DRAFT ZONING ARTICLE – BM

EAST ACTON VILLAGE PLAN – EAST ACTON VILLAGE DISTRICT DIMENSIONAL REGULATIONS
(2/3 vote required)

To see if the Town of Acton will vote to amend the zoning bylaw, section 5, Table of Standard Dimensional Regulations, by deleting the line for EAV and replacing it with a new line for EAV as follows: *[Notes in italic print are not part of the article but are intended for explanation only. For reference purposes, where changes are proposed in the EAV district, the present designation is shown in brackets]:*

Zoning Districts	Minimum LOT Area in sq. ft.	Minimum LOT FRONTAGE in feet	Minimum LOT Width in feet	Minimum Front Yard in feet	Minimum Side & Rear Yard in feet	Minimum OPEN SPACE in percent	Maximum FLOOR AREA RATIO	Maximum Height in feet
EAV	NR	NR	NR	10 (10)	5 (1)	25%	0.20 (4)	36
	[10,000]	*[100]*	*[50]*	*[10(9)]*	*[10(1)]*	*[35%]*		

And, insert in the first sentence of footnote (10) the words "and EAV" after 'SAV'.

[Note: The first sentence of footnote (10) currently reads: "The maximum front yard shall be ten (10) feet in the WAV District and twenty feet (20') in the SAV District, or the lesser of the front yards of the two BUILDINGS or STRUCTURES on either side, whichever is the least".]

Or take any other action relative thereto.

SUMMARY

This article would revise the dimensional regulations for the East Acton Village zoning district, making them more consistent with the patterns of traditional villages rather than highway commercial areas. If adopted, this article would allow newer buildings to be similarly aligned with the older, historic village buildings that are closer to Great Road. Minimum required setbacks would be reduced so that buildings can be situated to within 10 feet from the street right-of-way line ("front yard setback") and 5 feet from side and rear lot lines. Note that for a business use abutting a residential district the side and rear setback abutting the residential district would remain at 30 feet (footnote 1). Minimum lot area, lot frontage and lot width requirements in the EAV zoning district would be removed to allow buildings to be situated closer together for the convenience of pedestrian shoppers and to encourage people to walk within the village rather than drive between businesses. In addition, this article would allow owners of properties bordering Nashoba Brook to place buildings and additions further away from the brook and nearer to the street, helping to protect the water quality of the brook. Overall, this article would provide more flexibility to all property owners to redevelop and improve their properties in a way that is consistent with a village setting.

Direct inquiries to: Roland Bartl, AICP, Town Planner – 978.264.9636
Selectman assigned:

Selectmen:
Finance Committee:
Planning Board:

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DRAFT ZONING ARTICLE- BN

EAST ACTON VILLAGE PLAN – EAST ACTON VILLAGE 2 (EAV-2) DISTRICT
(2/3 vote required)

To see if the Town of Acton will vote to amend the zoning map and bylaw, as follows *[Notes in italic print are not part of the article but are intended for explanation only]:*

A. **Zoning Map, Map No.1.** Rezone to East Acton Village 2 (EAV-2) the following parcels of land identified by their 2003 Town Atlas Map and Parcel numbers *[Street addresses and current zoning designation are shown for reference purposes only].*

map	parcel	*present zoning*	*street address*
F-4	54	*LB*	*136 Great Rd*
F-4	67	*LB*	*134 Great Rd*
F-4	67-1	*LB*	*132 Great Rd*
F-4	69*	*LB / R-8*	*129 & 133 Great Rd*
F-4	69-1	*LB / R-8*	*125 Great Rd*
F-4	104	*LB*	*128 Great Rd*
G-4	10	*LB*	*126 Great Rd*
G-4	143	*SM*	*13 Wetherbee St*
G-5	82	*SM*	*18 Wetherbee St*
G-5	82-1	*SM*	*30 & 30A Great Rd*
G-5	83**	*SM / EAV*	*1-13 Keefe Rd*
G-5	90	*SM*	*19 Keefe Rd*
G-5	92	*SM*	*21 Keefe Rd*
G-5	93	*SM*	*25 Keefe Rd*

* Rezone to EAV-2 only that portion of parcel F-4/69 that is shown as Lot 1C on a Plan of Land in Acton, Massachusetts for Distinctive Acton Homes by Stamski and McNary, Inc., dated April 4, 2003 and endorsed by the Acton Planning Board as an Approval-Not-Required-Plan on May 27, 2003 (Engineering Department plan file #3668).

** Rezone to EAV-2 only that portion of parcel G-5/83 that is presently zoned SM.

B. **Zoning Bylaw – Section 2.** In section 2.1 insert the following new zoning district classification under the heading of Village Districts:

East Acton Village 2 EAV-2

C. **Zoning Bylaw – Section 3.** In the Table of Principal Uses insert the following new EAV-2 column under the heading for Village Districts *[In the table below Y indicates that the use is allowed by right, N indicates that the use is prohibited, and SPA, SPS or SPP indicate that the use may be allowed by special permit.]*:

	VILLAGE DISTRICTS
PRINCIPAL USES	**EAV-2**

		VILLAGE DISTRICTS
PRINCIPAL USES		**EAV-2**
3.2 GENERAL USES		
3.2.1	Agriculture	Y
3.2.2	Conservation	Y
3.2.3	Recreation	N
3.3 RESIDENTIAL USES		
3.3.1	Single FAMILY Dwelling	Y
3.3.2	Single FAMILY Dwelling with One Apartment	Y
3.3.3	Two-FAMILY Dwelling	Y
3.3.4	Dwelling Conversions	SPA
3.3.5	Multifamily Dwelling	Y (3)
3.4 GOVERNMENTAL INSTITUTIONAL & PUBLIC SERVICE USES		
3.4.1	Municipal	Y
3.4.2	Educational	Y
3.4.3	Religious	Y
3.4.4	Nursing Home	SPS
3.4.5	Public or Private Utility Facilities	SPS
3.4.6	Child Care Facility	Y
3.4.7	Other Public Use (4)	SPS
3.4.8	Full Service Retirement Community	SPS
3.4.9	Assisted Living Residence (5)	SPS
3.4.10	Wireless Communication Facility (6)	SPP
3.4.11	Commercial Education or Instruction	Y
3.5 BUSINESS USES		
3.5.1	Retail Store	Y
3.5.2	Office	Y
3.5.3	Health Care Facility	SPS (11)
3.5.4	Hospital, Medical Center	N
3.5.5	Restaurant (8)	SPS
3.5.6	Combined Business & Dwelling	Y
3.5.7	Hotel, Motel, Inn, Conference Center	SPS
3.5.8	Bed & Breakfast	SPS
3.5.9	Lodge or Club	SPS
3.5.10	Veterinary Care	SPS
3.5.11	Animal Boarding	N
3.5.12	Services	Y
3.5.13	Repair Shop,Technical Shop, Studio	Y
3.5.14	Building Trade Shop	Y

		VILLAGE DISTRICTS
PRINCIPAL USES		**EAV-2**
3.5.15	Commercial Recreation (9)	SPS
3.5.16	Commercial Entertainment	Y
3.5.17	Golf Course in Residential Districts	N
3.5.18	Cross-Country Sk2ng in Residential Districts	N
3.5.19	Vehicle Service Station	N
3.5.20	Vehicle Repair	SPS
3.5.21	Vehicle Body Shop	SPS
3.5.22	Vehicle Sale, Rental	N
3.5.23	Parking Facility	N
3.5.24	Transportation Services	N
3.5.25	Adult Uses	N
3.6 INDUSTRIAL USES		
3.6.1	Warehouse	N
3.6.2	Distribution Plant	N
3.6.3	Manufacturing	N
3.6.4	Scientific	N

and insert the following new footnotes:

(3) Not more than four DWELLING UNITS shall be permitted per multifamily dwelling.

(11) No special permit shall be required for this USE if its NET FLOOR AREA is 5000 square feet or less.

and renumber existing footnotes (3) through (9) to become footnotes (4) through (10) respectively.

D. **Zoning Bylaw – Section 5.** In the Table of Standard Dimensional Regulations, insert the following entry for EAV-2:

Zoning Districts	Minimum LOT Area in sq. ft.	Minimum LOT FRONTAGE in feet	Minimum LOT Width in feet	Minimum Front Yard in feet	Minimum Side & Rear Yard in feet	Minimum OPEN SPACE in percent	Maximum FLOOR AREA RATIO	Maximum Height in feet
EAV-2	15,000	50	NR	10	10 (1)	35%	0.20	36

And add at the end of footnote (1) the words "and EAV-2".

[Note: Footnote (1) currently reads:
(1) Where a nonresidential USE abuts a residential district the yard or yards abutting the residential district shall be 20 feet in WAV, 30 feet in NAV and 30 feet in EAV.]

E. **Zoning Bylaw – Section 6.** Delete the lead paragraph of section 6.9.1 and replace it with a new lead paragraph 6.9.1 as follows:

6.9.1 NAV, EAV, and EAV-2 Districts.

[Note: The lead paragraph of section 6.9.1 currently reads as follows: 6.9.1 NAV and EAV Districts.]

and insert a new section 6.9.1.3 as follows:

6.9.1.3 In the EAV-2 District, the following special provisions for parking shall apply:

a) Connection of Parking – A Special Permit Granting Authority shall require that all parking facilities be connected by a common driveway to the parking facilities of all adjacent USES and to all adjacent land in the EAV, EAV-2, and LB zoning districts, unless it finds that physical constraints, present site configuration, uncooperative abutters, or land vacancy precludes strict compliance. In such cases, the site and the parking facility shall be designed to provide for the future construction of common driveways. For the purposes of this section, common driveway shall be defined as a driveway that is shared by two or more LOTS and located at least partially within the required setback areas of such LOTS. Such a common driveway can be either a shared ACCESS driveway to a STREET, or a driveway to a STREET, or a driveway connecting such LOTS with each other.

b) Collective Use of Parking Facilities – Off-STREET parking facilities may serve, collectively or jointly, different USES located throughout the same Zoning District where such a collective use of the parking facility is based on a written agreement that: 1) assures the continued collective use; 2) states the number of parking spaces allocated to each participating USE; and 3) assures ACCESS to and maintenance of the common parking facility. In the case of such collective use of a parking facility, the minimum number of required parking spaces shall be 70% of the requirements in Section 6.3.1.

or take any other action relative thereto.

SUMMARY

This article would establish a new East Acton Village-2 zoning district in place of the present Small Manufacturing (SM) district in the East Acton area, and on several parcels along Great Road north of Concord Road, most of which are currently zoned Limited Business (LB). The intent of creating the EAV-2 zoning district is to discourage sprawl by concentrating development into a more intimate, centralized area (East Acton Village), surrounded by open space and less dense development (EAV-2). Creating the new zoning district would help protect environmentally sensitive areas while defining the village and better serving the social, cultural, financial, and environmental goals of the community. This article would also provide property owners in the EAV-2 zone with more flexibility in developing or redeveloping their properties.

Parts A through C of this article would assist in protecting East Acton Village from encroachment by businesses of a type and scale incompatible with a village. If this article is adopted, the allowed uses in the EAV-2 zoning district would be similar to those in the EAV zoning district, with the following exceptions: vehicle repair shops, vehicle body shops and wireless communication facilities would be allowed by special permit in EAV-2 while not allowed in EAV, and bed and breakfast would be allowed by special permit in EAV-2 where it is allowed by-right in EAV. The change to EAV-2 would largely maintain or, in the case of parcels presently zoned Small Manufacturing (SM), expand the variety of land use options for the affected properties, although the mix of allowed uses would change somewhat.

Part D would establish dimensional requirements for the proposed EAV-2 District. They would be less restrictive than those under the current SM or LB zoning of the affected properties.

Part E of this article would encourage shared parking and reduce the minimum number of required parking spaces for businesses to 70% of the otherwise required standard. The purpose of this change is to reduce impervious cover (asphalt) along Great Road, minimize curb cuts to the street, eliminate potential traffic conflicts, and encourage people to park their vehicle in one place and conduct their business activity on foot.

Direct inquiries to: Roland Bartl, AICP, Town Planner -978.264.9636
Selectman assigned:

Selectmen:
Finance Committee:
Planning Board:

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DRAFT ZONING ARTICLE- BO

EAST ACTON VILLAGE PLAN – SPECIAL PROVISIONS FOR THE EAST ACTON VILLAGE DISTRICT
(2/3 vote required)

To see if the Town of Acton will vote to amend section 5.5 of the zoning bylaw as follows *[Notes in italic print are not part of the article but are intended for explanation only]:*

A. Delete the section 5.5.1 and place a new purpose statement under the existing title of section 5.5 – Special Provisions for Village Districts, as follows:

"Purposes – The purposes of this section are to set forth specific provisions regarding development scale and intensity in the Village Districts in order to promote compact development patterns, a mixture of housing and businesses, the preservation and vitality of small businesses, pedestrian amenities and pedestrian-scale environments, and environmentally sustainable design and construction."

[Note: Section 5.5.1 currently reads:
Purpose – The purpose of this Section is to set forth specific provisions regarding development intensity in the Village Districts in order to promote compact development patterns, preservation and vitality of small businesses; and pedestrian-scale environments.]

B. Insert a new section title as follows:

"5.5A Business Size Limits in Village Districts"

and

re-number section 5.5.2 – Maximum Floor Area of Businesses and Industries to become new section 5.5A.1, and delete the column for EAV in the table of this section and replace it with a new column for EAV as follows *[All limits are expressed in square feet. Where changes are proposed, the current floor area limits are shown in italic print]*:

PRINCIPAL USES	VILLAGE DISTRICTS
	EAV
3.4.11 Commercial Education or Instruction	5,000
3.5.1 Retail Store	7,500 *[5,000]*
3.5.2 Office	7,500 *[5,000]*
3.5.3 Health Care Facility	5,000
3.5.5 Restaurant	5,000
3.5.9 Lodge or Club	5,000 *[NR]*
3.5.10 Veterinary Care	5,000 *[NR]*
3.5.12 Services	5,000
3.5.13 Repair Shop, Technical Shop, Studio	5,000
3.5.14 Building Trade Shop	5,000
3.5.15 Commercial Recreation	7,500 *[NR]*
3.5.16 Commercial Entertainment	5,000 *[NR]*
3.6.3 Manufacturing	NR
	NR = No Regulation

And, for line 3.4.11 insert the letters NR under the column headings NAV, SAV, and WAV.
[Note: Line item 3.4.11 is a new entry in this table. It is an allowed use by special permit in the other Village Districts, but no size limitations exist for that use there.]

C. Insert a new section title 5.5B as follows:

5.5B Special Provisions for the East Acton Village Districts

and insert a new section 5.5B.1 as follows:

5.5B.1 Design Provisions for the East Acton Village District

5.5B.1.1 Purpose – In the East Acton Village District, the principal goal guiding the regulations set forth herein is to sustain and encourage a vital business center that provides needed goods, services, and jobs in a manner that is compatible with Acton's historic development pattern and establishes pedestrian accessibility and circulation throughout the East Acton Village area in order to limit vehicular congestion. These regulations will provide clear guidance to those who would like to expand or locate businesses in the East Acton Village District. They will also ensure that future development will help create the form, cohesion, order, and supporting infrastructure that will identify the East Acton Village District as an attractive, pleasant, and desirable center for business, shopping, and other commercial and community activities.

The layout and design of the sites and BUILDINGS shall be conducive to pedestrian use. The purpose of the design principles herein is to provide convenient and efficient pedestrian access within the East Acton Village District; to connect the East Acton Village District via pedestrian ways to surrounding neighborhoods and facilities which are otherwise separated with landscape buffers; to provide a safe and comfortable pedestrian environment with walkways, pedestrian conveniences and amenities; and to encourage BUILDINGS with a pedestrian oriented scale and design. For more guidance related to layout and design of sites and buildings in the East Acton Village District, please refer to the East Acton Village Plan as amended.

5.5B.1.2 The following standards shall apply to all STRUCTURE and additions to STRUCTURES for which a Site Plan Special Permit is required on LOTS in the EAV District:

a) The Sidewalks – The Site Plan Special Permit Granting Authority shall require sidewalks along the LOT'S FRONTAGE on a STREET or STREETS. The sidewalk shall be at least 10 feet wide but wider where necessary to allow pedestrian shopping and activities to spill out onto the walkway. Sidewalks may be located wholly or partially within the STREET layout. If on LOTS, sidewalks shall be considered part of the minimum required OPEN SPACE. The sidewalk shall be separated, where feasible, from the vehicular roadway with a landscaped buffer to provide both safety to pedestrians and to create the sense of village. The landscaped buffer shall consist of shade trees placed at appropriate intervals and other landscaping and STREET design elements such as benches and shrubs, and it may consist in part of on-STREET vehicular parking spaces. Buildings shall be contiguous to the sidewalk.

b) Walkways – The Site Plan Special Permit Granting Authority shall require walkways among BUILDING entrances that are compatible with the process of walking using straight and/or gently curving paths connecting buildings to buildings and buildings to STREETS and sidewalks with minimal interruption by driveways. Parking lot aisles, along with access and interior driveways, do not count as walkways. Walkways should include "bulges" to allow for gathering points that may include special features (i.e., water elements, sculptures, statues, etc.). Special features should be designed for public interaction. Benches and other places for people to wait; bicycle racks; stroller bays; and

other pedestrian amenities may be required near building entrances if deemed appropriate by the Site Plan Special Permit Granting Authority. Where feasible, pathways should have some degree of enclosure achieved through the use of BUILDING fronts, trees, low hedges, arcades, trellised walks, or other means in order to positively define its space. Walkways and related pedestrian amenities on LOTS under this section b) and the following sections c) and d) shall be considered part of the minimum required OPEN SPACE.

c) Connections between LOTS – The Site Plan Special Permit Granting Authority shall require driveway and walkway connections to abutting LOTS within the EAV District using the guidelines from section b) above. Where such connections are not available due to existing conditions on abutting LOTS, provisions shall be required to connect to such abutting LOTS at a future date in locations determined by the Site Plan Special Permit Granting Authority;

d) Connections to EAV Surroundings – The Site Plan Special Permit Granting Authority shall require pedestrian connections to abutting neighborhoods and facilities outside the EAV District using the guidelines from section b) above. Where such connections are not available due to existing conditions in the surrounding area, provisions shall be required for such connections at a future date in locations determined by the Site Plan Special Permit Granting Authority.

e) The Pedestrian Plaza – Where a LOT has on it STRUCTURES totaling a NET FLOOR AREA of 30,000 square feet or more, it shall have a pedestrian plaza that measures in area at least 5% of the NET FLOOR AREA on the LOT, and has a minimum side dimension of 20 feet. A pedestrian plaza shall be considered part of the minimum required OPEN SPACE.

   i. The pedestrian plaza shall be an area at the STREET level in front of a BUILDING, on the side of a BUILDING, or in between BUILDINGS, which is to be used exclusively by pedestrians and connects to the sidewalk. For the purpose of this section, a pedestrian arcade located within a BUILDING footprint and open to the outdoors may be counted towards the minimum area required for a pedestrian plaza.

   ii. A pedestrian plaza shall contain a minimum of 1,500 square feet in area and shall measure at least 20 feet in width. If the NET FLOOR AREA of the BUILDINGS on a LOT exceeds 100,000 square feet, the minimum area for a pedestrian plaza shall be 3,000 square feet. The area required for a sidewalk shall not be included in the pedestrian plaza.

   iii. The pedestrian plaza shall be located where there is a natural gathering spot; First, make at least one smaller space which looks into the plaza and forms a natural back for it. Second, place the plaza, and its opening, so that it looks into at least one larger space, natural view, or activity pockets (such as outdoor cafes, coffee carts, food stands).

   iv. The pedestrian plaza shall be accented with pedestrian amenities such as benches, kiosks and other partly enclosed outdoor structures to facilitate waiting and/or group activities. Where feasible, add a few steps at the edge where stairs come down or where there is a natural change of level. Make these raised areas immediately accessible from below so that people may congregate and sit to watch the local activity. Add “sitting walls” where there is no level change but can be used to create minor boundaries between outdoor areas and/or buildings. Sitting walls should be no higher than 16 inches and wide enough to sit on (at least 12 inches wide). Shade trees, ornamental trees and other landscaping shall be provided to provide

shelter from the sun, to reduce noise, to beautify/enhance the appearance of EAV and to mitigate fumes.

v. All landscaping shall use species that are tolerant to the climatic conditions in Acton and shall be designed to facilitate ongoing maintenance and watering.

vi. Notwithstanding any other provisions of this Bylaw to the contrary, the serving of foods and drinks at outdoor tables shall be permitted in a pedestrian plaza.

vii. Where feasible, the pedestrian plaza shall be surrounded by pockets of activity which may include public recreational uses/facilities such as basketball hoop, game tables, playground equipment, etc.

f) Driveways and Parking Lots -

i. No driveway or parking lot shall be placed in the portion of a LOT that is directly in front of a BUILDING as seen from a STREET, whether or not the BUILDING is located on the SAME LOT as the driveway or parking lot, except that a driveway and parking lot may be placed in the front of a BUILDING that is located in the rear of another BUILDING when viewed from a STREET. No driveways or parking lots shall be located between a pedestrian plaza and a STREET, nor shall any driveway or parking lot intersect or be mixed with a pedestrian plaza.

ii. Vehicular driveways and parking lots may be located to the side and rear of BUILDINGS, TO the rear of a pedestrian plaza or underground. Where parking is located to the rear of buildings with additional buildings behind, a quadrangle effect should be created allowing parking, landscaping, and walkways / pathways / bikeways within this center area surrounded on all sides by shops and activity centers.

g) BUILDING Design –

i. At least 60 percent of the front side of a LOT facing a STREET, measured in percentage of linear feet of the LOT FRONTAGE, shall be occupied by BUILDINGS or by a pedestrian plaza that are located within 20 feet of the STREET sideline. A reduction of this requirement of the front side of a LOT may be allowed provided the Site Plan Special Permit Granting Authority finds that the alternative design features are consistent with Section 5.5.6.1 of this Bylaw.

ii. BUILDINGS shall be of a design similar to the architecture in historic commercial centers of New England in terms of scale, massing, roof shape, spacing, and exterior materials. Alternative designs may be allowed provided the Site Plan Special Permit Granting Authority finds the alternative design is consistent with Section 5.5.6.1 of the Bylaw.

iii. BUILDING facades facing STREETS or pedestrian plazas are also referred to herein as the BUILDING front(s) or BUILDING front facade(s). Such BUILDING fronts shall have setbacks only to accommodate sidewalks and/or pedestrian plazas or amenities and shall have a vertical orientation, meaning either that the BUILDING shall actually have a greater height than width, or that the facades and roof lines of the BUILDING are designed to reduce the massing and bulk so that it appears as a group of smaller masses with a distinct vertical orientation.

iv. THE BUILDING front facades shall be articulated to achieve a human scale and interest. The use of different textures, shadow lines, uneven angles,

detailing and contrasting shapes is required. Not more than 50 feet of a BUILDING front shall be in the same vertical plane.

v. The BUILDING front facade(s) shall be faced with materials that resemble historic New England architecture.

vi. On THE BUILDING fronts, the ground floor shall be designed to be occupied by businesses with a higher percentage of walk-in traffic (i.e., Retail Stores; Restaurants; Service related businesses; Commercial Entertainment).

vii. The MAIN business entrance to each ground floor business, identified by the larger doors, signs, canopy, or similar means of highlighting, shall be from the BUILDING front.

viii. Arcades and canopies are encouraged. They shall not be considered part of the BUILDING. These arcades and canopies should be used to connect the buildings to one another so that a person can walk from place to place under shelter. Arcades and canopies may be located within the 10-foot front yard setback where the Site Plan Special Permit Granting Authority finds such placement appropriate and consistent with Section 5.5.6.1 of the Bylaw.

ix. The BUILDING front(s) shall contain windows covering at least 15 percent of the facade surface. Windows shall be highlighted with frames, lintels, and sills, or equivalent trim features.

x. EXCEPT for ground level display windows, windows shall have a 2:1 ratio of height to width. Alternative window designs may be allowed provided the Site Plan Special Permit Granting Authority finds them to be consistent with Section 5.5.6.1 of the Bylaw and that they enhance one or more architectural features.

xi. On the ground level portion of the BUILDING front, the amount of windows in the facade surface shall be at least 20 percent but not larger than 80 percent. Ground floor display windows shall be framed on all sides by the surrounding wall. They shall be highlighted with frames, lintels and sills or equivalent trim features, or may instead be recessed into the wall or projected from the wall.

xii. Mirror windows and highly reflective surfaces shall not be allowed on the BUILDING fronts.

xiii. Roofs shall be gabled with a minimum pitch of 9/12 (9" vertical for every 12" horizontal) and have overhanging eaves of at least one foot. Two or three story BUILDINGS, or two or three story portions of a BUILDING, may have a flat roof provided that the tops of the BUILDING front facades are treated with an articulated cornice, dormers, or other architectural treatment that appears an integral part of the BUILDING from all visible sides of the BUILDING.

xiv. The main features of the architectural treatment of the BUILDING front facades, including the materials used, shall be continued around all sides of the BUILDING that are visible from a STREET or a pedestrian plaza. The Site Plan Special Permit Granting Authority may approve alternate treatment of side and rear BUILDING walls that is consistent with Section 5.5.6.1 of the Bylaw and preserves the architectural integrity of the BUILDING as a whole.

xv. Garage doors or loading docks shall not be allowed in the BUILDING fronts.

xvi. BUILDING service and loading areas shall incorporate effective techniques for visual and noise buffering from adjacent USES.

xvii. Accessory STRUCTURES, air conditioning equipment, electric utility boxes, satellite dishes, trash receptacles, and other ground level utilities shall be unobtrusive when viewed from the STREET and adjacent LOTS.

xviii. Rooftop mechanical equipment shall be screened from public view by the use of architecturally compatible materials.

or take any other action relative thereto.

SUMMARY

Part A of this article would revise the purpose statement for the Special Provisions for Village Districts to be more inclusive of its various existing and proposed elements.
Part B would change the size limits for certain businesses in the East Acton Village zoning district. The current regulations for the East Acton Village district already limit the sizes of individual businesses. This article would amend those limits and add new limits for commercial education or instruction, veterinary care, and scientific, three new business uses proposed for the East Acton Village zoning district. The size limits help ensure a greater variety of smaller businesses more suitable in scale to the village setting within walking distance from one another.
Part C would create a new section of the zoning bylaw to regulate site and building designs in the East Acton Village (EAV) zoning district. All parcels in East Acton Village are developed to some degree at this time. Therefore, the process of creating the village character will take time and include the redevelopment of many parcels. By providing guiding standards and offering incentives, owners will be encouraged to redevelop their properties according to the village concepts contained in the East Acton Village Plan.
The vision is to distinguish East Acton Village aesthetically from the rest of the development along Great Road (Route 2A); to keep it compact, maintain its historic structures, increase business variety, and make it more pedestrian-friendly. The standards would only apply to new construction or additions, whereas existing buildings could be adapted or integrated as the circumstances allow best. If adopted, the standards would encourage
- pedestrian, bicycle and vehicular connectivity between businesses, residences, and recreation resources;
- buildings located closer to the front of lots with vehicular parking or additional buildings to the side or in the rear;
- new buildings in keeping with the general style of a traditional New England village; and
- buildings and streetscapes sized for pedestrian comfort with plenty of interesting storefronts and amenities, landscaping, and green spaces.

The guidelines focus on the relationships between people and village activities, trying to ensure that the village grows in such a way that it fosters a stronger sense of community and creates a safe, attractive, convenient, and interesting place for people to meet, work, shop, and gather. Overall, if adopted, the design standards are intended to guide future development in East Acton Village in a direction that creates a pedestrian-friendly village center unique to Acton as opposed to an assembly of strip shopping centers.
In addition, this article introduces a revised numbering system for section 5.5 and its subsections to accommodate the proposed changes for East Acton Village.

Direct inquiries to: Roland Bartl, AICP, Town Planner – 978.264.9636
Selectman assigned:

Selectmen:
Finance Committee:

Planning Board:

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DRAFT ZONING ARTICLE - BP

EAST ACTON VILLAGE PLAN – OPTIONS FOR DENSITY INCREASES
(2/3 majority required)

To see if the Town of Acton will vote to amend the zoning bylaw, section 5, as follows
[Notes in italic print are not part of the article but are intended for explanation only]:

A. Insert a new section 5.5B.2 as follows:

5.5B.2 Variable Density Provisions for the East Acton Village Districts

5.5B.2.1 Purpose – The purposes of this section is to better distinguish the East Acton Village District visually and aesthetically from the rest of the development along Great Road (Route 2A); to keep it compact; to maintain its historic structures; to increase business variety; to promote a pedestrian-friendly village environment; to encourage affordable housing; and to promote environmentally sustainable designs and construction methods. The density incentives offered in this section are intended to entice property owners to redevelop their properties in accordance with the design provisions of the previous section 5.5B.1, and to help overcome redevelopment obstacles, such as cost of redevelopment and loss of income during the construction time. Vehicle parking, OPEN SPACE, and waste water management requirements impact the development potential of properties in different ways. Therefore, not all properties may be able to achieve the maximum density level set forth in this section. Density in the East Acton Village District shall not be considered as an end in itself, but as a prerequisite to achieve the critical mass required for a vibrant village.

5.5B.2.2 Variable Density Options – For a LOT in the East Acton Village District, the Board of Selectmen may grant a Special Permit for increases in density by allowing additional NET FLOOR AREA above the FLOOR AREA RATIO of 0.20 set forth in the Table of Standard Dimensional Regulations. To increase the density, the options a) through d) set forth below may be selected and combined in a flexible manner to increase the NET FLOOR AREA up to a maximum FLOOR AREA RATIO of 0.50 on the LOT. To the extent that this special permit coincides or overlaps with other special permits from the Board of Selectmen in other sections of this bylaw, they shall be processed concurrently so far as practical:

a) Transfer of Development Rights – Density on the LOT may be increased through the Transfer of Development Rights according to one or more of the methods, procedures, and requirements set forth in the following subsections. The amount of NET FLOOR AREA that is added under this option shall not exceed the equivalent of a FLOOR AREA RATIO of 0.20 on the LOT:

i. Transfer of Development Rights under section 5.4 – Transfer of Development Rights from the Sending District as defined in section 5.4.2.2 to a receiving LOT in the East Acton Village District subject to the provisions for such transfers set forth in section 5.4 in its subsections of this bylaw.

ii. Transfer of Development Rights with the East Acton Village Districts - Transfer of Development Rights from a sending LOT within the East Acton Village District or the East Acton Village 2 (EAV-2) District to a receiving LOT in the East Acton Village District. The effect of such a transfer shall be an increase in NET FLOOR AREA on the receiving LOT compensated by an equal reduction in the maximum NET FLOOR AREA, and the concurrent maximum FAR, on the sending LOT, subject to the bonus provision iii. below.

iii. Bonus for Certain Transfers – Where the receiving LOT within the East Acton Village District is located on the east side of Great Road, and the sending LOT is located in the East Acton Village District on the west side of Great Road or within the East Acton Village 2 (EAV-2) District, and the sending LOT contains or has stream frontage on Nashoba Brook, the receiving LOT shall be entitled to a 25% density bonus on the transferred NET FLOOR AREA. However, this bonus shall not result in exceeding the maximum FAR 0.20 factor allowed for receiving LOTS. For example: Under this bonus, an additional 1,250 square feet of NET FLOOR AREA on the receiving LOT requires the purchase of only 1,000 square feet of NET FLOOR AREA from the sending LOT. 250 square feet constitutes the bonus.

iv. Determination of Development Rights for affected LOTS under Sections ii. and iii. above – Before granting a Special Permit for the Transfer of Development Rights under section ii. or iii. above, the Board of Selectmen shall determine the total development rights for all LOTS to be affected by the proposed transfer, expressed in NET FLOOR AREA as computed in Section 10.4.3.8 of this Bylaw, including any Development Rights previously added or removed from such LOTS. The application for a Special Permit under this Section shall contain sufficient information to permit the Board of Selectmen's determination of the development rights that may be transferred.

v. The Board of Selectmen shall require that, upon transfer of the development rights authorized in its special permits, the owner of the sending LOT shall file with the Middlesex South District Registry of Deeds or the Land Court (as applicable) an irrevocable restrictive covenant, approved by the Board of Selectmen, running with the land, permanently restricting the development of the sending LOT. The covenant shall restrict the sending LOT by the amount of development rights transferred to another LOT, permitting only the amount of development rights that remain on the LOT, if any, all as specified in the Special Permit authorizing the transfer.

vi. Implementation of Transfer – Following the approval of a Special Permit under this Section, the applicant shall complete the transfer procedures set forth in Sections 5.4.4 and 5.4.5, except that the formulas in Section 5.4.4.2 shall not apply to transfers within the East Acton Village Districts.

b) Historic Preservation – Density on the LOT may be increased if the proposed development includes the restoration or preservation of a historic STRUCTURE on the LOT, subject to the requirements and penalties set forth in the following subsections. The amount of NET FLOOR AREA that is added under this option shall not exceed the equivalent of a FLOOR AREA RATIO of 0.10 on the LOT:

   i. Detailed Proposal – The application for a special permit to increase density shall include a detailed proposal for the restoration or preservation of a historic STRUCTURE, including architectural drawings, cost estimates, and an architect's opinion regarding its feasibility and risks.

   ii. Historical Commission Certification – The application for a special permit to increase density shall include a written certification from the Acton Historical Commission that the STRUCTURE is included in Acton's Cultural Resources Inventory or that the completion of a survey leading to its inclusion is pending.

   iii. Historical Commission Recommendation – The application for a special permit to increase density shall include a favorable written recommendation from the Acton Historical Commission regarding the proposed restoration or preservation of the STRUCTURE and of the methods to achieve it.

   iv. Performance Guarantee to Secure Preservation Commitment – In granting a special permit to increase density under this section the Board of Selectmen may require a performance guarantee to secure the restoration or preservation of the historic STRUCTURE.

   v. Penalty – The intentional demolition of a historic STRUCTURE, for which the Acton Historical Commission certifies that it is included in Acton's Cultural Resources Inventory or that the completion of a survey leading to its inclusion is pending, shall result in the prohibition of any and all density increases available under this bylaw on the subject LOT for a period of 25 years following the demolition. However, this penalty shall not apply, where the Acton Historical Commission has, prior to the demolition, provided its written consent to the demolition in accordance with its authority and jurisdiction under Chapter N of the Bylaws of the Town of Acton.

c) Affordable Housing – Density on the LOT may be increased if the proposed development includes at least 1 affordable DWELLING UNIT or 10% affordable DWELLING UNITS on the LOT, whichever is greater, subject to the standards and requirements set forth in the following subsections. The amount of NET FLOOR AREA that is added under this option shall not exceed the equivalent of a FLOOR AREA RATIO of 0.10 on the LOT.

   i. The term "affordable DWELLING UNIT" as used in this section shall mean a DWELLING UNIT that is restricted to sale, lease or rental to persons or households within specific income and asset

limitations, and at specific price limits, both as established in provisions of any State or Federal rental assistance programs, subsidy programs for reducing mortgage payments, or other programs that provide for affordable housing for low and moderate income persons or households, and that are in effect at the time that the Board of Selectmen receive the special permit application.

ii. Affordability Standards – Subject to the Board of Selectmen's approval, an applicant for a density bonus under this option may utilize an available State or Federal assistance program or choose to meet affordability requirements by utilizing income and asset standards, and by establishing rents, leases, sales prices, entry fees, condominium fees, and other costs for affordable DWELLING UNITS that are generally consistent with available affordable housing assistance programs.

iii. Affordability Restrictions – Affordable DWELLING UNITS shall be maintained as such in perpetuity. Each affordable DWELLING UNIT shall be rented or sold to its initial and all subsequent buyers or tenants subject to deed riders, restrictive covenants, contractual agreements, or other mechanisms restricting the USE and occupancy, rent levels, sales prices, resale prices, and other cost factors to assure their long term affordability. These restrictions shall be in force for perpetuity. They shall be enforceable and renewable by the Town of Acton through standard procedures provided by applicable law.

iv. The Board of Selectmen may require that the restrictions for affordable DWELLING UNITS contain a right of first refusal to the Town of Acton or its designee at the restricted resale value, and that the owner provides notice of such right of first refusal to the Town of Acton or its designee prior to selling the affordable DWELLING UNITS with adequate time for the Town or its designee to exercise the right of first refusal.

v. Nothing in this Section shall be construed to cause eviction of an owner or tenant of an affordable DWELLING UNIT due to loss of his/her income eligibility status during the time of ownership or tenancy. Rather, the restrictions governing an affordable DWELLING UNIT shall be enforced upon resale, re-rental, or re-lease of the affordable DWELLING UNIT. The mechanisms and remedies to enforce the restrictions governing an affordable DWELLING UNIT upon resale, re-rental, or re-lease shall be set forth in its deed restrictions.

vi. All contractual agreements with the Town of Acton and other documents necessary to insure the long term affordability of an affordable DWELLING UNIT shall be executed prior to the issuance of any building permit that will implement the increase in density authorized under the special permit.

vii. Locations and compatibility of affordable DWELLING UNITS – Affordable DWELLING UNITS shall be dispersed throughout the development to insure a true mix of market-rate and affordable

DWELLING UNITS. The exterior of affordable DWELLING UNITS shall be compatible with, and as much as possible indistinguishable from, market-rate DWELLING UNITS on the same LOT. All internal design features of affordable DWELLING UNITS shall be substantially the same as those of market-rate DWELLING UNITS.

viii. Local Preference – Unless otherwise regulated by an applicable Federal or State agency under a financing or other subsidy program, at least sixty-five percent (65%) of the affordable DWELLING UNITS shall be initially offered to Acton residents. Residency in Acton shall be established through Town Clerk certification based on the Town Census, voter registration, or other acceptable evidence. Procedures for the selection of purchasers and/or tenants shall be subject to approval by the Town of Acton or its designee. The local preference restriction shall be in force for 120 days from the date of the first offering of sale or rental of a particular affordable DWELLING UNIT. The applicant shall make a diligent effort to locate eligible purchasers or renters for the affordable DWELLING UNIT who meet the local preference criteria and the applicable income requirements.

ix. Timing of construction – As a condition of the issuance of a special permit under this Section, the Board of Selectmen may set a time or development schedule for the construction of affordable DWELLING UNITS and market-rate DWELLING UNITS on the LOT.

d) LEED certification – Density on the LOT may be increased if the proposed development is certified with under the United States Green Building Council's LEED (Leadership in Energy and Environmental Design) program. The amount of NET FLOOR AREA that is added under this option shall not exceed the equivalent of a FLOOR AREA RATIO of 0.05 on the LOT. To qualify for the density bonus for LEED certification in EAV, a project would have to meet the LEED standards for New Construction & Major Renovation Projects.

B. In the Table of Standard Dimensional Regulations, delete footnote (4) and replace it with a new footnote (4) in the same locations and in the line for the EAV-2 District and the column under Maximum Floor Area Ratio, to read as follows:

(4) In the EAV, subject to the provisions in sections 5.4 and 5.5B.2. In the EAV-2 District, subject to the provisions in section 5.5B.2. In the NAV District, subject to the provisions in section 5.4 and 5.5C. In the LB District, subject to the provisions in section 5.4.

C. Delete sections 5.5.3 and its subsections, and section 5.5.5, and replace them with a new section 5.5C and new subsections as follows:

5.5C Special Provisions for the North Acton Village District

5.5C.1 Variable Density Provisions for the North Acton Village District

5.5C.1.1 Purpose – These provisions are intended to permit flexible density levels for individual LOTS in the North Acton Village District, while

maintaining an overall ceiling on total NET FLOOR AREA. The purpose of permitting variable density levels is to permit further clustering of USES in a compact village pattern, while limiting total traffic generation and providing for sufficient OPEN SPACE and off-STREET parking areas. The provisions should be interpreted as permitting the Transfer of Development Rights within the North Acton Village District, but not as permitting an increase in the total amount of maximum development in that District.

5.5C.1.2 Transfer of Development Rights Within the North Acton Village District

a) For a LOT in the North Acton Village District, the Board of Selectmen may grant a Special Permit for the Transfer Development Rights within the District. The effect of such Special Permit shall be to permit an increase in NET FLOOR AREA above the total amount permitted by:

   i. the applicable maximum FLOOR AREA RATIO set forth in the Table of Standard Dimensional Regulations, and

   ii. if applicable, any Certificate of Development Rights previously transferred to the LOT from within or from outside the District.

b) Any such increase in NET FLOOR AREA shall be compensated by an equal reduction in the maximum NET FLOOR AREA for another LOT in the North Acton Village District.

5.5C.1.3 Standards of Review – In deciding on the merits of a proposal for Transfer of Development Rights within the North Acton Village District, the Board of Selectmen shall consider the following criteria and objectives:

a) Increased density on a LOT should support a sense of community through a concentration of a variety of USES; therefore, density increases should be granted only where such concentrations are compatible with surrounding USES. The implementation of this provision should tend to facilitate the development of a viable village center through the grouping of higher density USES around an identifiable core, such as a plaza, common or other municipal facility.

b) In addition, the Transfer of Development Rights should serve a public purpose on the LOT from which development rights are to be transferred, by providing shared off-STREET parking, usable public or semi-public OPEN SPACE or other public amenities.

c) The Board of Selectmen shall grant a Special Permit for the Transfer of Development Rights within the North Acton Village District only if it can make appropriate findings that the criteria and objectives of a) and b) are promoted by granting the transfer.

5.5C.1.4 Administration

a) Determination of Development Rights for Affected LOTS – Before granting a Special Permit under Section 5.5C.1, the Board of Selectmen shall determine the Development Rights for all LOTS to be affected by the proposed transfer. The Special Permit shall

specify the residential, nonresidential, and total development rights for each LOT, expressed in NET FLOOR AREA as computed in Section 10.4.3.8 of this Bylaw, less any development rights previously removed from such LOTS. The application for a Special Permit under this Section shall contain sufficient information to permit the Board of Selectmen's determination of the development rights that may be transferred.

b) The Board of Selectmen shall require that upon transfer of the development rights authorized in its special permits, the owner of a LOT from which development rights have been removed, shall file with the Middlesex South District Registry of Deeds or the Land Court (as applicable) an irrevocable restrictive covenant, approved by the Board of Selectmen, running with the land, permanently restricting the development of the LOT. The covenant shall restrict the LOT by the amount of development rights transferred to another LOT, permitting only the amount of development rights that remain on the LOT, if any, all as specified in the Special Permit authorizing the transfer.

c) Implementation of Transfer – Following the approval of a Special Permit under this Section, the applicant shall complete the transfer procedures set forth in Sections 5.4.4 and 5.4.5, except that the formulas in Section 5.4.4.2 shall not apply to transfers within the North Acton Village District.

5.5C.2 STREET reservations in the North Acton Village District – In the North Acton Village District, a Special Permit or Site Plan Special Permit Granting Authority may require the reservation of STREET rights of way for all purposes, for which public STREETS and ways are used in the Town of Acton. It may further require that new STREETS be constructed following approval in accordance with MGL Ch. 41, s. 81K - 81GG and the Acton Subdivision Rules and Regulations to connect with existing approved STREETS. Where such STREET rights of way are reserved, the FLOOR AREA RATIO on the remaining land shall be calculated by including the rights of way reserved hereunder, including any necessary easements, in the DEVELOPABLE SITE AREA.

[Note: Existing section 5.5.3 and its subsection are identical to the proposed section 5.5C.1 and its subsections, except that all references to the East Acton Village District have been deleted. Existing section 5.5.5 is identical to the proposed section 5.5C.2, except for new section title.]

or take any other action relative thereto.

SUMMARY

Part A of this article would establish a menu of options to increase density in the East Acton Village District above the base density of 0.20 Floor Area Ratio. As the purpose statement in the article explains, the goal is to help distinguish East Acton Village aesthetically from the rest of the development along Great Road (Route 2A); to keep it compact; to maintain its historic structures; to increase business variety; to promote a pedestrian-friendly village environment; to encourage affordable housing; and to promote environmentally sustainable designs and construction methods. The density

incentives offered in this section are intended to entice property owners to redevelop their properties in accordance with the design provisions of the previous article, and to help overcome redevelopment obstacles, such as cost of redevelopment and loss of income during the construction time.

A special permit will be required for increases in density under four options, which may be chosen individually or combined in different ways:

- Transfer of Development Rights (TDRs) from properties along Great Road outside of East Acton Village and from within the village district. These are present options in the zoning bylaw. New is a proposed bonus for transferring development rights from parcels along Nashoba Brook.
- Preservation of historic structures certified by the Acton Historical Commission to be on Acton's Cultural Resources Inventory. As a penalty for the willful destruction of historic structures, the article proposes a 25-year freeze on any additional floor area for on the affected lot.
- At least 10% affordable housing on the site.
- U.S. Green Building Council's LEED (Leadership in Energy and Environmental Design) program certification. LEED is a "consensus-based national standard for developing high-performance, sustainable buildings." It is a point-based system, in which projects get points for complying with certain standards that the United States Green Building Council has set forth in six areas. These areas are sustainable sites, water efficiency, energy and atmosphere, materials and resources, indoor environmental quality, and innovation in design. LEED is encouraged in the EAV district in an effort to ensure that new development and redevelopment is undertaken with an eye toward a sustainable future for East Acton Village.

However these options are chosen or combined, the maximum density is capped at a Floor Area Ratio of 0.50. Vehicle parking, open space, and waste water management requirements impact the development potential of properties in different ways. Therefore, not all properties may be able to achieve the maximum density level. Density in East Acton Village is not an end in itself, but a prerequisite to achieve the critical mass required for a vibrant village.

Part B would modify an existing footnote in the Table of Standard Dimensional Regulations to reflect the changes and additions to the variable density provisions for East Acton.
Because Part A of this article would establish separate variable density provisions for the East Acton Village District, Part C would modify the existing "Variable Density Provisions for North Acton and East Acton Village Districts" to apply only to the North Acton Village District. In addition, Part C would renumber the existing sections 5.5.3 and 5.5.5 to complete the new section numbering system begun in the previous article.

Direct inquiries to: Roland Bartl, AICP, Town Planner – 978.264.9636
Selectman assigned:

Selectmen:
Finance Committee:
Planning Board:

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DRAFT ZONING ARTICLE - BQ

EAST ACTON VILLAGE PLAN – EAST ACTON VILLAGE DISTRICT PARKING REQUIREMENTS
(2/3 vote required)

To see if the Town of Acton will vote to amend the zoning bylaw, section 6, as follows *[Notes in italic print are not part of the article but are intended for explanation only]*:

A. Delete section 6.9.1 and its subsections, and replacing them with the following new sections 6.9.1 and 6.9.2.

6.9.1 In the EAV District, except as otherwise provided herein, no BUILDING or STRUCTURE shall be located on any LOT and no activity shall be conducted upon any LOT unless off-STREET parking is provided in accordance with the following requirements:

6.9.1.1 Required off-STREET parking for a USE may be provided on any LOT within the same Zoning District as the USE, but not necessarily on the same LOT as the USE.

6.9.1.2 Connection of Parking – A Special Permit Granting Authority shall require that all parking facilities be connected by a common driveway to the parking facilities of all adjacent USES and to all adjacent land in the EAV and EAV-2 zoning districts, unless it finds that physical constraints, present site configuration, uncooperative abutters, or land vacancy precludes strict compliance. In such cases, the site and the parking facility shall be designed to provide for the future construction of common driveways. For the purposes of this section, common driveway shall be defined as a driveway that is shared by two or more LOTS and located at least partially within the required setback areas of such LOTS. Such a common driveway can be either a shared ACCESS driveway to a STREET, or a driveway to a STREET, or a driveway connecting such LOTS with each other.

6.9.1.3 Number of Parking Spaces – The minimum number of required parking spaces shall be 70% of the requirements in Section 6.3.1. In the case of collective use of a parking facility in accordance with sub-section d) below, the minimum number of required parking spaces shall be 50% of the requirements in Section 6.3.1.

6.9.1.4 Collective Use of Parking Facilities – Off-STREET parking facilities may serve, collectively or jointly, different USES located throughout the EAV District where such a collective use of the parking facility is based on a written agreement that: 1) assures the continued collective use; 2) states the number of parking spaces allocated to each participating USE; and 3) assures ACCESS to and maintenance of the common parking facility. The parking spaces provided through the collective use of parking facilities shall be counted towards the minimum required number of spaces for the participating USES applying the discount as set forth in sub-section c) above.

6.9.1.5 Structured Parking shall not be allowed except under ground.

6.9.1.6 The parking lot design requirements of section 6.7 shall apply in the East Acton Village District, except that:

a) The requirement for parking lot cells and separation of cells (section 6.7.1) shall not apply.

b) The interior area landscaping (section 6.7.7) may be substituted with one or more consolidated bioretention areas measuring at least 38 X 12 feet each, which are designed to trap and mitigate runoff from paved surfaces while creating additional contiguous green space. Bioretention areas may be sited

anywhere in the parking lot that is convenient to manage parking lot traffic and facilitate pedestrian use, including adjacent to and connecting with vegetated areas on the perimeter of a parking lot.

6.9.2 In the NAV District, the following special provisions for parking shall apply:

6.9.2.1 No off-STREET parking spaces shall be established between the front line of the principal BUILDING and the sideline of a STREET.

6.9.2.2 The Board of Selectmen may authorize by special permit an off-STREET parking lot or STRUCTURE not located upon the same LOT with the associated USE, provided said parking lot or STRUCTURE lies also within the NAV District.

And renumber existing sections 6.9.2, 6.9.3, and 6.9.4, including their subsections, to become section 6.9.3, 6.9.4, and 6.9.5, including their subsections, respectively.

[Note: Section 6.9.1and its subsections currently read as follows:
6.9.1 NAV and EAV Districts.
6.9.1.1 In the NAV and EAV Districts, the Board of Selectmen may authorize by special permit an off-STREET parking lot or STRUCTURE not located upon the same LOT with the associated USE, provided said parking lot or STRUCTURE lies within the same Village District as the BUILDING it is intended to serve.
6.9.1.2 In the NAV and EAV Districts, no off-STREET parking spaces shall be established between the front line of the principal BUILDING and the sideline of a STREET.]

B. Delete section 5.5.4 and insert a new section 6.9.2.3 as follows:

6.9.2.3 The number of parking spaces to be provided for a mixed-USE development in the North Acton Village District shall be equal to 85 percent of the sum of the number of parking spaces for each USE on the LOT, determined separately for each USE based upon the standards set forth in Section 6.

[Note: Section 5.5.4 currently reads:
5.5.4 Off-STREET Parking Discount for Mixed USES in the North Acton and East Acton Village Districts – The number of parking spaces to be provided for a mixed-USE development in the North Acton and East Acton Village Districts shall be equal to 85 percent of the sum of the number of parking spaces for each USE on the LOT, determined separately for each USE based upon the standards set forth in Section 6.]

or take any other action relative thereto.

SUMMARY

Section 6 of the zoning bylaw addresses vehicle parking standards. Part A of this article would establish distinct vehicle parking standards for East Acton Village. It would reduce the number of parking spaces required for businesses in East Acton Village (EAV) to 70% of the requirement elsewhere, and allow the number of parking spaces required for business in EAV to be reduced to 50% of the requirement if parking is shared with other businesses. One of the goals of the East Acton Village Plan is to make the village more pedestrian and bicycle friendly. This article would encourage people visiting EAV to either walk to the village, or to park in one place and complete all their errands and activities on foot. Another goal of the East Acton Village Plan is to enhance the appearance of the village. The sight of continuous parking areas is aesthetically unpleasing and does not create the effect of a village center. If adopted, this article could also reduce driveway curb cuts along Great Road, potentially reducing traffic turning movements and conflicts between pedestrians or bicyclists and vehicles. Furthermore, research has shown that stream degradation could occur at relatively low levels of impervious covers such as parking lot pavement. Allowing fewer parking spaces would minimize impervious cover for the benefit of nearby Nashoba Brook.

The article proposes to prohibit above-ground structured parking within the East Acton Village zoning district. Structured parking can detract from the sense of village.
If adopted, this article would also allow the consolidation of required parking lot landscaped areas into parking lot runoff bioretention areas. Bioretention areas use plants to remove pollutants from stormwater runoff. The consolidation of landscaped islands is encouraged in East Acton Village parking lots to trap and mitigate runoff from paved parking areas, create additional contiguous green space improving aesthetics and encouraging wildlife, and minimize land disturbance during development and redevelopment. Bioretention areas may be sited in such a way as to aid in traffic calming and encourage pedestrian use. They may be adjacent to and connecting with vegetated areas on the perimeter of a lot.
Part B of this article would amend section 5.5.4, which relates to parking standards, to apply only to the North Acton Village District, and relocate it to become new section 6.9.2.3 so that it is grouped with other parking standards for North Acton Village.

Direct inquiries to: Roland Bartl, AICP, Town Planner – 978.264.9636
Selectman assigned:

Selectmen:
Finance Committee:
Planning Board:

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Parking lot bio-retention area – more text needed for bioretention areas?

DRAFT ZONING ARTICLE – BR

EAST ACTON VILLAGE PLAN – MODIFIED SIGN REGULATIONS FOR THE EAST ACTON VILLAGE DISTRICT
(2/3 vote required)

To see if the Town of Acton will vote to amend the zoning bylaw as follows *[Notes in italic print are not part of the article but are intended for explanation only]:*

A. Delete section 7.4.1 and replace it with a new section 7.4.1 as follows:

7.4.1 Design – In the Village Districts no visible portion or exterior surface of any SIGN shall be made of plastic, other petroleum based products, or sheet metal, except that in the EAV District such materials may be used provided that the visible portions and exterior surfaces of a SIGN have a wooden appearance.

[Note: Section 7.4.1 currently reads:
7.4.1 Design – In the Village Districts no visible portion or exterior surface of any SIGN shall be made of plastic, other petroleum based product or sheet metal.]

B. Delete section 7.4.3.5 and replace it with a new sections 7.4.3.5 and 7.4.3.6 as follows:

7.4.3.5 In the EAV District, PROJECTING SIGNS, AWNING SIGNS, WALL SIGNS 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 with the light projected downward from above.

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.

And, renumber existing sections 7.4.3.6 and 7.4.3.7 to become sections 7.4.3.7 and 7.4.3.8 respectively.

[Note: Section 7.4.3.5 currently reads:
7.4.3.5 In the 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. Delete section 7.4.5.1 and replace it with a new section 7.4.5.1 as follows:

7.4.5.1 Where more than one SIGN is permitted for a PRINCIPAL USE, a combination of not more than two, or in the EAV District not more than three, of the following types of SIGNS shall be permitted per PRINCIPAL USE: WALL SIGN, PROJECTING SIGN, AWNING SIGN, and FREESTANDING SIGN. However, in the EAV District, not more than two such SIGNS shall be located on the same side of a PRINCIPAL USE. This section does not apply to any SIGN which does not require a SIGN Permit as listed in Section 7.5, or to an off-premises directional SIGN permitted under Section 7.9, or to a special event SIGN permitted under Section 7.10.

[Note: Section 7.4.5.1 currently reads:
7.4.5.1 Where more than one SIGN is permitted for a PRINCIPAL USE, a combination of not more than two of the following types of SIGNS shall be permitted per PRINCIPAL USE: WALL SIGN, PROJECTING SIGN, AWNING SIGN, and FREESTANDING SIGN; not including any SIGN which does not require a SIGN Permit as listed in Section 7.5 or an off-premises directional SIGN permitted under Section 7.9 or a special event SIGN permitted under Section 7.10.]

D. Delete the first sentence in section 7.8.6.2 and replace it with the following new sentence:

"Where a FREESTANDING SIGN identifies a business in the NAV, WAV, or SAV Districts, no EXTERIOR SIGN shall be ERECTED on the same LOT."

[Note: this sentence currently reads: "Where a FREESTANDING SIGN identifies a business, no EXTERIOR SIGN shall be ERECTED on the same LOT."]

or take any other action relative thereto.

SUMMARY

This article would amend the regulations for signs in the East Acton Village zoning district. It would allow the use of gooseneck lamps for external lighting of signs (currently gooseneck lighting is only allowed for freestanding signs in the village district). If adopted, this article would also allow businesses to choose a maximum of three exterior signs provided that there are no more than two signs on one side of the business. This article would also allow, in addition to the current allowed material for signs in the village, the use of "wood appearance" signs. It is anticipated that these changes, if adopted, would update and improve East Acton Village signage to aid local businesses and patrons.

Direct inquiries to: Roland Bartl, AICP, Town Planner – 978.264.9636
Selectman assigned:

Selectmen:
Finance Committee:
Planning Board:

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