently navigate using various transportation modes.
- Create the form, cohesion, order, and supporting infrastructure that will identify the Kelley's Corner District as an attractive, walkable, and pleasant town center for living, business, shopping, and community activities.
- Encourage sustainable mixed-use development of properties to create places where people enjoy living, working, shopping and socializing.
- Emphasize architecture and site layout that encourages pedestrian interaction and use. Expectations include BUILDINGS with interesting and articulated facades; details and activities at the STREET and sidewalk level that invite interest, interaction and BUILDING access; and outdoor plazas and pocket parks as informal gathering places.
- Provide the minimum necessary vehicular parking to sufficiently support the land USES that depend on such parking.
- Promote pedestrian and bicycle accessibility with generous safety and comfort.
- Use effective, resilient, and low maintenance landscaping, including shade trees.
- Manage and accommodate site access and egress from and to STREETS with sufficient spacing between access driveways to minimize on-STREET congestion.

The regulations provide a framework for the development and redevelopment of land in Kelley's Corner that is consistent with these purposes. The Town has established a Design Review Board and has adopted Kelley's Corner Design Guidelines to assist with achieving these purposes.

4.5.2 Delineation – The KC-MPD Overlay District shall be superimposed on the underlying Kelley's Corner (KC) Zoning District and shall have the same area and boundaries as the KC Zoning District, except that the portion of the KC District that is located at 204-222 Main Street at the intersection of Main and Prospect Streets (Town Atlas parcels G2-110-1, G2-117, and G2-143) shall not be included in the KC-MPD Overlay District.

4.5.3 Special Permit Granting Authority – The Planning Board shall be the designated Special Permit Granting Authority for the MPD Special Permit (the “Master Permit”), and for all other special permits that are required under the KC-MPD Overlay District regulations as set forth herein. It shall also function as the Authority for site plan approvals that are required under the provisions of the KC-MPD Overlay District regulations.

4.5.4 Regulation Overview – The KC-MPD Overlay District creates thresholds, parameters, performance standards, and procedures for project eligibility, zoning framework, project review, and permitting for eligible developments. Minimum and maximum parameters set the zoning framework. A project has flexibility within that framework for layout and design, mixture of uses, parking arrangements, signage, landscaping, and project execution to be determined based on what is appropriate for each proposed project. In addition to the zoning criteria in this section 4.5, the Kelley's Corner Design Guidelines set forth a baseline of the Town's expectations for site layout, building design, and other relevant matters. In general, this Bylaw contains the following components:

- 4.5.4.1** All developments or re-developments under the KC-MPD Overlay District are subject to an MPD special permit called the Master Permit. It is intended to function as an “umbrella permit” for a MPD Project. A Master Permit’s principal purpose is to ensure comprehensive site planning and development that is consistent with the purposes of this Section 4.5 as set forth in Section 4.5.1. However, as set forth herein, the Master Permit process accommodates phased project planning and development whereby the Master Permit may be issued for a comprehensive concept plan, and subsequent detailed design phases or subsequent project development phases may be subject to site plan review procedures.
- 4.5.4.2** The Master Permit and site plan review procedures described herein provide for Planning Board review, design review, public hearings, and input and guidance by the Town and other interested parties. Because special permits are discretionary and may be approved, approved with conditions, or denied, the Master Permit ensures that MPD projects as approved benefit the Town through their consistency with Acton 2020 and the Kelley's Corner Improvement Initiative. It is the intention of this Bylaw that any MPD Project proponent and the Town, in particular its Design Review Board using the Kelley's Corner Design Guidelines, will work together closely and cooperatively to achieve the most desirable project.
- 4.5.4.3** To qualify for Master Permit consideration, a TRACT OF LAND must meet minimum dimensions set forth herein. A TRACT OF LAND may be held by an individual LOT owner, or by several owners of multiple LOTS. Individual owners and groups of owners, their legal representatives, or anyone applying with the owners’ explicit permission, may apply for Master Permits.
- 4.5.4.4** The dimensional regulations set forth herein rely in part on those in the underlying Kelley's Corner Zoning District, but they allow for more floor area and greater height. Special height limits and design requirements apply to BUILDINGS that are adjacent to STREETS and at the edges of the Kelley's Corner Zoning District.
- 4.5.4.5** USE regulations set forth herein are derived from the underlying Kelley's Corner Zoning District. However, the regulations set forth herein also allow Multifamily Dwellings.
- 4.5.5 Master Permit Process, Effect, and Options** – The Town strongly recommends that project proponents, before filing formal Master Permit applications, begin with optional, preliminary reviews and discussions with Planning Department staff. The Town also recommends a public informational meeting with the Planning Board prior to formal submittal of an application for a Master Permit.

4.5.5.1 The first permitting step for a MPD Project is to obtain a Master Permit. When granted, the Master Permit governs the entire MPD Project and guides all subsequent reviews, approvals and amendments and their associated processes that may be needed or required for detailed MPD Project implementation and execution, including but not limited to site layout; BUILDING locations, designs, and massing; circulation and site access/egress; drainage design; landscaping; locations of public parks and plazas, and other public amenities; signage; USES, and, as appropriate, locations and intensity of USES; and requirements, thresholds and conditions as needed and as specified in the Master Permit for subsequent detailed site plan approvals, detailed building design approvals, and amendments.

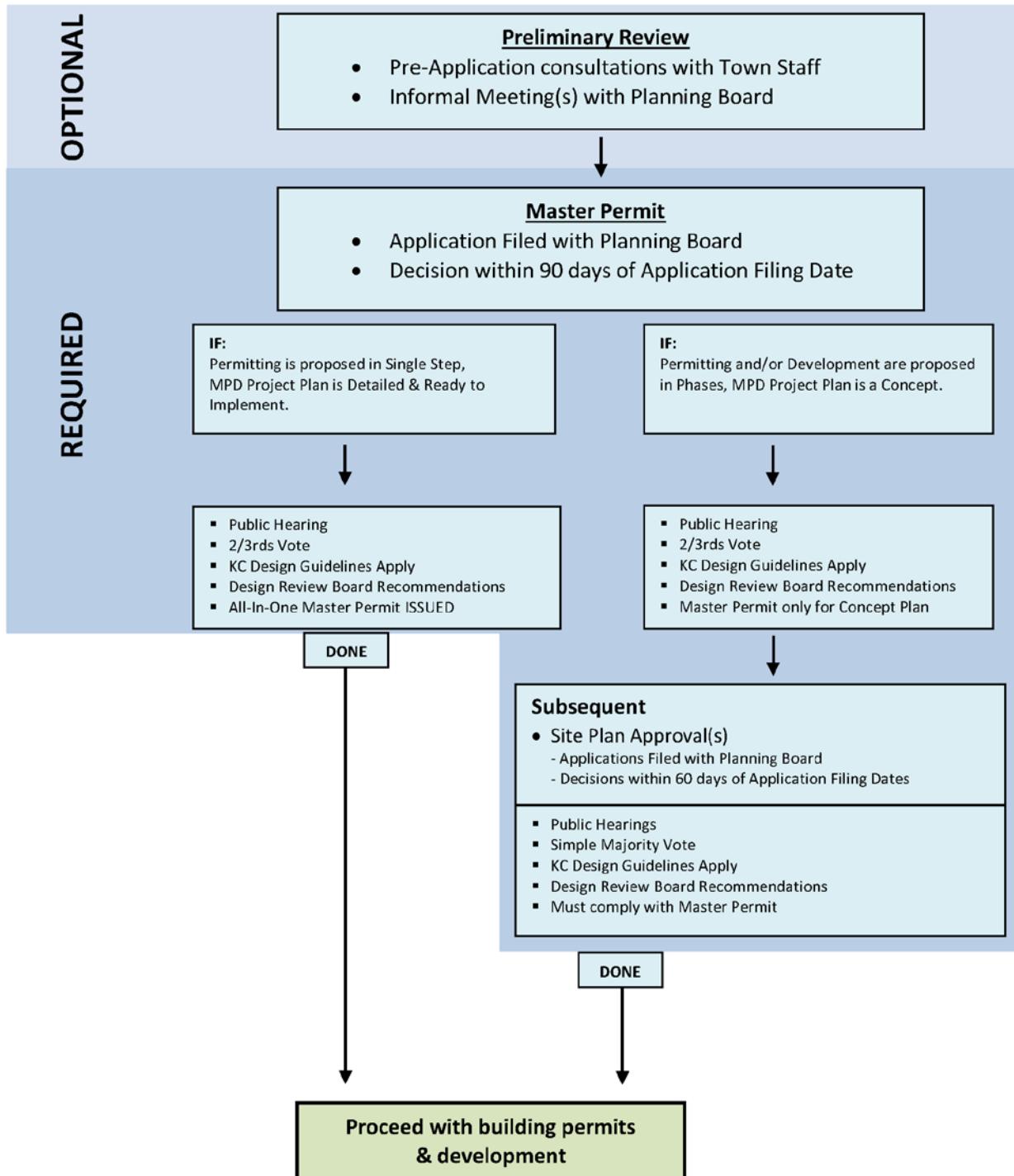
4.5.5.2 The Master Permit, and the approved MPD Project plan approved therein, shall be deemed the definitive approval of a MPD Project. It shall be an all-inclusive permit for all aspects of the development that are regulated and governed under this Bylaw. Except as set forth herein, it shall substitute for and incorporate any and all other special permits that may otherwise be required under other sections of this Bylaw. And, the Master Permit once exercised shall replace and supersede any and all special permits that may have been granted previously for the subject TRACT OF LAND. The Master Permit shall entitle the MPD Project proponent to rely on its authorizations, including any conditions or limitations, for purposes of proceeding with design, engineering, project financing, and contracting. The Master Permit, together with the approved MPD Project plan, shall be recorded at the Registry of Deeds or the Land Court.

4.5.5.3 Applicants for a Master Permit have choices about the permit process:

- a) The regulations set forth herein allow an Applicant to apply for, and the Planning Board to consider, process, and issue a Master Permit that is all inclusive and final and that, like a conventional special permit with possible plan amendments, conditions and limitations, authorizes the issuance of building permits for construction (a “Final Master Permit”). In order to be considered for a Final Master Permit, the project proponent(s) must submit an application with robust, detailed and complete plans, analyses and designs that support an executable MPD Project that is consistent with the purposes of this Section 4.5 as set forth in Section 4.5.1 and the requirements of this Bylaw.
- b) Otherwise, the regulations as set forth herein provide that a Master Permit may be granted on the basis of a comprehensive concept plan that is founded on a thorough overall feasibility analysis, that determines the approximate site layout, site access, BUILDING arrangements and USES within the established zoning framework. Other planning and design details are then deferred to one or more later MPD Project permitting phases requiring subsequent site plan review procedures, which when granted shall become part of the Master Permit as addenda or supplements. Throughout the multi-step permitting and review process, consistency with the purposes of this Section 4.5 as set forth in Section 4.5.1 shall be the primary objective of the Planning Board. This phased arrangement is intended, in part, to provide a basis for regulatory approval so that project proponents may obtain any necessary construction financing in order to proceed and to take into account market and other forces that may require phased development of a TRACT OF LAND.

c) The Master Plan Process is generally as follows:

KCMPD Overlay District – Master Plan Process (Planning Board)



d) When reviewing applications for site plan approval the Planning Board may allow minor changes to the Master Permit concept plan. However, any changes to the concept plan, which are in the opinion of the Planning Board significant and of

public interest, shall require amendments of the Master Permit with the same procedural and voting requirements as the original Master Permit.

4.5.6 Minimum Dimensional Requirements – The following minimum dimensional requirements shall apply to a TRACT OF LAND in the KC-MPD Overlay District as a threshold to qualify for a Master Permit:

4.5.6.1 Minimum FRONTAGE: 300 feet.

4.5.6.2 Minimum area: 50,000 square feet.

4.5.6.3 All other minimum requirements shall be the same as for a LOT in the underlying KC zoning district, except as specifically otherwise provided in this section 4.5.

4.5.7 Maximum Dimensional Requirements – The following maximum dimensional requirements shall apply to a TRACT OF LAND in the KC-MPD Overlay District, and all projects shall comply with them to qualify for a Master Permit:

4.5.7.1 Maximum height of BUILDINGS: 55 feet, and not exceeding four stories above the basement.

4.5.7.2 Maximum FLOOR AREA RATIO: 0.80.

4.5.7.3 All other maximum requirements shall be the same as in the underlying KC zoning district, except as specifically otherwise provided in this section 4.5.

4.5.8 Other Dimensional Requirements for certain BUILDINGS in the KC-MPD Overlay District.

4.5.8.1 Placement of Buildings abutting STREETS.

- a) At least 70 percent of the LOT or TRACT OF LAND FRONTAGE, measured in percentage of linear feet of the LOT FRONTAGE, shall be occupied by BUILDINGS that are located within 30 feet of the STREET sideline. The Planning Board may require that a portion not exceeding 15 percent of the 70 percent requirement must be occupied by pedestrian plazas instead of BUILDINGS.
- b) Where the LOT or TRACT OF LAND FRONTAGE exceeds 500 feet, at least 80 percent of the LOT FRONTAGE, measured in percentage of linear feet of the LOT FRONTAGE, shall be occupied by BUILDINGS that are located within 30 feet of the STREET sideline. The Planning Board may require that a portion not exceeding 10 percent of the 80 percent requirement must be occupied by pedestrian plazas instead of BUILDINGS.
- c) Any LOT or TRACT OF LAND having FRONTAGE on more than one STREET shall comply with the aforesaid BUILDING and pedestrian plaza location requirements along all STREETS on which the LOT has FRONTAGE.
- d) For any LOT or TRACT OF LAND with a STREET intersection on its corner the aforesaid BUILDING and pedestrian plaza location requirements shall be met inclusive of the entire STREET corner.
- e) The Planning Board may allow a minor reduction of not more than 10 percent of the aforesaid BUILDING and pedestrian plaza location requirements provided that the Planning Board finds that the alternative arrangement is essential for project

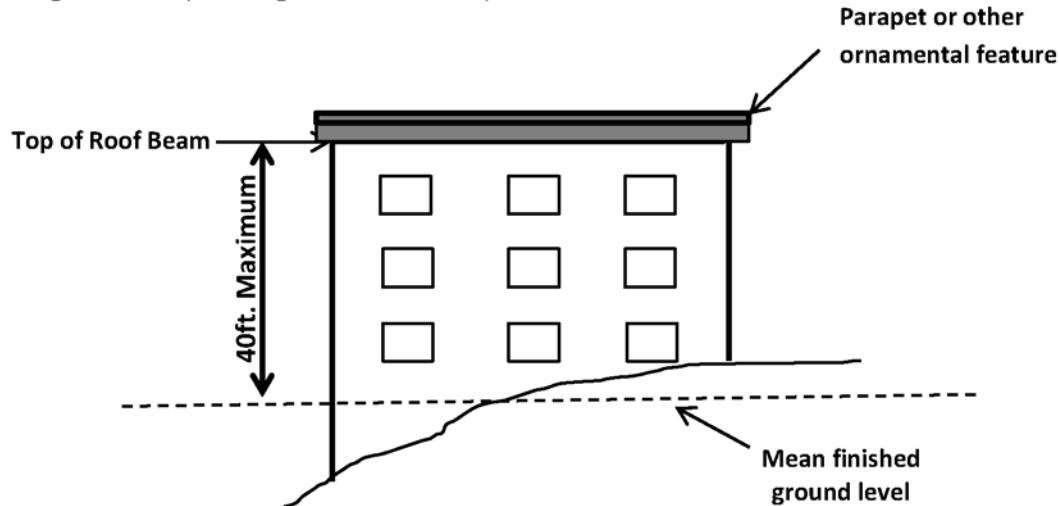
feasibility, and does not detract from but rather is consistent with the purpose of this Section 4.5 as stated in Section 4.5.1.

- f) The Planning Board may allow a further reduction of the aforesaid BUILDING and pedestrian plaza location requirements, if it finds that the presence of statutorily protected natural resource areas, including their no-build and no disturb buffer zones pursuant to the applicable Acton General Bylaws, make strict compliance infeasible. However such further reduction shall only be made to the minimum necessary extent.
- g) Pedestrian plazas shall function as gathering spots at the STREET level directly adjacent in the fronts or on the sides of BUILDINGS. They shall be designed for exclusive pedestrians use and shall be open to and connect with the sidewalk and walkways.
- h) No driveway or parking lot shall be placed in the space between STREETS and the BUILDINGS or Pedestrian Plazas that abut STREETS within 30 feet as required in this section.

4.5.8.2 Height of BUILDINGS abutting STREETS.

- a) BUILDINGS with flat roofs that abut STREETS within 30 feet as required in the previous section shall have a maximum height of 40 feet as measured separately for each side of the BUILDING from the mean finished ground level adjoining the BUILDING to the top of the highest roof beam.

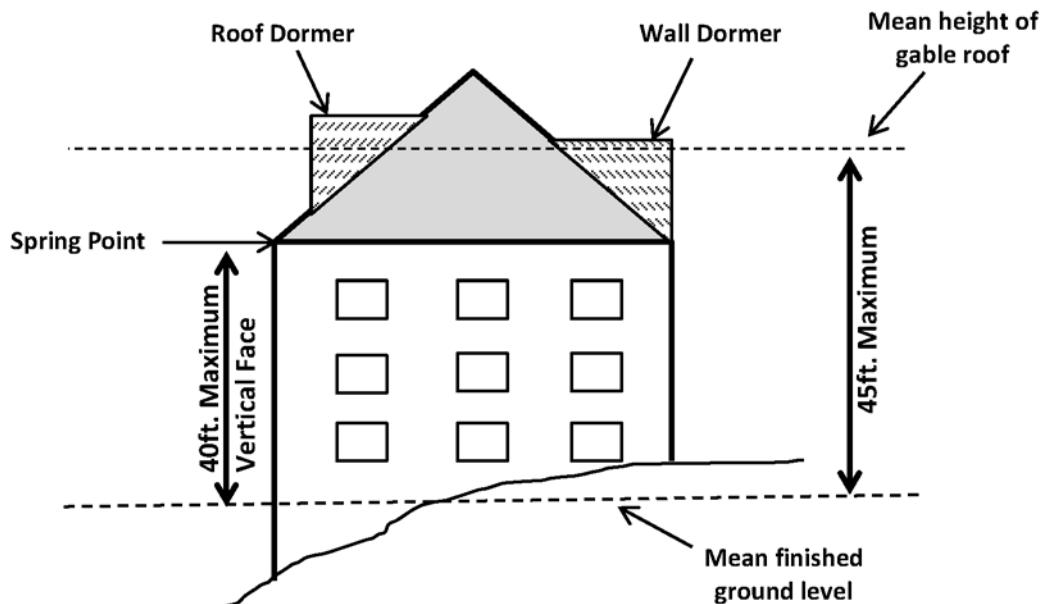
Height in Feet (Buildings with Flat Roofs)



- b) BUILDINGS with pitched roofs that abut STREETS within 30 feet as required in the previous section shall have a maximum height of 40 feet measured separately for each side of the BUILDING from the mean finished ground level adjoining the BUILDING to the spring points of a pitched roof (where the vertical façade planes and the pitched roof planes meet), and such BUILDINGS shall not exceed an overall height of 45 feet from the mean finished ground level adjoining the entire BUILDING to the mean level of the pitched roof.

- Where the finished ground level drops down from the STREET side ground elevation of a BUILDING, the STREET side elevation of the spring points may be maintained on all sides of the BUILDING. This may result in higher spring points on BUILDING sides that are not facing the STREET and in higher overall BUILDING heights than set forth above.
- Wall dormers shall be counted as contributing to the mean roof height; roof dormers shall not be counted as contributing to the mean roof height.

Height in Feet (Buildings with Pitched Roofs and dormers)



- c) Where BUILDINGS that abut STREETS within 30 feet as required in the previous section have BUILDING portions that extend 100 feet or more from the STREET sideline, such BUILDING portions may increase in height to the limits set forth in section 4.5.7 above and shall be considered separately for purposes of determining compliance with height limits.
- d) The Planning Board may grant exceptions to the aforesaid height limits for portions of BUILDINGS, if it finds that such exceptions significantly enhance the MPD project design and the Purposes of this Section 4.5 as set forth in Section 4.5.1. Any portion of the BUILDING that exceeds the aforesaid height limits pursuant to this subsection shall be limited in projected ground area to 10 percent of a BUILDING'S footprint.

4.5.8.3 Placement and Height of BUILDINGS abutting Residential Zoning Districts.

- a) The Planning Board may reduce the minimum side or rear yard to a residential zoning district boundary to 20 feet, where, at the time of the effective date of this subsection,

the land in the adjacent residential district is not in residential USE or has no single-family residence on it within 100 feet of the zoning boundary line.

- b) BUILDING facades that are located within 55 feet of the R-2 District boundary shall have a maximum height of 40 feet from the mean finished ground level adjoining the BUILDING to the top of the highest roof beam of a flat roof, and to the spring points of a pitched roof (where the vertical façade planes and the pitched roof planes meet).
- c) The Planning Board may grant exceptions to the aforesaid height limits where, at the time of the effective date of this subsection, the land in the adjacent R-2 District is not in residential USE or has no single-family residence on it within 100 feet of the zoning boundary line, subject however to the 55-foot BUILDING height limit.
- d) Furthermore, the Planning Board may grant exceptions to the aforesaid height limits for portions of BUILDINGS, if it finds that such exception significantly enhances the MPD project design and feasibility, and the Purposes of this Section 4.5 as set forth in Section 4.5.1. Any portion of the BUILDING that exceeds the aforesaid height limits pursuant to this subsection shall be limited in projected ground area to 10 percent of a BUILDING'S footprint.

4.5.9 **Allowed USES** in the KC-MPD Overlay District –

- 4.5.9.1 All USES allowed by right or by special permit in the underlying KC zoning district shall initially be deemed as allowed by right subject to the grant of a Master Permit. However, in a Master Permit the Planning Board may specifically regulate, restricted, or prohibited certain USES as may be appropriate for the MPD Project.
- 4.5.9.2 Multifamily Dwellings and BUILDINGS with a mixture of Multifamily and Business USES shall be allowed. Residential USES may comprise up to 75 percent of the total NET FLOOR AREA on the MPD TRACT OF LAND.

4.5.10 **Location of USES** - Unless specifically approved otherwise in the Master Permit, the locations of USES in the KC-MPD Overlay District shall conform to the following standards:

- 4.5.10.1 On the LOT FRONTAGE, the ground floors of BUILDINGS that abut STREETS within 30 feet as required in Section 4.5.8.1 above, shall be occupied, or designed to be available for occupancy, by USES that promote and interact with a pedestrian, walkable environment. Such USES are Retail Stores, Restaurants, various Services, or similar USES as determined by the Planning Board during the Master Permit process. Exempt from this requirement are BUILDING entrances that serve upper stories.
- 4.5.10.2 Except as provided in Section 4.5.10.4, the ground floors of BUILDINGS that abut STREETS within 30 feet as required in Section 4.5.8.1 above, shall not be used for occupancy by residential USES.
- 4.5.10.3 Ground floor Business USES in BUILDINGS that abut STREETS within 30 feet shall have a main entrance and ample transparent windows in the façade facing the STREET. Additional, secondary ground floor business entrances may be in other location.

4.5.10.4 The Planning Board may consider alternate location arrangements for USES, particularly for Residential USES where residential USES exist directly on the opposite side of a STREET, if it finds that it significantly enhances the MPD project design and the Purposes of this Section 4.5 as set forth in Section 4.5.1.

4.5.10.5 Ground floors of BUILDINGS as referred to herein shall have their floors substantially at grade with the nearest adjacent sidewalk.

4.5.11 **Optional Preliminary Project Reviews** – The Acton Planning Department offers preliminary MPD project review consultations, and preliminary MPD project review meetings with various Town staff and agencies. In addition, the Planning Board offers preliminary public meetings to introduce a proposed MPD project to the Acton community and to facilitate early public comment and input.

4.5.12 **Master Permit** – A Master Permit issued hereunder shall govern a MPD Project and site, and shall be enforceable by the Town in the same manner as any other requirements of this Bylaw. A Master Permit shall be the only required special permit under this Zoning Bylaw for the initial development of a MPD Project. Other special permits that may be required under any other section of the Zoning Bylaw shall be deemed granted with the grant of the Master Permit. Once the Master Permit is exercised, any previous special permits issued for the TRACT OF LAND shall be deemed replaced and superseded by the Master Permit. However, as set forth under Section 4.5.15 the Master Permit itself may stipulate certain special permits that address changes in the MPD project after its initial completion.

4.5.13 **Required Findings** – The Planning Board shall issue a Master Permit if, after review and comments from other Town boards and agencies, including specifically the Design Review Board, and after a public hearing it finds that:

- 4.5.13.1 The MPD concept plan is consistent with Acton 2020 (Acton's Master Plan), the Kelley's Corner Improvement Initiative, and the Purposes of this Section 4.5 as set forth in Section 4.5.1.
- 4.5.13.2 The MPD concept plan is consistent with the Kelley's Corner Design Guidelines as applied to the specific MPD TRACT OF LAND.
- 4.5.13.3 The MPD concept plan otherwise meets the special permit findings criteria set forth in Section 10.3.5 of this Bylaw.

4.5.14 **Design Guidelines and Design Review Board** - The Planning Board shall adopt and promulgate Kelley's Corner Design Guidelines consistent with Acton 2020 and the Kelley's Corner Improvement Initiative. These Guidelines shall be the same for the underlying Kelley's Corner Zoning District and for the Kelley's Corner MPD Overlay District. The Planning Board shall solicit comments and recommendation from the Design Review Board concerning the implementation of the Design Guidelines in a specific Master Permit application. The purpose of this consultation shall be to achieve a design that is consistent with the intent of the Kelley's Corner Design Guidelines and the Purposes of this Section 4.5 as set forth in Section 4.5.1.

4.5.15 **Master Permit Terms and Conditions** –

- 4.5.15.1 The Planning Board may impose special permit conditions, safeguards and limitations on a Master Permit consistent with the Purposes of this Section 4.5 as set forth in

Section 4.5.1, and as otherwise as set forth in section 10.3.6 of this Bylaw.

- 4.5.15.2 The Planning Board may impose specific dimensional requirements within the limits set forth in this Section 4.5, as it deems appropriate in order to enhance the MPD Project within a specific TRACT OF LAND in a manner that is consistent with the Purposes of this Section 4.5 as set forth in Section 4.5.1.
- 4.5.15.3 The Planning Board may approve vehicular and bicycle parking accommodations that differ from the requirements set forth in Section 6 of this Bylaw in order to enhance the MPD project design and to effectuate the Purposes of this Section 4.5 as set forth in Section 4.5.1. Their design and layout shall be practical and functional for their intended purpose and shall integrate with the project's pedestrian facilities and BUILDINGS.
- 4.5.15.4 The Planning Board may approve signage that differs from the requirements set forth in Section 7 of this Bylaw in order to enhance the MPD project design and to effect the Purposes of this Section 4.5 as set forth in Section 4.5.1. However, the Planning Board shall refer to Section 7 as a guide, and shall approve differing standards only if they are part of an integrated commercial signage program that applies to the entire project. In addition, the dimensions of individual business or business center signs shall not exceed those set forth in Section 7 of this Bylaw, including dimensions allowed by special permit under said section.
- 4.5.15.5 The Planning Board may approve landscaping that differs from landscaping requirements set forth elsewhere in this Bylaw in order to enhance the MPD project design and to effectuate the Purposes of this Section 4.5 as set forth in Section 4.5.1. However, the minimum required landscape buffers to the abutting R-2 District as set forth in the standards for the underlying KC District (section 5.6.2) shall strictly apply except where, at the time of the effective date of this subsection, the land in the adjacent R-2 District is not in residential USE or has no single-family residence on it within 100 feet of the zoning boundary line.
- 4.5.15.6 The Planning Board may require in the Master Permit one or more site plan reviews and approvals for final implementation of MPD Project plans. In appropriate cases, a Master Permit applicant may request, and the Planning Board may issue, such site plan approvals concurrently with the Master Permit.
- 4.5.15.7 A Master Permit applicant, in order to preserve the integrity and coherence of an executed MPD project, especially when it is a mixed use project, may propose specific restrictions or regulations on certain USES, and the Planning Board in granting a Master Permit may accordingly establish which USES shall be allowed or prohibited on an MPD TRACT OF LAND, and may establish additional special permit requirements that apply to the MPD Project after its completion for certain USES, mixtures of USES, locations of USES, intensity of USES, or change of USES. However, the Planning Board shall not prohibit, restrict or further regulate USES that are allowed by right in the underlying KC zoning district and otherwise shall not prohibit, restrict or regulate specific USES in a MPD TRACT OF LAND unless it finds that doing so significantly enhances the MPD project in a manner that is consistent with Purposes of this Section 4.5 as set forth in Section 4.5.1.
- 4.5.15.8 The Planning Board may in a Master Permit delegate certain administrative matters to

the Planning Department or other Town agencies.

- 4.5.15.9 The Planning Board may in a Master Permit establish criteria and thresholds for MPD Project changes or modifications that require the Planning Board's approval and that require formal amendments to the Master Permit. Consideration of such formal amendments shall follow the same procedures and reviews as set forth for the original Master Permit.
- 4.5.15.10 The Planning Board may in a Master Permit impose any other conditions, safeguards and limitations that it deems necessary and appropriate to effectuate the intent of this Bylaw and to ensure MPD project consistency with Acton 2020, the Kelley's Corner Improvement Initiative, The Kelley's Corner Design Guidelines, and the Purposes of this Section 4.5 as set forth in Section 4.5.1.

4.5.16 Master Permit and Special Permit Procedures and Timelines –

- 4.5.16.1 The Planning Board shall issue and file with the Town Clerk its decisions on Master Permit applications as set forth herein within 90 days from the date that any such application was received, unless such time is extended by written mutual agreement between the permit applicant and the Planning Board.
- 4.5.16.2 Except for the aforesaid shortened timeline, any Master Permit shall be governed by the standards and procedures, including appeals procedures, for special permits as set forth elsewhere in this Bylaw and in M.G.L. Ch. 40A.

4.5.17 Site Plan Approval Procedures –

- 4.5.17.1 The Planning Board shall issue and file with the Town Clerk its decisions on Site Plan Approval applications as set forth herein within 60 days from the date that any such application was received, unless such time is extended by written mutual agreement between the permit applicant and the Planning Board.
- 4.5.17.2 A Site Plan Approval pursuant to a Master Permit shall only require a simple majority vote of the Planning Board.
- 4.5.17.3 In all other respects, any Site Plan Approval required pursuant to a Master Permit shall be governed by the standards and procedures, including appeals procedures, for special permits as set forth elsewhere in this Bylaw and in M.G.L. c. 40A.

4.5.18 Rules and Regulations – The Planning Board may adopt and promulgate Rules and Regulations governing the administration of the aforesaid Master Permit and Site Plan Approvals thereunder, including but not limited to plan and document filing requirements, public notices, hearing procedures, and filing fees.

4.5.19 Revisions and Amendments of a MPD Project or Plan - Any change in the layout and design of BUILDINGS, driveways, parking lots, pedestrian amenities, landscaping, or any other change which, in the opinion of the Zoning Enforcement Officer, would significantly alter the character of the MPD Project as approved, shall require the written approval of the Planning Board. The Planning Board may, upon its own determination, require a Master Permit amendment and hold a public hearing pursuant to Section 10.3 of this Bylaw, if it finds that the proposed changes are substantial in nature and of public concern.

F. In Section 8.8 - Public Acquisition, add the following new subsections:

- 8.8.1 In the KC District, any dimensional ratios or percentages in this Bylaw that are derived from, dependent on, or otherwise use the LOT or TRACT OF LAND area, for instance as a basis for determining DEVELOPABLE SITE AREA, or FLOOR AREA RATIO, shall be calculated based on the area of such LOT OR TRACT OF LAND in existence after the effective date of this subsection and prior to the date of any taking or acquisition by any federal, state or local governmental body by eminent domain or otherwise.
- 8.8.2 In the KC District, any reconstruction and realignment of facilities and improvements on private property, such as but not limited to parking lots, driveways, setbacks and landscaping, that may be necessary in connection with the permanent or temporary taking or acquisition of private property or the construction of public infrastructure and public right-of-way improvements taking place after the effective date of this subsection, shall comply with the applicable standards of this Bylaw only to the extent reasonably possible and practical in light of specific site conditions and constraints. Any deviations from the applicable standards of this Bylaw resulting from such taking, acquisition, reconstruction, or realignment shall not require special permits or variances. Private property so affected shall not be deemed noncompliant or nonconforming solely as a result of such taking, acquisition, reconstruction, or realignment."

[Note – Section 8.8 currently reads:

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

, or take any other action in relative thereto.

MOTION: **Mr. Clymer** moves that the Town adopt the Zoning Bylaw and Zoning Map amendments as set forth in the Article.

Moderator called for a Teller count.

Teller count; in favor-281 Against-168 Total voting 449

Motion did not pass by 2/3

MOTION LOST

Declared 2/3 by Moderator*

*Town of Acton has accepted MGL CH 39 Sec 15 at its Annual Town Meeting April 2001, Article 43 and the amended Bylaw 5A was approved by the Attorney General on Aug. 6, 2001.
(The Town Meeting Moderator is not required to count a 2/3 required vote.)

Mr. Mullin moved for a recount.

Motion to recount failed.

Mr. Mackenzie turned over the podium to the incoming Moderator, Mr. Ashton for the remaining articles.

Article 23 Kelley's Corner Improvement Initiative – 100% Design
(Two-thirds vote)

To see if the Town will raise and appropriate, appropriate from available funds, or borrow a sum of money to be expended by the Town Manager for the design and engineering related to the Kelley's Corner Improvement Initiative, or take any other action relative thereto.

MOTION: Mr. Clymer moves that the Town appropriate \$756,000 to be expended by the Town Manager for the purposes set forth in the Article, including costs incidental and related thereto, and to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$756,000 under Massachusetts General Laws Chapter 44, Section 7, as amended

MOTION CARRIES
Declared 2/3 by Moderator*

*Town of Acton has accepted MGL CH 39 Sec 15 at its Annual Town Meeting April 2001, Article 43 and the amended Bylaw 5A was approved by the Attorney General on Aug. 6, 2001.
(The Town Meeting Moderator is not required to count a 2/3 required vote.)

Article 24 Land Acquisition – Central Street
(Two-thirds vote)

To see if the Town will authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise and to accept a deed of fee simple interest, on such terms and conditions as the Selectmen may determine and for municipal purposes, Parcel 200 as shown on the Town of Acton Atlas Map G2, and recorded at the Middlesex South Registry of Deeds in Deed Book 58521 Page 358; and further to see if the Town will raise and appropriate, appropriate from available funds or accept gifts for this purpose, or take any other action relative thereto.

MOTION: Mr. Magee moves that the Town:

- (1) authorize the acquisition of real property identified in the Article on such terms and conditions as the Selectmen may determine, as set forth in the article,
- (2) appropriate \$450,000 to pay costs of said acquisition, including the payment of all costs incidental and related thereto; and to meet this appropriation,
 - a. \$400,000 be transferred from the Community Preservation Fund,
 - b. up to \$50,000 be transferred from gifts and grants of funds accepted and voted by the Selectmen for such purposes and
 - c. any difference between the total appropriation of \$450,000 and the sum of the amounts under (a) and (b) be transferred from Wetlands Filing Fees,
- (3) bind the real property with a permanent restriction for conservation purposes in accordance with Massachusetts General Laws Chapter 44B, Section 12, on such terms and conditions as the Selectmen may determine, and
- (4) authorize the Board of Selectmen, the Town Manager, and the Conservation Commission to take any other action within their respective jurisdiction necessary to carry out the project specified in the article.

MOTION CARRIES UNANIMOUSLY

Article 25 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 Board of Selectmen and the Town Manager to expend or set aside, from the FY 2015 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 2015 COMMUNITY PRESERVATION FUND BALANCES	
FY 2015 Community Preservation Fund Revenues	
Community Preservation Fund Surcharge Collected in FY 2015	\$ 875,162.00
State Community Preservation Trust Fund Receipt, October 2015	\$ 259,489.00
Other FY 2015 Community Preservation Fund Components	
Interest Earned in FY 2015	\$ 18,846.93
Unencumbered FY 2014 Fund Balance	\$ 45,511.70
Recapture of unspent previous years' project appropriations	\$ 1,773.08
Total - FY 2015 Community Preservation Fund Balance	\$1,200,782.71
FY 2015 Open Space Set-Aside	
Set-Aside Fund Balance from appropriations for the Acquisition, Creation, and Preservation of Open Space and its Rehabilitation and Restoration	\$ 1,951,571.87
Total FY 2015 Open Space Set-Aside Fund Balance	\$1,951,571.87
FY 2015 Historic Set-Aside	
Set-Aside Fund Balance from appropriations for the Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources	\$ 33,034.82
Total FY 2015 Historic Set-Aside Fund Balance	\$ 33,034.82
APPROPRIATIONS FROM COMMUNITY PRESERVATION FUND BALANCE	
Purposes	
Recommended Amounts	
Set-Aside Appropriations for	
A. Acquisition, Creation, and Preservation of Open Space, and its Rehabilitation and Restoration *	\$ 400,000.00
Spending Appropriations	
B. Acton Housing Authority – Windsor Green Windows Installation	\$ 61,589.00
C. Community Housing Program Fund**	\$ 30,000.00
D. Regional Housing Services Program – One Year	\$ 23,488.00
E. Open Space Acquisition and Preservation Fund	\$ 20,000.00
F. South Acton Congregational Church – Roof Repair	\$ 15,000.00
G. Acton Congregational Church – Preservation Master Plan	\$ 49,500.00

H. Acton Congregational Church – Stained Glass Window Preservation	\$ 51,237.00
I. NARA Miracle Field Sports Pavilion	\$ 350,000.00
J. Skate Park Expansion – Phase 2, Skate Plaza	\$ 135,000.00
Administrative Appropriation	
K. A fund for CPC direct expenses and for reimbursing the Town of Acton for administrative services and operating expenses provided in support of the Community Preservation Committee	\$ 56,732.00
Total Recommended Appropriations from FY 2015 Community Preservation Fund Balance	\$1,192,558.00
APPROPRIATION FROM OPEN SPACE SET-ASIDE FUND BALANCE	
L. Wright Hill Open Space Land Acquisition - Debt Service	\$ 15,733.22
Total Recommended Appropriations from the Open Space Set-Aside Fund	\$ 15,733.22
APPROPRIATION FROM HISTORIC SET-ASIDE FUND BALANCE	
M. Historic District Consultant	\$ 33,034.82
Total Recommended Appropriations from the Historic Set-Aside Fund	\$ 33,034.82
Resulting Fund Balances	
Resulting FY 2015 Community Preservation Fund Balance	\$ 8,236.71
Resulting Balance in the Set-Aside Fund for the Acquisition, Creation, and Preservation of Open Space, and its Rehabilitation and Restoration*	\$2,281,571.87
Resulting Balance in the Set-Aside Fund for the Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources	\$ 0.00

* This item shall be reduced to \$0.00 if Town Meeting authorizes the acquisition of land at 176 Central Street for Open Space purposes as set forth in the previous article and the fund balance in the Open Space set aside account will remain at \$1,951,571.87

** 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,

or take any other action relative thereto.

And, whereas Massachusetts General Laws Chapter 44B requires that the Town appropriate for spending, or set-aside for future spending, from the FY 2015 Community Preservation Fund Revenues at least 10% for open space, 10% for historic preservation, and 10% for community housing;

And, whereas the recommended appropriations for open space, historic preservation, and community housing each meet or exceed 10% of the FY 2015 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 2015 Community Preservation Fund Balance the minimum necessary amounts to allocate not less than 10% of the FY 2015 Community Preservation Fund Revenues for open space (\$113,465.10), not less than 10% of the FY 2015 Community Preservation Fund Revenues for historic preservation (\$113,465.10), and not less than 10% of the FY 2015 Community Preservation Fund Revenues for community housing (\$113,465.10), or take any other action relative thereto.

MOTION: **Mr. Foster** 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, \$841,314.04, all 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.

MOTION CARRIES

Article 26 Lease Authorization – Senior Center

(Majority vote)

To see if the Town will authorize the Board of Selectmen and the Town Manager to enter into a lease, on such terms and conditions as the Selectmen may determine pursuant to Massachusetts General Law Chapter 30B, for all or a portion of a building in Acton for the purpose of serving as the location of the Acton Senior Center, or take any other action relative thereto.

MOTION: **Mrs. Osman** moves that the Town authorize the Town Manager, with the approval of the Board of Selectmen and in accordance with Massachusetts General Laws Chapter 30B, Section 16, to enter into a lease of property or a portion thereof, on such terms and conditions as they may determine, for use as a Senior Center and office space for various Town departments.

MOTION CARRIES

Article 27 Land Acquisition – Conant Street
(Two-thirds vote)

To see if the Town will authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise and to accept a deed of fee simple interest, on such terms and conditions as the Selectmen may determine and for municipal purposes, Parcel 24-1 as shown on the Town of Acton Atlas Map 12, and being a portion of the property recorded at the Middlesex South Registry of Deeds in Deed Book 16061 Page 185; and further to see if the Town will raise and appropriate, appropriate from available funds or accept gifts for this purpose, or take any other action relative thereto.

MOTION: **Mrs. Osman** moves that the Town authorize the acquisition of real property as set forth in the Article, and to appropriate and transfer \$1,925 from Wetlands Filing Fees to fund said acquisition and related transaction costs.

MOTION CARRIES UNANIMOUSLY

Article 28 Authorize Electrical Load Aggregation
(Majority vote)

To see if the Town will initiate the process to aggregate electrical load pursuant to Massachusetts General Laws Chapter 164, § 134, and grant the Board of Selectmen authority to research, develop and participate in a contract, or contracts, to aggregate the electricity load of the residents and businesses in the Town and for other related services, independently, or in joint action with other municipalities, retaining the right of individual residents and businesses to opt-out of the aggregation, or take any other action relative thereto.

MOTION: **Mr. Berry** moves that the Town authorize the Board of Selectmen and the Town Manager, acting pursuant to Massachusetts General Laws Chapter 164, Section 134 and other applicable law, to research, develop, initiate and participate in the process and in a contract or contracts to aggregate the electricity load of the interested electricity consumers, residents and businesses in the Town and for other related services, independently, or in joint action with any other municipality or municipalities, retaining the right of individual electricity consumers, residents and businesses in the Town to opt-out of the aggregation, and authorize the Town Manager, with the approval of the Board of Selectmen, to execute all documents necessary to accomplish same.

The Moderator asked Town Meeting to vote to allow Mr. John O'Rourke, to speak to this article.
Motion carries unanimously to allow speaker.

MOTION CARRIES UNANIMOUSLY

Article 29 Amend Zoning Bylaw – Accessory Apartments

(Two-thirds vote)

To see if the Town will amend Section 3.3, Residential Uses, of the Zoning Bylaw as set forth below:

A. Delete Section 3.3.2, Single Family Dwelling with one Apartment, in its entirety including all its subsections, and renumber sections 3.3.3 through 3.3.5 to become 3.3.2 through 3.3.4, respectively.

[Note – Section 3.3.2 currently reads: Single FAMILY Dwelling with One Apartment – A single FAMILY Dwelling, the BUILDING of which was in existence on or before January 1, 1990, to be altered and used for not more than two DWELLING UNITS, the Principal Unit plus one Apartment, provided that:

3.3.2.1 *The GROSS FLOOR AREA of the Apartment shall not exceed the lesser of fifty percent of the GROSS FLOOR AREA of the Principal Unit or 800 square feet.*

3.3.2.2 *There shall be no more than two bedrooms in the Apartment.*

3.3.2.3 *The Apartment shall be clearly and distinctly separated from the Principal Unit by separate entrances either from the exterior of the BUILDING or from a common hallway located within the BUILDING.*

3.3.2.4 *Any stairways to an Apartment located above the ground floor of a BUILDING shall be enclosed within the exterior walls of the BUILDING.*

3.3.2.5 *There shall be not more than one driveway or curb cut providing ACCESS to the DWELLING UNITS, except for half circular or horseshoe driveways located in the front of the BUILDING.*

3.3.2.6 *A minimum of one additional parking space shall be provided for the Apartment.*

3.3.2.7 *The owner of the property shall occupy either the principal DWELLING UNIT or the Apartment. For the purposes of this section, the “owner” shall be one or more individuals residing in a dwelling who hold legal or beneficial title and for whom the dwelling is the primary residence for voting and tax purposes.*

3.3.2.8 *The Apartment shall not be held in, or transferred into separate ownership from the Principal Unit under a condominium form of ownership, or otherwise.*

3.3.2.9 *The minimum LOT area for a Single FAMILY Dwelling with One Apartment shall be the minimum LOT area required in the zoning district or, if the LOT is nonconforming, it shall comply with the standards for nonconforming LOTS under Section 8, provided, however, that:*

a) *In the R-2, R-4, R-8, R8/4, R-10, and R-10/8 Districts a Special Permit from the Board of Appeals shall be required for a Single FAMILY Dwelling with One Apartment on a nonconforming LOT with less than 15,000 square feet in LOT area.*

3.3.2.10 *The apartment may be located within a detached BUILDING that is located on the same LOT as the BUILDING with the Principal DWELLING UNIT, if the detached BUILDING has been continuously in existence since before 1950 and has not been expanded or enlarged after July 1st, 1991. An apartment in such a detached BUILDING may have a GROSS FLOOR AREA of up to 2000 square feet, not including attic or basement areas, and up to three bedrooms. A LOT containing a BUILDING with a Principal Unit and an Apartment within a detached BUILDING shall not be further divided resulting in the separation of the Principal Unit and the Apartment, unless both resulting LOTS and the BUILDINGS thereon meet all minimum area, FRONTAGE, width and yard requirements of the applicable zoning district.*

a) *However, in the R-2, R-4, R-8, R8/4, R-10, and R-10/8 Districts an apartment in such a detached BUILDING shall only be allowed with a Special Permit from the Board of Appeals.*

3.3.2.11 *No Apartment permitted under this Section shall be constructed and occupied without Building and Occupancy Permits issued by the Building Commissioner.]*

B. In Section 3.8.1 – ACCESSORY USES Permitted in the Residential Districts and dwellings in Non-Residential Districts, insert a new subsection 3.8.1.6 as follows:

3.8.1.6 Accessory apartments subject to the following standards and requirements.

- a) There shall be not more than one accessory apartment on a LOT.
- b) Any BUILDING extensions or alterations shall maintain the appearance of a Single FAMILY Dwelling when viewed from a STREET.
- c) The GROSS FLOOR AREA of the accessory apartment shall not exceed the lesser of fifty percent of the GROSS FLOOR AREA of the Principal Unit or 800 square feet.
- d) There shall be no more than two bedrooms in the apartment.
- e) Ground floor apartments shall be designed and constructed to be adaptable with only minor structural changes to meet the requirements for Group 2B residences as set forth in the Massachusetts Building Code, 521 CMR (Architectural Access Board), as amended.
- f) The apartment shall be clearly and distinctly separated from the Principal Unit by separate entrances either from the exterior of the BUILDING or from a common hallway located within the BUILDING.
- g) Any stairways to an apartment located above the ground floor of a BUILDING shall be enclosed within the exterior walls of the BUILDING.
- h) There shall be not more than one driveway or curb cut providing ACCESS to the DWELLING UNITS, except for half circular or horseshoe driveways located in the front of the BUILDING.
- i) A minimum of one additional parking space shall be provided for the apartment.
- j) The owner of the property shall occupy either the principal DWELLING UNIT or the apartment. For the purposes of this section, the “owner” shall be one or more individuals residing in a dwelling who hold legal or beneficial title and for whom the dwelling is the primary residence for voting and tax purposes.
- k) The apartment shall not be held in, or transferred into separate ownership from the Principal Unit under a condominium form of ownership, or otherwise.
- l) The apartment may be located within a detached BUILDING that is located on the same LOT as the BUILDING with the Principal DWELLING UNIT, if the detached BUILDING has been continuously in existence since before 2010 and has not been expanded or enlarged thereafter. An apartment in such a detached BUILDING may have a GROSS FLOOR AREA of up to 2000 square feet, not including attic or basement areas, and up to three bedrooms. A LOT containing a BUILDING with a Principal Unit and an apartment within a detached BUILDING shall not be further divided resulting in the separation of the Principal Unit and the apartment, unless both resulting LOTS and the BUILDINGS thereon meet all minimum area, FRONTAGE, width and yard requirements of the applicable zoning district.
- m) However, in the R-2, R-4, R-8, R-8/4, R-10, and R-10/8 Districts an apartment in such a detached BUILDING shall only be allowed with a Special Permit from the Board of Appeals.

- n) No apartment permitted under this Section shall be constructed and occupied without Building and Occupancy Permits issued by the Building Commissioner.

, or take any other action relative thereto.

MOTION: **Mr. Clymer** moves that the Town adopt the Zoning Bylaw amendments as set forth in the Article.

MOTION CARRIES
Declared 2/3 by Moderator*

*Town of Acton has accepted MGL CH 39 Sec 15 at its Annual Town Meeting April 2001, Article 43 and the amended Bylaw 5A was approved by the Attorney General on Aug. 6, 2001.
(The Town Meeting Moderator is not required to count a 2/3 required vote.)

Article 30 Amend Zoning Bylaw – Regulation of Common Drives

(Two-thirds vote)

To see if the Town will amend the Zoning Bylaw Section 3.8 – ACCESSORY USE Regulations, by deleting subsections 3.8.1.5 a), b), f), and m) and replacing them, respectively, as follows:

- a) All curb radii and radii of pavement edges shall be designed to accommodate SU-30 design vehicles (fire engine). In determining the adequacy of the radii at the Common Drive intersection with a STREET, it shall be assumed that on all streets a turn shall be possible without obstructing oncoming traffic.
- b) There shall be a turn around for fire and other emergency vehicles (SU-30 design vehicle) for Common Drives that are 600 feet or longer, and there shall be one additional turn around for each additional 600 feet of driveway length beyond the first 600 feet.
- f) The Common Drive shall be laid out entirely within an ACCESS and utility easement that is at least 24 feet wide.
- m) There shall be a minimum 4 foot wide shoulder on each side that is free of obstructions such as trees or utility poles. The shoulder shall be prepared with a minimum of 2 inches of topsoil over the same gravel base as the wear surface, and seeded.

[Note – Subsection 3.8.1.5. a), b), f), and m) currently read:

- a) *All curb radii and radii of pavement edges shall be designed to accommodate SU-30 design vehicles (fire engine). In determining the adequacy of the radii at the Common Drive intersection with a STREET, it shall be assumed that on local STREETS the entire pavement width is available for turns, whereas on collector and arterial STREETS a turn shall be possible without obstructing oncoming traffic (local, collector and arterial STREETS as defined in the Acton Subdivision Rules and Regulations).*
- b) *There shall be a turn around for fire and other emergency vehicles (SU-30 design vehicle) at the end of the Common Drive.*
- f) *The Common Drive shall be laid out entirely within an ACCESS and utility easement that is at least 20 feet wide.*
- m) *There shall be a minimum 3 foot wide shoulder on each side free of obstructions such as trees or utility poles. The shoulder shall be prepared with 3-4 inches of topsoil over the same gravel base as the wear surface, and seeded.]*

, or take any other action relative thereto.

MOTION: Mr. Clymer moves that the Town adopt the Zoning Bylaw amendments as set forth in the Article.

MOTION CARRIES UNANIMOUSLY

General Consent (two-thirds vote)

Article 31 * Amend Zoning Bylaw – Definition of ‘Family’

Article 32 * Highway Reimbursement Program (Chapter 90)

Article 33 * Insurance Proceeds

Article 34 * Gifts or Grants

Article 35 * Federal and State Reimbursement Aid

Article 36 * Performance Bonds

Article 37 * Sale of Foreclosed Properties

MOTION: Ms. Green moves that the Town take up the seven articles in the Consent Calendar on pages 86 through 90 of the Warrant: Articles 31, 32, 33, 34, 35, 36, and 37.

CONSENT MOTION CARRIES UNANIMOUSLY

Article 31 * Amend Zoning Bylaw – Definition of ‘Family’

(Two-thirds vote)

To see if the Town will amend the Zoning Bylaw, Section 1 (Definitions) as set forth below:

Delete Subsection 1.3.6 – FAMILY, in its entirety and replace it with the following new Subsection:

1.3.6 FAMILY: For the purposes of this Zoning Bylaw a FAMILY shall be a person or number of persons occupying a DWELLING UNIT and living as a single household unit.

[Note – Section 1.3.6 currently reads:

1.3.6 FAMILY: A person or number of persons occupying a DWELLING UNIT and living as a single housekeeping unit, provided that a group of six or more persons shall not be deemed a FAMILY unless at least half of them are related by blood, marriage or adoption, including wards of the state.]

, or take any other action relative thereto.

MOTION: Ms. Green moves that the Town adopt the Zoning Bylaw amendments as set forth in the Article.

CONSENT MOTION CARRIES UNANIMOUSLY

Article 32 * Highway Reimbursement Program (Chapter 90)
(Majority vote)

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: Ms. Green 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.

CONSENT MOTION CARRIES UNANIMOUSLY

Article 33 * Insurance Proceeds
(Majority vote)

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: Ms. Green 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.

CONSENT MOTION CARRIES UNANIMOUSLY

Article 34 * Gifts or Grants
(Majority vote)

To see if the Town will vote to appropriate the proceeds of any gifts or grants accepted pursuant to Massachusetts General Laws Chapter 44, Section 53A, and any interest thereon, and that, consistent with the requirements of Massachusetts General Laws, Chapter 40, Section 4A, the Board of Selectmen or Town Manager are authorized to enter into an agreement or agreements on behalf of the Town, on such terms and conditions as the Board of Selectmen or the Town Manager may determine, for the stated purposes of the gifts or grants, or take any other action relative thereto.

MOTION: Ms. Green moves that the proceeds of any gifts or grants from any source accepted pursuant to Massachusetts General Laws, Chapter 44, Section 53A, and any interest thereon, are hereby appropriated for the stated purposes of the gifts or grants, and may be expended with the approval of the Board of Selectmen or otherwise as stated in Section 53A.

CONSENT MOTION CARRIES UNANIMOUSLY

Article 35 * Federal and State Reimbursement Aid
(Majority vote)

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 Board of Selectmen or Town Manager are authorized to enter into an agreement or agreements on behalf of the Town, on such terms and conditions as the Board of Selectmen or the Town Manager may determine, or take any other action relative thereto.

MOTION: Ms. Green 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.

CONSENT MOTION CARRIES UNANIMOUSLY

Article 36 * Performance Bonds
(Majority vote)

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: Ms. Green 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.

CONSENT MOTION CARRIES UNANIMOUSLY

Article 37 * Sale of Foreclosed Properties
(Two-thirds vote)

To see if the Town will vote to authorize the Board of Selectmen 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: Ms. Green moves in the words of the Article.

CONSENT MOTION CARRIES UNANIMOUSLY

Motion to Dissolve: Ms. Green moves to dissolve the Annual Town Meeting at 11:28.

MOTION TO DISSOLVE CARRIES

The following served as tellers for this Annual Town Meeting;

Charlie Kadlec, Head Teller

Mark Block	Pam Lynn
Ann Chang	Marion Maxwell
Julie Coop	Phyllis Novick
Joan Gardner	Ian Osgerby
Bob Ingram	Jan Patrick
Rebecca Jacoby	Bharat Shah
Anne Kadlec	Debra Simes
Larry Kerpleman	