

**ARTICLE ZA**  
(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 set forth below:

- A. In section 7.3 – Signs Prohibited in All Districts, add to the end of subsection 7.3.7 the following new phrase:

“, and except for listings of shows and show times where the SIGN is associated with a Commercial Entertainment USE.”

*[Note – Subsection 7.3.7 currently reads:*

*SIGNS that change or rearrange characters or letters or illustrations, except as specifically provided herein; or flash, rotate, or make noise; or sparkle, twinkle or purposely reflect sunlight; or move, or give the illusion of moving, except for indicators of time and temperature or barber poles.]*

- B. In Section 7.6.1 – Applications for Sign Permits, insert at the end of item 5) the following phrase in parenthesis:

“(Lot owner signature is not required for TEMPORARY and SPECIAL EVENT SIGNS)”

*[Note – Section 7.6.1 currently reads:*

*Application – All applications for SIGNS requiring a SIGN Permit shall be made to the Zoning Enforcement Officer in such form as he may require, and such applications shall include at least:*

*1) the location, by STREET number, of the proposed SIGN;*

*2) the name and address of the SIGN owner and the owner of the LOT where the SIGN is to be ERECTED, if other than the SIGN owner;*

*3) a scale drawing showing the proposed construction, method of installation or support, colors, display, dimensions, location of the SIGN on the site, and method of illumination;*

*4) such other pertinent information as the Zoning Enforcement Officer may require to ensure compliance with the Bylaw and any other applicable law; and*

*5) the application must be signed by the owner of the SIGN and the owner of the LOT where the SIGN is to be ERECTED.*

*The Zoning Enforcement Officer shall have the authority to reject any SIGN Permit application which is not complete when submitted.]*

, or take any other action relative thereto.

**MOTION**

Move that the Town adopt the zoning and general bylaw amendments as set forth in the Article.

**SUMMARY**

The Zoning Bylaw generally prohibits signs with moving parts, flashing features, frequently changing messages or similar devices to draw extra attention. Specific exemptions exist for indicators of time and temperature, barber poles, temporary and special event signs, and signs posted during outdoor sales events. Part A of this article adds an exemption for commercial entertainment venues to allow the listing of shows and show times.

The Zoning Bylaw requires an administrative permit for most commercial signs. Part B exempts temporary and special event signs from the requirements that the land owner must co-sign the application.

Direct inquiries to: Roland Bartl, Planning Director: [planning@acton-ma.gov](mailto:planning@acton-ma.gov) / (978) 929-6631  
Selectman assigned:

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

---

DRAFT



**ARTICLE ZC**  
(Two-thirds vote)

**AMEND ZONING BYLAW – TWO-FAMILY DWELLINGS IN THE  
VILLAGE RESIDENTIAL (VR) DISTRICT**

To see if the Town will vote to amend the Zoning Bylaw Section 3 – Table of Principal Uses as follows, by changing from “Y” to ”SPA” the field in column VR, line 3.3.3 (Two-Family Dwelling in the Village Residential District), or take any other action relative thereto.

**MOTION**

Move that the Town adopt the zoning and general bylaw amendments as set forth in the Article.

**SUMMARY**

The Village Residential Zoning District (VR) surrounds West Acton Village. Single- and two-family dwellings are presently allowed by right. Dwellings with three and four units are allowed by special permit from the Board of Appeals. Multi-family dwellings with more than four units are not allowed. This article adds a Board of Appeals special permit for two-family dwellings.

Direct inquiries to: Roland Bartl, Planning Director: [planning@acton-ma.gov](mailto:planning@acton-ma.gov) / (978) 929-6631  
Selectman assigned:

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

---

**ARTICLE ZD**  
(Two-thirds vote)

**AMEND ZONING BYLAW – BICYCLE PARKING**

To see if the Town will vote to amend the Zoning Bylaw Section 6.3 – Minimum Parking Space Requirements by Use by inserting a new subsection 6.3.7 as follows:

- 6.3.7 Bicycle Parking –Off-street vehicle parking facilities shall provide bicycle parking spaces as follows:
- 6.3.7.1 Bicycle parking spaces shall be located as close as possible and within plain sight of the main BUILDING entrance or entrances without displacing required parking spaces for persons with disabilities. They shall be principally part of and accessible from the vehicle parking lot or facility rather than part of the sidewalk and walkway system.
  - 6.3.7.2 Each bicycle parking space shall measure at least 2.5 feet in width by 6 feet in length with at least one 4-foot wide maneuvering aisle perpendicular to the length.
  - 6.3.7.3 Each bicycle parking space shall feature a securely anchored rack (ground-mounted inverted-U with cross bar, or similar shape or functionality) high enough to support the entire height of a bicycle frame, to allow locking of the bicycle frame to the rack in more than one location, and to prevent the rack from being a tripping hazard when empty.
  - 6.3.7.4 Bicycle parking spaces shall be protected from motor vehicles with solid barriers such as posts or bollards.
  - 6.3.7.5 Bicycle parking spaces shall be provided for all USES, except single and two-FAMILY Dwellings, at a rate of not less than one (1) bicycle parking space for each twenty (20) motor vehicle parking spaces in the parking facility, but never less than two (2) bicycle parking spaces; and no parking facility shall be required to have more than thirty (30) bicycle parking spaces overall.
  - 6.3.7.6 The first two (2) through (6) bicycle parking spaces provided in compliance with this section shall reduce by one space the minimum off-street motor vehicle parking requirement set forth in section 6.3.1 above, and each additional six (6) bicycle parking spaces so provided shall further reduce said motor vehicle parking requirement by one (1) space.

**MOTION**

Move that the Town adopt the zoning and general bylaw amendments as set forth in the Article.

**SUMMARY**

This article establishes formal bicycle parking requirements alongside the existing parking requirements for motor vehicles.

Direct inquiries to: Roland Bartl, Planning Director: [planning@acton-ma.gov](mailto:planning@acton-ma.gov) / (978) 929-6631  
Selectman assigned:

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

---

DRAFT

**ARTICLE ZE**  
(Two-thirds vote)

**AMEND ZONING AND GENERAL BYLAW –  
DONATION COLLECTION BINS**

To see if the Town will vote to amend the Zoning Bylaw and the General Bylaw as set forth below:

A. In the Zoning Bylaw, Section 3.8 – Accessory Use Regulations, insert a new subsection 3.8.5 as follows:

3.8.5 Donation Collection Bins – Donation Collection Bins (in this section hereinafter referred to as Bin or Bins) are outdoor receptacles or containers designed or intended for the donation and the temporary storage of books, clothing or other goods and materials. Bins may be placed on non-residential LOTS within any Business, Industrial or Office District, or in other Districts on LOTS owned or occupied by a Municipal, Educational, or Religious USE, subject to the following requirements:

Donation Collection Bins are also subject to permits and certain disclosure and conformance requirements as set forth in Chapter E of the General Bylaws of the Town of Acton.
--

- 3.8.5.1 Only one Bin shall be allowed on a LOT measuring 1 acre or less in area. For LOTS over 1 acre in area, up to three Donation Collection Bins may be allowed on a LOT.
- 3.8.5.2 Bins shall meet all minimum front, side, and rear yard setback requirements for BUILDINGS and STRUCTURES of the Zoning District in which they are located.
- 3.8.5.3 Bins shall not be placed on lawns and other landscaped areas.
- 3.8.5.4 Bins shall not be placed or located so as to block or obstruct the following: pedestrian or BUILDING access or egress; the minimum number of vehicle parking and handicap parking spaces required under this Bylaw and under the Massachusetts Architectural Access Board (AAB) regulations; ACCESS driveways; interior driveways; maneuvering aisles; loading areas; public or private utilities, services, or drainage systems; fire lanes, alarms, hydrants, or other fire protection equipment; and emergency accesses or egresses.
- 3.8.5.5 Bins shall be operated and maintained so that all sidewalks and walkways continuously meet minimum Americans with Disabilities Act (ADA) and Massachusetts Architectural Access Board (AAB) standards.
- 3.8.5.6 Bins shall be fully enclosed and locked, and have not more than one receiving door with a theft prevention device.
- 3.8.5.7 Bins shall not exceed 200 cubic feet in size.
- 3.8.5.8 Bins shall have one sign, not exceeding 4 square feet in display area, attached to the exterior of the Bin displaying the Bin owner's or operator's name and contact information, collection times, and other required information. No other advertising shall be allowed on the sign.

3.8.5.9 Bins shall be regularly emptied of their content so that they do not overflow and do not result in donated goods and materials being strewn about the surrounding area.

3.8.5.10 Bins and their surroundings shall be maintained in a state of good repair, in a neat and clean condition, and free of trash, debris, refuse or like materials.

B. In the General Bylaw, Chapter E – General Public Regulations, insert the following new Section E58 as follows:

**E58. Donation Collection Bins**

The purpose of this bylaw is to regulate Donation Collection Bins in the Town of Acton to protect the public from being misled by Bins that do not disclose for-profit status; prevent clutter around Bins; regulate appropriate Bin signage and identification requirements; establish Bin permits for the orderly administration of this bylaw; and help defray the cost of its administration and enforcement.

Donation Collection Bins are also subject to zoning standards as set forth in Section 3 of the Acton Zoning Bylaw (Chapter M of the General Bylaws of the Town of Acton).

**E58.1 Definitions**

In this section E58 the following terms shall have the following meanings:

**E58.1.1** Donation Collection Bin, or Bin, shall mean any outdoor receptacle or container designed or intended for the donation and the temporary storage of books, clothing, or other goods and materials.

**E58.1.2** Property Owner shall mean the owner of land in Acton where a Bin is located or proposed to be located.

**E58.1.3** Bin Operator shall mean any person or entity that owns, operates, or controls a Donation Collection Bin located on land in Acton.

**E58.2 Annual Bin Permit Required**

It shall be unlawful for any person or entity to place or allow to be placed a Donation Collection Bin within the Town of Acton without a Bin Permit from the Zoning Enforcement Officer (ZEO). Each Bin shall require a separate Bin Permit.

**E58.2.1** Both the Property Owner and the Bin Operator, through their respective duly authorized representatives shall sign any application for a Bin Permit. For a Bin that complies with this Bylaw, the ZEO may issue a Bin Permit in the name of the Property Owner and the Bin Operator for the specific Bin and the specific property where the Bin is located or is to be located. The Bin Permit shall not be transferable.

**E58.2.2** The Property Owner and the Bin Operator shall complete a written application for a Bin Permit on a form provided by the ZEO.

**E58.2.3** The application for a Bin Permit shall state the name of the proposed Bin Operator and whether the Bin Operator is a public charity or nonprofit charitable organization registered in good standing with the Non-Profit Organizations/Public

Charities Division of the Massachusetts Attorney General's Office. Any person or entity not so registered shall be considered a for-profit person or entity for purposes of this Bylaw.

**E58.2.4** Where the proposed Bin Operator is a public charity or nonprofit charitable organization, the application for the Bin Permit shall include a copy of the Bin Operator's latest registration with the Non-Profit Organizations/Public Charities Division of the Massachusetts Attorney General's Office.

**E58.2.5** Where the proposed Bin Operator is a for-profit person or entity, the application for the Bin Permit shall include either (a) a copy of the Bin Operator's latest registration as a commercial co-venturer with the Massachusetts Attorney General's office and a statement representing the percentage of profits that the Bin Operator will donate to charity, or (b) a copy of the Bin Operator's Charter, Articles of Organization, Agreement of Association, Instrument of Trust, Business Certificate, License to Operate, or the equivalent, issued by or filed with the Massachusetts Secretary of State or other governmental entity and a statement representing the percentage of profits if any that the Bin Operator will donate to charity.

**E58.2.6** Each Bin Permit shall be valid for the calendar year in which it is issued. Each new calendar year shall require a new Bin Permit.

**E58.2.7** The application fee for each Bin Permit shall be \$150.00 for each Donation Collection Bin.

**E58.2.8** Evidence of a valid Bin Permit (to be provided by the ZEO) shall be affixed to each Bin beside the receiving door.

**E58.2.9** The ZEO shall maintain a current list of all Bin Permits for Donation Collection Bins.

### **E58.3 Required Identification Sign**

Notwithstanding any other bylaws and rules on signs in the Town of Acton, every Donation Collection Bin shall have one sign attached to its exterior surface not to exceed 4 square feet in size. Such sign shall be clearly visible to the donating public and shall clearly identify and state:

- The name, address, telephone number, and website of the Bin Operator;
- The regular collection times;
- The Bin Operator's status as a registered public charity or nonprofit charitable organization, or its status as a for-profit person or entity under this Bylaw;
- In the case of a for-profit company, the percentage, if any, of proceeds that the Bin Operator donates to charity; and
- A declaration whether the Bin Operator is registered with the Massachusetts Attorney General's Office as a public charity, a nonprofit charitable organization, or a commercial co-venturer, its registration number, and the telephone number and website address for the Attorney General's Non-Profit Organizations/Public Charities Division.

No further advertising shall be permitted on the donation collection bin.

#### **E58.4 Prohibitions, Standards, and Requirements**

Each Property Owner and Bin Operator shall comply with the following provisions with respect to each Bin for which it is the property owner or Bin operator, respectively:

**E58.4.1** Each Bin shall conform to all requirements of this Bylaw.

**E58.4.7** Each Bin shall be fully enclosed and locked, and have one receiving door with a theft prevention device.

**E58.4.8** Each Bin shall not exceed 200 cubic feet in size.

**E58.4.9** Each Bin must be regularly emptied and its contents removed from the property so that they do not overflow, resulting in used clothing or other donated goods or materials being strewn about the surrounding area.

**E58.4.10** Each Bin must be maintained in a state of good repair and in a neat and clean condition, and free of trash, debris, refuse or like material.

#### **E58.5 Applicability, Effective Date, and Grace Period**

The provisions of this Bylaw shall take effect pursuant to G.L. c. 40, § 32, and shall apply to both existing Donation Collection Bins and proposed or future Donation Collection Bins located within the Town of Acton. Property Owners and Bin Operators with Bins in existence in Acton prior to the effective date of this Bylaw shall have the following grace periods to come into compliance:

**E58.5.1** Within sixty (60) days after the effective date of this Bylaw, the Property Owner and Bin Operator shall file an application with the ZEO for a Bin Permit as required by Section E58.2 of this Bylaw for each existing Donation Collection Bin located in Acton for which it is the property owner or Bin operator, respectively. The application shall demonstrate how the existing Bin complies with this Bylaw or show the proposed changes that shall be completed to achieve compliance.

**E58.5.2** Within ninety (90) days after the effective date of this Bylaw, the Property Owner shall fully comply with this Bylaw as to each Bin on its property.

**E58.5.3** Non-compliance of any existing Bin with this Bylaw during the grace periods shall not be deemed a violation of this Bylaw.

#### **E58.6 Responsible Entity, Violations, Enforcement, and Penalties**

**E58.6.1** The Property Owner shall be responsible for ensuring that each Donation Collection Bin on its property in Acton complies with this Bylaw. The Bin Operator shall be responsible for ensuring that each Donation Collection Bin which it owns, operates, or controls and which is located on land in Acton complies with this Bylaw.

**E58.6.2** Any violation of this Bylaw shall be punishable by a fine of \$300.00 for each offense. Each day that a violation of this Bylaw continues shall constitute a separate offense.

**E58.6.3** Any violation of this Bylaw that persists for thirty (30) days or longer shall result in the revocation of any and all Bin Permits issued to the Property Owner and Bin Operator for Donation Collection Bins on the subject property, and an order issued by the Zoning Enforcement Officer for removal of all Bins on the property.

**E58.6.4** Failure by the Property Owner or the Bin Operator to comply with an order of removal issued by the ZEO may result in removal and disposal of the Bins by the Town. The Town shall be entitled to recover from the Property Owner and the Bin Operator, jointly and severally, all costs of removal and disposal of all Bins from the property.

**E58.6.5** Where a Bin Permit under this Bylaw has been revoked, no other Bin Permit for a Donation Collection Bin shall be issued for the same property for a period of two years.

And in Section E45 (Non-Criminal Disposition), insert the following subsection:

**Chapter E - Section E58**, Collection Donation Bin Bylaw; enforcing person: Zoning Enforcement Officer. – Fine: \$300.00 for each offense. Each day that a violation continues shall constitute a separate offense.

, or take any other action relative thereto.

### **MOTION**

Move that the Town adopt the zoning and general bylaw amendments as set forth in the Article.

### **SUMMARY**

There is a fair number of donation collection bins in Acton. Under the Zoning Bylaw, all such bins are currently illegal anywhere in Acton. Some bins are operated by charitable not-for-profit organizations. Others belong to for-profit companies who may or may not donate a portion of the proceeds to charity. The difference is seldom apparent. As a result, residents of Acton may erroneously believe they are making donations to a non-profit charity, and may incorrectly claim tax deductions for their donations, when they are actually giving books, clothes, or other goods and materials, for free to a for-profit company.

Part A of this article establishes zoning bylaw standards for donation collection bins pertaining to their placement, setbacks, size, signage, and maintenance. Adoption of this article will enact these standards in the Zoning Bylaw going forward. Because no bins are currently legal, existing bins will also have to be brought into compliance with the standards, except for reasonable exemptions pursuant to M.G.L. Ch.40A, §3, the “Dover Amendment.” Rejection of this article will direct staff to enforce the current zoning bylaw and cause the removal of all donation collection bins not otherwise exempt from zoning pursuant to the Dover Amendment.

Part B of this article establishes within the Town’s general bylaws an administrative permit requirement for each donation bin. Permits must be renewed annually. It requires the disclosure on the bin of the bin operator’s identity and its charitable not-for-profit, or non-charitable for profit status. For-profit operators will have to disclose the percentage of profits that goes to charity, if such a charitable claim is made, and post a declaration that the operator is registered with the Attorney General as a commercial co-venturer with the telephone number for the Attorney General’s Non-Profit Organizations/Public Charities Division. Existing bins will have a grace period to come into compliance with this bylaw.

Direct inquiries to: Roland Bartl, Planning Director: [planning@acton-ma.gov](mailto:planning@acton-ma.gov) / (978) 929-6631  
Selectman assigned:

**Recommendations:**

**Board of Selectmen**

**Finance Committee**

**Planning Board  
Recommended**

---

DRAFT

