

From: Steve Ledoux
Sent: Wednesday, March 13, 2013 8:21 AM
To: Roland Bartl
Subject: FW: Proposed Amendment to Amend Zoning Bylaw-Industrial Uses

Here is what the Robbins Brook abutters are suggesting for an amendment

Steven L Ledoux
Town Manager
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When writing or corresponding, please be aware that the Secretary of State has determined that most email is a public record and, therefore, may not be kept confidential.

From: Patricia Jones [<mailto:pattykj@gmail.com>]
Sent: Wednesday, March 13, 2013 8:17 AM
To: Board of Selectmen; Manager Department
Subject: Fwd: Proposed Amendment to Amend Zoning Bylaw-Industrial Uses

Dear Ms. Pamela Harting-Barrat and Mr. Steve Ledoux,

We respectfully submit amendments to Article 28, Section 3.6.3 Manufacturing as published and distributed on Monday, March 11 Board of Selectmen Meeting. Attached are both the pages (pp 44-46) in the fore-mentioned document (pdf file) as well as the proposed amended language in Section 3.6.3. (msword file)

Pat and I are out of town the remainder of this week but are reachable by both email and mobile phone should you have any questions. We would like to meet with you next week to review our proposed amendments and receive any input you might have to offer.

Thank you for your consideration.

Sincerely,

Pat & Rob Jones
Robbins Brook Community
Rob Jones
47 Hartland Way
Acton, MA 01720
(978) 274-2297- Home
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[978 273 6367](tel:9782736367) - Pat's cell

ARTICLE 28 **AMEND ZONING BYLAW – INDUSTRIAL USES**
(Two-thirds vote)

To see if the Town will vote to amend Section 3 of the Zoning Bylaw as set forth below:

A. In Section 3.6 - Industrial Uses, delete subsections 3.6.1 (Warehouse), 3.6.2 (Distribution Plant) and 3.6.3 (Manufacturing) and replace them with new subsections 3.6.1, 3.6.2, and 3.6.3 as follows:

3.6.1 Warehouse – A BUILDING used primarily for the enclosed storage of goods, and materials for any length of time; including receiving, repackaging, and/or reshipping; and including office, administrative, and support facilities related to the foregoing, but not a Distribution Center as defined in Section 3.6.2; a personal self-storage facility or mini-warehouse.

[Note – Section 3.6.1 currently reads: Warehouse – A BUILDING for the enclosed storage of goods and materials, including office, administrative, and support facilities related to the foregoing, but not a distribution plant; a personal self-storage facility or mini-warehouse.]

3.6.2 Distribution Center – An establishment with a BUILDING NET FLOOR AREA larger than 50,000 square feet used primarily for the receiving, short-term enclosed storage, repackaging, and/or reshipping or distribution of goods and materials to retail stores and other market outlets, or directly to the consumer via telephone or internet remote sales; including office, administrative, and support facilities related to the foregoing.

[Note – Section 3.6.2 currently reads: Distribution Plant - Establishment for the temporary storage of merchandise, products, or equipment and its wholesale, distribution or re-distribution to the market, usually in smaller lots, or its sale directly to the consumer via remote sales, such as sales conducted via telephone or Internet; and support services for the foregoing, such as office and laboratory.]

3.6.3 Manufacturing –

- An establishment engaged in the creation, fabrication or assembly of products;
- The physical, mechanical or chemical transformation, processing, blending or assembly of materials, substances or components into products;
- The development and manufacturing of renewable energy or alternative energy (RE/AE) equipment and systems;
- The research or testing of new and emerging technologies and technological devices; or
- Similar USES and activities; but, excluding Scientific USE as defined in Section 3.6.4.

The foregoing may include related support facilities and operations including but not limited to office, administration, laboratory, warehouse, and wholesale distribution of the manufactured products. All operations shall confine harmful, noxious or unpermitted smoke, fumes, dust, noise, pollution, contamination and other emissions and nuisances within the premises. No manufacturing, research or testing shall be conducted outside of a BUILDING, except where a special permit for such outdoor manufacturing, research or testing has been issued by the Board of Selectmen. In the KC District, the maximum NET FLOOR AREA of an establishment that is classified as a Manufacturing USE shall not exceed 10,000 square feet.

[Note – Section 3.6.3 currently reads: Manufacturing – A manufacturing facility, such as a printing or publishing plant; manufacturing of building systems and components; fabrication and assembly of electronic components, precision instruments, or other high technology products; manufacturing of metal products or office supplies; software or hardware development or manufacturing; research or testing of new and emerging technologies and technological devices; establishments engaged in services related to the environment; development and manufacturing of renewable energy or alternative energy (RE/AE) equipment and systems; or similar USES and activities; including office, administrative, laboratory, and support facilities related to the foregoing; but excluding scientific USE as defined in Section 3.6.4. All operations shall confine disturbing smoke, fumes, dust, noise, and other emissions within the premises. No research or testing shall be conducted outside of a BUILDING. In the KC District, the maximum NET FLOOR AREA of an establishment that is classified as a Manufacturing USE shall not exceed 10,000 square feet.]

B. In Section 3.8.2 (Accessory Uses permitted in the Office, Business and Industrial Districts), delete subsection 3.8.2.6 and replace it a new subsection 3.8.2.6 as follows:

3.8.2.6 In the Industrial Districts only, outdoor storage of materials, goods, and equipment provided that all outdoor storage areas are surrounded by landscaping or architectural screening that reduces, to the extent feasible and reasonable, their visual impact when viewed from adjacent and nearby STREETS and dwellings in existence as of January 1, 2013.

[Note – Section 3.8.2.6 currently reads: In the Industrial Districts only, outdoor storage of materials, goods, and equipment provided that all outdoor storage areas are completely screened from view from adjacent and nearby STREETS and properties.]

, or take any other action relative thereto.

SUMMARY

In part A, this article redefines three industrial uses.

Warehouse: Storage costs money. Industries strive for reduction or elimination of inventory. Today's industrial processes and logistics have for the most part done away with the need for longer term storage. Warehouses have transformed into distribution facilities with very short product holding times. Products are brought in, repackaged into different batch sizes to meet shipping needs, and sent out as quickly as possible. The proposed revised definition acknowledges this reality, but still leaves room for the more traditional warehouse used for longer-term storage.

Distribution Center: Small distribution facilities appear to the outsider much like traditional warehouses or manufacturers with relatively few employees and only intermittent truck traffic, often only small box trucks and vans, UPS, or FedEx. Large Distribution Centers can generate significant large truck traffic. Acton is a very unlikely place for large distribution centers. They prefer to locate at or very near transportation nodes and interchanges, preferably with multi-modal transportation access (highway, rail, air, river, or sea). Nevertheless, Acton's Zoning Bylaw carries a use definition for Distribution Plant, and the Table of Principal Uses allows it by special permit in certain districts (OP-2, PM, TD). This article amends the definition of Distribution Plant to Distribution Center and to more closely track the generic and technical definitions for such a facility as an operation that is distinct from a Warehouse. Also, to further distinguish, it introduces a 50,000 square foot minimum threshold for a facility to be defined as a Distribution Center distinct from a Warehouse. Below that size the facility is, for zoning purposes, simply a Warehouse regardless of specific storage, warehousing, receiving or shipping processes, durations or frequencies. The threshold is helpful in making sure that small distributors are not unduly classified as Distribution Centers and as a result prohibited from most industrial districts, or subjected to special permit procedures and requirements in the few districts where Distribution Centers may be allowed.

Manufacturing: The current definition of manufacturing is too limiting. It provides a short list of manufacturing examples; most are derived from industries that once existed or may still exist in Acton. The definition as currently structured leaves little room for other types of manufacturing, such as a coffee roaster and blender, an industrial scale bakery, a specialty machine shops, a maker of gadgets and devices that are not shrouded in the glamour of high-tech or emerging technologies, or a designer and manufacturer of clothing and accessories. The proposed new definition begins with a much more generic and inclusive definition of Manufacturing so that the phrase "or similar USES and activities" has a broader meaning and can be applied to a wider range of manufacturing activities. Also, it introduces the option for manufacturing processes to take place outdoors subject to a special permit from the Board of Selectmen. The Zoning Bylaw has a long list of prohibited uses; many would be considered industrial or manufacturing uses. This list remains in place unchanged and continues to safeguard against noxious, dangerous, and undesirable land uses.

The Zoning Bylaw allows outdoor storage in industrial districts as an accessory use. Part B of this article revises the pertinent provision for outdoor storage to amend the screening requirements for such use to a level that is reasonable and achievable.

Direct inquiries to: Roland Bartl, AICP, Planning Director: planning@acton-ma.gov / (978) 929-6631
Selectman assigned: Pamela Harting-Barrat: bos@acton-ma.gov / (978) 929-6611

Recommendations:	<u>Board of Selectmen</u>	<u>Finance Committee</u>	<u>Planning Board</u>
		Deferred	Recommended

ARTICLE 29 * AMEND TOWN BYLAWS – CHAPTER S
(Majority vote) **COMMUNITY PRESERVATION COMMITTEE**

To see if the Town will vote to amend Chapter S of the general Bylaws of the Town (the Community Preservation Committee Bylaw) as follows:

1. Delete Section 3.2, which prescribes the appropriate recommendations for use of funds the Committee shall make for open space, historic resources and community housing, and replace it with the following new Section 3.2:

The Committee shall make recommendations in proper form to Town Meeting for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space, and community housing that is acquired or created with funds received in accordance with the Community Preservation Act, MGL Chapter 44B, Sections 1 to 17, as amended; provided, however, that funds expended pursuant to this chapter shall not be used for maintenance. With respect to community housing, the Committee shall recommend, whenever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

[Section 3.2 currently reads:

“The Committee shall make recommendations in proper form to the Town Meeting for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation and preservation of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space, land for recreational use and community housing that is acquired or created with funds received in accordance with the Community Preservation Act, MGL Chapter 44B, Sections 1 to 17, as amended. With respect to community housing, the Committee shall recommend, whenever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.”

2. Delete Section 3.4, which prescribes the percentage of annual revenues in Community Preservation Funds that shall be set aside for later spending and replace it with the following new Section 3.4:

In each fiscal year, the Committee shall recommend spending, or setting aside for later spending, not less than 10% of the annual revenues in the Community Preservation Fund for each of open space, historic resources, and community housing. The Committee may also recommend an appropriation of not more than 5% of the annual revenues of the Community Preservation Fund for the Committee’s administrative and operating expenses. The Committee

3.6.3 Manufacturing -4th bullet Next to Last sentence in the paragraph (page 44)

Before

No manufacturing, research or testing shall be conducted outside a BUILDING, except where a special permit for such outdoor manufacturing research or testing has been issued by the Board of Selectmen. In the KC District, the maximum NET FLOOR AREA of an establishment that is classified as a manufacturing USE shall not exceed 10,000 square feet.

Proposed Change

No manufacturing, research or testing shall be conducted outside a BUILDING, **where an industrial zoned property abuts a residential zone or a residential use property.** In the KC District, the maximum NET FLOOR AREA of an establishment that is classified as a manufacturing USE shall not exceed 10,000 square feet.

Summary - Manufacturing Bottom of page 45

Before

Also, it introduces the option for manufacturing processes to take place outdoors subject to a special permit from the Board of Selectmen. The Zoning Bylaw has a long list of prohibited uses, many would be considered industrial or manufacturing uses. This list remains in place unchanged and continues to safeguard against noxious, dangerous, and undesirable land use.

Proposed Change

Also, it introduces the option for manufacturing processes to take place outdoors **except where the manufacturing process occurs on a property that abuts a residential zone or a residential use property.** . The Zoning Bylaw has a long list of prohibited uses; many would be considered industrial or manufacturing uses. This list remains in place unchanged and continues to safeguard against noxious, dangerous, and undesirable land use.