

2/23/09

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Christine Joyce

From: Roland Bartl
Sent: Wednesday, February 18, 2009 5:08 PM
To: Steve Ledoux
Cc: Manager Department; Stephen Anderson
Subject: zoning articles

Steve:

After the official public hearing yesterday evening, the Planning Board voted to recommend the two attached zoning articles for inclusion in the Annual Town Meeting warrant.

As you might recall, there was initially a long list of other potential zoning articles. Even the list of articles advertised for the public was longer. However, none survived the Planning Board except for the two articles attached. The Planning Board (or at least Greg) will be at the BoS meeting on the 23rd at the scheduled time. I will be there, too.

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DRAFT ZONING ARTICLE 2009-04
(Two-thirds vote)

**AMEND ZONING BYLAW -
TRUCK RENTAL AS ACCESSORY USE IN
THE LIGHT INDUSTRIAL (LI) DISTRICT**

To see if the Town will vote to amend the Zoning Bylaw, section 3.8.2 (Accessory Uses Permitted in the Office, Business, and Industrial Districts) by inserting a new sub-section 3.8.2.8 as follows:

3.8.2.8 In the Light Industrial District, the rental of trucks with a gross vehicle weight not greater than 26,000 pounds, provided that not more than five trucks for rental use shall be parked on-site at any one time and that no such truck shall be parked on site for more than 72 consecutive hours.

, or take any other action relative thereto.

SUMMARY

This article makes accommodations for business and industrial truck rentals in the Light Industrial District as an accessory use to another allowed principal use. The Light Industrial District exists in three locations: at Craig Road; at the east end of River Street; and at the south end of Main Street. The proposed limitations on gross vehicle weight restrict the size of rental vehicles to medium duty trucks. The proposed limits on the number and duration of rental vehicles parked on site restricts such accessory uses to small branch operations typically set up to provide rental pick-ups and drop-offs after telephone or web appointments. Typically, a rental vehicle is delivered from a regional storage facility to the branch location in Acton for pick-up by a rental customer, and, unless there is an immediate subsequent rental customer booked, the vehicle is returned to the regional storage facility soon after customer drop-off. This article is proposed after an inquiry was made by an Acton warehousing and rental business (Concord Rental/Warren Rental) that is located in the Light Industrial District and after review and favorable recommendation by the Economic Development Committee.

Direct inquiries to: Roland Bartl, AICP, Planning Director
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Selectman assigned:

Recommendations: Board of Selectmen Finance Committee Planning Board

DRAFT ZONING ARTICLE 2009-04
(Two-thirds vote)

AMEND ZONING BYLAW
HOUSEKEEPING; MINOR CHANGES

To see if the Town will vote to amend the zoning bylaw as follows:

1. In Section 1 (Authority, Purpose, Definitions and Applicability) delete the lead paragraph of section 1.4 and replace it with a new paragraph as follows:

1.4 Applicability - All LOTS and parcels of land in the Town of Acton and all BUILDINGS, STRUCTURES and other improvements thereon shall be subject to the regulations, restrictions and requirements established in this Bylaw. Except when specifically referred to or stated otherwise, this Bylaw shall not apply to STREETS and appurtenances and easements thereto; to railroad rights of way; to public bicycle, pedestrian, and multi-use paths funded, laid out, and constructed by the Town of Acton, the Commonwealth of Massachusetts, or the Federal Government; or to any BUILDING, STRUCTURE or USE of land, including grading, filling, and excavating, which is associated with a public sewer collection system owned or operated by the Town of Acton.

[Note: The lead paragraph of section 1.4 currently reads as follows:

1.4 Applicability - All LOTS and parcels of land in the Town of Acton and all BUILDINGS, STRUCTURES and other improvements thereon shall be subject to the regulations, restrictions and requirements established in this Bylaw. Except when specifically referred to or stated otherwise, this Bylaw shall not apply to STREETS, appurtenances and easements thereto, to railroad rights of way, or to any BUILDING, STRUCTURE or USE of land, including grading, filling, and excavating, which is associated with a public sewer collection system owned or operated by the Town of Acton.]

2. In Section 3.5.14 (Use Definition of Building Trade Shop) insert before “or similar occupation” the following:

”building cleaning service,”.

[Note: Section 3.5.14 currently reads as follows:

3.5.14 Building Trade Shop – An establishment for use by the practitioner of a building trade such as a carpenter, welder, plumber, electrician, builder, mason, landscaping contractor, lawn care service, or similar occupation.]

3. In section 10.6 (Outdoor Lighting Regulations for Site Plan Special Permits), insert in the 2nd line of subsection 10.6.2.2.a), the word “additionally” before the word ‘SHIELDED’.

[Note: Sub-section 10.6.2.2.a) currently reads:

10.6.2.2.a) Any LUMINAIRE whose distance from a LOT line is less than three times its height (3xH) shall be SHIELDED so that all DIRECT LIGHT cast in the direction of STREETS, or abutting LOTS that are in Residential or Conservation USE, is cut off at an angle no more than 70 degrees measured from a vertical line directly below the LUMINAIRE (Figure 2). This requirement shall apply to all sides of the LUMINAIRE that emit light toward a LOT line that is less than 3xH away from the LUMINAIRE. The cut-off may be accomplished either by the LUMINAIRE photometric properties, or by a supplementary external shield.]

, or take any other action relative thereto.

SUMMARY

Part 1 – STREETS, railroad rights of way, and facilities and infrastructure associated with the Town’s public sewer collection system are generally exempt from zoning regulations. This will add public bicycle, pedestrian, and multi-use paths to the list of exempt infrastructure facilities.

Part 2 – Building trade shops as a land use category of the Zoning Bylaw includes carpenters, welders, plumbers, electricians, landscape contractors and similar occupations, and are allowed in most village, business, and office districts, and in all industrial districts. This change would define building cleaning services as an occupation or business within the use category of building trade shops.

Part 3 – This amendment clarifies that the shielding required in this subsection is in addition to other shielding otherwise required in section 10.6.

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Selectman assigned:

Recommendations: **Board of Selectmen** **Finance Committee** **Planning Board**
