

BEFORE THE ACTON PLANNING BOARD

ROOM 204, Town Hall

5 February 2013

7:30 PM

AMENDED SECTION 3.5.5

**3.5 Business USES**

- 3.5.1 Retail Store – An establishment with not more than 60,000 square feet in NET FLOOR AREA selling merchandise within a BUILDING to the general public. Said merchandise is not intended for resale. A Retail Store may have one or more vendors within it and may occupy one whole BUILDING or a portion of a BUILDING. If a Retail Store occupies a portion of a BUILDING, its retail space shall be separated from other Retail Stores by complete walls or partitions, and customers must pay for purchases and exit the Retail Store before entering another Retail Store. A garden center, florist, or commercial greenhouse may have open-air display of horticultural products.
- 3.5.2 Office – A business or professional office such as corporate offices or the offices of an attorney, doctor, dentist, architect, engineer, real estate agency, loan agency, or similar professional.
- 3.5.3 Health Care Facility – A walk-in clinic, rehabilitation center, medical lab, dental lab, weight loss clinic, or similar facility.
- 3.5.4 Hospital, Medical Center – A facility providing medical or surgical services to persons, including ambulatory and emergency services, and accessory facilities and functions that are an integral part of the facility such as laboratories, out-patient departments, training, staff offices, and similar adjunct facilities and functions.
- 3.5.5 Restaurant – Establishment where food and beverages are sold within a BUILDING to customers for consumption 1) at a table or counter, or 2) in an adjacent outdoor space that does not obstruct a public way, sidewalk, walkway, vehicular parking, or a driveway, or 3) off the premises as carry-out orders ----[DELETE] - - -, **except that drive-up service shall not be allowed** - - -[DELETE] - - -, or 4) any combination of the above. In the OP-2 and the TD District, the minimum square footage for an individual restaurant shall be 5,000 square feet measured in NET FLOOR AREA.

## AMENDED § 3.8

- 3.8 ACCESSORY USE Regulations** – ACCESSORY USES shall be permitted in all districts on the same LOT with the PRINCIPAL USE. The ACCESSORY USES listed below are subject to the conditions and requirements stated in the respective Sections.
- 3.8.1 ACCESSORY USES Permitted in the Residential Districts and dwellings in the Non-Residential Districts:
- 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.
- 3.8.1.2 A home occupation, other than retail sales, conducted entirely within the DWELLING UNIT or an accessory BUILDING by a resident and employing no persons other than the residents. In the Village Residential District, the portion of the DWELLING UNIT or accessory BUILDING used for a home occupation shall be limited to 500 square feet of NET FLOOR AREA. The Board of Appeals may authorize by special permit a home occupation which 1) conducts retail sales, or 2) employs non-residents provided that no more than two such non-resident employees shall be present on the premises at any one time.
- 3.8.1.3 The renting of rooms or boarding for not more than four persons; except that by Special Permit from the Board of Appeals the renting of rooms or boarding to more than four persons may be allowed. In either case, the service shall be operated by a resident owner of the premises.
- 3.8.1.4 Breeding for sale of dogs, cats or other pets, provided that not more than four such animals more than one year old shall be permitted.
- 3.8.1.5 Common Drives for vehicular and non-vehicular ACCESS by way of rights-of-way or easements serving more than one LOT. Common Drives are not STREETS and do not provide FRONTAGE for LOTS. Common Drives shall not serve more than 12 LOTS. Common Drives serving 6 or more LOTS shall require a special permit by the Planning Board. Common Drives serving more than two LOTS but less than six LOTS shall also require a special permit by the Planning Board unless they are in compliance with the requirements a) through q) below. All Common Drives shall be completed prior to the occupancy of any DWELLING UNIT served by the Common Drive.
- a) All curb radii and radii of pavement edges shall be designed to accommodate SU-30 design vehicles (fire engine). In determining the adequacy of the radii at the Common Drive intersection with a STREET, it shall be assumed that on local STREETS the entire pavement width is available for turns, whereas on collector and arterial STREETS a turn shall be possible without obstructing oncoming traffic (local, collector and arterial STREETS as defined in the Acton Subdivision Rules and Regulations).
  - b) There shall be a turn around for fire and other emergency vehicles (SU-30 design vehicle) at the end of the Common Drive.
  - c) The maximum grade within 50 feet of the intersection with a STREET shall be 5%.
  - d) The intersection angle between the Common Drive centerline and the STREET centerline shall be not less than 60 degrees.
  - e) The maximum grade shall be 10%. The minimum grade shall be 1%.

- f) The Common Drive shall be laid out entirely within an ACCESS and utility easement that is at least 20 feet wide.
- g) The minimum centerline radius shall be 80 feet.
- h) The stopping sight distance along the Common Drive shall be not less than 125 feet.
- i) The design shall be for a maximum design speed of 25 miles per hour.
- j) The minimum sight distance at the intersection of the Common Drive with a STREET shall be 275 feet, and 450 feet where the STREET is an arterial STREET (arterial STREET as defined in the Acton Subdivision Rules and Regulations).
- k) Adequate drainage shall be provided. The drainage design and appurtenances shall prevent washout and excessive erosion and it shall prevent drainage onto a STREET. Subsurface discharge to a public drain system shall be allowed only if there is sufficient capacity in the public drain system based on a 10-year design storm.
- l) The paved wear surface shall be at least 12 feet wide and consist of a minimum of 3 inches of Type I bituminous concrete, applied in two courses over a minimum base of 12 inches of properly prepared and compacted gravel, graded to drain from the crown.
- m) There shall be a minimum 3 foot wide shoulder on each side free of obstructions such as trees or utility poles. The shoulder shall be prepared with 3-4 inches of topsoil over the same gravel base as the wear surface, and seeded.
- n) There shall be a sign posted at the Common Drive intersection with the STREET displaying the name of the Common Drive and indicating "private way".
- o) A sidewalk shall be constructed along the arterial and collector STREET (arterial and collector STREET as defined in the Acton Subdivision Rules and Regulations) FRONTAGE of all LOTS served by the Common Drive, except where a sidewalk already exists. The sidewalk shall be constructed with a paved surface consisting of a minimum of 2.5 inches of Type 1 bituminous concrete over 3 inches processed gravel and 6 inches of bank run gravel (or equivalent). It shall be at least five feet wide and shall follow in general the grade of the STREET. Where the sidewalk crosses driveways it shall have wheelchair ramps. Where the sidewalk does not connect with another sidewalk it shall be connected to the STREET pavement with wheelchair ramps. Easements or additional width in the STREET layout shall be provided as necessary to accommodate the sidewalk.
- p) An agreement providing ACCESS over the Common Drive to all the LOTS and making all the LOTS served by the Common Drive jointly and severally responsible for its maintenance and repair, including snow plowing, shall be recorded. Evidence of recording shall be given to the Zoning Enforcement Officer prior to the issuance of a building permit on any LOT served by the Common Drive.
- q) Compliance with the Common Drive construction and design requirements shall be demonstrated to the Zoning Enforcement Officer by means of proposed plans and as-built plans for the Common Drive and sidewalk, prepared by a registered professional engineer. Zoning Enforcement Officer shall have the power to establish requirements as to the form and contents of such plans.

3.8.2 ACCESSORY USES permitted in the Office, Business, and Industrial Districts.

3.8.2.1 Truck or trailer cleaning and washing provided that the trucks or trailers are necessary for the conduct of the PRINCIPAL USE.

3.8.2.2 Drive-up facilities in a bank, restaurant, or retail store.

3.8.2.3 An employee food service area established exclusively to serve employees of the PRINCIPAL USE.

**AMENDED SECTION § 7.7.4**

**7.7 EXTERIOR SIGNS** – Any PRINCIPAL USE permitted in a Business, Industrial, Office or Village District may ERECT an EXTERIOR SIGN subject to the following:

7.7.1 Except as may otherwise be provided, one EXTERIOR SIGN shall be permitted for each PRINCIPAL USE. Such EXTERIOR SIGN may be a WALL SIGN, a PROJECTING SIGN or an AWNING SIGN.

7.7.2 Except as specifically provided for certain WALL SIGNS, an EXTERIOR SIGN may only be ERECTED on the exterior wall of the ground floor and up to 1 foot below the level of the bottom sills of the windows of the story above the ground floor of a BUILDING.

7.7.3 An EXTERIOR SIGN shall not be ERECTED within 6 inches of any horizontal edge of a BUILDING or STRUCTURE nor extend beyond such horizontal edge. Except for AWNING SIGNS, an EXTERIOR SIGN shall not obscure or cover architectural features such as but not limited to arches, sills, eaves moldings, cornices, transoms, lintels and windows, and shall not be ERECTED within 6 inches from any such architectural features.

7.7.4 WALL SIGNS – A WALL SIGN may be ERECTED on a BUILDING, or on an arcade STRUCTURE attached to the ground floor of a BUILDING, or on a permanent canopy

STRUCTURE associated with a motor vehicle service station or a bank drive-up window, or a restaurant drive-up-window, or a retail store drive-up-window.

7.7.4.1 The maximum DISPLAY AREA of a WALL SIGN affixed to the exterior wall of a BUILDING in conformance with Section 7.7.2, or to an arcade, canopy, parapet, or gambrel or mansard roof, shall not exceed 1 square foot for each lineal foot of wall(\*).  
{(\*) The wall front or store front occupied by a business, or the width of the canopy side to which the SIGN is attached.}

### AMENDED SECTION 10.4.5.3

- 10.4.5 Action by the Board of Selectmen – The Board of Selectmen, in considering a site plan, shall ensure a USE of the site consistent with the USES permitted in the district in which the site is located and shall give due consideration to the reports received under Section 10.3.3. Prior to the granting of any special permit, the Board of Selectmen shall find that, to the degree reasonable, the site plan:
- 10.4.5.1 Is consistent with the Master Plan.
  - 10.4.5.2 Protects the neighborhood and the Town against seriously detrimental or offensive USES on the site and against adverse effects on the natural environment.
  - 10.4.5.3 Provides for convenient and safe vehicular and pedestrian movement and that the locations of driveway openings and drive-up-windows are convenient and safe in relation to vehicular and pedestrian traffic circulation, including emergency vehicles, on or adjoining the site.
  - 10.4.5.4 Provides an adequate arrangement of parking and loading spaces in relation to the proposed USES of the premises.