

**ABSTRACT OF THE ANNUAL TOWN MEETING HELD
MONDAY, APRIL 1, 2019, 7:00 P.M.
ACTON-BOXBOROUGH REGIONAL HIGH SCHOOL AUDITORIUM
WITH ADJOURNED SESSION HELD APRIL 2, 2019
NUMBER OF REGISTERED VOTERS ATTENDING TOWN MEETING
APRIL 1, 2019 – 591 APRIL 2, 2019 – 421**

Article Index

* Article is on Consent Calendar

Article submitted by Citizens' Petition

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April 1, 2019

The Moderator, Mr. Peter Ashton, called the Annual Town Meeting to order on Monday, April 1, 2019, at 7:01 PM.

This is the 285th Town Meeting in Acton.

Mr. Ashton gave an overview of the process for Town Meeting.

The Moderator noted that Town meeting will start at 6:45 on Tuesday in order to do the award presentation for Employee of the year.

The Moderator gave a presentation on the iClicker, the new Electronic Voting equipment that we will use at this Town Meeting. The new voting process was voted at the Special Town Meeting held October 5, 2016, Article 2, adding section A7 to the Town Bylaws.

The Moderator presented practice motion to test the iClicker.

Practice Motion #1:

Motion: All town meeting members who in any way volunteer for the town or for the regional schools please vote yes

IClicker - A Yes - 229 62% E No - 141 38 %

Mr. Ashton introduced the chairman of the Board of Selectmen, Katie Green, who then introduced the members at the table. Joan Gardner – Vice Chair, Jon Benson – Clerk, as well as Peter Berry, and Janet Adachi members of the Board of Selectmen. In addition, Town Manager – John Mangiaratti Nina Pickering Cook - Town Counsel, and Eva Szkaradek - Town Clerk.

The Moderator introduced the Chair of the Finance Committee Jason Cole, who then introduced the members at the table.

Roland Bourdon III – V Chair, Steve Noone, Jeff Bergart, Christi Andersen, Christine Russell, Michael F. Majors, Thomas Farley, Dave Wellinghoff and Associate members Sahana Purohit and Alan Vlajinac.

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

Motion carries to allow speakers.

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: Mr. Benson moves that the Town fix the compensation for elected officers as shown in the Article.

MOTION CARRIES

Mr. Benson nominates Jo-Ann M. Berry for the position of Temporary Moderator, term to expire 2020.

MOTION CARRIES

Melissa Loporto, Trustee of the West Acton Citizens Library, nominates Tara J. Leuci of 4 Wingate Lane, Acton, for the position of Trustee of the West Acton Citizens Library, term to expire 2022.

MOTION CARRIES

Andrea S. Miller, Trustee of the Elizabeth White Fund, nominates Jo-Ann Berry, of 2 Heron View Road, Acton, for the position of Trustee of the Elizabeth White Fund, term to expire 2022.

MOTION CARRIES

Robert Smith, Trustee of the Acton Firefighters' Relief Fund, nominates Robert Vanderhoof of 125 Willow Street, Acton, for the position of Trustee of the Acton Firefighters' Relief Fund, term to expire 2022.

MOTION CARRIES

Robert Vanderhoof, Trustee of the Acton Firefighters' Relief Fund, nominates Thomas Matthews of 17 Herget Drive, Pepperell, for the position of Trustee of the Acton Firefighters' Relief Fund, term to expire 2020.

MOTION CARRIES

Thomas Khols, Trustee of the Charlotte Goodnow Fund, nominates Todd Fenniman of 29 Kinsley Road, Acton, for the position of Trustee of the Charlotte Goodnow Fund, term to expire 2020.

MOTION CARRIES

Todd Fenniman, Trustee of the Charlotte Goodnow Fund, nominates Thomas Ryder of 5 Old Oregon Trail, Acton, for the position of Trustee of the Charlotte Goodnow Fund, term to expire 2021.

MOTION CARRIES

Todd Fenniman, Trustee of the Charlotte Goodnow Fund, nominates Allison Hammer of 21 Willow Street, Acton, for the position of Trustee of the Charlotte Goodnow Fund, term to expire 2022.

MOTION CARRIES

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: Ms. Gardner moves that the Town accept the reports of the various Town Officers and Boards as set forth in the 2018 Town Report and that the Moderator call for any other reports.

MOTION CARRIES

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 2018 Annual Town Meeting, or take any other action relative thereto.

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

MOTION CARRIES

Article 4 Town Operating Budget

(Majority vote)

To see if the Town will raise and appropriate, transfer and/or appropriate from available funds, the sum of \$34,746,539 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 raise and appropriate \$34,746,539 to be expended by the Town Manager to fund the fiscal year 2020 municipal budget,

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 TO AMEND: Ms. Friedrichs moves to amend the motion by reducing the total appropriation for the Town Operating Budget by \$8000 in an effort to eliminate the purchase of Tasers or any other military equipment from said budget.

Motion to amend fails

ORIGINAL MOTION CARRIES UNANIMOUSLY

Article 5 Town Capital - Kelley’s Corner Infrastructure Improvement Project
(Majority vote)

To see if the Town will raise and appropriate, transfer and/or appropriate from available funds, \$525,000 to be expended by the Town Manager for design, engineering and appraisal services related to the Kelley’s Corner Infrastructure Improvement Project, including related incidental costs, or take any other action relative thereto.

MOTION: Mr. Benson moves that the Town transfer from Free Cash and appropriate \$525,000 to be expended by the Town Manager for the purposes set forth in the Article, including costs incidental and related thereto.

IClicker - A Yes - 467 89% E No - 59 11%

MOTION CARRIES

Article 6 Town Capital – Sidewalks and Traffic Calming
(Majority vote)

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

A.	Sidewalks	\$ 130,000
B.	Traffic Calming Measures	\$ 20,000
Total		\$ 150,000

MOTION: Ms. Green moves that the Town transfer from Free Cash and appropriate \$150,000 to be expended by the Town Manager for the purposes set forth in the Article, including costs incidental and related thereto.

MOTION CARRIES UNANIMOUSLY

Moderator turns following articles to the Temporary Moderator, Ms. Jo-Ann Berry

Article 7 Acton-Boxborough Regional School District Assessment

(Majority vote)

To see if the Town will raise and appropriate, transfer and/or appropriate from available funds, the sum of \$61,235,254, consisting of a capital assessment of \$2,726,396 and an operating assessment of \$58,508,858, to defray the necessary expenses of the Acton-Boxborough Regional School District, or take any other action relative thereto.

MOTION: Ms. Baum moves that the Town appropriate \$61,235,254 to be expended by the Superintendent of Schools to fund the fiscal year 2020 operating assessment of \$58,508,858 and capital assessment of \$2,726,396 of the Acton-Boxborough Regional School District and to meet this appropriation, raise \$60,557,785 from general revenues, and transfer \$677,469 from Free Cash.

MOTION CARRIES UNANIMOUSLY

Ms. Baum introduced the members of the Regional School Committee. She thanked Eileen Zhang for her three years of service on the Committee. She also recognized Mary Brolin of Boxboro for her eleven years of service.

Article 8 Acton-Boxborough Regional School District Capital Improvement Plan

(Two-thirds vote)

To see if the Town will vote to approve of authorizing the Treasurer of the Regional School District to borrow the sum of \$7,500,000 for the purpose of paying construction, installation and all other associated costs of providing the capital improvements identified hereof in the Regional School District's Capital Improvement Plan, or take any other action relative thereto.

MOTION: Ms. Baum moves that the Town of Acton approve the debt authorized by the Regional School District in the amount of \$7,500,000 for the purpose of paying construction, installation and all other associated costs of providing capital improvements identified hereof on the Regional School District's Capital Improvement Plan.

IClicker - A Yes - 354 97% E No - 11 3%

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 9 Acton-Boxborough Regional School District – Authorize Regional
(Majority vote) Stabilization Fund**

To see if the Town will approve the establishment of a Capital Stabilization Fund by the Acton-Boxborough Regional School District in accordance with the provisions of Chapter 71, Section 16G½ of the Massachusetts General Laws, as amended, for the purpose of providing funding for the District's future capital needs in conjunction with its Capital Improvement Plan, or to take any other action relative thereto.

MOTION: Ms. Baum moves that the Town of Acton approve the establishment of a Capital Stabilization Fund by the Acton-Boxborough Regional School District in accordance with the provisions of Chapter 71, Section 16G½ of the Massachusetts General Laws, as amended, for the purpose of providing funding for the District's future capital needs in conjunction with its Capital Improvement Plan.

MOTION CARRIES

Mr. Ashton returning as moderator.

**Article 10 Minuteman Regional School District Assessment
(Majority vote)**

To see if the Town will raise and appropriate, transfer and/or appropriate from available funds, the sum of \$1,455,682 to defray the necessary expenses of the Minuteman Regional Vocational Technical School District, or take any other action relative thereto.

MOTION: Mrs. Nourse moves that the Town raise \$1,106,994 from general revenues, transfer \$348,688 from Free Cash and appropriate \$1,455,682 to fund the fiscal year 2020 assessment of the Minuteman Regional School District.

MOTION CARRIES UNANIMOUSLY

**Article 11 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 2018 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 2018 COMMUNITY PRESERVATION FUND BALANCES	
FY 2018 Community Preservation Fund Revenues	
Community Preservation Fund Surcharge Collected in FY 2018	\$1,001,384.00
State Community Preservation Trust Fund Receipt, October 2018	\$ 188,586.00
Other FY 2018 Community Preservation Fund Components	
Interest Earned in FY 2018 (less abatements and exemptions)	\$ 30,646.00
Unencumbered FY 2018 Fund Balance	\$ 122,461.30
Recapture of unspent previous years' project appropriations	\$ 257,322.79
Total - FY 2018 Community Preservation Fund Balance	\$1,600,400.09
FY 2018 Open Space Set-Aside	
Set-Aside Fund Balance from appropriations for the Acquisition, Creation, and Preservation of Open Space and its Rehabilitation and Restoration	\$1,970,804.52
Total FY 2018 Open Space Set-Aside Fund Balance	\$1,970,804.52
FY 2018 Historic Resources Set-Aside	
Set-Aside Fund Balance from appropriations for the Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources	\$ 0.00
Total FY 2018 Historic Resource Set-Aside Fund Balance	\$ 0.00
FY 2018 Community Housing Set-Aside	
Set-Aside Fund Balance from appropriations for the Acquisition, Creation, Preservation, and Support of Community Housing	\$ 0.00
Total FY 2018 Community Housing Set-Aside Fund Balance	\$ 0.00
APPROPRIATIONS FROM FY 2018 COMMUNITY PRESERVATION FUND BALANCE	
Purposes	Recommended Amounts
Set-Aside Appropriations for	
A. Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources; required set-aside for meeting 10% of spending from FY 2015 revenues	\$ 35.45
B. Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources; required set-aside for meeting 10% of spending from FY 2016 revenues	\$ 100,737.00
C. Acquisition, Preservation, Rehabilitation and Restoration of Community Housing; required set-aside for meeting 10% of spending from FY 2017 revenues	\$ 2,227.00
D. Acquisition, Creation and Preservation of Open Space, and its Rehabilitation and Restoration	\$ 450,000.00

Spending Appropriations	
E1. Community Housing Program Fund*	\$ 147,773.00
F. Acton Housing Authority – Windsor Green Sliding Doors	\$ 162,656.00
G. Town of Acton – Cultural Resource List Updates and MACRIS Conversion	\$ 20,000.00
H1. Iron Work Farm – Window Preservation	\$ 24,227.55
I. Mill Place Condominium Association – Bell Tower Preservation	\$ 40,000.00
J. Town of Acton – Asa Parlin House Preservation	\$ 175,000.00
K. Town of Acton – Jones Field Playground Renovation	\$ 269,000.00
L. Town of Acton – Acton Arboretum ADA Compliant Entrance	\$ 55,000.00
M. Town of Acton – Acton Arboretum China Trail and Garden Plantings	\$ 5,000.00
N. Town of Acton – 53 River Street Historic Park	\$ 75,000.00
Administrative Appropriation	
O. 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	\$ 59,498.50
Total Recommended Appropriations from FY 2018 Community Preservation Fund Balance	\$1,586,154.50
APPROPRIATION FROM OPEN SPACE SET-ASIDE FUND BALANCE	
P. Wright Hill Open Space Land Acquisition - Debt Service	\$ 81,600.00
Total Recommended Appropriations from the Open Space Set-Aside Fund	\$ 81,600.00
APPROPRIATION FROM COMMUNITY HOUSING SET-ASIDE FUND BALANCE	
E2. Community Housing Program Fund*	\$ 2,227.00
Total Recommended Appropriations from the Community Housing Historic Resources Set-Aside Fund	\$ 2,227.00
APPROPRIATION FROM HISTORIC RESOURCES SET-ASIDE FUND BALANCE	
H2. Iron Work Farm – Window Preservation	\$ 100,772.45
Total Recommended Appropriations from the Historic Resources Set-Aside Fund	\$ 100,772.45
Resulting Fund Balances	
Resulting FY 2018 Community Preservation Fund Balance	\$ 14,245.59
Resulting Balance in the Set-Aside Fund for the Acquisition, Creation, and Preservation of Open Space, and its Rehabilitation and Restoration	\$2,339,204.52
Resulting Balance in the Set-Aside Fund for the Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources	\$ 0.00
Resulting Balance in the Set-Aside Fund for the Acquisition, Creation, Preservation, and Support of Community Housing	\$ 0.00

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

And, whereas Massachusetts General Laws Chapter 44B requires that the Town appropriate for spending, or set-aside for future spending, from the FY 2018 Community Preservation Fund Revenues at least 10% for open space, 10% for historic resources, and 10% for community housing;

And, whereas the recommended appropriations for open space, historic resources, and community housing each meet or exceed 10% of the FY 2018 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 2018 Community Preservation Fund Balance the minimum necessary amounts to allocate not less than 10% of the FY 2018 Community Preservation Fund Revenues for open space (\$118,997.00), not less than 10% of the FY 2018 Community Preservation Fund Revenues for historic resource (\$118,997.00), and not less than 10% of the FY 2018 Community Preservation Fund Revenues for community housing (\$118,997.00), or take any other action relative thereto.

MOTION: Mr. Yacouby moves that the Town:

- 1) Transfer to and from the Community Preservation Fund and appropriate, re-appropriate, or set aside for current or later appropriation \$1,770,753.95, 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.

Hold line Items - H, I, J

REMAINING LINE ITEMS UNDER THIS MOTION CARRIES

Line Item H - Iron Works Farm – Window Replacement

Line Item CARRIES UNANIMOUSLY

Line Item I - Mill Place Condominium Association – Bell Tower Preservation

iClicker - A Yes - 202 82 % E No - 44 18 %

Line Item CARRIES

Line Item J - Town of Acton – Asa Parlin House Preservation

Line Item CARRIES

MOTION TO ADJOURN: Ms. Green moves to adjourn the Town Meeting at 10:39 pm until April 2nd at 6:45pm, at the Acton-Boxborough Regional High School Auditorium.

MOTION TO ADJOURN CARRIES

April 2, 2019

The Moderator, Mr. Ashton, called the Annual Town Meeting to order on Tuesday, April 2, 2019 at 6:49pm.

The Moderator introduced the Town Manager, John Mangiaratti who gave the presentation for the annual recipient of the "Joseph A. Lalli Merit Award" endowed by the Steinberg Lalli Charitable Foundation, for outstanding work of a Town of Acton Municipal Employee. This is the fifteenth year that this award has been issued. The Foundation gave funding eleven years ago, to recognize Public Safety Employees with this award as well.

The Municipal Employee of the Year award for 2019 is presented to James MacRae, the Veteran's Services Officer.

James MacRae, the Town of Acton's VSO (Veterans Service Officer) is a tireless supporter of our veterans. He accesses benefits on their behalf and takes a keen interest in their lives, always looking to improve their quality of life. In the eight years that Jim has been on staff he has directly impacted the quality of life of our veterans. He performs his duties in a quiet unassuming manner that inspires all around him. James MacRae embodies the qualities that make him an ideal candidate to receive the Steinberg-Lalli Employee of the Year award. In addition to his tireless efforts on behalf of veterans and their families, he also coordinates and cooks Veterans breakfasts, hand created new flagpoles and replacement of our ceremonial flags used on the Town Common, personally sets them up and takes them down for events, hand delivers benefits checks to veterans, assists veterans personally with their transport to VA medical appointments. He is highly successful at achieving benefits payments through advocacy and research regarding federal benefit programs, coordinates Flag Retirement ceremonies, parades, speeches. In addition he coordinated the flagpole installation at the 30 Sudbury Human Services facility.

James thanked all the Departments that have assisted him. He thanked everyone for the recognition for this award.

Mr. Mangiaratti honored the eleventh 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 Michael Eracleo, Detective of the Police Department.

Detective Michael Eracleo, has been and officer for the Town for 14 years. He is assigned to work with the Elementary and Special Education Schools and routinely addresses variety of issues including; Security, ISafe, Incident Assistance, Truancy, Emergency Preparedness, Threat Assessment, Educational Instruction, Student/Family Assistance and Event Support. When Mike is not working with our children he engages in direct and specialized interactions with the public in matters such as: Domestic abuse, victim assistance and case follow-up, Mental Health awareness education {QPR}, Substance abuse education and intervention (PAARI) and he is the primary point of contact between the COA and the police department in regards to our Elder's issues and concerns. To say Det. Eracleo spins many plates at the same time would be an understatement.

Detective Eracleo is scheduled to work an eight hour day but this is hardly ever the case. It is not uncommon for him to remain at his desk well past “quitting” or take a call from a school official or parent at his home in the evening hours. If you asked Mike why he does this he would say, ‘It just needed to be done.” Detective Eracleo is always upbeat, motivated and ready to serve. He will accept any assignment, task and or request with a smile. Detective Eracleo is a truly dedicated employee; he is a credit to the department and to the Town. He is rightfully deserving of this recognition and award.

Mike thanked the foundation for the continued generosity to the Town. He also thanked the Board of Selectmen and Town Manager for the award. Mike thanked Chief Rich Burrows for the nomination for the award.

Joan Gardner thanked the Board of Selectmen members that will be leaving the board.

Joan thanked Katie Green for her 6 years of service to the Town has been exceptional.

Katie thanked Janet Adachi for the 9 years of service to the Town. Janet has had many contributions on many committees for the Town. She will be greatly missed.

Article 12 Transfer Real Property – 53 River Street
(Two-thirds vote)

To see if the Town will vote to authorize the Board of Selectmen to transfer real property commonly known as 53 River Street in Acton, consisting of approximately 7.26 acres, identified as Parcel 47 on the Town of Acton Assessor’s Map H3A and recorded at the Middlesex South Registry of Deed at Book 68789, Page 272, which land is currently held for general municipal purposes from the Board of Selectmen to the Board of Selectmen for open space, historic preservation or recreation purposes, or take any other action relative thereto.

MOTION: Mr. Berry moves that the Town authorize the transfer of the real property as set forth in the Article from the Board of Selectmen for general municipal purposes to the Board of Selectmen for open space, historic preservation or recreation purposes.

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 13 Disposition of Real Property – 348-364 Main Street

(Two-thirds vote)

To see if the Town will vote to authorize the Board of Selectmen to transfer the real property known as 348, 350, 352, 362 and 364 Main Street in Acton, consisting of a total of approximately 4.6689 acres, identified as Parcels 61, 61-1, 54, 32, and 33, respectively, on the Town of Acton Assessor's Map F3 and recorded at the Middlesex South Registry of Deed at Book 66745, Page 77, which land is currently held for general municipal purposes, from the Board of Selectmen for the purpose of conveyance, and to authorize the Board of Selectmen to convey such land for affordable housing purposes on such terms and conditions and for such consideration, which may be non-monetary consideration, as the Selectmen may determine in the Town's interest, or take any other action relative thereto.

MOTION: Ms. Green moves that the Town authorize the transfer of the real property as set forth in the Article from the Board of Selectmen for general municipal purposes to the Board of Selectmen for the purpose of conveyance, and authorize the Board of Selectmen to dispose of all or any portion of such real property for affordable housing purposes on such terms and conditions as the Selectmen may determine.

IClicker - A Yes - 320 91% E No - 31 9%

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 14 Land Acquisition or Lease – 19 & 21 Maple Street

(Two-thirds vote)

To see if the Town will vote to authorize the Board of Selectmen to (1) enter into a lease; (2) 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 then dispose of all of a portion by entering into a lease back to the seller; or (3) 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 general municipal purposes, Parcels 42 and/or 37 as shown on the Town of Acton Atlas Map H2-A and in the deeds recorded at the Middlesex South Registry of Deeds in Book 45836, Page 526 and Book 11658, Page 673, respectively; and further to see if the Town will raise, appropriate, transfer from available funds, accept gifts and/or borrow a sum of money to be expended by the Town Manager for this purpose, or take any other action relative thereto.

MOTION: Mr. Benson moves that the Town:

- 1) authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise the real property as set forth in the Article on such terms and conditions as the Selectmen may determine;

- 2) appropriate \$1,100,000 to be expended by the Town Manager to fund said acquisition and, to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow \$1,100,000 under Massachusetts General Laws Chapter 44, Section 7, as amended, and further, that any premium received upon the sale of the bonds, less the cost of preparing, issuing and marketing them, and any accrued interest received upon the delivery of the bonds may be applied to the costs of the project and to reduce the amount authorized to be borrowed for the project by like amount;
- 3) appropriate and transfer \$33,000 from the Commuter Lot Parking Fees Fund to fund the first year of debt service on such borrowing; and
- 4) authorize the Board of Selectmen to dispose of a portion of the real property as set forth in the Article by lease back to the current owner on such terms and conditions as the Selectmen may determine.

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 15 # Land Acquisition – 257 Central Street, Northern Subdivided Parcel
(Two-thirds vote)

To see if the Town will vote to 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 general municipal purposes, the part of 257 Central Street that will, by April Town Meeting, have been subdivided from the main house. 257 Central is shown on the Town of Acton Atlas Map F2-B-2, and in the deed recorded at the Middlesex South Registry of Deeds in Book 14061, Page 255; and further to see if the Town will raise, appropriate, and/or transfer from available funds or accept gifts for this purpose, or take any other action relative thereto.

MOTION: Annette Lochrie moves that the Town take no action.

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 16 Fund Collective Bargaining Agreements

(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 employee unions as filed with the Town Clerk, or take any other action relative thereto.

- A. Acton Police Patrol Officers Association
- B. Acton Police Superior Officers (Massachusetts Coalition of Police Local 380)
- C. Public Safety Dispatchers (International Brotherhood of Teamsters Local 25)
- D. Highway, Municipal Properties and Cemetery (American Federation of State, County and Municipal Employees Local 1703)

MOTION: Mr. Berry moves that the Town authorize the first year cost items contained in the Collective Bargaining Agreements between the Town and the:

- A. Acton Police Patrol Officers Association
- B. Acton Police Superior Officers (Massachusetts Coalition of Police Local 380)
- C. Public Safety Dispatchers (International Brotherhood of Teamsters Local 25)
- D. Highway, Municipal Properties and Cemetery (American Federation of State, County and Municipal Employees Local 1703)

MOTION CARRIES UNANIMOUSLY

Jo-Ann Berry will moderate the next article.

Financial Consent (Majority vote)

Ms. Green moves that the Town take up the eight articles in the Consent Calendar on pages 54 through 60 of the Warrant: Articles 17, 18, 19, 20, 21, 22, 23 and 24.

17 * Demand Fees for Late Payments

18 * Commuter Lot & Station Maintenance

19 * Septage Disposal Enterprise Budget

20 * Transfer Station and Recycling Enterprise Budget

21 * Sewer Enterprise Budget

22 * Ambulance Enterprise Budget

23 * Transportation Enterprise Budget

24 * Revolving Fund Budget

Held from consent Article 21 Sewer Enterprise Budget

REMAINING ARTICLES UNDER THE CONSENT MOTION CARRIES

Article 17 * Demand Fees for Late Payments

(Majority vote)

To see if the Town will authorize the Tax Collector to charge a \$15 fee for each written demand issued by the Tax Collector, to be added to and collected as part of the tax, as authorized by Massachusetts General Laws Chapter 60, Section 15, to become effective July 1, 2019, or take any other action relative thereto.

MOTION: Ms. Adachi moves that the Town authorize the Tax Collector to charge a \$15 fee for each written demand issued as set forth in the Article.

CONSENT MOTION CARRIES

Article 18 * Commuter Lot & Station Maintenance

(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 service fees, operation, maintenance or improvement of facilities and infrastructure at the South Acton Commuter Lot, including related incidental costs, or take any other action relative thereto.

MOTION: Mr. Benson moves that the Town raise from department receipts and appropriate \$76,900 for the purposes set forth in the Article.

CONSENT MOTION CARRIES

Article 19 * 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. Gardner moves that the Town raise \$137,677 from department receipts, transfer \$20,000 from retained earnings and appropriate \$157,677 to operate the septage waste disposal program.

CONSENT MOTION CARRIES

Article 20 * 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 raise from department receipts and appropriate \$618,800 for the purpose of solid waste disposal and recycling, 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.

CONSENT MOTION CARRIES

Article 21 * 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. Adachi moves that the Town raise \$1,788,330 from department receipts, transfer \$341,840 from retained earnings and appropriate \$2,130,170 for the purpose of operating the sewer system.

Held from consent

MOTION TO AMEND: Ms. Friedrichs moves to amend to add the following language to the main motion “provide, however, that such appropriation shall not be expended for the purpose of West Acton sewer expansion”

Motion to Amend fails

Motion to allow speaker from Woodard and Curran to speak.

Motion carries unanimously

ORIGINAL MOTION CARRIES

Peter Ashton will Moderate.

Article 22 * 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: Mr. Berry moves that the Town raise \$1,030,941 from department receipts, raise \$180,000 from general revenues, transfer \$77,650 from retained earnings and appropriate \$1,288,591 for the purpose of operating the ambulance service.

CONSENT MOTION CARRIES

Article 23 * Transportation Enterprise Budget

(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. Gardner moves that the Town raise \$261,400 from department receipts, raise \$260,000 from general revenues, transfer \$121,000 from commuter lot parking fees fund balance and appropriate \$642,400 for the purpose of operating the transportation service.

CONSENT MOTION CARRIES

Article 24 * Revolving Fund Budgets

(Majority vote)

To see if the Town will vote to limit the total amount that may be expended from the revolving funds for the Historic District Commission, Building Department, Health Department, Transportation Service, Fire Department and Public Works Department as noted in the FY20 Authorized Expense column in the table below, or take any other action relative thereto.

Fund Balance 6/30/2018	FY19 Budgeted Revenue	FY19 Budgeted Expense	Fund Balance 6/30/2019	FY20 Estimated Revenue	FY20 Authorized Expense
Historic District Commission					
\$ 1,940	\$ 200	\$ 200	\$ 1,940	\$ 200	\$ 200
Building Department					
141,767	257,483	257,483	141,767	257,962	257,962
Sealer of Weights and Measures					
73,206	30,557	30,557	73,206	27,085	27,085
Hazardous Materials Inspection					
22,012	29,162	29,162	22,012	55,792	55,792

Food Service Inspection	15,241	46,870	46,870	15,241	57,383	57,383
Stormwater	72,524	19,550	19,550	72,524	54,685	54,685
CrossTown Connect	0	180,000	180,000	0	180,000	180,000
Fire Alarm Network	122,288	116,415	116,415	122,288	65,115	65,115
Roadway Maintenance	0	47,000	47,000	0	47,000	47,000
				Total	\$ 745,222	\$ 745,222

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

CONSENT MOTION CARRIES

Article 25 Accept Legislation - Agricultural Commission
(Majority vote)

To see if the Town will vote to accept Chapter 40, Section 8L of the Massachusetts General Laws to create an Agricultural Commission to be appointed by the Board of Selectmen.

MOTION: Ms. Adachi moves that the Town accept Chapter 40, Section 8L of the Massachusetts General Laws and authorize the Board of Selectmen to create an Agricultural Commission consisting of five (5) members.

MOTION CARRIES

Article 26 Amend General Bylaws – Right to Farm
(Majority vote)

To see if the Town will vote to amend the General Bylaws of the Town by adding Chapter AA, Right to Farm, to read as follows, or take any other action relative thereto.

Section 1: Legislative Purpose and Intent

- A. The purpose and intent of this bylaw is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97 of the Constitution, and all state statutes and regulations thereunder including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9; Chapter 111, Section 125A; and Chapter 128, Section 1A. We the citizens of Acton restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution ("Home Rule Amendment").

- B. This General Bylaw encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmland within the Town of Acton by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This bylaw shall apply to all jurisdictional areas within Town of Acton.

Section 2: Definitions

- A. “Farming” and “agriculture” shall have the same meaning as in General Laws Chapter 128, Section 1A.
- B. Notwithstanding the foregoing, for the purposes of this General Bylaw, “farming” and “agriculture” shall not include the planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, or containing of marijuana, as defined in General Laws Chapter 94G, Section 1.

Section 3: Right To Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of Acton. Agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this bylaw are intended to apply exclusively to those agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right to Farm Bylaw shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law.

Section 4: Disclosure Notification

Within 30 days after this bylaw becomes effective, the Board of Selectmen shall prominently post in the Town Hall, Public Libraries, Town Notice Boards, the official Town website, and make available for distribution the following disclosure: “It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food, and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers and occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors.

In addition to the above, copies of this disclosure notification shall be available in a public area at the Town Hall.

Section 5: Resolution of Disputes

- A. This section shall apply only if the Town of Acton has established an Agricultural Commission in accordance with M.G.L. c. 40, § 8L.
- B. “Comments” shall mean either written comments on behalf of or an appearance by an agent of the Agricultural Commission at a public hearing.
- C. When a dispute within the Zoning Enforcement Officer’s or Zoning Board of Appeals’ jurisdiction concerns agricultural activities, the Zoning Enforcement Officer or Zoning Board of Appeals shall obtain comments from the Agricultural Commission or its agent. The Zoning Enforcement Officer or Zoning Board of Appeals may require that those comments be given in writing.
- D. When a dispute which does not present imminent danger or risk to public health within the Board of Health’s jurisdiction concerns agricultural activities, the Board of Health shall obtain comments from the Agricultural Commission or its agent. The Board of Health may require that those comments be given in writing.
- E. All other Town officers and employees may request comments from the Agricultural Commission in addressing concerns or resolving disputes relating to farming or agricultural activities. Any officer or employee requesting comments may require that those comments be given in writing.

Section 6: Severability Clause

If any part of this bylaw is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this bylaw. The Town of Acton hereby declares the provisions of this bylaw to be severable.

MOTION: Ms. Adachi moves that the Town adopt the General Bylaws amendment as set forth in the Article.

MOTION CARRIES

Article 27 Amend General Bylaws – Chapter N, Demolition Delay
(Majority vote)

To see if the Town will vote to amend the General Bylaws of the Town by replacing Chapter N, in its entirety with the following, or take any other action relative thereto.

CHAPTER N

**PROCEDURE FOR THE DEMOLITION OF
HISTORICALLY OR ARCHITECTURALLY
SIGNIFICANT BUILDINGS**

N1. Intent and Purpose

This bylaw is adopted for the purpose of preserving and protecting significant buildings within the Town which constitute or reflect distinctive features of the architectural, cultural, political, economic or social history of the town; to encourage owners of such buildings to preserve, move, rehabilitate or restore such buildings rather than demolish them or to seek out persons who might be willing to purchase such buildings and preserve, rehabilitate or restore them. To achieve these purposes the Acton Historical Commission (hereinafter the "Commission") is empowered to advise and authorize the Building Commissioner with respect to the issuance of permits for demolition of significant buildings. The issuance of demolition permits for significant buildings is regulated as provided by this bylaw.

N2. Definitions

2.1 "Building" - any combination of materials forming a shelter for persons, animals, or property.

2.2 "Demolition" - any act of pulling down, destroying, removing, or razing a building or more than 25% of any single façade or any significant architectural or structural feature visible from the exterior of the building, or commencing the work of total or substantial destruction with the intent of completing the same; demolition does not include the mere replacement of roofing, siding, windows, or trim for maintenance or repair. For purposes hereof, "significant architectural or structural features" include but are not limited to porticos, bay windows, roof lines, dormers, or other unique features of a building.

2.3 "Significant Building" - any building or portion thereof not within an Historic District but which:

- a. is listed on, or is within an area listed on, the National Register of Historic Places, or is the subject of a pending application for listing on said National Register; or

- b.** is included in the Cultural Resources Inventory prepared by the Commission or on the MACRIS database maintained by the Massachusetts Historical Commission, including those buildings listed for which complete survey forms may be pending;
or
- c.** has been determined by vote of the Commission to be historically or architecturally significant in terms of period, style, method of building construction, or association with a famous architect or builder, or an historically or culturally significant person, provided that the owner of such a building and the Building Commissioner have been notified, in hand or by certified mail, within ten (10) days of such vote.

2.4 "Commission" - the Acton Historical Commission.

N3. Procedure

3.1 Within seven (7) days of receipt of an application for a demolition permit for a significant building the Building Commissioner shall forward a copy thereof to the Commission. The Building Commissioner shall also notify the Commission (by e-mail or similarly expedient means) when such a permit has been sent to the Commission for consideration. No demolition permit shall be issued at that time.

3.2 Within sixty-five (65) days of the date that the Commission receives the application from the Building Commissioner, the Commission shall conduct a public hearing and shall give (at applicant's cost) public notice thereof by publishing notice of the time, place and purpose of the hearing in a local news publication at least fourteen (14) days before said hearing and also, within fourteen (14) days of said hearing, shall mail a copy of said notice to the applicant and to the abutters of the property.

3.3 If, after such hearing, the Commission determines that the demolition of the significant building would not be detrimental to the historical or architectural heritage or resources of the Town, the Commission shall so notify the Building Commissioner within ten (10) days of such determination. Upon receipt of such notification, or after the expiration of ten (10) days from the date that the hearing was closed if he has not received notification from the Commission, the Building Commissioner may, subject to the requirements of the State Building Code and any other applicable laws, bylaws, rules and regulations, issue the demolition permit.

3.4 If the Commission determines that the demolition of the significant building would be detrimental to the historical or architectural heritage or resources of the Town, such building shall be considered a preferably-preserved significant building.

3.5 Upon determination by the Commission that the significant building which is the subject of the application for a demolition permit is a preferably-preserved significant building, the Commission shall so advise the applicant and the Building Commissioner, within ten (10) days of said hearing, and no demolition permit may be issued until at least twenty-four (24) months after the date of such determination by the Commission for any significant building that falls into one of the categories identified in Section 2.3.a. of this bylaw, or until eighteen (18) months after the date of such determination by the Commission for any significant building that falls into one of the categories identified in Sections 2.3.b. or 2.3.c. of this bylaw.

Any determination on a demolition permit application that is made by the Commission is granted to the owner filing the application and may not be transferred to a successor owner unless approved in writing by the Commission. At a duly called meeting, the Commission may agree to a transfer of the determination if the transferee has proposed a preservation plan for the Building, or upon a showing of hardship by the applicant, or for other equitable reasons, if the Commission is satisfied with any such proposed justification(s).

Any determination under Section 3.3 herein expires two (2) years from the date of such determination. If demolition has not occurred prior to such date, a new application for a demolition permit must be filed and processed in accordance with this bylaw prior to any subsequent demolition. Any demolition permit issued after a delay imposed under Section 3.5, including as such delay may be modified by Section 3.6, shall expire two (2) years from the date of its issuance. A new demolition application shall be required thereafter and shall be processed in accordance with this bylaw.

3.6 Notwithstanding the preceding section, the Building Commissioner may issue a demolition permit for a preferably-preserved significant building at any time after receipt of written advice from the Commission to the effect that either:

- a.** the Commission is satisfied that there is no reasonable likelihood that either the owner or some other person or group is willing to purchase, preserve, rehabilitate or restore such building, or
- b.** the Commission is satisfied that for at least six (6) months the owner has made continuing, bona fide and reasonable efforts to locate a purchaser to preserve, rehabilitate and restore the subject building, including listing on the Multiple Listing Service (MLS) or comparable residential property sales listing service, and that such efforts have been unsuccessful.

N4. Enforcement and Remedies

4.1 The Commission and the Building Commissioner are each authorized to institute any and all proceedings in law or equity as they deem necessary and appropriate to obtain compliance with the requirements of this bylaw, or to prevent a violation thereof.

4.2 No building permit shall be issued with respect to any premises upon which a significant building has been voluntarily demolished in violation of this bylaw for a period of three (3) years after the date of the completion of such demolition unless authorized by the Commission pursuant to Section 4.4. As used herein "premises" includes the parcel of land upon which the demolished significant building was located.

4.3 Upon a determination by the Commission that a building is a preferably-preserved significant building, the owner shall be responsible for properly securing the building, if vacant, to the satisfaction of the Building Commissioner. Should the owner fail to secure the building, the loss of such building through fire or other cause shall be considered voluntary demolition for the purposes of Section 4.2.

4.4 At any time, the owner of property on which a significant building has been voluntarily demolished in violation of Sections 4.2 or 4.3 of this bylaw can apply in writing to the Commission for an exemption to the provisions of Sections 4.2 or 4.3, such application to state with particularity the facts and circumstances to prove to the Commission that an exemption is warranted due to (i) exigent circumstances or disasters beyond the owner's (and, if different than the owner, the permit applicant's) control, or (ii) documentation evidencing the owner's intent to complete a faithful restoration of the demolished building. The Commission may in its discretion determine that the written request states sufficient grounds for exemption from the provisions Sections 4.2 or 4.3 and authorize an exemption from this bylaw. Any exemption granted pursuant to this Section 4.4 shall apply only to the voluntary demolition for which the owner submitted a written exemption request, and not for any subsequent voluntary demolition to which this bylaw would otherwise apply.

4.5 No demolition permit for a preferably-preserved significant building shall be granted until all approvals and permits are granted for subsequent development. Necessary approvals may include but are not limited to building permits, zoning variances or special permits, licenses, easements and subdivisions of the premises. All appeals from the granting of such approvals must be concluded before the demolition permit may be issued. The Commission may, in its discretion, waive this provision upon a showing by an applicant that no development shall be undertaken for a minimum of five years. Upon the granting of such waiver, the applicant and the Commission shall enter into an agreement to memorialize the applicant's commitment and such agreement may be recorded in the Middlesex County registry of deeds.

N5. Municipal Buildings

No provision of this bylaw shall apply to buildings owned or operated by the Town of Acton or the Acton Water District. (This section was inserted at the Special Town Meeting of 11/28/90) Notwithstanding the foregoing, the Town shall consult in good faith with the Commission prior to finalizing any plans for the Demolition of any Significant Building owned by the Town of Acton or the Acton Water District.

N6. Local Historic Districts

This Bylaw shall not apply to any proposed demolition of a building which is located within a Local Historic District established under the Local Historic District Bylaw, Chapter P of the Town of Acton Bylaws. The Historic District Commission established under the Local Historic District Bylaw shall have sole jurisdiction over any demolition proposals within a Local Historic District.

N7. Severability

The sections, paragraphs, sentences, clauses and phrases of this bylaw are severable, and if any phrase, clause, sentence, paragraph or section of this bylaw shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrase, clauses, sentences, paragraphs and sections of this bylaw.

N8. Demolition on Account of Threat to Public Safety

Notwithstanding any other provision of this bylaw, nothing herein shall be construed to prevent the demolition of any building, structure or portion thereof in accordance with Chapter 111, Section 127B (Dwelling Unfit for Human Habitation) or Chapter 143, Sections 6 through 12 (Inspection and Regulation of, and Licenses for, Buildings, Elevators and Cinematographs). Prior to initiating proceedings under such statutes, the Board of Health or its agent under Chapter 111, or the Building Commissioner under Chapter 143, as the case may be, shall notify the Commission and receive its advice. The Commission shall be invited to the inspection, as may be required pursuant to the aforesaid statutes, of such building or structure.

MOTION:

Ms. Green moves that the Town adopt the General Bylaws amendment as set forth in the Article.

MOTION CARRIES

Jo-Ann Berry to moderate

Article 28 Amend General Bylaws – Public Way Permits

(Majority vote)

To see if the Town will vote to amend Section E39 of Chapter E of the General Bylaws of the Town to read as follows:

E39. Public Way Obstruction/Destruction

No person shall break or dig up the surface for any purpose whatever; set or place any fence, post, tree, or edgestone, or alter or change the position or direction of any fence, post, tree or edgestone; swing any door or gate; or change the grade or width in, upon, or over any public way without the written license of the Board of Selectmen or its designee, which shall prescribe the limitations or restrictions of such activity.

[Note: Changes to this Section are reflected below by strikethrough for deletions and underline for additions:

E39. Public Way Obstruction/Destruction

No person shall break or dig up the surface for any purpose whatever; set or place any fence, post, tree, or edgestone, or alter or change the position or direction of any fence, post, tree or edgestone; swing any door or gate; or change the grade or width in, upon, or over any public way without the written license of the Board of Selectmen or its designee, which shall prescribe the limitations or restrictions of such activity.]

or take any other action relative thereto.

MOTION: Ms. Gardner moves that the Town adopt the General Bylaws amendment as set forth in the Article.

MOTION CARRIES

Article 29 Amend Town Charter – Planning Board Membership

(Two-thirds vote)

To see if the Town will vote to amend Section 4-2 of the Charter of the Town of Acton, by changing the number of Planning Board members from seven (7) to five (5) and the number of Planning Board associate members from two (2) to one (1), or take any other action relative thereto.

MOTION: Ms. Gardner moves that the Town amend the Town Charter as set forth in the Article.

IClicker - A Yes - 236 75 % E No - 78 25 %

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 – Detached Accessory Apartments

(Two-thirds vote)

To see if the Town will vote to amend the Zoning Bylaw as set forth herein:

- A. In Section 3.8 - Accessory Use Regulations, amend Subsection 3.8.1.6 - Accessory Apartments as follows:
1. Delete paragraphs l) and m) and replace them with the following new paragraphs l) and m) and n):
 - 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.
 - m) If a detached BUILDING on a LOT has been continuously in existence since before April 2, 2019 and its foot print and floor area, including the area of interior garage or parking spaces, is not 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.
 - n) 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 Planning Board.
 2. Insert new paragraphs o), p), q), and r) as follows:
 - o) An apartment in a detached BUILDING constructed after April 2, 2019 may have a GROSS FLOOR AREA of up to 500 square feet.
 - p) 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.
 - q) The apartment in a detached BUILDING shall be installed on a permanent foundation.
 - r) The apartment in a detached BUILDING shall only be located in the side and rear yard.
- And renumber existing paragraph n) to become paragraph s).

[Note – Subsection 3.8.1.6 paragraphs l) and m) currently read:

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, 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.]

B. In Section 3.3 - Residential Uses (beginning of section), paragraph b), insert after “19D;” the following phrase:

“Accessory apartment in a detached BUILDING as provided under Section 3.8.1.6; “;

And in paragraph c) delete the phrase “a single FAMILY dwelling with one Apartment in a detached BUILDING under Section 3.3.2.10 of this Bylaw;”.

[Note – Section 3.3. currently reads 3.3 Residential USES – Not more than one BUILDING for dwelling purposes shall be located upon a LOT, except:

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

b) for the following USES: Nursing Home; Full Service Retirement Community; Assisted Living Residence as defined in this Bylaw or in MGL Ch. 19D; and

c) where a special permit has been granted for the following: a Planned Conservation Residential Community (PCRC) under Section 9 of this Bylaw; an Independent SENIOR Residence under Section 9B of this Bylaw; an AFFORDABLE Housing Development under Section 4.4 of this Bylaw; a single FAMILY dwelling with one Apartment in a detached BUILDING under Section 3.3.2.10 of this Bylaw; a golf course under Section 3.5.17 of this bylaw.]

, or take any other action relative thereto.

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

IClicker - A Yes - 285 89 % E No - 35 11 %

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.)

Peter Ashton returns as Moderator.

Article 31 # Amend Zoning Bylaw – Accessory Apartments
(Two-thirds vote)

To see if the Town will vote to amend the Zoning Bylaw as set forth herein:

A. In Section 3.8 – Accessory Use Regulations, amend Subsection 3.8.1.6 – Accessory Apartments as follows:

A.1. Delete paragraphs l) and m) and replace them with the following new paragraphs l) and m):

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.

m) If a detached BUILDING on a LOT has been continuously in existence since before April 2, 2019 and its footprint and floor area, including the area of interior garage or parking spaces, is not expanded or enlarged thereafter, an apartment in such a detached BUILDING may have a GROSS FLOOR AREA of up to 2,000 square feet, not including attic or basement areas, and up to three bedrooms, with a special permit from the Zoning Board of Appeals.

A.2. Insert new paragraphs n), o), p), and q) as follows:

n) An apartment in a detached BUILDING constructed after April 2, 2019, with a special permit from the Zoning Board of Appeals, may have a GROSS FLOOR AREA of up to 2,000 square feet.

o) 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.

p) The apartment in a detached BUILDING shall be installed on a permanent foundation.

q) The apartment in a new detached BUILDING shall only be located in the side and rear yard, special permit from the Zoning Board of Appeals.

And renumber existing paragraph n) to become paragraph r)

B. In Section 3.3 – Residential Uses (beginning of section), paragraph b), insert after “19D;” the following phrase:

“Accessory apartment in a detached BUILDING as provided under Section 3.8.1.6;” And in paragraph c) delete the phrase “a single FAMILY dwelling with one Apartment in a detached BUILDING under Section 3.3.2.10 of this Bylaw;”.

MOTION: Franny Osman moves that the Town take no action.

MOTION CARRIES

Article 32 # Amend General Bylaws – Plastic Bag Reduction
(Majority vote)

To determine whether the Town will vote to amend the Town Bylaws by adding a Bylaw for the elimination of thin-film single-use plastic checkout bags as follows, or take any other action relative thereto.

Section 1. Purpose and Intent

The purpose of this bylaw is to regulate the retail use of single-use plastic checkout bags and promote the use of reusable bags in the Town of Acton. The reduction in the use of thin-film, single-use plastic checkout bags by retail establishments in the Town of Acton is a public purpose that has positive impacts on the environment including, but not limited to reducing solid waste and unnecessary strains on recycling resources; minimizing litter; reducing the carbon footprint of the Town; protecting local waterways; avoiding the waste of finite natural resources; protecting the marine environment and preserving the unique natural beauty of the Town of Acton.

Section 2. Definitions

“Checkout bag” - means a carryout bag provided by a store to a customer at the point of sale. Checkout bags shall not include bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or check out area of the store.

“Thin-film single-use plastic checkout bag” – means those bags typically with handles, intended for single-use transport of purchases and made of film less than 4.0 mils (the thickness of four pieces of paper).

“Reusable checkout bag” - means a sewn bag with stitched handles (1) made of cloth or natural fibers that is machine-washable and designed for multiple use or (2) made of plastic other than polyethylene or polyvinyl chloride; (3) is durable, non-toxic and generally considered a food-grade material that is more than 4 mils thick.

“Recyclable paper bag” - means a paper bag that is (1) 100 percent recyclable including the handles; (2) contains at least 40% post-consumer recycled paper content; and (3) displays this information re recyclability and content on the bag surface.

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

Section 3. Regulations

3.1 On or after January 1, 2020, no retail establishment in the Town of Acton shall provide thin-film single-use plastic checkout bags to customers; If a retail establishment provides or sells checkout bags to customers, the bags must be one of the following:(1) a recyclable paper bag, or (2) a reusable checkout bag.

3.2 The Board of Health may adopt and amend rules and regulations to effectuate the purposes of this bylaw

Section 4. Exemptions

4.1 Thin-film plastic bags typically without handles which are used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items, and other similar merchandise are not prohibited under this bylaw.

Section 5. Enforcement

5.1 Enforcement of this bylaw shall be the responsibility of the Board of Health or his/her designee. The Board of Health shall determine the monitoring and enforcement processes to be followed incorporating those processes into other town duties as appropriate. This bylaw may be enforced by any lawful means in law or equity including, but not limited to, a non-criminal disposition as provided in the M.G.L. Ch. 40, §21D and appropriate chapter of the General Bylaws of the Town of Acton. If non-criminal disposition is elected, then any retail establishment that violates any provision of this bylaw may be subject to the following penalties:

First Offense: written warning; Second Offense: \$50 penalty; Third and subsequent offenses: \$200 penalty

Section 6. Severability

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

Section 7. Effective Date

7.1 This bylaw shall take effect January 1, 2020.

MOTION: Carolyn Platt moves that the Town amend the General Bylaws by inserting Chapter AB, Plastic Bag Reduction, as set forth in the Article.

MOTION CARRIES

Article 33 # Non-Binding Resolution – Building Moratorium

(Majority vote)

We, the petitioners, want to ensure that Acton does not build beyond the capacity that its current water, road capacity, and other public infrastructure can support. There is state enabling law which allows towns to enact a “moratorium” on new residential building. We, the petitioners, request an article be placed on the April 2019 Town Meeting warrant, to see if the Town Members want to affirm that they want the town to propose a building moratorium bylaw at the April 2020 Town Meeting.

Action Requested

Be it resolved, that Town Meeting request the Board of Selectmen (BoS) to add to the April 2020 Town Meeting warrant, a Town Bylaw which places a moratorium for new residential building for 5 years. The purpose of the moratorium is to provide the Town relief from processing building permit applications, so that the Town can prepare a new Master Plan, which addresses how to build “sustainably” with regard to environmental, road capacity, school capacity and other public resource limits and to ensure that the Town is capable of providing the services necessary to support future development. Such a moratorium, may include exemptions for “public necessity” building, which the Town can define during the hearings.

This article, is non-binding. This article, if passed, would not change law. This article, if passed, would NOT commit the town to anything. While we hope that the BoS will respect Town Meeting’s vote on this matter, and prepare a bylaw for Town Meeting to consider in 2020. If passed, the BoS can legally ignore the vote of this current article. The intent of this article is to inform the BoS whether this Town Meeting wants a building moratorium.

MOTION: Terra Friedrichs moves that the Town adopt the non-binding resolution as set forth in the Article.

MOTION FAILS

Article 34 # Non-Binding Resolution – Development Rate Limitation Bylaw

(Majority vote)

We, the petitioners, want to ensure that Acton does not build beyond the capacity that its current water, road capacity, and other public infrastructure can support. We the petitioners want the Town to draft a bylaw, modeled after state enabling law which allows towns to place a limit on the number of new buildings permitted each year.

We, the petitioners, request an article be placed on the April 2019 Town Meeting warrant, to see if the Town Members want to affirm that they want the town to propose a building rate limitation bylaw at the April 2020 Town Meeting.

Action Requested

Be it resolved, that Town Meeting request the Board of Selectmen (BoS) to add to the April 2020 Town Meeting warrant, a Town Bylaw which limits new construction to be consistent with the Town's capacity to accommodate new development and provide the services needed to support that development.

This article, is non-binding. This article, if passed, would not change law. This article, if passed, would NOT commit the town to anything. While we hope that the BoS will respect Town Meeting's vote on this matter, and prepare a bylaw for Town Meeting to consider in 2020. If passed, the BoS can legally ignore the vote of this current article. The intent of this article is to inform the BoS whether this Town Meeting wants a bylaw to limit the rate of development.

MOTION: Terra Friedrichs moves that the Town adopt the non-binding resolution as set forth in the Article.

MOTION FAILS

Article 35 # Non-Binding Resolution – Land Clearing Limits

(Majority vote)

We, the petitioners, want to reduce the destruction of green space in Acton. There is state enabling law [Cape Cod Commission Model Bylaws] which allows towns to enact "land clearing limits". Acton has a land clearing limits bylaw already. However, we, the petitioners, do not believe it is effective in limiting the amount of land cleared.

We, the petitioners, request an article be placed on the April 2019 Town Meeting warrant, to see if the Town Members want to affirm that they want the town to propose a stronger land clearing limits bylaw at the April 2020 Town Meeting.

Action Requested

Be it resolved, that Town Meeting request the Board of Selectmen (BoS) to add to the April 2020 Town Meeting warrant, a Town Bylaw which limits the amount of land cleared to a specific %. The purpose of the moratorium is so that the Town can use its authority to limit unnecessary building.

This article, is non-binding. This article, if passed, would not change law. This article, if passed, would NOT commit the town to anything. While we hope that the BoS will respect Town Meeting's vote on this matter, and prepare a bylaw for Town Meeting to consider in 2020. If passed, the BoS can legally ignore the vote of this current article. The intent of this article is to inform the BoS whether this Town Meeting wants a building moratorium.

MOTION: Terra Friedrichs moves that the Town adopt the non-binding resolution as set forth in the Article.

MOTION FAILS

Article 36 # Non-Binding Resolution – Limit Size of New Single Family Houses (Majority vote)

We, the petitioners, want to reduce the destruction of green space in Acton. We, the petitioners, request an article be placed on the April 2019 Town Meeting warrant, to see if the Town Members want to affirm that they want the Town to propose a zoning bylaw to limit the size of new residential buildings to a maximum number of square feet, and to propose that bylaw at the April 2020 Town Meeting. The purpose of this petition is to avoid what is commonly known as “McMansions”.

Action Requested

Be it resolved, that Town Meeting request the Board of Selectmen (BoS) to add to the April 2020 Town Meeting warrant, a Town Bylaw which limits the size of new single family homes to 4,000 square feet or less.

This article, is non-binding. This article, if passed, would not change law. This article, if passed, would NOT commit the town to anything. While we hope that the BoS will respect Town Meeting's vote on this matter, and prepare a bylaw for Town Meeting to consider in 2020. If passed, the BoS can legally ignore the vote of this current article. The intent of this article is to inform the BoS whether this Town Meeting wants to further limit the size of new single family homes.

MOTION: Terra Friedrichs moves that the Town adopt the non-binding resolution as set forth in the Article.

MOTION FAILS

Article 37 # Non-Binding Resolution – Do Not Add Turning Lanes at Route 111 (Majority vote) **and Route 27**

We, the petitioners, want a Kelley's Corner design that prioritizes pedestrian, nature, and small business, over easing regional car congestion and over accommodating developers. We request an article be placed on the April 2019 Town Meeting warrant, to see if the Town Members want to affirm that they want a more progressive design which:

- does not add turning lanes to the existing intersection
- prioritizes pedestrian safety, saving the old trees, and preserving existing small business parking over prioritizing the goal of decreased car congestion;

Action Requested

Be it resolved, that Town Meeting request the Board of Selectmen (BoS) to

- prepare an alternate 25% design that would not add turning lanes to the main intersection
- present the design to the public no later than 90 days before the 75% design is submitted to the state.

This article, is non-binding. This article, if passed, would not change law. This article, if passed, would NOT commit the town to anything. While we hope that the BoS will respect Town Meeting's vote on this matter, if passed, the BoS can legally ignore the vote. The intent of this article is to inform the BoS whether this Town Meeting wants a change to the proposed "25% design" to be less car-centric. The intent of this article is to see if Town Meeting wishes to inform the BoS that we feel the proposed "25% design" is overly focused on moving car traffic, and not focused enough on minimizing pedestrian risk, minimizing impact to old trees, and minimizing impact on small business.

MOTION: Terra Friedrichs moves that the Town adopt the non-binding resolution as set forth in the Article.

MOTION FAILS

Article 38 # Non-Binding Resolution – Register Intent to Purchase the KMart Parcels (Majority vote)

Action Requested

Be it resolved that this Town Meeting requests the Board of Selectmen (BoS) to take the following action regarding the KMart parcels (Parcel numbers: F3-116, F2-129-1, F3-139): take the necessary steps to prevent state agencies from providing zoning relief on the parcels, by declaring the intent of the Town of Acton to exercise its authority to take ownership of said parcels by eminent domain, taking, or conventional land purchase, or any other purchase method. Or take any action relative thereto.

Reasoning

Turning Kelley's Corner into a town center is a stated Master Plan objective. The KMart parcels may be the last opportunity to gain that center, when KMart's lease ends, or it no longer can perform under that lease. We can not leave the future of the parcels to chance. Without the requested action, the parcels could be vulnerable to development which would not meet the goals of this Town Meeting. Zoning has limited effectiveness, and can be superseded by state zoning relief. We have the opportunity to control our destiny as a town by taking preemptive action to ensure that whatever is developed on the parcels meets the needs of the town.

This article, is non-binding. This article, if passed, would not change law. This article, if passed, would NOT commit the town to buying the parcel. This article, if passed will not commit the town to anything. While we hope that the BoS will respect Town Meeting's vote on this matter, and take the requested action, the BoS can legally ignore the outcome of this current article. The intent of this article is to inform the BoS whether this Town Meeting wants the BoS to take the requested action.

The action requested is not to complete the purchase at this time. This action is to start the process, with the purchase being authorized by a binding vote at the next Acton Town Meeting.

MOTION: Shauna Wilkinson moves that the Town adopt the non-binding resolution as set forth in the Article.

IClicker - A Yes - 58 35 % E No - 106 65 %

MOTION FAILS

General Consent (Two-thirds vote)

Ms. Green moves that the Town take up the thirteen articles in the Consent Calendar on pages 81 through 96 of the Warrant: Articles 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50 and 51.

39 * Amend General Bylaws – Stormwater Management Revisions

40 * Amend Zoning Bylaw – Stormwater

41 * Amend Zoning Map – 16 Knox Trail and 585 Main Street

42 * Amend Zoning Bylaw – Housekeeping Corrections

43 * Accept Street – Brabrook Road

44 * Accept Land Gift – 49 Piper Road

45 * Authorize Easements

46 * Highway Reimbursement Program (Chapter 90)

47 * Insurance Proceeds

48 * Gifts or Grants

49 * Federal and State Reimbursement Aid

50 * Performance Bonds

51 * Sale of Foreclosed Properties

CONSENT MOTION CARRIES UNANIMOUSLY

Article 39 * Amend General Bylaws – Stormwater Management Revisions

(Majority vote)

To see if the Town will vote to amend Chapter X of the General Bylaws of the Town of Acton as follows:

A. In X2. Purpose, delete Section 2.2 in its entirety and replace it with the following revised Section 2.2:

2.2 This Bylaw is intended to provide design standards for erosion control and stormwater management and to address gaps in jurisdiction for stormwater management requirements in the Town of Acton Bylaws and the Massachusetts Wetlands Protection Act.

[Note – Section 2.2 currently reads: This Bylaw is intended to address gaps in jurisdiction for stormwater management requirements in the Town of Acton Bylaws and the Massachusetts Wetlands Protection Act.]

B. In X5. Applicability, at the end of Section 5.1, delete the references to Sections 4.1 & 4.2 and replace it with references to Section 6.1 & 7.1 respectively.

[Note – Section 5.1 currently reads: This Bylaw shall apply to all Land Disturbances and Development within the jurisdiction of the Town of Acton. Except in accordance with a Land Disturbance Permit issued pursuant to this Bylaw, no Person shall perform any Land Disturbance that results in one or more of the Regulated Activities defined in Section 4.1 that is not an Exempt Activity listed in Section 4.2.]

C. In X6. Regulated Activities, insert a new subsection 6.1.5 as follows:

6.1.5 Land Disturbance or Development requiring another Town project approval process with requirements to meet the design standards of the Chapter X General Bylaw. These approval processes include but are not limited to: site plan special permits, comprehensive permits and subdivision approvals.

D. In X7. Exempt Activities, delete subsection 7.1.1 in its entirety, and renumber current subsections 7.1.2 through 7.1.7 to become subsections 7.1.1 through 7.1.6 respectively.

[Note – subsection 7.1.1 currently reads: Activities for which all Stormwater management has been reviewed and approved as part of an order of conditions issued by the Acton Conservation Commission.]

E.1 In X7. Exempt Activities, in header paragraph of Section 7.2 delete the reference to Section 4.1(1) and replace it with the reference to Section 6.1.

E.2 In X7. Exempt Activities, delete subsection 7.2.1 and replace it with a new subsection 7.2.1 as follows:

7.2.1 Activities for which all Stormwater management has been reviewed and approved as part of an order of conditions issued by the Acton Conservation Commission.

E.3 In X7. Exempt Activities, insert a new subsection 7.2.2 as follows:

7.2.2 Improvement of Town-owned public ways and appurtenances that will not result in an expansion of impervious cover of more than 5,000 square feet and do not exceed thresholds regulated under the EPA MS4 Permit.

And, renumber current subsections 7.2.2 and 7.2.3 to become subsections 7.2.3 and 7.2.4 respectively.

[Note – Deleted subsection 7.2.1 currently reads: Improvement of Town-owned public ways and appurtenances that will not result in an expansion of impervious cover of more than 5,000 square feet.]

F.1 In X8. Within Section 8.3.3, delete the reference to Section 1.2 and replace it with the reference to Section 2.1.

[Note – Section 8.3.3 currently reads: Specify the performance standards for construction and post-construction Stormwater management measures, and/or the Best Management Practices for control of Stormwater, that are reasonable and appropriate to achieve the objectives listed in Section 1.2 of this Bylaw.]

F.2 In X8. Within Section 8.6, delete the reference to Section 5.3 and replace it with the reference to Section 8.2.

[Note – Section 8.6 currently reads: In the absence of Regulations promulgated pursuant to Section 5.3, the Implementing Authority shall use the Massachusetts Stormwater Standards, as elaborated in the latest edition of the Massachusetts Stormwater Management Handbook, as the performance standards for Land Disturbance Permits.]

G In X9. Within Section 9.1, delete the reference to Section 5 and replace it with the reference to Section 8.

[Note – Section 9.1 currently reads: Permit procedures and permit filing requirements shall be defined in Regulations promulgated as provided in Section 5 of this Bylaw.]

H.1 In X12. Within Section 12.3, delete the reference to Section 5.5 and replace it with the reference to Section 8.8.

[Note – Section 12.3 currently reads: Any Applicant may submit a written waiver request. Such a request shall be accompanied by an explanation or documentation supporting the waiver request. A waiver request may be submitted with a Land Disturbance Permit Application, but is not required to be. The notice requirements of Section 5.5 apply in either case.]

H.2 In X12. Within Section 12.5, delete the reference to Section 9.6 and replace it with the reference to Section 12.6.

[Note – Section 12.5 currently reads: A decision on a waiver request shall be made by the Implementing Authority within 30 days of receiving all requested information (or within 30 days of receiving the waiver request if no additional information is requested). A copy of the waiver decision shall on the same business day be filed with the Town Clerk. A waiver request shall be deemed denied if not acted upon within the aforementioned time period. Certification by the Town Clerk that the allowed time has passed without the action of the Implementing Authority shall be deemed a denial of the waiver for the purpose of review as set forth in Section 9.6.]

- I In X13. Within Section 13.5, delete the reference to Section 10.4 and replace it with the reference to Section 13.4.

[Note – Section 13.5 currently reads: Non-Criminal Disposition. As an alternative to a penalty under Section 10.4 or a civil action to enforce the Bylaw, the Town of Acton may elect to utilize the non-criminal disposition procedure set forth in G.L. Ch. 40, §21D and the Town of Acton General Bylaws Chapter E 45, in which case the Implementing Authority or authorized agent shall be the enforcing person. The penalty for the first violation shall be \$100 per day. The penalty for the second violation shall be \$200 per day. The penalty for the third and subsequent violations shall be \$300 per day. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.]

MOTION: Ms. Adachi moves that the Town adopt the General Bylaws amendments as set forth in the Article.

CONSENT MOTION CARRIES UNANIMOUSLY

Article 40 * Amend Zoning Bylaw – Stormwater

(Two-thirds vote)

To see if the Town will vote to amend the Zoning Bylaw as follows:

- A. Delete Section 3.8.1.5 k) under Accessory Uses - Common Drives, in its entirety and replace it with the following:

3.8.1.5 k) An adequate drainage design shall be provided meeting the design standards and submission requirements of Acton General Bylaw Chapter X and the Rules and Regulations adopted thereunder.

[Note – Section 3.8.1.5 k) currently reads: Adequate drainage shall be provided. The drainage design and appurtenances shall prevent washout and excessive erosion and it shall prevent drainage onto a STREET. Subsurface discharge to a public drain system shall be allowed only if there is sufficient capacity in the public drain system based on a 10-year design storm.]

- B. Delete Section 3.11.3.6 under Special Requirements for Ground-Mounted Solar Photovoltaic Installations in its entirety and replace it with the following:

3.11.3.6 Water Management and Conservation – To the largest extent possible, the ground shall remain pervious to rain water. For the purposes of stormwater management, the Solar Photovoltaics themselves shall be considered a pervious surface. In the event that additional impervious areas are installed such as but not limited to asphalt or other paved areas, an adequate drainage design shall be provided meeting the design standards and submission requirements of Acton General Bylaw Chapter X and the Rules and Regulations adopted thereunder.

[Note – Section 3.11.3.6 currently reads: Water Management and Conservation – To the largest extent possible, the ground shall remain pervious to rain water. Where necessary, adequate provision shall be made for groundwater recharge and to prevent site runoff and erosion.]

C. Delete Section 4.3.6.2 under the Groundwater Protection District in its entirety and replace it with the following:

4.3.6.2 Watershed Recharge – The amount of annual precipitation being captured and recharged to the GROUNDWATER on site shall not be reduced due to development related surface runoff from the site when compared to pre-development conditions. Documentation of compliance with Standard 3 of the Massachusetts Stormwater Handbook Volume 3, as amended, prepared by a Massachusetts Registered Professional Engineer experienced in hydrogeology shall be required. Where a Special Permit or Subdivision Approval is required the Special Permit Granting Authority or the Planning Board, or the Zoning Enforcement officer if no Special Permit is required, shall require documentation of compliance with Standard 3. This Section shall also apply in ZONE 4.

An alternative hydrologic budget or water balance calculation for the site, showing pre- and post-development conditions, may be prepared by a Certified Professional Soil Scientist (CPSS) certified by the Soil Science Society of America (SSSA), or by a soil scientist who is certified as a Professional Member of the Society of Soil Scientists of Southern New England (SSSSNE) in-lieu of the required documentation.

[Note – Section 4.3.6.2 currently reads: Watershed Recharge – The amount of annual precipitation being captured and recharged to the GROUNDWATER on site shall not be reduced due to development related surface runoff from the site when compared to pre-development conditions. Where a Special Permit or Subdivision Approval is required the Special Permit Granting Authority or the Planning Board, or the Zoning Enforcement officer if no Special Permit is required, shall require a hydrologic budget or water balance calculation for the site, showing pre- and post-development conditions, prepared by a Certified Professional Soil Scientist (CPSS) certified by the Soil Science Society of America (SSSA), by a soil scientist who is certified as a Professional Member of the Society of Soil Scientists of Southern New England (SSSSNE), or by a Massachusetts Registered Professional Engineer experienced in hydrogeology. This Section shall also apply in ZONE 4.]

D. Delete Section 4.3.6.3 under the Groundwater Protection District in its entirety and replace it with the following:

4.3.6.3 Treatment and Renovation of Runoff – All stormwater runoff from IMPERVIOUS COVERS shall be treated to meet water quality standards for the first inch of runoff in areas within Zones 1-3. Runoff within Zone 4 shall be treated to meet water quality standards for new and redeveloped areas as defined by the Massachusetts Stormwater Handbook. Runoff shall be treated for the first inch of rainfall for new developments and for the first 0.8 inches of rainfall for redeveloped areas within Zone 4.

[Note – Section 4.3.6.3 currently reads: Treatment and Renovation of Runoff – All water runoff from IMPERVIOUS COVERS shall be funneled into gas trap catch basins. In addition, the first (1st) inch of every storm event shall be directed into a retention pond(s), where it shall be retained for an average of at least 3 days prior to recharge into the ground or discharge from the site. The retention pond(s) shall be exposed to sunlight, vegetated, and lined with soil featuring a permeability of 0.0001 cm/sec (0.1417 in/hr) or less. A DIVERSION BOX shall direct all water, which falls onto the site in excess of one (1) inch during a single storm event, toward additional storage, direct infiltration, or discharge from the site. Alternate methods of runoff treatment and renovation may be approved by the Special Permit Granting Authority if the Special Permit Granting Authority determines the intent of this Section is met, or by the Zoning Enforcement officer if no Special Permit is required, if he determines the intent of this section is met.]

E. Delete Section 9.6.2.6 under Planned Conservation Residential Community (PCRC) in its entirety and replace it with the following:

9.6.2.6 Stormwater Runoff - An adequate drainage design shall be provided meeting the design standards and submission requirements of Acton General Bylaw Chapter X and the Rules and Regulations adopted thereunder.

[Note – Section 9.6.2.6 currently reads: Storm Water Runoff – The peak rate of storm water runoff from a PCRC shall not exceed the rate existing prior to the new construction based on a 10-year design storm.]

F. Delete Section 9B.7 under Senior Residence in its entirety and replace it with the following:

9B.7 Stormwater Runoff - An adequate drainage design shall be provided meeting the design standards and submission requirements of Acton General Bylaw Chapter X and the Rules and Regulations adopted thereunder.

[Note – Section 9B.7 currently reads: Storm Water Runoff – The peak rate of storm water runoff from a SENIOR Residence development shall not exceed the rate existing before the new construction based on a 10-year design storm.]

G. Delete Section 10.4.3.1 under Site Plan Special Permit in its entirety and replace it with the following:

10.4.3.1 Stormwater Runoff - An adequate drainage design shall be provided meeting the design standards and submission requirements of Acton General Bylaw Chapter X and the Rules and Regulations adopted thereunder.

The Board of Selectmen may authorize the use of stormwater drainage facilities located off the development site and designed to serve one or more LOTS provided it finds that the applicant has retained the rights and powers necessary to assure that the off-site stormwater drainage facilities will be properly maintained in good working order.

[Note – Section 10.4.3.1 currently reads: Storm Water Runoff – The peak rate of storm water runoff from the development site shall not exceed the rate existing prior to the new construction based on a 10-year design storm. The storm water drainage facilities on the site shall be designed to prevent any overflow onto a STREET. The Board of Selectmen may authorize the use of storm water drainage facilities located off the development site and designed to serve one or more LOTS provided it finds that:

1) the peak rate of storm water runoff from such off-site facilities does not exceed the rate existing prior to the new construction based on a 25-year design storm; and

2) the applicant has retained the rights and powers necessary to assure that the offsite storm water drainage facilities will be properly maintained in good working order.]

, or take any other action relative thereto.

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

CONSENT MOTION CARRIES UNANIMOUSLY

Article 41 * Amend Zoning Map – 16 Knox Trail and 585 Main Street
(Two-thirds vote)

To see if the Town will vote to amend the Zoning Bylaw, Map Number 1, by changing the zoning district designation for Town Atlas parcel J3-34-5 (16 Knox Trail) from Powder Mill (PM) to Agricultural Recreation Conservation (ARC), and to amend the Zoning Bylaw, Map Number 1, by changing the zoning district designation for Town Atlas parcel E4-11 (585 Main Street) from Residence 10/8 (R-10/8) to Agricultural Recreation Conservation (ARC), or take any other action relative thereto.

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

CONSENT MOTION CARRIES UNANIMOUSLY

Article 42 * Amend Zoning Bylaw – Housekeeping Corrections
(Two-thirds vote)

To see if the Town will vote to amend the Zoning Bylaw as follows:

A. Delete current Section 3.3.2, Two-Family Dwelling in its entirety and replace it with the following revised section:

3.3.2 Two-FAMILY Dwelling - A BUILDING for residential use containing two DWELLING UNITS or, as permitted under this Bylaw, two Single FAMILY Dwellings on one LOT; but not a Dwelling Conversion, **or an Accessory Apartment under Section 3.8.1.6.**

*[Note – Section 3.3.2 currently reads: 3.3.2 Two-FAMILY Dwelling - A BUILDING for residential use containing two DWELLING UNITS or, as permitted under this Bylaw, two Single FAMILY Dwellings on one LOT; but not a Dwelling Conversion **or a Single FAMILY Dwelling with One Apartment.**]*

- B. In section 9B.4, Allowed Uses in Senior Residence developments, delete current Subsection 9B.4.2 and renumber Subsections 9B.4.3 through 9B.4.8 to become Subsections 9B.4.2 through 9B.4.7 respectively.

[Note – Section 9B.4 currently reads:

9B.4 Allowed USES – Only the following USES shall be allowed in a SENIOR Residence development:

9B.4.1 Single FAMILY dwellings.

~~9B.4.2 Single FAMILY dwellings with one apartment.~~

9B.4.3 Two-FAMILY dwellings.

9B.4.4 Multifamily dwellings.

9B.4.5 ACCESSORY USES typically associated with residential USES.

9B.4.6 Support services to meet SENIORS' needs, such as skilled nursing service, medical and other health service, food service, recreation and leisure facilities, or a community center; including the use of recreation, leisure, and community center facilities for commercial instruction, education and training in skills of all kinds for SENIORS and the public at large.

9B.4.7 Convenience services intended primarily for its residents, such as Retail Stores, Banks, Restaurants, and Services provided that not more than 10% of the total NET FLOOR AREA of the development is dedicated to such uses.

9B.4.8 Allowed USES on the Common Land as set forth herein]

- C. Delete the first paragraph of Section 8.7 and replace it with the following new paragraph:

- 8.7 Special Permit to Reconstruct Nonconforming **Two-Family or** Multifamily Dwelling – The Planning Board may authorize by Special Permit the reconstruction or rebuilding of a **Two-Family** or Multifamily Dwelling, as defined in Sections **3.3.2. and 3.3.4**, which are nonconforming as to USE, LOT size or other applicable dimensional requirements, when such BUILDING was destroyed by fire or natural disaster, or by voluntary demolition, and it may authorize the continuation or resumption of the USE as a **Two-Family Dwelling or** Multifamily Dwelling after completion of reconstruction. The following standards shall apply:

[Note – Section 8.7 in its entirety currently reads:

8.7 Special Permit to Reconstruct Nonconforming Multifamily Dwelling –

The Planning Board may authorize by Special Permit the reconstruction or rebuilding of a Multifamily Dwelling, as defined in Section 3.3.5, which is nonconforming as to USE, LOT size or other applicable dimensional requirements, when such BUILDING was destroyed by fire or natural disaster, or by voluntary demolition, and it may authorize the continuation or resumption of the USE as a Multifamily Dwelling after completion of reconstruction. The following standards shall apply:

8.7.1 To the extent possible, the new BUILDING shall comply with the dimensional requirements applicable in the zoning district in which the BUILDING is located. However, the Planning Board may authorize or require smaller or larger dimensions as it finds appropriate to address public interest considerations, such as but not limited to the preservation or improvement of neighborhood character, historic architectural features or the spatial relationship between buildings, and to address public safety and health concerns.

8.7.2 The Planning Board shall consider an application for a Special Permit under this section only if it is filed before or within 1 year from the date of the issuance of a demolition permit by the Building Commissioner or within one year from the date of the fire or natural disaster which caused the destruction of the BUILDING.]

, or take any other action relative thereto.

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

CONSENT MOTION CARRIES UNANIMOUSLY

Article 43 * Accept Street – Brabrook Road
(Two-thirds vote)

To see if the Town will authorize the Board of Selectmen to layout a portion of Brabrook Road and acquire and take, on such terms and conditions as the Selectmen may determine, by purchase, gift, eminent domain or otherwise and accept the deed of a fee simple or easement interest in the land owned by Ellsworth Village, LLC, shown as “Parcel 1D-2” on a plan entitled “Plan of a Portion of Brabrook Road To Be Accepted as a Town Way in Acton, Massachusetts, As Laid Out by Order of the Board of Selectmen, 2015” prepared by Stamski and McNary Inc, on file with the Acton Town Clerk, said acquisition and taking to be included in the layout extension of Brabrook Road as described in more detail in the Order of Layout, including without limitation the taking or acceptance of easements for roadway, drainage or other purposes; and further to see if the Town will raise, appropriate, transfer from available funds, or accept gifts for this purpose, or take any other action relative thereto.

MOTION: Mr. Berry moves that the Town accept as a public way the extension of Brabrook Road, and authorize the acquisition, transfer or taking of the fee or easement interest of Parcel 1D-2 for roadway layout and associated easement interests, all as described in the article.

CONSENT MOTION CARRIES UNANIMOUSLY

Article 44 * Accept Land Gift – 49 Piper Road

(Two-thirds vote)

To see if the Town will authorize the Board of Selectmen to acquire on such terms and conditions as the Selectmen may determine, by purchase, gift, eminent domain or otherwise and to accept the deeds of a fee simple interest in a certain parcel of land known as 49 Piper Road, shown as Parcel 169 on Town Atlas Map G3 and in the deed recorded at the Middlesex South District Registry of Deeds in Book 11657, Page 259, containing 1.32 acres, more or less for general municipal purposes, or take any other action relative thereto.

MOTION: Mr. Benson moves that the Town authorize the Board of Selectmen on such terms and conditions as it may determine to acquire for general municipal purposes and accept fee interests in the parcel as set forth in the Article.

CONSENT MOTION CARRIES UNANIMOUSLY

Article 45 * Authorize Easements

(Two-thirds vote)

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

MOTION: Mr. Berry moves that the Town authorize the grant, termination or acquisition of easements as set forth in the article.

CONSENT MOTION CARRIES UNANIMOUSLY

Article 46 * 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: Mr. Benson 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 47 * 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. Gardner 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 48 * 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 as amended, 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: Mr. Benson 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 49 * 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: Mr. Berry 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 50 * 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: Mr. Berry 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 51 * 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. Adachi moves in the words of the Article.

CONSENT MOTION CARRIES UNANIMOUSLY

MOTION TO DISSOLVE: Ms. Green moves to dissolve the Annual Town Meeting at 11:18pm.

MOTION TO DISSOLVE CARRIES