

**ABSTRACT OF THE SPECIAL TOWN MEETING HELD  
TUESDAY, SEPTEMBER 8, 2020, 6:00 P.M.  
ACTON-BOXBOROUGH REGIONAL HIGH SCHOOL UPPER GYMNASIUM  
(INDOOR, SOCIALLY-DISTANCED SEATING)  
AND THE ADJACENT PARKING LOT (OUTDOOR, SOCIALLY-DISTANCED SEATING)  
NUMBER OF REGISTERED VOTERS ATTENDING TOWN MEETING  
SEPTEMBER 8, 2020 - 447**

*Article Index*

\* Article is on Consent Calendar

# Article submitted by Citizens' Petition

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**September 8, 2020**

Due to the Coronavirus (COVID-19) pandemic, the Special Town Meeting is being held at the Upper Gymnasium of the Acton-Boxborough Regional High School (Indoor, socially-distanced seating) and the Adjacent Parking Lot (Outdoor, socially-distanced seating).

The Moderator, Ms. Jo-Ann Berry, called the Special Town Meeting to order on Tuesday, September 8, 2020 at 6:00 pm.

Thank you to Mr. Bill Mullin, for serving as Temporary Moderator in the outdoor section of the meeting.

The Moderator gave a review of the Town Meeting process.

We will not be using Clickers for voting at this Town Meeting. Large colored cards will be used for voting at this Town Meeting.

Several measures have been taken to make this meeting as efficient as possible to help limit our exposure. The Article presentations have been prerecorded and posted on the Town web page.

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

Motion carries to allow speakers.

**Article 1 Land Acquisition – 4 Piper Lane, 6 Piper Lane, 4 Piper Lane Rear, and Right of Way over 90 School Street**

(Two-thirds vote)

To see if the Town will vote to:

- (a) authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise and accept the deed of a fee simple interest, on such terms and conditions as the Selectmen may determine, of the following parcels of land in Acton (collectively, the “Property”), for open space, passive recreation and conservation purposes under M.G.L. c. 44B, the Community Preservation Act: (i) that certain parcel of land containing approximately 11,791 square feet, commonly known as 4 Piper Lane, identified as Assessor’s Parcel H3-A-3-2, and described in that certain deed recorded with the Middlesex South Registry of Deeds (the “Registry”) in Book 487268, Page 495; (ii) that certain parcel of land containing approximately 1,660 square feet commonly known as 6 Piper Lane, identified as Assessor’s Parcel H3-A-3-1, and described as “Parcel B1” in that certain deed recorded with the Registry in Book 23190, Page 437; (iii) that certain parcel of land containing approximately 248,292 square feet, commonly known as 4 Piper Lane Rear, identified as Assessor’s Parcel H3-A-3, and described as “Parcel C1” in that certain deed recorded with the Registry in Book 23190, Page 437; and (iv) an approximately 4,774.5 square foot parcel of land (the “Right of Way”), being a portion of that certain parcel of land commonly known as 90 School Street, containing approximately 20,543 square feet, identified as Assessor’s Parcel H3-A-17, and described in that certain recorded with the Middlesex South Registry District of the Land Court on Certificate of Title No. 258704 as Document No. 1691886 (“90 School Street”), which Right of Way comprises the eastern forty feet (40’) of 90 School Street, including the fourteen foot (14’) wide private way known as Piper Lane, and which Right of Way shall be subject to a permanent non-exclusive easement to pass and repass by vehicle and on foot, over, across and upon the Right of Way for ingress and egress to and from the remainder of 90 School Street, including the right to install, construct, maintain, grade, slope regrade and reconstruct a paved driveway, drainage facilities and utilities of all types and kinds, in accordance with all municipal bylaws, rules, and regulations;
- (b) appropriate \$1,200,000 for the purchase price and all necessary and appropriate transaction costs for said purchase including, without limitation, costs for due diligence, legal services, bonding, conservation restriction and its monitoring and enforcement, and other transaction, acquisition and related costs;
- (c) authorize the Treasurer, with the approval of the Selectmen, and pursuant to the favorable recommendation of the Community Preservation Committee, to borrow for a repayment term of not less than 15 years and not more than 20 years up to \$600,000 as authorized under the Community Preservation Program pursuant to M.G.L. c. 44B, § 11, and to transfer, appropriate and expend said amount consistent with this article;

- (d) transfer, appropriate and expend, consistent with this article and pursuant to the favorable recommendation of the Community Preservation Committee from the existing Open Space Set Aside portion of the Community Preservation Fund balance an amount equal to the difference between \$1,200,000 and the amount bonded pursuant to subparagraph (c) of this article;
- (e) raise, appropriate, transfer from available funds or accept gifts and grants of such additional funds as are necessary to accomplish the purposes of this article;
- (f) authorize the Selectmen and the Conservation Commission to submit on behalf of the Town any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts, or the United States, under the Self-Help Act (M.G.L. Chapter 132A § 11) and/or any other state or federal programs including those in aid of conservation land acquisition, and to transfer, appropriate and expend any said amount so received consistent with this article;
- (g) authorize and direct the Board of Selectmen to impose a perpetual Conservation Restriction on the conservation or open space so acquired, in accordance with M.G.L. c. 44B, § 12(a) and M.G.L. c. 184, §§ 31-33, on such terms and conditions as the Selectmen may determine (the “Conservation Land”);
- (h) authorize and direct the Board of Selectmen in accordance with M.G.L. c. 44B, § 12(b), to delegate the management of the Conservation Land to the Conservation Commission subject to the perpetual Conservation Restriction as aforesaid; and
- (i) authorize the Selectmen, the Town Manager, the Treasurer, and the Conservation Commission, as appropriate, to enter into all agreements and execute any and all instruments as may be necessary to effect this article;

Or take any other action relative thereto.

**MOTION:** Mr. Charter moves that moves that (1) the Town authorize all actions set forth in the article, (2) the Town appropriate \$1,200,000 to pay costs of the acquisition of the real property located at Piper Lane and School Street as set forth in the article, including the payment of all costs incidental and related thereto; (3) to meet this appropriation, \$600,000 shall be transferred from the Open Space Set-Aside portion of the Community Preservation Fund balance, and the Treasurer with the approval of the Board of Selectmen, is authorized to borrow up to \$600,000 under and pursuant to Chapter 44B of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes therefore, and any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Massachusetts General Laws Chapter 44, Section 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, and (4) the Selectmen, the Town Manager, the Treasurer, and the Conservation Commission are authorized to take any other action within their respective jurisdiction necessary to carry out the acquisition specified in the article.

**MOTION CARRIES**

**Declared 2/3 by Moderator\***

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

**Article 2 Amend Town Charter – Title of the Chief Executive**

(Two-thirds vote)

To see if the Town will vote, pursuant to Section 8-3 of the Charter of the Town of Acton and Chapter 43B of the Massachusetts General Laws, to change the name of the “Board of Selectmen” to the “Select Board” and references to its members from “Selectmen” to “Members,” contingent upon the voters of the Town approving a ballot question regarding acceptance of these changes by a majority vote at the next annual election; or take any other action relative thereto.

**MOTION:** Mr. Martin moves that the Town amend the Town Charter as set forth in the Article.

**MOTION CARRIES**

**Declared 2/3 by Moderator\***

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(The Town Meeting Moderator is not required to count a 2/3 required vote.)

**Article 3 Authorize Payment in Lieu of Taxes – Solar Facilities**

(Majority vote)

To see if the Town will vote, pursuant to the provisions of Chapter 59, Section 38H of the Massachusetts General Laws, to authorize the Town Manager to negotiate and enter into one or more payment in lieu of tax (PILOT) agreements with the operator of solar photovoltaic energy generating facilities for facilities to be developed on real property owned by the Water Supply District of Acton at 28 Lawsbrook Road and 16 Knox Trail, upon such terms and conditions as the Town Manager shall deem to be in the best interest of the Town; or take any other action relative thereto.

**MOTION:** Mr. Snyder-Grant moves that the Town authorize the Town Manager to enter into PILOT agreements as set forth in the Article.

**MOTION CARRIES**

**Article 4 Small Business Grant Program**

(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$165,604 to be expended by the Town Manager pursuant to terms and conditions set forth by the Board of Selectmen for the creation and funding of a grant program to assist small businesses in Acton that have suffered losses as a result of the COVID-19 pandemic (“COVID Small Business Grant Program”), or take any other action relative thereto.

**MOTION:** Mr. Benson moves that the Town transfer from Free Cash and appropriate \$165,604 for the creation and funding of the COVID Small Business Grant Program as set forth in the Article.

**MOTION CARRIES**

**Article 5 #                      Non-Binding Resolution – Declaring a Climate Emergency:**  
(Majority vote)                **A Better Future Starting Now**

**Whereas**, in a world facing extreme challenges, including rapid climate change, Acton residents understand the importance of protecting the Earth and its inhabitants, can envision a better, sustainable future, and can create and execute bold plans for a prosperous economy and a thriving community;

**Whereas**, progress toward this future is underway in Massachusetts, which is among national leaders on climate initiatives (for example, there are 117,000 jobs in the state’s clean energy sector; Massachusetts has been named the most energy efficient state for the past nine years; and as a founding member of the Regional Greenhouse Gas Initiative, the Commonwealth has steadily increased the proportion of renewables in our electricity supply);

**Whereas**, Acton has an engaged Town government, and has undertaken a number of important steps on climate and the environment, the Town is well placed to implement the critical transition away from fossil fuels, and to advance a robust, carbon-free, equitable economy, and the improved health and quality of life that will result;

**Whereas**, the use of fossil fuels — such as oil, coal, and natural gas — is causing unprecedented increases in greenhouse gases in our atmosphere and ensuing climate change impacts;

**Whereas**, the Fourth National Climate Assessment, released in 2018 by the federal government, calls out the cascading risks of climate change, including disruptions to food, water supply, transportation, public health, and national security, as well as major risks to economies and ecosystems;

**Whereas**, in October 2018 the United Nations released a special report that: projected that limiting warming to 1.5°C (2.7°F) above pre-industrial levels will require deep emissions reductions and rapid, unprecedented transitions in all aspects of society; found that there are clear benefits to keeping warming to 1.5°C rather than 2°C (3.6°F) or higher; and asserted that “Every bit of warming matters. Every year matters and every choice matters”;

**Whereas**, restoring a safe and stable climate requires a Climate Mobilization — an emergency initiative on a scale not seen since World War II, with resolute leadership and coordination necessary at all levels of government and in all sectors of society — in order to: (1) reach net zero carbon emissions across all sectors of the economy; (2) rapidly and safely remove excess carbon from the atmosphere, at emergency speed, to levels that restore safe, pre-industrial climate conditions and (3) implement measures to protect all people and species, and ecosystem integrity, from the consequences of climate breakdown;

**Whereas**, many localities, organizations, and countries have adopted a goal of net zero carbon emissions by 2030, there is now worldwide momentum behind developing and deploying the technical, economic, and political means to achieve this goal;

**Be It Therefore Resolved**, that the residents of the Town of Acton hereby declare that a Climate Emergency threatens our town, state, and nation, as well as humanity broadly, and that a mobilization to meet this challenge is both an imperative and an unprecedented opportunity to stabilize the climate, remedy environmental harms, create clean-energy jobs, and improve human lives.

**Be It Further Resolved**, that the members of Acton Town Meeting call on Town government and staff, and all Acton civic groups, businesses, and residents to commit to a climate mobilization effort, with appropriate support from the state and federal governments, to bring net Town-wide carbon emissions to zero as quickly as possible, with a target date of 2030.

**Be It Further Resolved**, that the Town of Acton's climate mobilization should also: (1) accelerate adaptation and resilience strategies in preparation for intensifying local and global climate impacts; (2) protect trees, forests, and other open spaces because of their ability to draw carbon out of the atmosphere and store it; and (3) ensure that the costs of such mobilization efforts do not unfairly burden those who are economically or socially disadvantaged, and that the benefits of a realized, sustainable future accrue to all.

**Be it Further Resolved**, that the Town of Acton calls on state and federal elected officials to initiate a Climate Emergency mobilization, and provide appropriate legislative, regulatory, and financial support to municipalities to implement local Climate Emergency initiatives.

**MOTION:** Judith Aronstein moves that the Town adopt the non-binding resolution as set forth in the Article.

**MOTION CARRIES**

**Consent (Two-thirds vote)**

Mr. Benson moves that the Town take up the four articles in the Consent Calendar of the Warrant: Articles 6, 7, 8 and 9.

Article 6 Accept Legislation – Statutory Speed Limits and Regulatory Safety Zones

Article 7 Accept Legislation – Saturday Office Hours

Article 8 Release of Restriction – 127 Strawberry Hill Road

Article 9 Amend Zoning Bylaw – Housekeeping Corrections, Personal Wireless Facility

Hold Article 8

Remaining Consent Articles

**CONSENT MOTION CARRIES  
Declared 2/3 by Moderator\***

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(The Town Meeting Moderator is not required to count a 2/3 required vote.)

**Article 6 \***                    **Accept Legislation – Statutory Speed Limits and Regulatory Safety Zones**  
(Majority vote)

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 90, Sections 17C and 18B, or take any other action relative thereto.

**MOTION:** Mr. Martin moves that the Town accept the provisions of Massachusetts General Laws Chapter 90, Sections 17C and 18B.

**CONSENT MOTION CARRIES**

**Article 7 \*                    Accept Legislation – Saturday Office Hours**  
(Majority vote)

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 41, Section 110A, or take any other action relative thereto.

**MOTION:** Mr. Martin moves that the Town accept the provisions of Massachusetts General Laws Chapter 90, Sections 17C and 18B.

**CONSENT MOTION CARRIES**

**Article 8 \*                    Release of Restriction – 127 Strawberry Hill Road**  
(Two-thirds vote)

To see if the Town will vote to authorize the Board of Selectmen to release, on such terms and conditions as the Selectmen may determine, that certain restriction held by the Selectmen dated December 26, 1986 and recorded with the Middlesex South District Registry of Deeds at Book 18573, Page 60 (the “Restriction”), which Restriction encumbers that certain property known and numbered as 127 Strawberry Hill Road in Acton, Massachusetts, further identified as Parcel 12 on Town Atlas Map F5, or to take any other action relative thereto.

**MOTION:** Mrs. Gardner moves that the Town authorize the Board of Selectmen to take all actions necessary to release the Restriction, as set forth in the Article.

Held from Consent.

Vote:    Outside    Yes-179    No-116  
          Inside     Yes-39     No-13

**MOTION LOST**

**Article 9 \*                    Amend Zoning Bylaw – Housekeeping Corrections, Personal Wireless Facility**  
(Two-thirds vote)

To see if the Town will vote to amend the Zoning Bylaw, Section 3 – Table of Principal Uses, by changing the name of the use in subsection 3.4.10 from Wireless Communication Facility to Personal Wireless Facility.

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

**CONSENT MOTION CARRIES**  
**Declared 2/3 by Moderator\***

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**MOTION TO DISSOLVE:** Mr. David Martin moves to dissolve the Special Town Meeting at 8:18 pm.

**MOTION TO DISSOLVE CARRIES**