

**ABSTRACT OF THE ANNUAL TOWN MEETING HELD
MONDAY, MAY 16, 2022, 7:00 P.M.
ACTON-BOXBOROUGH REGIONAL HIGH SCHOOL
AUDITORIUM AND UPPER GYMNASIUM (ALL-INDOOR SEATING)
NUMBER OF REGISTERED VOTERS ATTENDING TOWN MEETING
MAY 16, 2022 - 305 MAY 17, 2022 - 257**

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* Article is on Consent Calendar

Article submitted by Citizens' Petition

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May 16, 2022

The Moderator, Ms. Jo-Ann Berry, called the Annual Town Meeting to order on Monday, May 16, 2022, at 7:00 PM.

The Moderator had a request to have a moment of silence for those that were killed over the weekend. “It is by actively speaking and acting that we will be silent against hate and bigotry that will make this happen.”

The Moderator thanked the Town and School staff for the set up of this meeting.

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

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

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

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

Motion carries to allow speakers.

Ms. Berry introduced the chair of the Select Board, David Martin, who then introduced the members at the table. Dean Charter, Fran Arsenault, Himaja Nagireddy and Jim Snyder-Grant. 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 Christine Russell, who then introduced the members at the table, Adam Nolde, Stephen Walsh, Christi Andersen, Esha Gangolli, Steve Noone, Michael F. Majors, Roland Bourdon, Avi Patil, Jason Cole and Dave Wellinohoff

Consent (Two-thirds Vote)

MOTION:

Mr. Martin moves that the Town take up 29 articles in the Consent Calendar of the Warrant: Articles 1, 2, 3, 12 through 23 inclusive, 26 through 36 inclusive, 38, 39 and 40.

Hold from Consent - Article 15 Amend Zoning Bylaw – Flood Plain District

Hold from Consent - Article 28 Septage Disposal Enterprise Budget

Hold from Consent - Article 30 Sewer Enterprise Budget

REMAINING CONSENT 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 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
Select Board, Chair	\$ 750.00 per year
Select Board, Member	\$ 650.00 per year

, or take any other action relative thereto.

MOTION:

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

CONSENT MOTION CARRIES

Mr. Martin nominates William Mullin of 9 Wilson Lane, Acton, for the position of Temporary Moderator, term to expire 2023.

CONSENT MOTION CARRIES

Dorothy Curtis, 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 2025.

CONSENT MOTION CARRIES

Michael Gowing, Trustee of the Elizabeth White Fund, nominates Lauren E. Richardt of 220 Arlington Street, Acton, for the position of Trustee of the Elizabeth White Fund, term to expire 2024.

CONSENT MOTION CARRIES

Michael Gowing, Trustee of the Elizabeth White Fund, nominates James J. Wood of 4 Redwood Road, Acton, for the position of Trustee of the Elizabeth White Fund, term to expire 2025.

CONSENT MOTION CARRIES

Thomas Matthews, Trustee of the Acton Firefighters' Relief Fund, nominates Robert Vanderhoof, of 55 Wood Lane, for the position of Trustee of the Acton Firefighters' Relief Fund, term to expire 2025.

CONSENT MOTION CARRIES

Jennifer Smith, Trustee of the Charlotte Goodnow Fund, nominates Sheryl M. Ryder, of 5 Old Oregon Trail, Acton, for the position of Trustee of the Charlotte Goodnow Fund, term to expire 2025.

CONSENT 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:

Mr. Martin moves that the Town accept the reports of the various Town Officers and Boards as set forth in the 2021 Town Report and that the Moderator call for any other reports.

CONSENT 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 2021 Annual Town Meeting, or take any other action relative thereto.

MOTION:

Mr. Martin moves that the Town take no action

CONSENT 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 \$37,722,544 to defray the necessary expenses of the departments, offices and boards of the Town, exclusive of the Regional Schools' budgets, or take any other action relative thereto.

MOTION:

Mr. Martin moves that the Town appropriate \$37,722,544 to be expended by the Town Manager to fund the fiscal year 2023 municipal budget, and

To meet this appropriation, \$37,592,698 be raised from General Revenues and \$129,846 be transferred from Free Cash, and

That the Town authorize the Town Manager to lease on such terms and conditions as he may determine vehicles and equipment for a period not to exceed five years, and to sell, trade or otherwise dispose of vehicles and equipment being replaced and to expend any proceeds so received.

MOTION CARRIES

Article 5 Town Capital, Infrastructure, Vehicles and Studies

(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, vehicles, equipment, improvement of facilities or infrastructure as listed below, including related incidental costs, or take any other action relative thereto.

A.	Stormwater Management – EPA MS4 Compliance (DPW-19)	\$ 75,000
B.	Asset Management – Data Collection, Infrastructure (DPW-20)	\$ 50,000
C.	Net Zero Vehicle Replacement Program (DPW-10)	\$ 44,000
D.	Fire Station 3 (West Acton) Tight Tank (Fac-43)	\$ 35,000
E.	Fire Stations 1 (Acton Center) & 3 Fire Alarm Systems (Fac-44)	\$ 30,000
F.	Public Shade Tree Assessment Program (DPW-13)	\$ 30,000
G.	Design, Repair, Maintain – Dam Management Program (DPW-21)	\$ 25,000
H.	Develop Public Art Plan (TM-01)	\$ 15,000
Total		\$ 304,000

MOTION:

Mr. Charter moves that the Town transfer from Free Cash and appropriate \$304,000 for the purposes set forth in the Article, including costs incidental and related thereto, and that the Town authorize the Town Manager to lease on such terms and conditions as he may determine vehicles and equipment for a period not to exceed five years, and to sell, trade or otherwise dispose of vehicles and equipment being replaced and to expend any proceeds so received.

MOTION CARRIES

Article 6 Town Capital, Infrastructure, Design and Construction

(Two-thirds vote)

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

A.	Sidewalk Program – New Construction (DPW-16)	\$ 750,000
B.	River Street Dam Project (TM-05)	\$ 750,000
C.	Bridge Design / Construction (DPW-23)	\$ 640,000
D.	Complete Streets and Intersections (DPW-15)	\$ 220,000
Total		\$ 2,360,000

MOTION:

Mr. Charter moves that the Town:

1. Appropriate \$2,360,000 to be expended by the Town Manager for the purposes set forth in the Article, including all costs incidental and related thereto; that to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow \$2,360,000 pursuant to Massachusetts General Laws Chapter 44, Sections 7 and 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and
2. Appropriate and transfer from Free Cash \$366,154 for the payment of the first year of debt service and underwriting costs on such borrowing.

MOTION CARRIES

Declared 2/3 by Moderator*

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

Article 7 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 \$69,689,255 to defray the necessary expenses of the Acton-Boxborough Regional School District, or take any other action relative thereto.

MOTION:

Dr. Petersen moves that the Town raise and appropriate \$69,689,255 to be expended by the Superintendent of Schools to fund the fiscal year 2023 assessment of the Acton-Boxborough Regional School District.

Mr. Kadlec moves to amend the motion to decrease Acton's assessment from \$ 69,689,255 to \$68,189,255.

Clicker vote on Amendment

Yes 112 No 169

MOTION TO AMEND FAILED

Clicker vote to cut off debate

Yes 216 No 60

MOTION TO CUT OFF DEBATE CARRIES

Clicker vote on original Motion

Yes 189 No 85

ORIGINAL MOTION CARRIES

Mrs. Nourse recognized Dr. Ed Bouquillon, Superintendent of for his 15 years of service to the Minuteman Schools. He will be retiring in June. He will be remembered by his dedication to the students at the school.

Article 8 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 \$2,841,323 to defray the necessary expenses of the Minuteman Regional Vocational Technical School District, or take any other action relative thereto.

MOTION:

Mrs. Nourse moves that the Town appropriate \$2,726,154 to fund the fiscal year 2023 assessment of the Minuteman Regional School District and to meet this appropriation, \$2,391,323 be raised from General Revenues and \$450,000 be transferred from Free Cash.

Mrs. Nourse moves that the Town correct the total amount appropriate to \$2,841,323 to fund the fiscal year 2023 assessment of the Minuteman Regional School District.

Motion to correct the total amount carries

MOTION CARRIES

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

To see if the Town will appropriate or set aside for later appropriation, and authorize and direct the Select Board and the Town Manager to expend or set aside, from the FY 2021 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 2021 COMMUNITY PRESERVATION FUND BALANCES	
FY 2021 Community Preservation Fund Revenues	
Community Preservation Fund Surcharge Collected in FY 2021	\$ 1,161,044
State Community Preservation Trust Fund Receipt, 2021	\$ 508,998
Other FY 2021 Community Preservation Fund Components	
Interest Earned in FY 2021 (less abatements and exemptions)	\$ 32,934
Unencumbered FY 2021 Fund Balance	\$ 252
Recapture of unspent previous years’ project appropriations	\$ 60,341
Total - FY 2021 Community Preservation Fund Balance	\$ 1,763,569
FY 2021 Open Space Set-Aside	
Set-Aside Fund Balance from appropriations for the Acquisition, Creation, and Preservation of Open Space and its Rehabilitation and Restoration	\$ 930,082
Total FY 2021 Open Space Set-Aside Fund Balance	\$ 930,082
FY 2021 Historic Resources Set-Aside	
Set-Aside Fund Balance from appropriations for the Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources	\$ 88,317
Total FY 2021 Historic Resource Set-Aside Fund Balance	\$ 88,317
FY 2021 Community Housing Set-Aside	
Set-Aside Fund Balance from appropriations for the Acquisition, Creation, Preservation, and Support of Community Housing	\$ 0
Total FY 2021 Community Housing Set-Aside Fund Balance	\$ 0
APPROPRIATIONS FROM FY 2021 COMMUNITY PRESERVATION FUND BALANCE	
Purposes	Recommended Amounts
Set-Aside Appropriations for	
A. Acquisition, Creation and Preservation of Open Space, and its Rehabilitation and Restoration	\$ 600,000
Spending Appropriations	
B. Asa Parlin – Phase 2 Stabilization	\$ 161,684
C. Shoddy Mill (53 River Street)	\$ 182,450
D. Revolutionary War Gravestone Restoration	\$ 50,000
E. Iron Work Farm – Storm Windows at Jones Tavern	\$ 19,012
F. Iron Work Farm – Exterior Painting at Faulkner	\$ 20,548

G. Gardner Playground – Phase 3 Landscaping	\$ 70,000
H. Elm Street Tennis Courts	\$ 165,000
I. Heath Hen Meadow Boardwalk	\$ 38,000
J. Acton Housing Authority – Windsor Green Window Replacement	\$ 270,023
K. Regional Housing Services Program	\$ 35,000
L. Habitat for Humanity – 26 Carlisle Road	\$ 40,000
M. Acton Community Housing Corporation – Community Housing Program Fund	\$ 50,000
Administrative and Operating Expenses	
N. A fund for Community Preservation Committee (CPC) direct expenses and for reimbursing the Town of Acton for administrative services and operating expenses provided in support of the CPC	\$ 61,154
Total Recommended Appropriations from FY 2020 Community Preservation Fund Balance	\$ 1,762,871
APPROPRIATION FROM OPEN SPACE SET-ASIDE FUND BALANCE	
O. Wright Hill Open Space Land Acquisition – Debt Service	\$ 74,400
P. Piper Lane Open Space Land Acquisitions – Debt Service	\$ 57,900
Total Recommended Appropriations from the Open Space Set-Aside Fund	\$ 132,300
APPROPRIATION FROM COMMUNITY HOUSING SET-ASIDE FUND BALANCE	
	\$ 0
Total Recommended Appropriations from the Community Housing Set-Aside Fund	\$ 0
APPROPRIATION FROM HISTORIC RESOURCES SET-ASIDE FUND BALANCE	
Q. Asa Parlin – Phase 2 Stabilization	\$ 88,317
Total Recommended Appropriations from the Historic Resources Set-Aside Fund	\$ 88,317
Resulting Fund Balances	
Resulting FY 2021 Community Preservation Fund Balance	\$ 698
Resulting Balance in the Set-Aside Fund for the Acquisition, Creation, and Preservation of Open Space, and its Rehabilitation and Restoration	\$ 1,397,782
Resulting Balance in the Set-Aside Fund for the Acquisition, Preservation, Rehabilitation and Restoration of Historic Resources	\$ 0
Resulting Balance in the Set-Aside Fund for the Acquisition, Creation, Preservation, and Support of Community Housing	\$ 0

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

And, whereas Massachusetts General Laws Chapter 44B requires that the Town appropriate for spending, or set-aside for future spending, from the FY 2021 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 2021 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 2021 Community Preservation Fund Balance the minimum necessary amounts to allocate not less than 10% of the FY 2021 Community Preservation Fund Revenues for open space (\$167,004), not less than 10% of the FY 2021 Community Preservation Fund Revenues for historic resources (\$167,004), and not less than 10% of the FY 2021 Community Preservation Fund Revenues for community housing (\$167,004), or take any other action relative thereto.

MOTION:

Mr. Charter moves that the Town:

- 1) Transfer to and from the Community Preservation Fund and appropriate, re-appropriate, or set aside for current or later appropriation \$1,983,488 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 items B and Q - Asa Parlin – Phase 2 Stabilization

REMAINING LINE ITEMS UNDER THIS MOTION CARRIES

Clicker vote for line items B and Q

IClicker Vote – Yes 69 no 105

MOTION FAILS

Article 10 Amend General Bylaws – Preservation of Archaeologically Significant Resources
(Majority vote)

To see if the Town will vote to amend the General Bylaws by adding a new Chapter titled "Preservation of Archaeologically Significant Resources" to read as follows, or take any other action relative thereto.

PRESERVATION OF ARCHAEOLOGICALLY SIGNIFICANT RESOURCES

Section 1. Intent and Purpose

This bylaw is adopted for the purpose of surveying and documenting archaeologically significant features and resources within the Town prior to large areas of land disturbance of currently Undisturbed Land in archaeologically sensitive areas. Archaeologically significant features and resources explain the significant cultural heritage and provide a material record to understand how people lived and used the land, and thereby enrich and enhance historical knowledge of this region.

Therefore, to achieve the above stated purposes, the Acton Historical Commission is empowered to review proposed development when land disturbance occurs within certain lands located in sensitive areas as specified in the Acton Archaeological Sensitivity Maps: Acton Town-Wide Survey Post-Contact Archaeological Sensitivity and Acton Town-Wide Survey Pre-Contact Archaeological Sensitivity, prepared by the Public Archaeology Laboratory, Inc. (PAL), dated July 15, 2008 and revised March 12, 2009 (the "Sensitivity Maps").

Section 2. Definitions

- 2.1 "Alter" or "Alteration"** – Any activity that modifies the natural or existing topography and conditions of real property in such a manner that it may adversely affect any Archaeological Resources located on, at or under such property. These activities may include, but are not limited to: removal (excavation or grading) or placement (filling) of soil, sand, gravel, stone or other earth materials; removal of ground cover vegetation or trees; dredging or filling of wetlands; the construction, modification, or expansion of subsurface utilities (e.g., septic systems, telephone, television, electrical, gas, security services, or water supply), roadways, parking or other paved areas; and the development and construction of proposed buildings, structures or any other improvements on any Undeveloped Land.
- 2.2 "Archaeological Protection Area/High"** – Areas within the Town identified as “High” on the Sensitivity Maps for their likelihood of containing pre-contact or post-contact Archaeological Resources based on environmental attributes such as soils, proximity to wetlands or other water sources, documentary or cartographic evidence, written or oral tradition, and discoveries of historic and archaeological resources.
- 2.3 "Archaeological Protection Area/Moderate"** – Areas within the Town identified as “Moderate” on the Sensitivity Maps for their likelihood of containing pre-contact or post-contact Archaeological Resources based on environmental attributes such as soils, proximity to wetlands or other water sources, documentary or cartographic evidence, written or oral tradition, and discoveries of historic and archaeological resources.
- 2.4 "Archaeological Resource(s)"** – Locations or sites used for ancient or historical period occupation, subsistence, manufacturing, processing, industry, quarrying, trade/commerce, recreation, transportation, agriculture, graves, and other cultural purposes, containing material remains of ancient or historic human activity one-hundred (100) years old or older.
- 2.5 "Archaeological Sensitivity Assessment"** – A preliminary, noninvasive assessment conducted by a registered professional archaeologist that determines the likelihood of finding significant archaeological or historical assets. Such engagements include historical research, environmental context review, and field inspection.
- 2.6 "Commission"** – The Acton Historical Commission.
- 2.7 "Intensive Archaeological Survey"** - Also known as a reconnaissance or intensive (locational) survey that identifies all archaeological sites in a project area. Such engagement includes systematic shovel test pit sampling employed to locate as many archaeological deposits as reasonably possible.
- 2.8 "Permit"** – Any permit, order, order of conditions, license, approval or entitlement from a Permit Granting Authority that is required in connection with the Alteration of any Undeveloped Land.
- 2.9 "Structure"** – A combination of materials assembled to give support or shelter, such as buildings, towers, masts, sheds, roofed storage areas, mechanical equipment, swimming pools, tennis courts, signs, fences; but not including driveways, walkways and other paved areas, underground storage tanks, septic tanks and septic systems, and accessory facilities associated with the provision of utilities such as drains, wells, transformers and telephone poles.

- 2.10 "Sensitivity Maps"** – The Acton Archaeological Sensitivity Maps: Acton Town-Wide Survey Post-Contact Archaeological Sensitivity and Acton Town-Wide Survey Pre-Contact Archaeological Sensitivity, prepared by the Public Archaeology Laboratory, Inc. (PAL), dated July 15, 2008 and revised March 12, 2009. The Sensitivity Maps (and any subsequent amendment(s)) is incorporated into this Bylaw by reference, and are available for review by the public at the Town Clerk's office at Town Hall.
- 2.11 "Threatened Archaeological Resource(s)"** – Any Archaeological Resource that is likely to be adversely impacted, as determined by the Commission, by any Alteration of Undeveloped Land for which a Permit is sought.
- 2.12 "Undisturbed Land"** - Land area that is free of human disturbance due to clearing, grading, paving, building, landscaping or other site development activities, such as tilling and cropping, residential and commercial development, grazing, paved or gravel roads and mowing, but not including selected cutting of trees or removal of dead wood.

Section 3. Procedure

3.1 Archaeological Submission

Effective no earlier than July 1, 2022, any person proposing to disturb 15,000 square feet or more of currently Undisturbed Land within the Archaeological Protection Area/High, or 1 acre (43,560 square feet) or more of Undisturbed Land within the Archaeological Protection Area/Moderate shall submit to the Commission an Archaeological Protection Permit Application for alterations of land within an archaeologically sensitive area including: (1) address and area type, (2) survey with overlay of land to be disturbed and delineation of the Archaeological Protection Areas, (3) a brief narrative summary of the planned or proposed Alteration, specifying the proposed disturbance of the land (collectively, the "Archaeological Protection Permit Application").

3.2 Archaeological Sensitivity Assessment

3.2.1 Within thirty (35) days after receipt of the Archaeological Protection Permit Application, the Commission shall meet and make a written determination as to whether additional investigation is needed into the presence of Archaeological Resource(s) and potential impact from the proposed Alteration (the "Archaeological Sensitivity Assessment"). Such an Assessment may include a site visit by the Commission and the Commission procuring a preliminary non-invasive analysis of the potential Archaeological Resources at the site by a trained professional in the field. All costs of such Assessment shall be paid by the Town.

3.2.2 If the Commission has determined that an Archaeological Sensitivity Assessment is required, such assessment shall be completed and the Commission shall determine whether the Alteration will adversely impact any Archaeological Resource within 45 days of the Commission's initial determination. The Commission and applicant may, by mutual agreement, extend the date for such preliminary Assessment. No Alteration shall commence, nor shall a building permit be issued during such 45-day period (or any authorized extension). Should the Commission fail to act or get the time extended within that initial 45-days, it waives the opportunity to do such Archaeological Sensitivity Assessment, and an Archaeology permit under this Bylaw shall be issued.

- 3.2.2.1** If the Commission determines that the Alterations will not adversely impact any significant Archaeological Resource(s), the Commission shall notify the Applicant in writing within fourteen (14) days of such determination and issue an Archaeology permit. Upon receipt of such notification or more than fourteen (14) days since the Commission's determination without any such notice, the applicant may commence the proposed Alteration, subject to the requirements of any other applicable laws, bylaws, rules and regulations.
- 3.2.2.2** If the Commission determines that the Alteration may adversely impact any significant Archaeological Resource(s), the Commission shall notify the applicant in writing within fourteen (14) days of said meeting that the proposed Alteration is identified as significant, and a detailed study to document any found Threatened Archaeological Resources is recommended. Regardless of that finding, the Commission shall issue an Archaeology permit at this time, with a request to conduct an Intensive Archaeological Survey.
- 3.2.2.3** Upon the grant of an Archaeology permit, the applicant may commence the proposed Alteration, subject to the requirements of any other applicable laws, bylaws, rules and regulations. If the applicant agrees to proceed with an Intensive Archaeological Survey by a qualified archaeological team to locate, identify, evaluate, and document archaeological resources, costs of such Intensive Archaeological Survey may be paid by the Town, to the extent that appropriations are available.
- 3.2.2.4** Matters pertaining to the locations of archaeological resources that are "not a public record" and "confidential" pursuant to M.G.L. c. 9, §26A(1) & (5), c. 9, §27C and c. 40 §8D shall not be disclosed for public review.

Section 4. 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 it deems necessary and appropriate to obtain compliance with the requirements of this bylaw, or to prevent a violation thereof.
- 4.2** For any Undeveloped Land upon which a Threatened Archaeological Resource has been voluntarily Altered in violation of this Bylaw, no Building Permit shall be issued for a period of three (3) years after the date of the completion of such unauthorized Alteration unless permitted by the Commission pursuant to Section 4.4. For purposes of this Section 4.2, the term Threatened Archaeological Resource shall mean any Archaeological Resource that the Commission, in its sole discretion, would have determined to be a Threatened Archaeological Resource but which Archaeological Resource was voluntarily Altered before such determination could be issued.
- 4.3** Should the applicant or the owner of the subject Land, if not the applicant, fail to secure any Threatened Archaeological Resource as required under this Bylaw, the loss of such Threatened Archaeological Resources through fire or other cause shall be considered voluntarily Altered for the purposes of Section 4.2.

- 4.4** At any time, the applicant, or owner of the subject Land, if not the applicant, of Undeveloped Land upon which a Threatened Archaeological Resource has been voluntarily Altered in violation of Sections 4.2 and 4.3 may apply to the Commission for an exemption to the provisions of those Sections. Such application must state with particularity the facts and circumstances such that the Commission can find that an exemption is warranted due to exigent circumstances or disasters beyond the Permit applicant's or owner's control. The Commission may, in its sole discretion, determine that the request states sufficient grounds for exemption from the provisions of Sections 4 and authorize an exemption from Section 4.

Section 5. Miscellaneous

- 5.1** Real property owned or operated by the Town of Acton, including the Acton Boxborough Regional School District and the Acton Water District; or private owners receiving state funding or licensing must comply to requirements in M.G.L. c. 9, §§ 26A, 27C and 950 C.M.R. 70, *et seq.* of the Massachusetts Historical Commission and are therefore not subject to this bylaw.
- 5.2** 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.
- 5.3 Rules and Regulations**
The Historical Commission may adopt such reasonable rules and regulations with respect to the submission and administrative process as may be necessary or appropriate to implement the provisions of this bylaw.

MOTION:

Ms. Arsenault moves that the Town amend the General Bylaws as set forth in the Article.

MOTION CARRIES

Article 11 Accept Street – Community Lane (Kelley's Corner)

(Two-thirds vote)

To see if the Town will authorize the Select Board to layout Community Lane and acquire, and take, on such terms and conditions as the Select Board may determine, by purchase, gift, eminent domain or otherwise and accept the deed of a fee simple or easement interest in the land as shown on the plan, on file with the Acton Town Clerk, said acquisition and taking of Community Lane shall include 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. Charter moves that the Town accept as a public way Community Lane, and authorize the acquisition, transfer or taking of the fee or easement interest for roadway layout and associated easement interests, all as described 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.)

MOTION TO ADJOURN: Mr. Martin moves to adjourn the Town Meeting at 10:32 pm until May 17th at 7:00 pm, at the Acton-Boxborough Regional High School Auditorium.

MOTION TO ADJOURN CARRIES

May 17, 2022

Moderator opened the second night of Town Meeting at 7:01 pm

The Moderator, Ms. Berry, called the Annual Town Meeting to order on Tuesday, May 17, 2022 at 7:01pm.

The Moderator gave a brief presentation of the process of the meeting tonight.

Ms. Berry stated that we will be voting by voice or by clicker as needed. Instruction will be given on the clicker prior to the vote.

Start with article #41

Article 12 * Accept Street Relocation & Layout – Main Street (Kelley's Corner)

(Two-thirds vote)

To see if the Town will authorize the Select Board to relocate a portion of Main Street, by acquiring and/or taking, on such terms and conditions as the Select Board may determine, by purchase, gift, eminent domain or otherwise and accept a deed of a fee simple or easement interest, for all purposes for which streets, sidewalks and ways are now or hereafter may be used in the Town; 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. Charter moves that the Town accept a portion of Main Street, as relocated by the Select Board and shown on Plan 302 of 2021 titled "Alteration Plan of Main Street (Route 27)" dated April 8, 2021.

CONSENT 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 * Amend General Bylaws – Dates of Annual Town Election and Town Meeting

(Majority vote)

To see if the Town will vote to amend Chapter A, Section A1 "Date of Town Election" of the General Bylaws by deleting the first sentence and replacing it with the following:

"The Annual Town Meeting for the election of Town Officers shall be held on the Tuesday immediately preceding the first Monday of May in each year."

And further to amend Chapter A, Section A2 "Date of Town Meeting" of the General Bylaws by deleting "first Monday in April" and replacing it with "first Monday in May."

MOTION:

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

CONSENT MOTION CARRIES

Article 14 * Amend General Bylaws – Department Revolving Funds – Stormwater

(Majority vote)

To see if the Town will vote to amend the General Bylaws, Chapter Y – Department Revolving Funds, pursuant to the provisions of Massachusetts General Laws Chapter 44, Section 53E½, Revolving Funds, as amended by replacing the Stormwater Revolving Fund row of Section 5 to read as follows, or take any other action relative thereto.

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

<u>A</u> Revolving Fund	<u>B</u> Entity Authorized to Spend	<u>C</u> Receipts Credited to Fund	<u>D</u> Expenses Payable from Fund	<u>E</u> Fiscal Years
Stormwater	Land Use Public Works Department	Receipts from permit and inspection fees and fines related to stormwater management	Costs for compliance, inspections, subcontractors and incidental expenses	FY 2019 2023 , et seq.

MOTION:

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

CONSENT MOTION CARRIES

Article 15 * Amend Zoning Bylaw – Flood Plain District

(Two-thirds vote)

To see if the Town will vote to amend the Zoning Bylaw by deleting Section 4.1 Flood Plain District, in its entirety and replace it with the following:

4.1 Flood Plain District – The Flood Plain District is an overlay district whose boundaries and regulations are superimposed on all districts established by this Bylaw. The Flood Plain District includes all special flood hazard areas in Acton designated as Zones A and AE shown on Zoning Map Number 2, which are the Acton Panels of the Middlesex County Flood Insurance Rate Map (FIRM), and which are issued by the Federal Emergency Management Agency for the administration of the National Flood Insurance Program, dated July 6, 2016. These maps indicate the 1%-chance regulatory floodplain. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Flood Insurance Study (FIS) report dated July 6, 2016. The effective FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, and Conservation Commission. The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection. The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes.

4.1.1 Definitions – For the purposes of this Section, the following terms shall have the following meaning:

- 4.1.1.1 DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- 4.1.1.2 BASE FLOOD or 100-YEAR FLOOD – The flood having a 1 percent chance of being equaled or exceeded in any given year.
- 4.1.1.3 FLOOD PLAIN – Any land susceptible to being inundated by the Base Flood. The Flood Plain includes the Floodway and Floodway Fringe.
- 4.1.1.4 FLOODWAY – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the Base Flood without cumulatively increasing the water surface elevation more than a designated height.
- 4.1.1.5 FLOODWAY FRINGE – The area between the Floodway and the boundary of the Base Flood.
- 4.1.1.6 FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
- 4.1.1.7 HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- 4.1.1.8 HISTORIC STRUCTURE means any structure that is:
- a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - 1) By an approved state program as determined by the Secretary of the Interior or
 - 2) Directly by the Secretary of the Interior in states without approved programs.
- 4.1.1.9 LOWEST FLOOR – The Lowest Floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, BUILDING access, or storage, in an area other than a basement area, is not considered a BUILDING'S Lowest Floor, provided that such enclosure is not built so as to render the STRUCTURE in violation of the applicable non-elevation design requirements of this ordinance.

- 4.1.1.10 NATURAL FLOOD STORAGE VOLUME – The volume of water which could be stored between the elevation(s) of the property as it existed on June 14, 1978 and the elevation(s) of the Base Flood.
- 4.1.1.11 NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. New construction includes work determined to be substantial improvement.
- 4.1.1.12 RECREATIONAL VEHICLE means a vehicle which is:
- a) Built on a single chassis;
 - b) 400 square feet or less when measured at the largest horizontal projection;
 - c) Designed to be self-propelled or permanently towable by a light duty truck; and
 - d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- 4.1.1.13 REGULATORY FLOODWAY - see FLOODWAY.
- 4.1.1.14 SPECIAL FLOOD HAZARD AREA. The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, or AH.
- 4.1.1.15 START OF CONSTRUCTION. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.
- Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual “start of construction” means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- 4.1.1.16 STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.
- 4.1.1.17 SUBSTANTIAL IMPROVEMENT – Any repair, reconstruction or improvement of a STRUCTURE, the cost of which equals or exceeds 50% of the fair market value of the STRUCTURE either, 1) before the improvement or repair is started, or 2) if the STRUCTURE has been damaged, and is being restored, before the damage occurred. Substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the STRUCTURE commences, whether or not that alteration affects the external dimensions of the STRUCTURE. However, Substantial Improvement shall not include either 1) any project for improvement of a STRUCTURE to comply with existing state or local health, sanitary, or safety code specifications which are

solely necessary to assure safe occupancy conditions, or 2) any alteration of a STRUCTURE listed on the National Register of Historic Places or the State Inventory of Historic Places.

- 4.1.1.18 SUBSTANTIAL REPAIR OF A FOUNDATION. When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR.
- 4.1.1.19 VARIANCE means a grant of relief by a community from the terms of a flood plain management regulation.
- 4.1.1.20 VIOLATION means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.
- 4.1.2 Purpose – The purpose of the Floodplain Overlay District is to:
- a) Ensure public safety through reducing the threats to life and personal injury
 - b) Eliminate new hazards to emergency response officials
 - c) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding
 - d) Avoid the loss of utility services that if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the flood site
 - e) Eliminate costs associated with the response and cleanup of flooding conditions
 - f) Reduce damage to public and private property resulting from flooding waters

Further, the purpose of the Flood Plain District is to maintain the Town's eligibility in the National Flood Insurance Program (NFIP) by adopting floodplain management regulations that meet the applicable standards of the NFIP regulations set forth in 44 CFR 60.3. In the event of a conflict between the NFIP regulations at 44 CFR 60.3 and the Flood Plain District regulations set forth in the Bylaw, the more stringent requirement shall control.

- 4.1.3 Designation of community Floodplain Administrator – The Town of Acton hereby designates the position of Planning Director to be the official floodplain administrator for the Town.
- 4.1.3.1 In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Town's FIRM encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

- 4.1.3.2 In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review, and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A and as the basis for elevating residential structures to or above base flood level, for flood proofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.
- 4.1.3.3 Subdivision proposals – All subdivision proposals and development proposals in the floodplain overlay district shall be reviewed to assure that:
 - a) Such proposals minimize flood damage.
 - b) Public utilities and facilities are located & constructed to minimize flood damage.
 - c) Adequate drainage is provided.
- 4.1.3.4 Base flood elevation data for subdivision proposals – When proposing subdivisions or other developments greater than 50 lots or 5 acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.
- 4.1.3.5 AO and AH zones drainage requirements – Within Zones AO and AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
- 4.1.3.6 Recreational vehicles – In A1-30, AH, and AE Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.
- 4.1.4 Prohibited USES Within the Limits of the Floodway – Except as provided in Section 4.1.5, all new construction and encroachments including, grading, filling, excavating, Substantial Improvements and other development is prohibited unless:
 - a) a technical evaluation by a Registered Professional Engineer demonstrates that the new construction or encroachment will not result in any increase in flood levels during the occurrence of the Base Flood discharge;
 - b) and it is otherwise allowed by a special permit from the Board of Appeals under Section 4.1.8;
- 4.1.4.1 Permits are required for all proposed development in the Floodplain Overlay District, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.
- 4.1.4.2 Acton's permit review process requires that the proponent obtain all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain

overlay district. The proponent must submit a list demonstrating that all necessary permits have been acquired.

- 4.1.5 Allowed USES Within the Limits of the Floodway – The following USES are allowed within the limits of the Floodway, provided that the owner or applicant has obtained all necessary local permits or approvals:
 - 4.1.5.1 Maintenance and repair of existing STRUCTURES and improvement of existing STRUCTURES provided that any such improvement is either within the existing STRUCTURE or above the Base Flood elevation in accordance with the current building code;
 - 4.1.5.2 Maintenance, repair and replacement of existing STRUCTURES in a driveway or private way or in an associated easement. Structures referred to herein include banks, walls, culverts, bridges or similar structures; and
 - 4.1.5.3 Any activity, construction or installation conducted solely for the purpose of environmental clean-up or remediation, and required or approved by the United States Environmental Protection Agency or the Massachusetts Department of Environmental Protection.
- 4.1.6 Permitted USES Within the Limits of the Floodway Fringe – The following USES are permitted within the limits of the Floodway Fringe in accordance with the underlying district:
 - 4.1.6.1 Any USE otherwise permitted by this Bylaw subject to the provisions of this Section;
 - 4.1.6.2 Any USE permitted in the underlying district in which the land is located subject to the same USE and development restrictions as may otherwise apply provided that a FEMA-approved Letter of Map Revision is submitted to the Zoning Enforcement Officer which determines that the land is not subject to flooding during the Base Flood.
 - 4.1.6.3 Construction, maintenance and repair of municipal and private water supply STRUCTURES;
 - 4.1.6.4 Maintenance and repair of existing STRUCTURES and improvement of existing STRUCTURES provided that any such improvement is either within the existing STRUCTURE or above the Base Flood elevation in accordance with the current building code;
 - 4.1.6.5 Maintenance, repair and replacement of existing STRUCTURES in a driveway or private way or in an associated easement. Structures referred to herein are banks, walls, culverts, bridges or similar structures;
 - 4.1.6.6 Any activity, construction or installation conducted solely for the purpose of environmental clean-up or remediation, and required or approved by the United States Environmental Protection Agency or the Massachusetts Department of Environmental Protection.
- 4.1.7 Prohibited USES within the Limits of the Floodway Fringe – Except as provided in Section 4.1.7 and Section 4.1.8, all new construction including grading, filling or excavating is prohibited within the limits of the Floodway Fringe.
- 4.1.8 USES Permitted by Special Permit – Within the Limits of the Floodway Fringe – The following USES may be permitted within the limits of the Floodway Fringe upon the issuance of a special permit by the Board of Appeals:

- 4.1.8.1 Any USE permitted in the underlying district in which the land is located, including grading, filling or excavating, subject to the same USE and development regulations as may otherwise apply thereto provided the Board of Appeals finds that:
- a) the proposed USE does not significantly conflict with the purposes of this Section;
 - b) at least 98 percent of the Natural Flood Storage Volume of the Flood Plain on the site is preserved without the use of compensatory storage techniques and disturbance of the natural characteristics of the Flood Plain on the site is kept to a minimum;
 - c) the elevation of the lowest point of any new vehicular or pedestrian ACCESS from a STREET to any BUILDING, including garages, used for human occupancy is at or above the Base Flood; and
 - d) any new construction or Substantial Improvements must comply with the current building code.
- 4.1.9 Procedures for Review by the Board of Appeals – Any person who desires to erect any STRUCTURE or excavate, fill, grade or otherwise develop land in accordance with Section 4.1.4 or Section 4.1.8 shall submit a written application to the Board of Appeals. Each such application shall be accompanied by the following;
- a) A written statement indicating any special permits previously granted under this Section for the subject LOT, for any portion of the subject LOT or for any larger LOT which formerly included the subject LOT;
 - b) Proposed site plan for the entire area to be developed showing existing and proposed BUILDINGS, STRUCTURES, signs, parking spaces, driveway openings and driveways; the Flood Plain District boundary; existing and proposed topography at one foot intervals within the Flood Plain District and two foot intervals outside the District; the Floodway boundary; all facilities for surface and subsurface water drainage and sewage disposal; and all existing and proposed landscape features;
 - c) Detailed calculations and supporting materials prepared by a Registered Professional Engineer showing the existing and proposed flood storage volume of the site between the elevation(s) of the property as it existed on June 14, 1978 and the elevation(s) of the Base Flood. In A-Zones, the supporting materials shall include the methods and all data used in determining the location of the Floodway and the elevation of the Base Flood;
 - d) Where floodproofing is used, certification by a Registered Professional Engineer or a Registered Professional Architect that the new construction is adequate to withstand the forces associated with the Base Flood and that the methods used are adequate to withstand flood depths, pressures and velocities, impact and uplift forces and other factors associated with the Base Flood.
- 4.1.9.1 If a special permit is granted, the Board of Appeals shall impose such conditions and safeguards as public safety, welfare and convenience, and the NFIP regulations at 44 CFR 60.3 may require. Upon completion of any authorized work an "as-built" plan, prepared by a Registered Professional Engineer or a Registered Land Surveyor, as appropriate to the data, of all improvements in the Flood Plain District shall be submitted to the Zoning Enforcement Officer and shall specify the elevation of the Lowest Floor including basement, the elevation to and method by which any STRUCTURE has been floodproofed and the finished grades of all disturbed areas.

4.1.9.2 All structural and non-structural activities and development in the Flood Plain District, whether allowed under this Bylaw by right or by special permit must be in compliance with applicable State laws and regulations as amended from time to time, including, but not limited to M.G.L. Ch. 131, s. 40 (Wetlands Protection Act); 780 CMR (Massachusetts State Building Code applicable to Flood Resistant Construction); 310 CMR 10.00 & 13.00 (Wetlands Protection and Inland Wetlands Regulations); and 310 CMR 15.00 (Title 5, Minimum Requirements for the Subsurface Disposal of Sanitary Sewage).

4.1.9.3 Variances to building code floodplain standards – The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community’s files.

The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

4.1.9.4 Variances to local Zoning Bylaws related to community compliance with the National Flood Insurance Program (NFIP) – The Town of Acton shall not grant variances to the Flood Plain Overlay District.

4.1.9.5 Requirement to submit new technical data – If the Town/City acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town/City will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:

FEMA Region I
Risk Analysis Branch Chief
99 High St., 6th floor
Boston, MA 02110

And copy of notification to:

Massachusetts NFIP State Coordinator
MA Dept. of Conservation & Recreation
251 Causeway Street
Boston, MA 02114

4.1.9.6 Watercourse alterations or relocations in riverine areas – In a riverine situation, the Zoning Enforcement Officer shall notify the following of any alteration or relocation of a watercourse:

- a) Adjacent Communities, especially upstream and downstream
- b) Bordering States, if affected
- c) NFIP State Coordinator:
Massachusetts Department of Conservation and Recreation
251 Causeway Street, 8th floor
Boston, MA 02114
- d) NFIP Program Specialist:
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

MOTION:

Mr. Yacouby moves that the Town amend the Zoning Bylaw as set forth in the Article.

Held from consent

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 * Amend Zoning Bylaw – Terminology of the Select Board
(Two-thirds vote)

To see if the Town will vote to amend the Zoning Bylaw by replacing the phrase "Board of Selectmen" to "Select Board," the term "Selectmen" to "Member," and/or other context-appropriate terminology as appearing throughout the Bylaw, consistent with the Town Charter change voted at the September 2020 Special Town Meeting and ratified at the 2021 Annual Town Election, or take any other action relative thereto.

MOTION:

Mr. Snyder-Grant moves that the Town amend the Zoning Bylaw as set forth in the Article.

CONSENT 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 17 * Amend Zoning Bylaw – Correct Cross-Reference for Ground-Mounted
(Two-thirds vote) Solar Photovoltaic Installations**

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

- A. In Section 3.11 – Special Requirements for Ground-Mounted Solar Photovoltaic Installations, amend subsection 3.11.2 by deleting the phrase “see Section 3.8.3;” and replacing it with: “see Section 3.8.4;”

[Modifications from current Bylaw:

3.11.2 Applicability – This Section 3.11 shall apply to all ground-Mounted Neighborhood and Industrial Solar Photovoltaic Installations, including related BUILDINGS, STRUCTURES, and equipment, and to physical modifications of such installations that materially alter their type, configuration, or size. For regulations on solar energy systems as ACCESSORY USES, see Section ~~3.8.3~~ 3.8.4 of this bylaw.]

, or take any other action relative thereto.

MOTION:

Mr. Yacouby moves that the Town amend the Zoning Bylaw as set forth in the Article.

**CONSENT 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 18 * Accept Legislation – Payments via Direct Deposit
(Majority vote)**

To see if the Town will vote to accept Massachusetts General Laws Chapter 41, Section 41B providing for payment of public employees by direct bank deposits, or take any other action relative thereto.

MOTION:

Mr. Martin moves that the Town accept Massachusetts General Laws Chapter 41, Section 41B providing for payment of public employees by direct bank deposits.

CONSENT MOTION CARRIES

Article 19 * Land Lease – 20 Maple Street (Caouette-Simeone Conservation Land)

(Two-thirds vote)

To see if the Town will authorize the Select Board to enter into a lease on such terms and conditions as the Select Board may determine pursuant to Massachusetts General Law Chapter 30B, for all or a portion of land at 20 Maple Street, shown as Parcel 62 on the Town of Acton Assessor's Maps H-2A and H-3B and Parcel 61 on the Town of Acton Assessor's Map H-2, further shown as "Lot 1" on the plan entitled "Plan of Land in Acton, Massachusetts (Middlesex County)" dated October 22, 2010 and prepared by Stamski and McNary, Inc.; or take any other action relative thereto.

MOTION:

Mr. Martin moves that the Town authorize the Select Board to enter into a lease of real property as set forth in the Article.

CONSENT 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 20 * Accept Gift of Land and Easement – 180 Newtown Road – Open Space

(Two-thirds vote)

To see if the Town will vote to accept as a gift from Rhinell, LLC a parcel of land and an easement consisting of 12.68 acres, more or less, shown as Parcel 10 on the Town of Acton Assessor's Map D3 and identified as "Open Space" on a plan of land entitled "Genevieve Lane -180 Newtown Road Definitive Subdivision PCRC Development, Acton, Massachusetts" prepared by Dillis & Roy Civil Design Group last revised December 3, 2020 and recorded with the Middlesex South Registry of Deeds as Plan 494 of 2021, for conservation and recreation purposes; and further, to meet any necessary appropriation, see if the Town will raise, appropriate, transfer from available funds, or take any other action relative thereto.

MOTION:

Mr. Martin moves that the Town accept the land and easement as set forth in the Article.

CONSENT 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 21 * Home Rule Petition – Bidding Requirements Exemption –
(Majority vote) **Acton Housing Authority**

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

**AN ACT RELATIVE TO BIDDING REQUIREMENTS FOR A CERTAIN AFFORDABLE HOUSING PROJECT
IN THE TOWN OF ACTON.**

Provided that the General Court may reasonably vary the form and substance of this requested legislation which shall be within the scope of the general public objectives of this petition, be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Construction and development activity related to redevelopment by the Acton Housing Authority or by a limited liability company or limited partnership controlled by the Acton Housing Authority of the federally-funded McManus Manor located at 362-364 Main Street, Assessor's Parcel ID F3-32 and F3-33, in the Town of Acton, or any part thereof, shall not be subject to any general or special law related to the procurement and award of contracts for the planning, design, construction management, construction, reconstruction, installation, demolition, maintenance or repair of buildings by a public agency, but shall be subject to sections 26 to 27H, inclusive, of chapter 149 of the General Laws. A conveyance of the project, whether by leasehold or fee estate, to an urban redevelopment corporation organized pursuant to chapter 121A of the General Laws or to a nonprofit state and federally tax-exempt corporation organized for the purpose of or to a limited partnership or limited liability company whose primary purpose is revitalizing the project, shall be subject to chapter 30B of the General Laws to the extent that the project is conveyed to an entity that is not owned, controlled or managed by the Acton Housing Authority on the date of the conveyance.

SECTION 2. This act shall take effect upon its passage.

MOTION:

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

CONSENT MOTION CARRIES

Article 22 * Home Rule Petition – Public Safety Residency Radius Requirement

(Majority vote)

To see if the Town will vote to authorize the Select Board to petition the General Court and take the necessary action to enact special legislation to establish that notwithstanding the provisions of G. L c. 41 section 99A the Town of Acton upon enactment of the legislation may increase the fifteen (15) mile residency limit contained in G. L c. 41 section 99A that is placed upon members of the Acton police and fire departments. Any increase in the residency limit would be subject to a collective bargaining agreement negotiated in accordance with Chapter 150E.

MOTION:

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

CONSENT MOTION CARRIES

Article 23 * Authorize Collective Bargaining Agreement – Dispatch

(Majority vote)

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

MOTION:

Mr. Martin moves that the Town authorize the first year cost items contained in the Collective Bargaining Agreement between the Town and the Public Safety Dispatchers Union, International Brotherhood of Teamsters Local Union 25.

CONSENT MOTION CARRIES

Article 24 * Authorize Collective Bargaining Agreement – Fire

(Majority vote)

To see if the Town will vote to authorize the cost items contained in the Collective Bargaining Agreement between the Town and the Acton Permanent Firefighters, Local #1904, International Association of Firefighters, AFL-CIO as filed with the Town Clerk, or take any other action relative thereto.

MOTION:

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

Removed from consent

MOTION CARRIES

Article 25 * Authorize Collective Bargaining Agreement – Police Patrol Officers

(Majority vote)

To see if the Town will vote to authorize the cost items contained in the Collective Bargaining Agreement between the Town and the Acton Police Patrol Officers Association as filed with the Town Clerk, or take any other action relative thereto.

MOTION:

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

Removed from consent

MOTION CARRIES

Article 26 * Authorize Collective Bargaining Agreement – Police Superior Officers

(Majority vote)

To see if the Town will vote to authorize the cost items contained in the Collective Bargaining Agreement between the Town and the Massachusetts Coalition of Police Local 380 as filed with the Town Clerk, or take any other action relative thereto.

MOTION:

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

CONSENT MOTION CARRIES

Article 27 * Commuter Lot & Station Maintenance

(Majority vote)

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

MOTION:

Mr. Martin moves that the Town transfer from the Commuter Lot Parking Fees Fund and appropriate \$87,963 for the purposes set forth in the Article.

CONSENT MOTION CARRIES

Article 28 * Septage Disposal Enterprise Budget

(Majority vote)

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

MOTION:

Mr. Martin moves that the Town raise \$149,900 from department receipts, transfer \$10,000 from retained earnings and appropriate \$159,900 to operate the septage waste disposal program.

Held from consent

MOTION CARRIES

Article 29 Transfer Station and Recycling Enterprise Budget

(Majority vote)

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

MOTION:

Mr. Martin moves that the Town raise \$602,550 from department receipts, transfer \$40,462 from retained earnings and appropriate \$643,012 for the purpose of solid waste disposal and recycling, and further that the Town authorize the Town Manager to lease on such terms and conditions as he may determine vehicles and equipment for a period not to exceed five years, and to sell, trade or otherwise dispose of vehicles and equipment being replaced and to expend any proceeds so received.

CONSENT MOTION CARRIES

Article 30 * Sewer Enterprise Budget

(Majority vote)

To see if the Town will raise and appropriate, appropriate from available funds, and/or transfer a sum of money for the purpose of 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:

Mr. Martin moves that the Town raise \$1,810,576 from department receipts, transfer \$498,209 from retained earnings and appropriate \$2,308,785 for the purpose of operating the sewer system.

Held from consent

MOTION CARRIES

Article 31 * Ambulance Enterprise Budget

(Majority vote)

To see if the Town will raise and appropriate, appropriate from available funds, and/or transfer a sum of money for the purpose of 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. Martin moves that the Town raise \$1,100,000 from department receipts, raise \$390,000 from general revenues, transfer \$100,127 from retained earnings and appropriate \$1,590,127 for the purpose of operating the ambulance service.

CONSENT MOTION CARRIES

Article 32 * Transportation Enterprise Budget

(Majority vote)

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

MOTION:

Mr. Martin moves that the Town raise \$225,500 from department receipts, raise \$160,000 from general revenues, transfer \$165,536 from retained earnings and appropriate \$551,036 for the purpose of operating the transportation service.

CONSENT MOTION CARRIES

Article 33 * 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 FY23 Budgeted Expense column in the table below, or take any other action relative thereto.

Fund Balance 6/30/2021	FY22 Budgeted Revenue	FY22 Budgeted Expense	Est. Fund Balance 6/30/2022	FY23 Budgeted Revenue	FY23 Budgeted Expense	Est. Fund Balance 6/30/2023
Historic District Commission						
2,605	200	200	2,605	200	200	2,605
Building Department						
363,652	287,637	287,637	363,652	395,000	395,000	363,652
Hazardous Materials Inspection						
7,536	42,959	42,959	7,536	45,593	45,593	7,536
Food Service Inspection						
10,134	53,328	53,328	10,134	44,329	44,329	10,134
Stormwater						
163,688	84,548	84,548	163,688	93,609	93,609	163,688
Sealer of Weights and Measures						
82,975	25,900	25,900	82,975	26,483	26,483	82,975
CrossTown Connect						
72,525	180,000	180,000	72,525	180,000	180,000	72,525
Fire Alarm Network						
189,774	65,115	65,115	189,774	65,115	65,115	189,774
Roadway Maintenance						
107,830	47,000	47,000	107,830	54,004	54,004	107,830
Public Shade Trees						
-	25,000	25,000	-	25,000	25,000	-
Total				\$ 929,333	\$ 929,333	

MOTION:

Mr. Martin 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 34 * Authorize Easements

(Two-thirds vote)

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

MOTION:

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

CONSENT 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 35 * 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. Martin 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

Article 36 * 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:

Mr. Martin 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

Article 37 **[Article Removed from Warrant]**

Article 38 * **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 Select Board or Town Manager are authorized to enter into an agreement or agreements on behalf of the Town, on such terms and conditions as the Select Board or the Town Manager may determine, or take any other action relative thereto.

MOTION:

Mr. Martin moves that the Town Manager is authorized to accept Federal and State reimbursement funds from all sources and that such funds are hereby appropriated for the purposes outlined by such reimbursement.

CONSENT MOTION CARRIES

Article 39 * **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. Martin 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

Article 40 * Sale of Foreclosed Properties

(Two-thirds vote)

To see if the Town will vote to authorize the Select Board to dispose of foreclosed properties acquired by the Town for nonpayment of taxes in accordance with the provisions of Massachusetts General Laws, or take any other action relative thereto.

MOTION:

Mr. Martin moves in the words of the Article.

CONSENT 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 41 # Amend Town Charter – Elected Planning Board Members

(Two-thirds vote)

To see if the Town will vote to amend Section 2-1 “Elected Officials” of the Acton Charter by adding the following line to the table in that section:

	NUMBER OF MEMBERS	LENGTH OF TERM (YEARS)
Planning Board	5	5

And further to amend Section 4-2 “Appointment Powers, Selectmen” of the Charter of the Town of Acton, by deleting the Planning Board from this Section.

MOTION:

Ms. Friedrichs moves that the Town amend the Town Charter as set forth in the Article.

Clicker vote for motion – 2/3 vote required

IClicker Vote – Yes 76 No 118

MOTION FAILS

Article 42 # Amend Zoning Bylaw – PCRC 9.6.2.3 Number of Dwelling Units (v1)

(Two-thirds vote)

To see if the Town will vote to amend Section 9.6.2.3 Number of DWELLING UNITS, of the Zoning Bylaw as set forth below:

Change:

“The maximum number of DWELLING UNITS permitted in a PCRC shall be 80% of the following, rounded up to the next integer:”

To:

“The maximum number of DWELLING UNITS permitted in a PCRC shall be 80% of the following, after removing wetlands from the calculation, rounded up to the next integer:”

MOTION:

Ms. Friedrichs moves that the Town amend the Zoning Bylaw as set forth in the Article.

John Petersen move to amend to see if the Town would request the Town Planner to review and report on section 9.6.2.3 number of dwelling units of the Zoning Bylaws.

Not within the scope of the article.

John Petersen Move to lay on the table.

Clicker vote for motion – 2/3 vote required

IClicker Vote - Yes 153 No 70

MOTION CARRIES TO LAY ON TABLE

Article 43 # Amend Zoning Bylaw – PCRC 9.6.2.3 Number of Dwelling Units (v2)

(Two-thirds vote)

To see if the Town will vote to amend the Acton Zoning Bylaw by:

Adding a new definition to Section 1.3:

“PCRC TRACT OF LAND : For PCRCs, a PCRC TRACT OF LAND shall be an area of land consisting of a single LOT or of several contiguous LOTS which shall be calculated by subtracting wetlands from the Total TRACT OF LAND.”;

And by changing all uses of the phrase “TRACT OF LAND” in Section 9.6.2.3 Number of DWELLING UNITS, from “TRACT OF LAND” to “PCRC TRACT OF LAND”.

MOTION:

Ms. Friedrichs moves that the Town amend the Zoning Bylaw as set forth in the Article.

John Petersen Move to lay on the table.

Clicker vote for motion – 2/3 vote required

IClicker Vote - Yes 162 No 47

MOTION CARRIES TO LAY ON TABLE

Article 44 # Amend Zoning Map – 32 Wetherbee Street

(Two-thirds vote)

To determine whether the Town will vote to amend the Zoning Map by changing the Assessor's Parcel G4-208 at 32 Wetherbee Street from Residence 2 to East Acton Village – 2, or take any action relative thereto.

MOTION:

Mr. Durkin moves that the Town amend the Zoning Bylaw Map as set forth in the Article.

Clicker vote for motion – 2/3 vote required

IClicker Vote – Yes 201 No 16

MOTION CARRIES

Article 45 Amend Zoning Bylaw – Nonconforming Structures in Historic Districts

(Two-thirds vote)

To see if the Town will vote to amend Zoning Bylaw Section 8.3, Nonconforming Structures, by inserting a new subsection 8.3.6 as follows:

8.3.6 Reconstruction of a STRUCTURE in an Historic District – A lawful nonconforming STRUCTURE within an Historic District as established under the Local Historic District Bylaw, Chapter P of the Town of Acton Bylaws, may be reconstructed within the same dimensional setbacks on the LOT as the razed or removed STRUCTURE regardless of conformity to the dimensional requirements of this Bylaw.

MOTION:

Mr. Yacouby moves that the Town amend the Zoning Bylaw as set forth in the Article.

Clicker vote for motion – 2/3 vote required

IClicker Vote – Yes 185 No 3

MOTION CARRIES

Article 46 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:

1. Delete paragraphs c) and replace it with the following new paragraphs c):
 - c) The GROSS FLOOR AREA of the accessory apartment shall be less than fifty percent of the GROSS FLOOR AREA of the Principal Unit.

[Modifications from current bylaw:

c) The GROSS FLOOR AREA of the accessory apartment shall ~~not exceed the lesser of be less than~~ fifty percent of the GROSS FLOOR AREA of the Principal. ~~Unit or 800 square feet.~~]

2. Delete paragraph d): “There shall be no more than two bedrooms in the apartment”.
3. Delete paragraph e) and replace it with the following new paragraph e):
 - e) Ground floor apartments shall be designed and constructed to be adaptable with only minor structural changes to meet the most current Architectural Access Board requirements for Group 1 residences.

[Modifications from current bylaw:

e. Ground floor apartments shall be designed and constructed to be adaptable with only minor structural changes to meet ~~the most current Architectural Access Board requirements for Group 1 residences. for Group 2B residences as set forth in the Massachusetts Building Code, 521 CMR (Architectural Access Board), as amended.~~

4. Delete paragraph i) and replace it with the following new paragraph i):
 - i) A minimum of one additional to the minimum required parking space shall be provide for the apartment. If an additional parking space is required, it shall be located to the side or rear of the FRONT YARD.

[Modifications from current bylaw:

i. A minimum of one additional ~~to the minimum required~~ parking space shall be provided for the apartment. ~~If an additional parking space is required, it shall be located on the side or the rear of the Front Yard.~~]

4. Delete paragraph m) and replace it with the following new paragraph m):
 - 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.

[Modifications from current bylaw:

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.~~]

5. Delete paragraph n), “However, in the R-2, R-4, R-8, R-10, and R-10/8 Districts an apartment in such detached BUILDING shall only be allowed with a Special Permit from the Planning Board”.
6. Delete paragraph o), and replace it with the following new paragraph o):
 - o) An apartment in a detached BUILDING constructed after April 2, 2019 may have a GROSS FLOOR AREA of up to 800 square feet.

[Modifications from current bylaw:

o) An apartment in a detached BUILDING constructed after April 2, 2019 may have a GROSS FLOOR AREA of up to ~~500~~800 square feet.]

, or take any other action relative thereto.

MOTION:

Mr. Cappetta moves that the Town amend the Zoning Bylaw as set forth in the Article.

MOTION CARRIES

Declared 2/3 by Moderator*

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

Article 47 Home Rule Petition – Legal Notice Media Requirements

(Majority vote)

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

AN ACT AUTHORIZING THE TOWN OF ACTON TO ADOPT ALTERNATIVE METHODS FOR NOTICE OF PUBLIC HEARINGS.

Be it enacted as follows:

SECTION 1. Notwithstanding chapter 40A, section 11 of the General Laws and given the elimination of print copy of local newspapers, the Town of Acton is hereby authorized to provide alternative means of publishing legal notices for public hearings that are required by law.

SECTION 2. The Town may permit that all notices of such public hearings shall be published: (i) in a local newspaper, either in electronic and paper format; (ii) on the bulletin board outside the Town Clerk’s office; and (iii) on the Town’s website.”

SECTION 3. As used in this Act, the term “website” shall mean the official website of the Town of Action that is operated and maintained by the Town’s government.

SECTION 4. If any provision or section of this act is invalidated, the remainder shall survive in full force and effect.

SECTION 5. This act shall take effect upon its passage.

MOTION:

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

MOTION CARRIES

Article 48 Amend General Bylaws – Polystyrene and Disposable Plastic Reduction
(Majority vote)

To see if the Town will vote to amend the General Bylaws by adding a new Chapter titled “Polystyrene and Disposable Plastic Reduction” to read as follows, or take any other action relative thereto.

POLYSTYRENE AND DISPOSABLE PLASTIC REDUCTION BYLAW

Section I. Findings and Purpose

Disposable food service ware made of polystyrene, items made of unencapsulated polystyrene foam, and disposable plastic utensils have a negative impact on our environment and are a potential health hazard. A component of polystyrene—styrene—has been classified as a “probable carcinogen.”¹ Polystyrene, and especially polystyrene foam, enters the environment and harms wildlife who mistake it for food, ingest it, and die. The presence of polystyrene and disposable plastic utensils persists for hundreds of years, especially in the marine environment. These items break into smaller pieces and/or microplastics, absorb and concentrate environmental toxins, and can enter the food chain when consumed by fish, shellfish, and other organisms—thus potentially contaminating the human food supply. Polystyrene and many disposable plastic utensils are not biodegradable, compostable or able to be recycled in the Town of Acton. Less toxic, more durable, reusable, recyclable, biodegradable, and/or compostable alternatives are readily available for many food service and other applications, and are effective ways to reduce negative health and environmental impacts from the use of polystyrene and disposable plastic items. With the goal of protecting our citizens’ health and the unique natural beauty and resources of the Town of Acton, and because inexpensive, safe alternatives to polystyrene and disposable plastic utensils are easily obtained, the Town will prohibit the use and distribution in the Town of Acton of disposable food service ware made from polystyrene, items made from unencapsulated foam polystyrene, and disposable plastic utensils.

Section II. Definitions

The following words shall have the following meanings for purpose of this Bylaw:

“**Polystyrene**” shall mean a synthetic polymer produced by polymerization of styrene monomer. Polystyrene includes both “Foam Polystyrene” and “Solid Polystyrene” as defined in this Bylaw. The International Resin Identification Code assigned to polystyrene materials is “6”. Polystyrene items may be identified by a “6” or “PS,” either alone or in combination with other letters. The regulations and prohibitions relating to polystyrene in this Bylaw are intended to apply regardless of the presence or absence of an International Resin Identification Code or other identifying marks on the item.

“**Foam Polystyrene**” (sometimes called “Styrofoam,” a Dow Chemical Co. trademark form of EPS insulation) shall mean polystyrene in the form of a foam or expanded material, processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion-blow molding (extruded foam polystyrene).

“**Solid Polystyrene**” shall mean polystyrene, including clear (oriented) polystyrene, produced in a rigid form with minimal incorporation of air or other gas. Solid polystyrene is also referred to as ‘rigid polystyrene.’

“**Disposable Food Service Ware**” shall mean

¹ Classified by the World Health Organization’s International Agency for Research on Cancer (IARC) as Group 2A “probable carcinogen”

- a) products for heating, storing, packaging, serving, consuming, or transporting prepared or ready-to-consume food or beverages including, but not limited to, bowls, plates, trays, cartons, cups, lids, hinged or lidded containers, knives, forks and spoons made from polystyrene that are primarily for single-use and are not meant to be adequately and repeatedly cleaned and sanitized for reuse. This includes any containers used by food establishments to heat, cook, or store food or beverages prior to serving, regardless of whether such containers are used to serve such food or beverages.
- b) disposable plastic utensils.

Disposable Food Service Ware also includes any such implements sold by Retail Establishments to consumers for personal use.

“Disposable plastic utensil” shall mean a drinking straw, stirrer, splash stick or chopstick that is made predominantly from synthetic polymers and is not a reusable utensil. A disposable plastic utensil shall also include items made in whole or in part from synthetic polymers that are otherwise classified as ‘compostable’, ‘biodegradable’, ‘oxodegradable’, or ‘marine degradable’.

“Reusable utensil” shall mean a spoon, fork, knife, chopsticks, or drinking straw that is manufactured from durable materials and is designed to be adequately and repeatedly cleaned and sanitized for reuse.

“Prepared Food” shall mean food or beverages, which are serviced, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed, or otherwise prepared (collectively “prepared”) for individual customers or consumers. Prepared Food does not include raw eggs or raw, butchered meats, fish, seafood, and/or poultry.

“Food Establishment” shall mean any operation that serves, vends or otherwise provides food or other products to third-parties for consumption and/or use on or off the premises, whether or not a fee is charged, but not including the service of food within a home or other private setting. Any facility requiring a food permit in accordance with the Massachusetts State Food Code, 105 CMR 590.000, et seq. and/or regulations of the Acton Board of Health shall be considered “food establishment” for purposes of this Bylaw.

“Retail Establishment” shall mean a store or premises engaged in the retail business of selling or providing merchandise, goods, groceries, prepared take-out food and beverages for consumption off-premises or the serving of an item, directly to customers at such store or premises, including, but not limited to, grocery stores, department stores, clothing stores, pharmacies, convenience stores, and seasonal and temporary businesses, including farmers markets and public markets; provided, however, that a “retail establishment” shall also include a food truck or other motor vehicle, mobile canteen, trailer, market pushcart or moveable roadside stand used by a person from which to engage in such business directly with customers and business establishments without a storefront, including, but not limited to, a business delivering prepared foods or other food items, web- based or catalog business or delivery services used by a retail establishment; provided further, that a “retail establishment” shall include a non-profit organization, charity or religious institution that has a retail establishment and holds itself out to the public as engaging in retail activities that are characteristic of similar type commercial retail businesses, whether or not for profit when engaging in such activity.

“Packing Material” shall mean material used to hold, cushion, or protect items packed in a container for shipping transport or storage.

“Health Agent” shall mean the Health Agent for the Acton Board of Health or his/her designee.

Section III. Regulated Conduct

1. After January 1, 2023 Food Establishments in the Town of Acton may not
 - a. use, sell, offer for sale, or otherwise distribute either disposable food service ware made from foam polystyrene or solid polystyrene or disposable plastic utensils.
 - b. provide a disposable non-plastic utensil to a customer, except upon that customer’s specific request for such items or if the item is selected by a customer from a self-service dispenser.
2. After January 1, 2023, Retail Establishments in the Town of Acton may not sell, offer for sale, or otherwise distribute:
 - a. disposable food service ware made from foam polystyrene or solid polystyrene.
 - b. disposable plastic utensils unless equivalent non- plastic or reusable utensils are available for sale and are clearly labeled such that any customer can easily distinguish among the single-use plastic, disposable non-plastic, and reusable items.
 - c. meat trays, fish trays, seafood trays, vegetable trays, or egg cartons made in whole or in any part with foam polystyrene or solid polystyrene.
 - d. packing materials, including packing peanuts and shipping boxes made in whole or in any part with foam polystyrene that is not wholly encapsulated within a more durable material.
 - e. coolers, ice chests, or similar containers; pool or beach toys; and dock floats, mooring buoys, or anchor or navigation markers which are made in whole or in any part with foam polystyrene that is not wholly encapsulated within a more durable material.
3. For purposes of Section 3(2)(d), “distributing packing material” does not include:
 - a. Reusing packing materials for shipping, transport, or storage within the same business or distribution system as long as those packing materials are not then sent to a customer or end user.
 - b. Receiving shipments within the Town of Acton that include polystyrene foam used as a packing material, provided that the goods were not packaged or repackaged within Acton.

Section IV. Exemption

1. Nothing in this Bylaw shall prohibit individuals from using disposable food service ware made of polystyrene that has been purchased outside the Town of Acton for personal use.
2. Nothing in this Bylaw shall prohibit individuals from bringing and using their own personal utensils of any type for personal use in a food establishment.
3. Prepared food packaged outside the Town of Acton is exempt from the provisions of this Bylaw, provided that it is sold or otherwise provided to the consumer in the same disposable food service ware in which it was originally packaged, and that the prepared food has not been altered or repackaged
4. The Board of Health or health agent may exempt a food establishment or retail establishment from any provision of this Bylaw for a period of up to six months upon written application by the owner or operator of that establishment. No exemption will be granted unless the Board of Health or health agent finds that (1) strict enforcement of the provision for which the exemption is sought would cause undue hardship; or (2) the food establishment or retail establishment requires additional time in order to draw down an existing inventory of a specific item regulated by this Bylaw. For purposes of this Bylaw, “undue hardship” shall mean a situation unique to a food establishment or retail establishment in which there are no reasonable alternatives to the use of materials prohibited by this Bylaw, and that compliance with this Bylaw would create significant economic hardship for the Establishment.

Section V. Enforcement

The Health Agent for the Acton Board of Health or his/her designee shall have authority to enforce this Act and any regulations promulgated thereunder.

Section VI. Regulations

The Board of Health may adopt and amend rules and regulations to effectuate the purposes of this Bylaw.

Section VII. Interaction with Other Laws

In the case of a conflict between the requirements of this Bylaw and any other federal, state or local law concerning the materials regulated herein, the more stringent requirements shall apply.

Section VIII. Severability

If any provision of this Bylaw is declared invalid or unenforceable the other provisions shall not be affected thereby.

MOTION:

Ms. Nagireddy moves that the Town amend the General Bylaws as set forth in the Article.

MOTION CARRIES

Article 49 Home Rule Petition – Checkout Bag Minimum Charge

(Majority vote)

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

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

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

“**Checkout Bag**” shall mean a bag provided by a retail establishment to a customer at the point of sale.

Checkout bags shall not include any type of bag, used by a retail establishment, or provided to its customer for:

1. prescription medications,
2. produce, bakery items, and other food items to keep such items fresh or unsoiled,
3. preventing frozen food items, including ice cream, from thawing,

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

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

SECTION 2.

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

SECTION 3.

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

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

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

MOTION:

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

MOTION CARRIES

Article 50 # Non-Binding Resolution – Woodlawn Mortuary Chapel

(Majority vote)

As a Tuttle descendent, I am voicing my concern regarding the proposal that would alter the Woodlawn Mortuary Chapel given in memory of Varnum Tuttle and his son in law by his daughters.

Many think of this memorial chapel as just a historic building. I feel however it is a monument within the Woodlawn Cemetery given in memory of loved ones. Like all the other monuments in Woodlawn Cemetery, I believe it deserves the same care and respect.

I am totally in favor of making the Woodlawn Mortuary Chapel accessible for those who are physically challenged and to provide an accessible restroom. I do however object to any unnecessary invasive alterations to this memorial.

In my opinion having weddings in the mortuary chapel is acceptable but this rare gift should remain unaltered.

Finally, let's not commercialize the Woodlawn Mortuary Chapel but continue to honor the terms of Sarah Watson's will.

MOTION:

Ms. Klauer moves that the Town adopt the non-binding resolution as set forth in the Article.

MOTION CARRIES

Article 51 # Non-Binding Resolution – Electric Vehicle Charging for Residents of

(Majority vote) **Multi-Family Housing**

Whereas the December 2021 Climate Action Plan Blueprint included five related strategies to increase adoption of Electric Vehicles (EVs) in Acton, and Town Meeting seeks to support these strategies and prioritize Town policies to address the barriers to EV charging access for residents of multi-family buildings.

Whereas the EV strategies listed in the Climate Action Plan Blueprint include:

- M5 Promote electric vehicle adoption.
- M6 Create an incentive program to help provide increased access to EVs for low-income residents in Acton, including “seek[Ing] opportunities to provide financial resources and information to meet the demand for additional charging infrastructure (e.g., at multi-unit buildings)”.
- M10 Adopt EV-ready and/or installation requirements for new residential and commercial buildings or major rehab.
- M11 Explore policies and incentives to enable multi-family housing residents to expand electric vehicle charging options, including “provide[Ing] resources and support to pilot an EV charging solution in a multifamily housing complex in an effort to scale these solutions... [and] coordinating with landlord, property management, and homeowner associations (HOA) to find ways to address network integrations, installations, payment schemes and long-term management and maintenance.”

Therefore, be it resolved that the town should pursue all available strategies to encourage electric vehicle adoption by residents of Acton by increasing electric vehicle charging capacity in both existing multifamily properties and new multifamily construction.

Part One: Resolved that the Town of Acton Planning Board and staff should work to develop a zoning amendment that will require the inclusion of electric vehicle charging infrastructure for new multifamily developments and for multifamily buildings that are undergoing significant renovation (s) subject to the zoning amendment defining significant renovation(s) defining significant renovations, for example, as a cost for renovation or rehabilitation greater than 25% of the existing assessment for the property) for adoption at the 2023 spring town meeting.

Part Two: Resolved that The Town of Acton should encourage the creation of EV charging stations in all existing multifamily buildings by pursuing available and applicable resources from state and federal agencies, MassSave and Eversource. If resources allow, the town should create a matching grant program for owners of multifamily properties to encourage EV charging station adoption and should explore best practices in encouraging EV charging infrastructure in existing properties. The Town should prioritize installation of EV charging stations in multifamily properties as part of the Climate Action Plan implementation.

Reasoning: The Town of Acton has adopted the goal of Action generating net zero carbon emissions by 2030. An estimated 47% of carbon emissions in the Town of Acton are from passenger vehicles. Over twenty five percent of Acton households reside in multifamily dwellings and most of those households do not have access to electric vehicle charging at their homes, making purchase or lease of an EV for those residents a difficult choice.

Although the Town of Acton is working to increase Acton's active transportation and public transportation infrastructure, a substantial percentage of the mobility needs of Acton residents will continue to be met by automobile passenger vehicles for the foreseeable future. Expanding access to EV charging stations is a readily achievable and feasible strategy for promoting cleaner passenger vehicle use and carbon emissions reduction goals of the Town of Acton.

Therefore, encouraging the use of electric vehicles by individual households who reside in multifamily buildings is an important part of decarbonizing Acton and contributing to a climate solution.

MOTION:

Mr. Van Meter moves that the Town adopt the non-binding resolution as set forth in the Article.

MOTION CARRIES

Article 52 # Economic Feasibility Analysis of Affordable Housing Trust

(Majority vote)

To see if the Town will raise and appropriate, transfer and/or appropriate from available funds, the sum of \$2,500 to pay for a consultant to prepare an economic feasibility analysis to determine the economic feasibility of the Town creating an affordable housing trust for the purposes of rehabilitating existing housing units and making them affordable, or take any other action relative thereto.

MOTION:

Ms. Friedrichs moves that the Town transfer from Free Cash and appropriate \$2,500 to be expended by the Town Manager for the purposes set forth in the Article.

MOTION CARRIES

Article 53 # Non-Binding Resolution – Protecting Acton’s Potable Water

(Majority vote)

Protecting Acton's potable water should be a higher priority than promoting/encouraging additional water uses.

MOTION:

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

MOTION FAILED

Vote challenged, clicker vote requested

Clicker vote for motion – 2/3 vote required

IClicker Vote – Yes 53 no 85

MOTION FAILED

Article 54 # Non-Binding Resolution – Land/Tree Clearing Limits Bylaw(s)

(Majority vote)

The Select Board should bring land/tree clearing limits bylaw(s) to Town Meeting for Town Meeting to vote on.

MOTION:

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

MOTION CARRIES

Article 55 # Non-Binding Resolution – Limiting Negative Impacts of Unaffordable Growth
(Majority vote)

The Acton Planning Board should be more proactive in limiting the negative impacts of unaffordable growth by presenting proposed zoning and/or bylaw changes for subsequent Town Meeting to vote on, starting with the 2023 Town Meeting.

MOTION:

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

Ms. Friedrichs moves to lay on the table.

MOTION CARRIES TO LAY ON TABLE

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 56 # Non-Binding Resolution – Mobilizing Acton’s Climate Action Plan
(Majority vote)

Mobilizing Acton’s Climate Action Plan: A Better Future Starting Now

Whereas, Acton residents expressed their determination to address climate change by declaring a Climate Emergency at Town Meeting in 2020, which declaration calls 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”;

Whereas, the 2021 Massachusetts law, “An Act Creating a Next Generation Roadmap for Massachusetts Climate Policy,” emphasizes significant greenhouse gas reductions across all sectors, increased renewable energy in the electrical grid by 2030, and actions to address environmental injustices;

Whereas the use of fossil fuels — such as oil, natural gas, propane, and coal — has created a “Code Red” for humanity, according to U.N. Secretary-General António Guterres in his comments on the [August 2021 Intergovernmental Panel on Climate Change \(IPCC\) report](#): “The alarm bells are deafening, and the evidence is irrefutable: greenhouse gas emissions from fossil fuel burning and deforestation are choking our planet and putting billions of people at immediate risk”; and [IPCC’s Climate Change 2022 report](#) warns: “Any further delay in concerted anticipatory global action on adaptation and mitigation will miss a brief and rapidly closing window of opportunity to secure a liveable and sustainable future for all”;

Whereas, the challenge of achieving Acton’s 2030 net zero goal means addressing Acton’s largest sources of carbon emissions — electricity generation, transportation, and fossil fuel technologies in buildings — and preserving and increasing the carbon-holding capacity of our soils, trees, and plants;

Whereas, although Acton has made significant emissions progress related to electricity generation via the Acton Power Choice program, our town’s goal requires more: we must, in the near term, bring town-wide electricity use to 100% renewably sourced energy;

Whereas, although Acton has started to transition the municipal fleet to hybrid and electric vehicles, has added electric vehicle charging stations to some municipal properties, and has initiated several public transportation programs, our town's goal requires more: we must plan and lead on a town-wide transition away from internal combustion vehicles;

Whereas, although Acton 2021 Town Meeting approved the warrant article, "Building with Clean Energy" — which would require all new construction and major rehab projects to use fossil fuel-free infrastructure, and awaits state legislative action — as a first step in decarbonizing this sector, our town's goal requires more: we must electrify all of Acton's buildings;

Whereas, although Acton has protected many open space parcels (which conserve our natural environment and its ability to sequester carbon, support biodiversity, and safeguard water and soil resources), in the face of ongoing development pressures and climate disruption, our town's goal requires more: we must plan for and execute protection of more open space, ambitious land-use reforms that optimize opportunities for carbon sequestration, and nature-based solutions to maximize resilience;

Whereas, Acton Town government has demonstrated robust leadership in advancing carbon-free, equitable local projects such as the new, net zero Boardwalk Campus (housing the Douglas and Gates schools, and the Carol Huebner Early Childhood education program); the fossil fuel-free Fire Station #4 in North Acton; and the proposed all-electric Affordable Housing project at 362-364 Main Street; and is poised to meet the challenge of retrofitting existing Town buildings;

Whereas, Acton is addressing the challenge of the climate emergency and our 2030 goal through concrete strategies in its Town of Acton Climate Action Plan Blueprint: The Road to Net Zero by 2030 and ongoing climate planning;

Be It Therefore Resolved, that the town of Acton supports a climate mobilization by implementing the Climate Action Plan strategies quickly and comprehensively;

Be It Further Resolved, that the Town will seek the diverse funding sources that will be required — for example, new and emerging state and federal grants and incentives, other state and federal resources, foundation and other nonprofit support, and public-private partnerships — to prioritize non-local funding before using substantial new municipal resources;

Be It Further Resolved, that the costs of implementing the Climate Action Plan will not unfairly burden those who are economically or socially disadvantaged, and that the benefits of a realized, thriving, and sustainable future accrue to all;

Be It Further Resolved, that the Town will promote to residents (including those living in multi-unit buildings), landlords, businesses, and institutions the financial benefits of the many existing and upcoming state and federal programs and supports, including MassSave subsidies for household weatherization costs, and the Weatherization Assistance Program of the U.S. Department of Energy;

Be It Further Resolved, that the Town will build on and amplify existing collaborations, such as those with EnergizeActon.org, MassSave, Abode Energy Management, All In Energy, Eversource, and National Grid, in order to educate residents about, and support them in, the transition off of fossil fuels, including the financial incentives and long-term benefits;

Be It Further Resolved, that the Select Board will set and revise as necessary annual goals consistent with the Climate Action Plan targets, and that these Town-wide goals include greenhouse gas emissions reductions,

solar installations, broad electric vehicle adoption, enhanced, equitable, and affordable transportation options, electrification of privately owned and municipal buildings (such as the retrofit of the Public Safety Facility), resilience initiatives (such as flood mitigation, tree planting, and others), and other key climate mobilization goals;

Be it further resolved, that Town Meeting members call on people and organizations, within Acton and beyond, to act together in this unprecedented moment for humanity to advance progress toward a robust, carbon-free, equitable economy and the many ensuing benefits for health, quality of life, and a functional environment — “a better future starting now.”

MOTION:

Ms. Simes moves that the Town adopt the non-binding resolution as set forth in the Article.

MOTION CARRIES

Article 57 # Non-Binding Resolution – Changing the State Flag and Seal
(Majority vote)

Resolution in Support of Changing the State Flag & Seal of Massachusetts

Whereas the history of the Commonwealth of Massachusetts is replete with instances of conflict between the European Colonists and the Native Nations of the region, who first extended the hand of friendship to the Colonists on their shores in 1620, and helped them to survive starvation during the settlers’ first winters on their land;

Whereas members of the Native Nation for whom the State of Massachusetts is named were ambushed and killed by Myles Standish, first commander of the Plymouth Colony, in April of 1623, barely two years after the Pilgrims arrived on their shores;

Whereas the naked Colonial broadsword brandished above the head of the Native man on the Massachusetts State Flag and Seal is modeled after Myles Standish’s own broadsword, borrowed for that purpose from the Pilgrim Hall in Plymouth by the illustrator Edmund Garrett in 1884;

Whereas the belt binding the Native’s cloak on the Flag and Seal is modeled after a belt worn by Metacomet, known to the English as King Philip, who was among the Wampanoag leaders who resorted to a mutually destructive war in 1675-76 in defense of Native lands against Colonial encroachment;

Whereas the proportions of the body of the Native man in the Flag and Seal were modeled from a Native skeleton kept in Winthrop, the bow modeled after a bow taken from a Native man shot and killed by a colonist in Sudbury in 1665, and his facial features taken from a photograph of an Ojibwe chief from Great Falls, Montana, considered by the illustrator to be a “fine specimen of an Indian,” though not from Massachusetts;

Whereas the history of relations between Massachusetts since Colonial times and the Native Nations who continue to live within its borders includes the forced internment of thousands of so-called “praying Indians” on Deer Island, in Boston Harbor, where they died by the hundreds of exposure in 1675, their subsequent enslavement in Boston, Bermuda, and the Caribbean Islands, the offering of 40 pounds sterling as bounty for

the scalps of Native men, women and children in Massachusetts beginning in 1686, increased to 100 pounds sterling for the scalps of Native adult males by 1722, half that amount for Native women and children;

Whereas Native Nations within the boundaries of Massachusetts were kept in a state of serfdom, and their members legally considered incompetent wards of the state until the nonviolent action of the so-called Mashpee Rebellion of 1833 led to the granting of Native self-governance by the Massachusetts legislature in 1834, as if the sovereign right of Native self-government was the Massachusetts legislature's to confer;

Whereas Native Americans were legally prohibited from even stepping foot into Boston from 1675 until 2004, when that law was finally repealed;

Whereas the 400th anniversary of the landing of the colonists at Plymouth Plantation in the year 2020, afforded every citizen of the Commonwealth a chance to reflect upon this history and come to an awareness of the possibility of a better relationship between the descendants of the Colonial immigrants and the Native Nations of the Commonwealth;

And whereas Native Americans have long suffered the many abuses of racism, the appropriation of their symbols for public schools and sports teams, the loss of their ancestral lands and the encroachment of their cultural lifeways;

Whereas the land area now known as the Town of Acton shares a rich Native history with modern tribal Nations like the Nipmuc and the Massachusett, who lived here for thousands of years before the first colonial settlers arrived, in 1639;

Now, therefore, **BE IT RESOLVED** that the Town of Acton hereby adopts this resolution in support of the work of the Special Commission Relative to the Seal and Motto of the Commonwealth, created by a Resolve of the General Court in 2020 and appointed by the Governor **to recommend changes to the current flag and seal of Massachusetts**; and in support of a new seal and motto for the Commonwealth that may better reflect our aspirations for harmonious and respectful relations between all people who now call Massachusetts home. The town clerk shall be advised to forward a copy of this resolution to Representative Antonio Cabral and to Senator Marc Pacheco, co-chairs of the Joint Committee on State Administration, who serve as members of the Special Commission Relative to the Seal and Motto of the Commonwealth; and to Representative Tami Gouveia, Representative Danilo Sena, and Senator Jaime Eldridge, and request that they continue their strong advocacy and support for the work of the aforementioned Special Commission.

MOTION:

Ms. Hurley moves that the Town adopt the non-binding resolution as set forth in the Article.

MOTION CARRIES

MOTION TO DISSOLVE: Mr. Martin moves to dissolve the Annual Town Meeting at 11:02pm.

MOTION TO DISSOLVE CARRIES