

**ABSTRACT OF THE SPECIAL TOWN MEETING HELD
WEDNESDAY, OCTOBER 5, 2016, 7:00 P.M.
ACTON-BOXBOROUGH REGIONAL HIGH SCHOOL UPPER GYM
NUMBER OF REGISTERED VOTERS ATTENDING SPECIAL TOWN MEETING
OCTOBER 5, 2016 – 505**

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The Moderator, Mr. Peter Ashton, called the Special Town Meeting to order on Wednesday, October 5, 2016, at 7:06 PM.

Mr. Ashton greeted town meeting members as the newly elected Moderator.

Mr. Ashton recognized Mr. Don Mackenzie, the previous Moderator, thanking him for all he has done for the Town.

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

Motion carries to allow speakers.

Mr. Ashton introduced the chair of the Board of Selectmen, Mr. Peter Berry, who then introduced the members at the table. Mr. Berry noted that the Town Clerk has implemented the new State Law regarding Early Voting for the first time in Massachusetts. The Early Voting will start October 24 through November 4. The schedule and times are available on the Town web page. Eva Szkaradek - Town Clerk, Nina Pickering Cook - Town Counsel, Steve Ledoux – Town Manager, Janet Adachi – Clerk, as well as Franny Osman, Katie Green, and Chingsung Chang, members of the Board of Selectmen.

The Moderator introduced the Chair of the Finance Committee, Margaret Busse, who then introduced the members of the Finance Committee, Dave Wellinghoff, Kristen Connell, Doug Tindal, Mike Majors, Roland Bourdon, Steve Noone, Jason Cole, Bob Evans, and Jon Benson.

Article 1 Amend Town Bylaws – Town Meeting Temporary Moderator
(Majority vote)

To see if the Town will vote to amend Chapter A of the General Bylaws by adding Section 8 as follows:

A8. Temporary Moderator

Town meeting shall elect a temporary moderator to act in the absence of the town moderator elected as stated in Section 2-1 of the Town Charter. For purposes of Section 3-2 of the Town Charter and M.G.L. c. 39, § 14, absence shall mean that the town moderator is unable to attend the town meeting, recuses himself or herself from conducting the proceedings and vote on any article or articles at a town meeting, or is otherwise unable to perform the duties of town moderator for all or part of a town meeting.. The temporary moderator shall serve in such position only for those portions of any town meeting for which the town moderator is absent. The term of the temporary moderator shall be one year from election or until a different temporary moderator is elected by town meeting, whichever occurs sooner.

, or take any other action relative thereto.

Motion: Mr. Chang moves that the Town adopt the general bylaw amendments as set forth in the Article.

MOTION CARRIES

Article 2 Amend Town Bylaws – Town Meeting Electronic Voting
(Majority vote)

To see if the Town will vote to amend Chapter A of the General Bylaws by adding Section A7 as follows:

A7. Method of Voting; Determination by Moderator

- a. Unless otherwise required by law, bylaw, regional agreement, or similar binding obligation, the Moderator shall determine the method of voting on each article at town meeting, which method may vary from article to article, and which method may include a voice vote, a vote by show of hands or the equivalent, a standing vote, a ballot vote, a vote by electronic technology furnished by the Town for the use of Town Meeting Members (where available), or a vote by other means as authorized by the Moderator and approved by a two-thirds (2/3) vote of the town meeting members present and voting.
- b. If the vote is unanimous, or if the quantum of the vote required by law is discernible by the Moderator based on the voting method utilized under Section A7(a), the Moderator shall declare the result of the vote and the clerk shall record the result of the vote in the records of the town meeting.

- c. If the Moderator cannot discern the result of the vote based on the voting method utilized under Section A7(a), or if a count is required under Section A5 where a four-fifths or nine-tenths vote of a town meeting is required by statute, or if a vote declared under Section A7(b) of these bylaws is immediately questioned by seven or more voters, the Moderator shall cause the vote to be counted either by tellers or by such electronic technology, whereupon the Moderator shall declare the result of the vote and the clerk shall record the result of the vote in the records of the town meeting.
- d. Pursuant to Article 114 of the Massachusetts Constitution and to the Massachusetts Equal Rights Law, G.L. c. 93, §103, reasonable accommodation shall be made to ensure that equal voting rights of otherwise qualified handicapped individuals present and voting at town meeting are ensured regardless of the method of voting used.

, or take any other action relative thereto.

[Note: The current General Bylaw Section A5 (Vote counts by Moderator) provides as follows:

A5. Vote counts by Moderator

If a two-thirds, four-fifths or nine-tenths vote of a town meeting is required by statute, the count shall be taken, and the vote shall be recorded in the records by the clerk; provided, however, if a two-thirds vote of a town meeting is required by statute, the Town has authorized the Moderator not to require a count and the clerk shall record the vote as passed by a two thirds margin; and provided, further, that if the vote is unanimous, a count need not be taken, and the clerk shall record the vote as unanimous.]

Motion: Mr. Chang moves that the Town adopt the general bylaw amendments as set forth in the Article.

MOTION CARRIES

Article 3 Fund Collective Bargaining Agreement – Fire (FY17-FY19)

(Majority vote)

To see if the Town will vote to raise and appropriate, transfer and/or appropriate from available funds and/or ambulance enterprise funds a sum of money necessary to fund the cost items contained in Collective Bargaining Agreement(s) between the Town and its Fire Department personnel union as filed with the Town Clerk, and to adjust the Ambulance Enterprise FY17 Budgeted Revenue, Budgeted Expense and Estimated Fund Balance as voted under Article 16 of the 2016 Annual Town Meeting to account for the allocated ambulance enterprise fund portion thereof, or take any other action relative thereto.

Motion: Mr. Berry moves that the Town appropriate \$63,546 to fund the first-year cost items contained in the fiscal year 2017 through 2019 Collective Bargaining Agreement between the Town and the Acton Permanent Firefighters, Local #1904, International Association of Firefighters, AFL-CIO, and to raise such amount, transfer \$50,836 from the fiscal year 2017 Town Operating Budget and transfer \$12,710 from Ambulance Enterprise Fund retained earnings.

MOTION CARRIES

Article 4 Fund Senior Center Lease

(Two-thirds vote)

To see if the Town will raise and appropriate, transfer or appropriate from available funds a sum of money to be expended by the Town Manager to fund the first year lease costs, equipment, moving and startup costs, including related incidental costs, pursuant to Article 26 of the 2016 Annual Town Meeting, or take any other action relative thereto.

Motion: Ms Osman moves that the Town appropriate \$252,000 to fund the first year lease, equipment, moving, startup and incidental cost items as set forth in the Article, and to raise such amount,

\$100,000 be transferred from the Concord Mews Gift Account,
\$ 77,000 be transferred from the Audubon Hill Gift Account and
\$ 75,000 be transferred from Free Cash.

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 5 Lease of 362-364 Main Street (Kennedy Landscaping)

(Two-thirds vote)

To see if the Town will vote to transfer to and authorize the Board of Selectmen to enter into a lease for landscaping and nursery purposes on such terms and conditions as the Selectmen may determine, and ratify a lease assumed by the Town at the time of acquisition, of the premises located at 362-364 Main Street (the "Premises"), containing approximately 2.2291± acres, consisting of parcels 32 and 33 on Acton Assessor's Map F3, shown as "Lot 3" and "Parcel C" on the plan entitled "Plan of Land in Acton, Massachusetts (Middlesex County)" dated December 3, 2015 and prepared by Stamski and McNary, Inc. recorded in the Middlesex South Registry of Deeds as Plan Number 78 of 2016, or take any other action relative thereto.

Motion: Ms Green moves that the Town transfer to and authorize the Board of Selectmen to enter into a lease of the Premises set forth in the article for landscaping and nursery purposes, and to ratify a lease of the Premises assumed by the Town at the time of acquisition, all on such terms and conditions as the Selectmen may determine.

MOTION CARRIES

Declared 2/3 by Moderator*

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

Article 6 **Land Acquisition – 53 River Street**

(Two-thirds vote)

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise, on such terms and conditions as the Selectmen may determine and for general municipal purposes, and to accept a deed of the fee simple interest in the real property commonly known as 53 River Street in Acton, consisting of approximately 7.26 acres, identified as Parcel 47 on the Town of Acton Assessor’s Map H3A, and described in that certain deed dated February 12, 2010 and recorded with the Middlesex South Registry of Deeds in Book 54306, Page 21 (the “Property”), and further to see if the Town will raise, appropriate and/or transfer from available funds or accept gifts for this purpose, or take any other action relative thereto.

Motion: Ms Adachi moves that the Town authorize the Board of Selectmen to acquire the real property as set forth in the Article on such terms and conditions as the Selectmen may determine, and appropriate and transfer \$908,000 from Free Cash to fund said acquisition, including transaction, environmental, and incidental costs related thereto.

Teller count 283 yes 87 no

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 **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 l) and m) and replace them with the following new paragraphs l) and m):
 - l) The apartment may be located within a detached BUILDING that is located on the same LOT as the BUILDING with the Principal DWELLING UNIT.
 - m) If a detached BUILDING on a LOT has been continuously in existence since before 2016 and its footprint and floor area, including the area of interior garage or parking spaces, is not expanded or enlarged thereafter, an apartment in such a detached BUILDING may have a GROSS FLOOR AREA of up to 2000 square feet, not including attic or basement areas, and up to three bedrooms.
 - 2. Insert new paragraphs n), o), p), and q) as follows:

- n) An apartment in a detached BUILDING constructed after October 5, 2016 may have a GROSS FLOOR AREA of up to 500 square feet.
- o) A LOT containing a BUILDING with a Principal Unit and an Apartment within a detached BUILDING shall not be further divided resulting in the separation of the Principal Unit and the Apartment, unless both resulting LOTS and the BUILDINGS thereon meet all minimum area, FRONTAGE, width and yard requirements of the applicable zoning district.
- p) The apartment in a detached BUILDING shall be installed on a permanent foundation.
- q) The apartment in a new detached BUILDING shall only be located in the side and rear yard.

And renumber existing paragraph n) to become paragraph r)

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

l) The apartment may be located within a detached BUILDING that is located on the same LOT as the BUILDING with the Principal DWELLING UNIT, if the detached BUILDING has been continuously in existence since before 2010 and has not been expanded or enlarged thereafter. An apartment in such a detached BUILDING may have a GROSS FLOOR AREA of up to 2000 square feet, not including attic or basement areas, and up to three bedrooms. A LOT containing a BUILDING with a Principal Unit and an Apartment within a detached BUILDING shall not be further divided resulting in the separation of the Principal Unit and the Apartment, unless both resulting LOTS and the BUILDINGS thereon meet all minimum area, FRONTAGE, width and yard requirements of the applicable zoning district.

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

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

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

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

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

- a) in the following Districts: Village Districts (EAV, NAV, SAV, WAV); Residence A District (R-A); Residence AA District (R-AA);
- b) for the following USES: Nursing Home; Full Service Retirement Community; Assisted Living Residence as defined in this Bylaw or in MGL Ch. 19D; and
- c) where a special permit has been granted for the following: a Planned Conservation Residential Community (PCRC) under Section 9 of this Bylaw; an Independent SENIOR

Residence under Section 9B of this Bylaw; an AFFORDABLE Housing Development under Section 4.4 of this Bylaw; a single FAMILY dwelling with one Apartment in a detached BUILDING under Section 3.3.2.10 of this Bylaw; a golf course under Section 3.5.17 of this bylaw.]

, or take any other action relative thereto.

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

MOTION LOST

Article 8 Amend Zoning Bylaw – Additions and Replacements on Nonconforming Lots (Two-thirds vote)

To see if the Town will vote to amend the Zoning Bylaw, Section 8.1 - Nonconforming Lots, as follows:

1. Delete Section 8.1.3 - Reconstruction of Single- and Two-Family Dwellings on Nonconforming Lots, and replace it with the following:

8.1.3 Reconstruction of Single- and Two-Family Dwellings on Nonconforming LOTS – A STRUCTURE lawfully in single-family residential USE on a nonconforming LOT may be razed and rebuilt for single-family residential USE; and a STRUCTURE lawfully in two-family residential USE on a nonconforming LOT may be razed and rebuilt for two-family residential USE; in both cases subject to the following conditions and limitations:

8.1.3.1 The replacement STRUCTURE shall not exceed the FLOOR AREA RATIO on the LOT of the STRUCTURE that existed on the LOT before it was razed or damaged.

8.1.3.2 The replacement STRUCTURE shall meet all minimum yard and maximum height requirements of this Bylaw.

8.1.3.3 The FLOOR AREA RATIO shall be determined by using either architectural and plot plans for the existing structure to be razed or, in the absence of such architectural and plot plans, the FLOOR AREA RATIO shall be determined by using the information on record at the Town of Acton Assessor's office.

8.1.3.4 Additions to the replacement STRUCTURE may be made after two years following the date of initial occupancy of the replacement STRUCTURE, if otherwise permissible.

[Note Section 8.1.3 currently reads:

Replacement of Single- and Two-Family Dwellings on Nonconforming Lots – A STRUCTURE in single family residential USE on a nonconforming LOT may be razed and rebuilt for single family residential USE; and a STRUCTURE in two-family

residential USE on a nonconforming LOT may be razed and rebuilt for two-family residential USE; in both cases subject to the following conditions and limitations:

- 8.1.3.1 The replacement STRUCTURE shall not exceed the FLOOR AREA RATIO on the LOT of the STRUCTURE that existed on the LOT before it was razed or damaged.*
 - 8.1.3.2 The replacement STRUCTURE shall meet all minimum yard and maximum height requirements of this Bylaw.*
 - 8.1.3.3 In the absence of architectural and plot plans for the existing structure to be razed, the FLOOR AREA RATIO shall be determined by using the information on record at the Town of Acton Assessor's office.*
 - 8.1.3.4 Additions to the replacement STRUCTURE may be made after two years following the date of initial occupancy of the replacement STRUCTURE, if otherwise permissible and subject to any permits and special permits that may be required.]*
2. Delete Section 8.1.4 – Extensions, alterations, or changes of Single- and Two-Family Dwellings on Nonconforming Lots, and replace it with the following:
- 8.1.4 Extensions, alterations, or changes of Single- and Two-Family Dwellings on Nonconforming LOTS - One or more extensions, alterations or changes to a lawful single-family or two-family residential STRUCTURE on a nonconforming LOT shall be deemed not to increase any nonconformity and shall not require special permits under Section 8.1.5, provided that such extensions, alterations or changes comply with all applicable yard requirements and in total do not increase the size of the STRUCTURE by more than 50% of the GROSS FLOOR AREA in existence on April 1, 2012 or the date that the LOT became nonconforming, whichever is later. The GROSS FLOOR AREA shall be determined by using either architectural plans for the existing structure or, in the absence of such architectural plans, GROSS FLOOR AREA shall be determined by the information on record at the Town Assessor's Office,

[Note Section 8.1.4 currently reads:

One or more extensions, alterations or changes to a single or two-family residential STRUCTURE on a nonconforming LOT shall be deemed not to increase any nonconformity and shall not require special permits under Section 8.1.5, provided that such extensions, alterations or changes comply with all applicable yard requirements and in total do not increase the size of the STRUCTURE by more than 15% of the GROSS FLOOR AREA in existence on April 1, 2012 or the date that the LOT became nonconforming, whichever is later.]

3. Delete Section 8.1.5 and replace it with the following:
- 8.1.5 In all other cases, the Board of Appeals may, by special permit, allow such reconstruction of, or extension, alteration or change to a single- or two-family residential STRUCTURE on a nonconforming LOT, including the reconstruction of a larger structure than otherwise allow under Section 8.1.3, where it determines either that the proposed modification does not increase the nonconformity or, if the proposed modification does increase the

nonconformity, it will not be substantially more detrimental to the neighborhood than the existing STRUCTURE on the nonconforming LOT.

[Note Section 8.1.5 currently reads:

In all other cases, the Board of Appeals may, by special permit, allow such reconstruction of, or extension, alteration or change to a single or two-family residential STRUCTURE on a nonconforming LOT, where it determines either that the proposed modification does not increase the nonconformity or, if the proposed modification does increase the nonconformity, it will not be substantially more detrimental to the neighborhood than the existing STRUCTURE on the nonconforming LOT.]

, or take any other action relative thereto.

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

MOTION LOST

Article 9 Amend Zoning Bylaw – Outdoor Lighting Regulations (Two-thirds vote)

To see if the Town will vote to amend the Zoning Bylaw, Section 10.6 – Outdoor Lighting Regulations for Site Plan Special Permit as set forth herein:

1. Amend Subsection 10.6.2.2 – Control of LIGHT TRESPASS and GLARE, by inserting new paragraphs g), h), and i):
 - g) Any installation of LED LUMINAIRES shall use LEDs with nominal color ratings of 4000K or lower. LEDs with color ratings higher than 4000K are not permitted. Whenever possible, LEDs with the lowest possible color rating are recommended. LUMINAIRES shall be shielded from LOTS that are in Residential and Conservation USE, and STREETS so that no direct observation of the LED source shall be visible on the adjacent LOT, area or STREET.
 - h) Any replacement of formerly used Incandescent, Halogen, Metal Halide, Mercury Vapor, or High- or Low-Pressure Sodium LAMPS with new LED lighting shall require the submission of a certified lighting plan to the Zoning Enforcement Officer prior to installation. All such replacements shall comply with paragraph g) above.
 - i) All sites that have already installed LUMINAIRES using LEDs that are greater than color temperature 4000K shall be required to conform with paragraph g) above within 5 years (by October 5, 2021), or for any source replacement that needs to occur prior to 5 years. A certified lighting plan with the appropriate color temperature LEDs shall be submitted to the Zoning Enforcement Officer prior to installation.
2. Amend Subsection, 10.6.6 Definitions, by inserting the following:

- LIGHT EMITTING DIODE (LED) - Any LUMINAIRE composed on an array of LEDs, typically a bank of 30, 60 or 90, used as a light source.

3. Amend Table 1., by adding the following new lines:

Lamp Type	A – SHIELDED	B – FULLY SHIELDED
LED30 (<4000K)	-	70 W
LED60 (<4000K)	-	135 W
LED90 (<4000K)	-	205W

, or take any other action relative thereto.

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

Ms Goodwin moves to amend the motion to change the phrase “4000K”, to read “3000K”, wherever it appears, in the proposed Zoning Bylaw amendment set forth on the Article

MOTION TO AMEND CARRIES

AMENDED MOTION CARRIES

Declared 2/3 by Moderator*

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

Article 10 **Amend Zoning Bylaw – Restaurant Seating**
(Two-thirds vote)

To see if the Town will vote to amend the Zoning Bylaw, Section 3 – TABLE OF PRINCIPAL USES by deleting footnote number (8) and replacing it with the following:

(8) “No Special Permit shall be required for a Restaurant with 65 seats or less.”

[Note – footnote (8) currently reads as follows: “No Special Permit shall be required for a Restaurant with 10 seats or less.”]

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

MOTION CARRIES

Declared 2/3 by Moderator*

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

Article 11 **Amend Zoning Bylaw – Signs and Advertising Devices**
(Two-thirds vote)

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

A. Section 7.7: EXTERIOR SIGNS

Delete the existing Section 7.7.4.2 and replace it with the following:

7.7.4.2 The height of a WALL SIGN shall not exceed 4.5 feet in the Business, Industrial, and Office Districts, 3 feet in the EAV and EAV-2 Districts, and 2 feet in all other Village Districts.

*[Note Section 7.7.4.2 currently reads:
The height of a WALL SIGN shall not exceed 3 feet in the Business, Industrial and Office Districts, and 2 feet in the Village Districts.]*

B. Section 7.8: FREESTANDING SIGNS

1. Delete existing Section 7.8.1 and replace it with the following:

7.8.1 One FREESTANDING SIGN shall be permitted on a LOT identifying a business located on the same LOT.

*[Note Section 7.8.1 currently reads:
One FREESTANDING SIGN shall be permitted on a LOT identifying a business located on the same LOT; and one FREESTANDING SIGN shall be permitted for a BUSINESS CENTER displaying an identification of the BUSINESS CENTER provided no other FREESTANDING SIGN shall be permitted within such BUSINESS CENTER, and provided further that in a Village District no other FREESTANDING or EXTERIOR SIGN shall be ERECTED to identify the BUSINESS CENTER.]*

2. Delete existing Section 7.8.5 (standards for freestanding signs in the Business, Industrial and Office Districts) and replace it with the following:

7.8.5 The following standards shall apply to FREESTANDING SIGNS in the Business, Industrial and Office Districts:

7.8.5.1 Where a FREESTANDING SIGN identifies a business, such FREESTANDING SIGN shall be permitted in addition to any EXTERIOR SIGN permitted on the same LOT. The DISPLAY AREA of the FREESTANDING SIGN shall not exceed 12 square feet and the height shall not exceed 7 feet. If such a FREESTANDING SIGN is a MONUMENT SIGN, its DISPLAY AREA may be increased to 16 square feet, provided however that the height of a MONUMENT SIGN shall not exceed 4 feet, or 6 feet if its width does not exceed 3 feet. Where the FREESTANDING SIGN identifies a motor vehicle service station the maximum permitted DISPLAY AREA may be increased to 24 square feet if the additionally permitted DISPLAY AREA is used solely for the posting of current prices of

fuel and gasoline.

- 7.8.5.2 One FREESTANDING SIGN shall be permitted for a BUSINESS CENTER, provided that no other FREESTANDING SIGN identifying an individual business shall be permitted in the BUSINESS CENTER.
- 7.8.5.3 A BUSINESS CENTER is eligible for two FREESTANDING SIGNS when the LOT or LOTS of the BUSINESS CENTER have more than 300 feet of combined FRONTAGE on one or more STREETS, provided that not more than one FREESTANDING SIGN for the BUSINESS CENTER shall be allowed along a continuous FRONTAGE on one STREET that measures less than 300 feet.
- 7.8.5.4 Where a FREESTANDING SIGN identifies a BUSINESS CENTER, each business located within such BUSINESS CENTER may display its identification on the FREESTANDING SIGN together with the identification of the BUSINESS CENTER, provided that such FREESTANDING SIGN remains of integrated and coherent design and complies with all applicable standards. The DISPLAY AREA of such a FREESTANDING SIGN shall not exceed a maximum DISPLAY AREA of 50 square feet, and its height shall not exceed 12.5 feet. If a FREESTANDING SIGN under this provision is a MONUMENT SIGN, its DISPLAY AREA may be increased to a maximum DISPLAY AREA of 62.5 square feet. The height of such a MONUMENT SIGN shall not exceed 10 feet.

[Note Section 7.8.5 currently reads:

7.8.5 The following standards shall apply to FREESTANDING SIGNS in the Business, Industrial and Office Districts:

7.8.5.1 Where a FREESTANDING SIGN identifies a business, such FREESTANDING SIGN shall be permitted in addition to any EXTERIOR SIGN permitted on the same LOT. The DISPLAY AREA of the FREESTANDING SIGN shall not exceed 12 square feet and the height shall not exceed 7 feet. If such a FREESTANDING SIGN is a MONUMENT SIGN, its DISPLAY AREA may be increased to 16 square feet, provided however that the height of a MONUMENT SIGN shall not exceed 4 feet, or 6 feet if its width does not exceed 3 feet. Where the FREESTANDING SIGN identifies a motor vehicle service station the maximum permitted DISPLAY AREA may be increased to 24 square feet if the additionally permitted DISPLAY AREA is used solely for the posting of current prices of fuel and gasoline.

7.8.5.2 Where a FREESTANDING SIGN identifies a BUSINESS CENTER, each business located within such BUSINESS CENTER may display its identification on the FREESTANDING SIGN together with the identification of the BUSINESS CENTER, provided that such FREESTANDING SIGN remains of integrated and coherent design and complies with all applicable standards. The DISPLAY AREA of such a FREESTANDING SIGN shall not exceed 20 square feet plus an additional 2 square feet per business name displayed, up to a maximum DISPLAY AREA of 24 square feet, and its height shall not exceed 10 feet. If a FREESTANDING SIGN under this provision is a MONUMENT SIGN, its DISPLAY AREA may be increased to 24 square feet plus an additional 2 square feet per business name displayed, up to

a maximum DISPLAY AREA of 30 square feet. The height of such MONUMENT SIGN shall not exceed 6 feet, or 8 feet if its width does not exceed 4 feet.]

3. Delete Section 7.8.6 (standards for freestanding signs in the Village Districts) and replace it with the following new sections:

7.8.6 The following standards shall apply to FREESTANDING SIGNS in all Village Districts:

7.8.6.1 The DISPLAY AREA of a FREESTANDING SIGN identifying an individual business shall not exceed 8 square feet and the height shall not exceed 5 feet. If such a FREESTANDING SIGN is a MONUMENT SIGN, its DISPLAY AREA may be increased to 12 square feet, provided however that the height shall not exceed 4 feet, or 5 feet if its width does not exceed 3 feet. Where the FREESTANDING SIGN identifies a motor vehicle service station, the maximum permitted DISPLAY AREA may be increased to 16 square feet if the additionally permitted DISPLAY AREA is used solely for the posting of current prices of fuel and gasoline.

7.8.6.2 Where a FREESTANDING SIGN identifies a BUSINESS CENTER, each business located within such BUSINESS CENTER may display its identification on the FREESTANDING SIGN together with the identification of the BUSINESS CENTER, provided that such FREESTANDING SIGN remains of integrated and coherent design and complies with all applicable standards.

7.8.7 The following standards shall apply to FREESTANDING SIGNS in the NAV, SAV, and WAV Districts:

7.8.7.1 One FREESTANDING SIGN may be ERECTED on a LOT provided that no BUILDING on the LOT is located within 30 feet of the sideline of the STREET nearest which the FREESTANDING SIGN is ERECTED.

7.8.7.2 Where a FREESTANDING SIGN identifies a business no EXTERIOR SIGN shall be ERECTED on the same LOT.

7.8.7.3 The DISPLAY AREA of a FREESTANDING SIGN for a BUSINESS CENTER shall not exceed a maximum DISPLAY AREA of 12 square feet, and its height shall not exceed 6 feet. If such a FREESTANDING SIGN under this provision is a MONUMENT SIGN, its DISPLAY AREA may be a maximum DISPLAY AREA of 20 square feet. The height of such MONUMENT SIGN shall not exceed 4 feet.

7.8.8 The following standards shall apply to FREESTANDING SIGNS in the EAV and EAV-2 Districts:

7.8.8.1 Where a FREESTANDING SIGN identifies a business, one EXTERIOR SIGN shall be permitted.

- 7.8.8.2 One BUSINESS CENTER sign shall be permitted for a BUSINESS CENTER, provided no other FREESTANDING SIGN identifying an individual business shall be permitted in the BUSINESS CENTER.
- 7.8.8.3 A BUSINESS CENTER is eligible for two FREESTANDING SIGNS when the LOT or LOTS have more than 300 feet of combined FRONTAGE on one or more STREETS, provided that not more than one FREESTANDING SIGN for the BUSINESS CENTER shall be allowed along a continuous FRONTAGE on one STREET that measures less than 300 feet.
- 7.8.8.4 The DISPLAY AREA of a FREESTANDING SIGN identifying a BUSINESS CENTER shall not exceed a maximum DISPLAY AREA of 27 square feet, and its height shall not exceed 9 feet. If a FREESTANDING SIGN under this provision is a MONUMENT SIGN, its DISPLAY AREA may be a maximum DISPLAY AREA of 40 square feet. The height of such MONUMENT SIGN shall not exceed 8 feet.

And, renumber current Section 7.8.7 to become Section 7.8.9.

[Note Section 7.8.6 currently reads:

7.8.6 The following standards shall apply to FREESTANDING SIGNS in the Village Districts:

7.8.6.1 One FREESTANDING SIGN may be ERECTED on a LOT provided that no BUILDING on the LOT is located within 30 feet of the sideline of the STREET nearest which the FREESTANDING SIGN is ERECTED.

7.8.6.2 Where a FREESTANDING SIGN identifies a business in the NAV, SAV, or WAV Districts, no EXTERIOR SIGN shall be ERECTED on the same LOT. Where a FREESTANDING SIGN identifies a business in the EAV District, one EXTERIOR SIGN shall be permitted. The DISPLAY AREA of such a FREESTANDING SIGN shall not exceed 8 square feet and the height shall not exceed 5 feet. If such a FREESTANDING SIGN is a MONUMENT SIGN, its DISPLAY AREA may be increased to 12 square feet, provided however that the height shall not exceed 4 feet, or 5 feet if its width does not exceed 3 feet. Where the FREESTANDING SIGN identifies a motor vehicle service station, the maximum permitted DISPLAY AREA may be increased to 16 square feet if the additionally permitted DISPLAY AREA is used solely for the posting of current prices of fuel and gasoline.

7.8.6.3 Where a FREESTANDING SIGN identifies a BUSINESS CENTER, each business located within such BUSINESS CENTER may display its identification on the FREESTANDING SIGN together with the identification of the BUSINESS CENTER, provided that such FREESTANDING SIGN remains of integrated and coherent design and complies with all applicable standards. The DISPLAY AREA of such a FREESTANDING SIGN shall not exceed 8 square feet plus an additional 2 square feet per business name displayed, up to a maximum DISPLAY AREA of 12 square feet, and its height shall not exceed 6 feet. If a FREESTANDING SIGN under this provision is a MONUMENT SIGN, its DISPLAY AREA may be increased to 12 square feet plus an additional 2 square feet per business name displayed, up to a maximum DISPLAY AREA of 20 square feet. The height of such MONUMENT SIGN shall not exceed 4 feet, or 6 feet if its width does not exceed 3 feet.]

C. Section 7.13: SIGNS Requiring a Special Permit from the Planning Board

In Section 7.13.1, which defines the scope and limits of the Planning Board's special permit authority for signs, delete Section 7.13.1.2 and replace it with the following:

7.13.1.2 EXTERIOR SIGNS with dimensions in excess of those permitted under Section 7.7 subject to the following limitations:

- a) no SIGN wider than one and one half times the maximum width otherwise permitted, and
- b) no SIGN larger than twice the otherwise permitted maximum DISPLAY AREA, and
- c) any such other limitation as the Planning Board may find appropriate to further the purpose of this Section as stated in Section 7.1.

[Note Section 7.13.1.2 currently reads:

7.13.1.2 SIGNS with dimensions in excess of those permitted under Sections 7.7 and 7.8, subject to the following limitations:

- a) no SIGN higher or wider than one and one half times the maximum height or width otherwise permitted, and*
- b) no SIGN larger than twice the otherwise permitted maximum DISPLAY AREA, and*
- c) no FREESTANDING SIGN larger than 40 square feet in DISPLAY AREA or higher than 10 feet, and*
- d) any such other limitation as the Planning Board may find appropriate to further the purpose of this Section as stated in Section 7.1.]*

, or take any other action relative thereto.

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

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 Dissolve: Ms. Adachi moves to dissolve the Annual Town Meeting at 11:18.

MOTION TO DISSOLVE CARRIES

The following served as tellers for this Special Town Meeting;

Charlie Kadlec, Head Teller

Mary Ann Ashton

Ann Chang

Jeff Bergart

Joan Gardner

Anne Kadlec

Ruth Kohls

Pam Lynn

Marion Maxwell

Marilyn Peterson

Debra Simes

John Sonner

Clare Siska