Planning Department

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TOWN CLERK, ACTON

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August 12, 2010

Notice of Public Hearing on Proposed Zoning Changes

Please publish the following as a LEGAL NOTICE on ***August 19, 2010*** and ***August 26, 2010***.

Acton Planning Board public hearing - 9/7/10, 7:45 PM, Town Hall – Faulkner Room (204), on proposed zoning bylaw and map changes to: (A) Rezone parcel at 22 Esterbrook Rd. from Residence 10/8 to Residence 8; (B) Make minor changes in Section 7, Signs and Advertising Devices; (C) exempt from zoning appurtenances and easements related to public bicycle, pedestrian, and multi-use paths. Agricultural operations will not be impacted. Proposals are available at the Planning Dept. and Town Clerk.

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ARTICLE __
(Two-thirds vote)

AMEND ZONING BYLAW
REZONE LOT AT #22 ESTERBROOK ROAD

To see if the Town will vote to amend Map No. 1 of the Zoning Map (Zoning Map of the Town of Acton) by rezoning from the Residence 10/8 (R-10/8) District to the Residence 8 (R-8) District the parcel of land at 22 Esterbrook Road shown in the 2007 Acton Town Atlas on map F-4 as parcel 13-1, or take any other action relative thereto.

SUMMARY

The subject 2.91-acre parcel lies wedged between the Limited Business District along Great Road and a tract of R-8 zoned parcels along Esterbrook Road. It connects in the rear to other land that is zoned R-10/8. The parcel has a residence on it. The zoning change will not create any potential for additional building lots.

Background: The immediate abutters at 28 Esterbrook Road have a nonconforming lot for insufficient area in the R-8 zoning district. Their existing house is small, has groundwater penetration in the basement, and is mold infected. They want to replace it with a larger house. The zoning bylaw only allows house replacements of equal size on nonconforming lots. Their application for a variance to allow a larger house was denied.

The abutters at 22 Esterbrook Road, who own the parcel that is the subject of this rezoning article, are willing to convey enough land to their neighbors at 28 Esterbrook Road so that they would then own a legal 80,000 square foot conforming lot in the R-8 District. However, they can only convey such land if their lot is rezoned as set forth in this article, which would reduce the minimum required lot area from 100,000 to 80,000 square feet. Also, 22 Esterbrook Road is currently nonconforming for insufficient frontage in the R-10/8 district. In the R-8 district the lot will have legal conforming frontage. With the rezoning and the subsequent proposed land conveyance, both lots would become conforming lots in the R-8 District, and the owners of 28 Esterbrook Road may rebuild their house in the way they wish.

Direct inquiries to: Roland Bartl, AICP, Planning Director: planning@acton-ma.gov / (978) 264-6631
Selectman assigned: _____: bos@acton-ma.gov

Board of Selectmen:
Finance Committee:
Planning Board: Recommended

ARTICLE ___
(Two-thirds vote)

AMEND ZONING BYLAW
SIGNS AND ADVERTISING DEVICES

To see if the Town will vote to amend the zoning bylaw, Section 7 – Signs and Advertising Devices, as follows:

A. Under section 7.5, Signs which Do not Require a Sign Permit, insert a new sub-section 7.5.19 as follows:

7.5.19 "OPEN" SIGNS - One SIGN, other than a WINDOW SIGN, associated with a PRINCIPAL USE indicating that the establishment is open for business. Such a SIGN shall be affixed to the BUILDING as near as practically possible to the entrance to the establishment. Such a SIGN shall not exceed 6 square feet in DISPLAY AREA.

B. Under section 7.4.3, Illumination, delete sub-section 7.4.3.6 and replace it with a new sub-section 7.4.3.6 as follows:

7.4.3.6 In all other Village Districts:

a) PROJECTING SIGNS and AWNING SIGNS shall not be illuminated.

b) WALL SIGNS shall not be illuminated except as described in Sections 7.4.3.4 b) or c), or from an external light source with the light projected downward from above.

c) FREESTANDING SIGNS shall not be illuminated except as described in Sections 7.4.3.4 b) or c) or from an external light source.

[Note: Section 7.4.3.6 currently reads:
7.4.3.6 In all other Village Districts, PROJECTING SIGNS and AWNING SIGNS shall not be illuminated, WALL SIGNS shall not be illuminated except as described in Sections 7.4.3.4 b) or c), and FREESTANDING SIGNS shall not be illuminated except as described in Sections 7.4.3.4 b) or c) or from an external light source.]

C. Under section 7.13, SIGNS Requiring a Special Permit from the Planning Board, delete the leading paragraph in subsection 7.13.1 and replace it with a new paragraph as follows:

7.13.1 The Planning Board, acting as the Special Permit Granting Authority under this Section, may approve, approve with conditions, or disapprove the following SIGNS and the following deviations from the requirements of Sections , 7.4, 7.7 and 7.8.

[Note: The leading paragraph of sub-section 7.13.1 currently reads:
7.13.1 The Planning Board, acting as the Special Permit Granting Authority under this Section, may approve, approve with conditions, or disapprove the following SIGNS and the following deviations from the requirements of Sections 7.7 and 7.8.]

, or take any other action relative thereto.

SUMMARY

This article makes minor changes and additions to the Town's sign regulations.
Part A would allow businesses to display one "OPEN" sign on the outside of the building in addition to all other allowed sings. Although such signs can be seen around Town, the Zoning Bylaw presently allows "OPEN" sings only as window signs.

Part B reorganizes a section on sign illumination in all village zoning districts other than East Acton Village, and adds a phrase to allow exterior sign illumination from above such as a shielded light rail or goose-neck lamps.
Part C: Section 7.13 provides for exceptions from the sign regulations by Planning Board special permit. This amendment clarifies that some of the regulations, from which the Planning Board can presently authorize special permit exceptions, are written in Section 7.4. The subject regulations pertain to the placement, illumination, and materials of signs.

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Board of Selectmen:
Finance Committee:
Planning Board:

ARTICLE __ BROADEN EXEMPTION FOR BIKEWAY AND WALKWAY FACILITIES
(Two-thirds vote)

To see if the Town will vote to amend section 1.4 by inserting the following phrase after the words "public bicycle, pedestrian, and multi-use paths":

", and appurtenances and easements thereto,".

[Note – Section 1.4 currently reads:
***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, or 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.]*

, or take any other action relative thereto.

SUMMARY

This article expands the zoning exemptions for public bicycle, pedestrian, and multi-use paths that are funded, laid out, or constructed by the Town of Acton, the Commonwealth of Massachusetts, or the Federal Government to include related appurtenances and easements such as restroom facilities, trail access accommodations, or trail parking lots. This makes the scope of the exemption equivalent to the exemptions for streets.

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