

To see if the Town will vote to amend section 3.8.1 of the Zoning Bylaw (ACCESSORY USES Permitted in the Residential Districts and dwellings in the Non-Residential Districts) by deleting sub-section 3.8.1.1 and replacing it with the following:

Planning Board Task:

Pick one of the options below or mix & match; or let the section stand as is.

A most restrictive option for changing 3.8.1.1:

3.8.1.1 One attached or detached private garage or carport for not more than four motor vehicles; solar system; greenhouse; one attached or detached tool shed; one attached or detached barn, whereby a barn that is used for the storage of motor vehicles shall be deemed a private garage; swimming pool or tennis court provided that such recreational facilities are used only by the residents and their guests.

This version would:

- Allow only one attached or detached garage or car port for not more than 4 motor vehicles
- Allow only one attached or detached tool shed
- Allow only one attached or detached barn
- A barn used for motor vehicle storage is deemed a garage

Another more restrictive option for changing 3.8.1.1:

3.8.1.1 Private garages or carports (attached or detached) for not more than four motor vehicles on a LOT; solar system; greenhouse; one attached or detached tool shed; one attached or detached barn, whereby a barn that is used for the storage of motor vehicles shall be deemed a private garage; swimming pool or tennis court provided that such recreational facilities are used only by the residents and their guests.

This version would:

- Allow any number of attached or detached garages or car ports but for not more than 4 motor vehicles in total on a lot
- Allow only one attached or detached tool shed
- Allow only one attached or detached barn
- A barn used for motor vehicle storage is deemed a garage

A less restrictive option for changing 3.8.1.1:

3.8.1.1 Attached private garages or carports; one detached private garage or carport for not more than four motor vehicles; solar system; greenhouse; tool sheds; one attached or detached barn, whereby a barn that is used for the storage of motor vehicles shall be deemed a private garage; swimming pool or tennis court provided that such recreational facilities are used only by the residents and their guests.

This version would:

- Allow any number of attached garages or car ports for any number of vehicles
- Allow only one detached garage or car port for not more than 4 motor vehicles
- Allow any number of tool shed (attached or detached)
- Allow only one attached or detached barn
- A barn used for motor vehicle storage is deemed a garage

And a least restrictive option for changing 3.8.1.1:

3.8.1.1 Private garages or carports; solar system; greenhouse; tool sheds; barns; swimming pool or tennis court provided that such recreational facilities are used only by the residents and their guests.

This version would:

- *Allow any number of attached or detached garages or car ports for any number of vehicles*
- *Allow any number of tool shed (attached or detached)*
- *Allow any number of attached or detached barns*
- *It doesn't matter if barn are used for motor vehicle storage or not*

[Note – Section 3.8.1.1 currently reads:

3.8.1.1 Private garage or carport for not more than four motor vehicles, solar system, greenhouse, tool shed or barn; swimming pool or tennis court provided that such recreational facilities are used only by the residents and their guests.]

, or take any other action relative thereto.

SUMMARY

There is considerable ambiguity in the zoning bylaw language of section 3.8.1.1, which regulates “garage, carport, tool shed, barn” as accessory to residential uses. Questions arise as land owners want to build multiple buildings of this type on their lots, or provide garaging space for more than the specified four motor vehicles. Recent Board of Appeals decisions highlighted the apparent ambiguity of this section. This article seeks to minimize such ambiguities and also allows a discussion about the appropriate regulation of such accessory structures.

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