

DRAFT ZONING ARTICLE – BS

EAST ACTON VILLAGE PLAN – SITE PLAN REVIEW THRESHOLD IN THE EAST ACTON VILLAGE DISTRICT

(2/3 vote required)

To see if the Town of Acton will vote to amend the zoning bylaw by deleting the lead paragraph of section 10.4.1.1 and replacing it with a new lead paragraph 10.4.1.1 as follows [*Notes in italic print are not part of the article but are intended for explanation only*]:

10.4.1.1 In the EAV, SAV, and WAV Districts, a Site Plan Special Permit shall be required in all instances.

[Note: Section 10.4.1.1 currently reads:

10.4.1.1 In the WAV and SAV Districts, a Site Plan Special Permit shall be required in all instances

1) for the initial development of land specified in Section 3, Table of PRINCIPAL USES as requiring a Site Plan Special Permit and for all ACCESSORY USES thereto, or

2) where the NET FLOOR AREA of an existing BUILDING is increased 500 square feet or more for USES designated as requiring a Site Plan Special Permit on the Table of PRINCIPAL USES, or

3) where a USE designated as requiring a Site Plan Special Permit on the Table of PRINCIPAL USES is expanded in ground area by 500 square feet or more of either impervious material, open storage or any area of the site devoted to the conduct of the PRINCIPAL or ACCESSORY USE.]

or take any other action relative thereto.

SUMMARY

If adopted, this article would subject all development or building expansions greater than 500 square feet in the East Acton Village zoning district to a site plan special permit, and thus be required to adhere to the Special Design Provisions for East Acton Village. In more densely settled areas such as villages, small projects and additions can have a proportionately greater functional and visual impact than in other commercial and industrial areas. This article would better ensure that new development within the East Acton Village zoning district would occur in a manner consistent with East Acton Village character as described in the Special Provisions and the East Acton Village Plan. If adopted, this article would also allow property and business owners to maintain their properties and make minor changes or renovations without sustaining the potential financial burden that could occur if the entire site had to be redeveloped at one time.

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

Selectman assigned:

Selectmen:

Finance Committee:

Planning Board:

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DRAFT – OUTDOOR LIGHTING REGULATIONS (2/3 vote required) – ARTICLE BT

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*]:

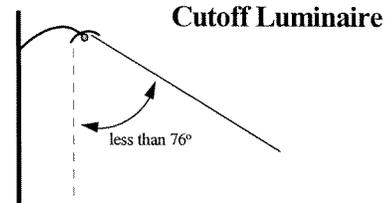
A. In section 10.4 – Site Plan Special Permit, delete section 10.4.3.2 – Outdoor Lighting and replace it with the following:

10.4.3.2 Outdoor Lighting – Developments and redevelopments requiring a Site Plan Special Permit or an amendment thereof, shall comply with the standards for outdoor lighting set forth in section 10.6.

[Note: Section 10.4.3.2 contains the graphic shown here and currently reads:

10.4.3.2 Outdoor Lighting – In the area of new construction all outdoor lighting, with the exception of pedestrian lighting with a height of less than eight feet, shall be designed and located so that:

- 1) the luminaire has an angle of cutoff less than 76 degrees;*
- 2) a line drawn from the height of the luminaire along the angle of cutoff intersects the ground at a point within the development site, and*
- 3) the bare light bulb, lamp or light source is completely shielded from direct view at any point five feet above the ground on neighboring properties or STREETS. Pedestrian lighting with a height of less than eight feet shall be regulated through the Building Commissioner's Office.]*



B. Insert a new section 10.6 as set forth below:

10.6 Outdoor Lighting Regulations for Site Plan Special Permits. This section uses defined terms that apply specifically in this section. These terms are defined in section 10.6.6 below and are capitalized in addition to the terms defined in section 1.3 of this bylaw. Figures and Tables referred to in this section are located in section 10.6.7 below.

10.6.1 Applicability –

- 10.6.1.1 The following regulations shall apply all new LUMINAIRES and all replacements of existing LUMINAIRES, whose LAMP wattage exceeds the values contained in Table 1 Column A.
- 10.6.1.2 The following regulations shall apply to all LUMINAIRES on any LOT undergoing new development, or a major modification or expansion under a Site Plan Special Permit. A major modification, as used here, shall mean that more than 25% of the LUMINAIRES on the LOT are modified, moved or replaced. A major expansion, as used here, shall mean that the number of LUMINAIRES on a LOT increases by more than 25% of the original number.
- 10.6.1.3 LUMINAIRES installed before the effective date of this bylaw shall be maintained or, if necessary, modified, to meet the zoning bylaw applicable at the time of their installation.

10.6.2 Standards

- 10.6.2.1 LUMINAIRE design and shielding – Any LUMINAIRE whose LAMP wattage exceeds the values in Table 1, Column A, shall be SHIELDED. Any LUMINAIRE whose LAMP wattage exceeds the values in Table 1, Column B shall be FULLY SHIELDED (Figure 1).
- 10.6.2.2 Control of LIGHT TRESPASS and GLARE –
 - a) Any LUMINAIRE whose distance from a LOT line is less than three times its height (3xH) shall be SHIELDED so that all DIRECT LIGHT cast in the

direction of STREETS, or abutting LOTS that are in Residential or Conservation USE, is cut off at an angle no more than 70 degrees measured from a vertical line directly below the LUMINAIRE (Figure 2A). This requirement shall apply to all sides of the LUMINAIRE that emit light toward a LOT line that is less than 3xH away from the LUMINAIRE (Figure 2B). The cut-off may be accomplished either by the LUMINAIRE photometric properties, or by a supplementary external shield.

- b) Additional shields that are installed to control LIGHT TRESPASS and GLARE as required herein shall be designed so that the parts of the shields that are exposed to the DIRECT LIGHT of the LUMINAIRE and visible from STREETS, or abutting LOTS that are in Residential or Conservation USE, shall have a flat-black, low-reflectivity finish.
- c) LUMINAIRES shall be SHIELDED so that LIGHT TRESPASS onto STREETS is less than 0.8 fc, and onto an abutting LOTS that are in Residential or Conservation USE, including such LOTS abutting on the opposite side of a STREET, is less than 0.3fc. This measurement shall be made with a photometer placed horizontally on the ground at points at the LOT lines. The Lighting Plan (Section 5) shall include calculations demonstrating that this LIGHT TRESPASS criterion will be met.
- d) LUMINAIRES installed on one LOT to illuminate another LOT, or installed in a STREET, railroad, utility, or other right-of-way to illuminate an adjacent LOT, are prohibited. As used in this subsection, LOT shall always mean LOT as defined in section 1.3 of this Bylaw.
- e) No single LUMINAIRE shall employ LAMP(s) exceeding a total of 400 watts, not including power for ballast or transformer.
- f) Strobe and flashing lights, and laser illumination, are prohibited except as allowed under Section 10.6.5 (Exemptions).

10.6.2.3 Hours of operation –

- a) All non-residential OUTDOOR LIGHTING, with the exception of STREETLIGHTS and safety or security lighting as defined herein, may be turned on no earlier than one hour before business hours and shall be turned off no later than 11 PM or one half an hour after close of business, whichever is later.
 - i. Business hours, as used here, is defined as the period of time during which at least one person is present for the purpose of conducting or concluding business on the LOT or in a STRUCTURE on the lot.
 - ii. Safety lighting, as used here, is defined as lighting to safeguard the movement of persons by foot or by non-motorized vehicles or by vehicles for disabled persons over hazardous footing or in areas that conflict with vehicle traffic, or lighting for the purpose of aiding the visible detection and recognition of other persons. Safety lighting includes lighting for stairs, pedestrian ramps and tunnels, and pedestrian routes that are reasonably expected to be used after business hours.
 - iii. Security lighting, as used here, is defined as lighting to protect BUILDINGS, and property stored outdoors.
- b) Lighting controlled by motion detectors or infrared sensors with an on-time of no more than 10 minutes per activation is exempt from the hours-of-operation restriction.

- c) Lighting of recreational facilities must be turned off no later than one half-hour after the end of use.
- d) Lighting of the United States Flag and public monuments is exempt from these hours of operation provisions.

10.6.2.4 Special Provisions –

- a) Externally Illuminate Signs – Lighting for externally illuminated signs shall be projected downward from above. The LUMINAIRE shall be SHIELDED and shall comply with Section 10.6.2.2 (Control of LIGHT TRESPASS and GLARE). It shall be focused directly at the sign display area and SHIELDED so that the LAMP is not visible from STREETS, or abutting LOT that are in Residential or Conservation USE (Figure 3).
- b) UP-LIGHTING – UP-LIGHTING is prohibited, except for illumination of the United States Flag, a BUILDING facade or a public monument. For any UP-LIGHTING, the LUMINAIRE shall be equipped with shields as necessary and shall comply with Section 10.6.2.2 including all its subsections a) through f). It shall be focused directly at the area of the target and SHIELDED so that the LAMP is not visible from a STREET, or a LOT that is in Residential or Conservation USE. Building facade illumination shall not exceed 0.25 watts of LAMP power per square foot of facade surface. The Lighting Plan shall specifically demonstrate compliance for any facade or monument UP-LIGHTING
- c) Illuminated Outdoor Recreation Facilities – Notwithstanding the requirement of Section 10.6.2.1 (LUMINAIRE design and shielding), the illumination of outdoor recreational facilities such as, but not limited to playing fields, pools, rinks, tennis courts, driving ranges, ski areas, or skateboard parks, shall be by either SHIELDED or FULLY SHIELDED LUMINAIRES. Such lighting shall be exempt from Sections 10.6.2.2.a) (Additional shields), 10.6.2.2.c) (LIGHT TRESPASS), and 10.6.2.2.e) (LAMPS not to exceed 400 watts per LUMINAIRE).

Such SHIELDED LUMINAIRES shall be mounted at sufficient height and aimed so that the brightest part of the beam is elevated no more than 60 degrees above a point directly vertically below the LUMINAIRE (Figure 4). Light poles for recreation facilities may be as high as necessary to adequately illuminate the facility in compliance with the maximum 60-degree elevation angle, but shall not exceed a height of 85 feet.

The LUMINAIRES shall be SHIELDED so that LIGHT TRESPASS onto STREETS, or abutting LOTS in Residential or Conservation USE, is less than 0.8fc. This measurement shall be made with a photometer positioned at the boundary and aimed directly at the nearest LUMINAIRE. The Lighting Plan shall include calculations demonstrating that the LIGHT TRESPASS requirement will be satisfied.

The LAMP shall not be visible from a STREET, or an abutting LOT that is in Residential or Conservation USE. Alternatively, the installer may retain a qualified independent lighting consultant to measure the maximum luminance visible from STREETS, or abutting LOTS that are in Residential or Conservation USE. The measurement report shall be delivered to the Building Commissioner and shall demonstrate that the maximum luminance apparent from a STREET, or an abutting LOT that is in Residential or Conservation USE, is not more than 2500 cd/sq.m.

- d) LUMINAIRES in a Local Historic Districts – In Local Historic Districts, LUMINAIRES may be exempted from Section 10.6.2.1 (LUMINAIRE design and shielding) if the Historic District Commission specifically requires LUMINAIRES of a type that is not available in a version that meets the FULLY SHIELDED criterion. In such cases, such LUMINAIRES shall comply with IESNA CUTOFF light distribution standards.

Illumination for externally illuminated signs in a Local Historic District may be from below using UP-LIGHTING from SHIELDED LUMINAIRES. In this case, the LAMP shall not be visible from a STREET, or from an abutting LOT that is in Residential or Conservation USE, and shields shall comply with Section 10.6.2.2 b) (Visible part of shield has flat-black finish).

10.6.3 Total Site Power Limits

- 10.6.3.1 This section regulates the total amount of lighting that may be used on a LOT. For simplicity, this is accomplished through regulation of the total amount of LAMP watts installed on the LOT, instead of the total lumen output. An OUTDOOR LIGHTING installation complies with this section if the actual Total Installed Watt Ratings of all LAMPS is no greater than the Allowed Lighting Power. Ballast and transformer power is not counted in this total.
- 10.6.3.2 The Allowed Lighting Power shall be the sum of contributions calculated according to the Activity Areas listed in sections 10.6.3.2 a) through f) below. Only areas on a LOT that are covered with impervious materials shall be counted towards Activity Areas. Activity Areas on a LOT shall be clearly marked and labelled on the Site Plan. There shall be no overlapping Activity Areas.
 - a) Parking lots, driveways, walkways, bikeways – 0.08 watts per square foot of the area of parking lots, driveways, walkways, bikeways, and any other outdoor impervious surfaces on the LOT. These Activity Areas include a 5-foot wide margin of grade or landscaping around the impervious surfaces. For an area to be included in the total of these Activity Areas, a LUMINAIRE must be within 100 feet of any such areas.
 - b) BUILDING entrance areas – 13 watts per linear foot of the width of all doors, plus six feet per door.
 - c) BUILDING CANOPIES – 0.4 watts per square foot of the ceiling area of BUILDING entrance and walkway CANOPIES, whichever is greater.
 - d) Retail sales CANOPIES: 0.9 watt per square foot of the ceiling area of service station and retail sales CANOPIES. Retail sales CANOPIES are covered areas that are used for display or dispensing of products for sale.
 - e) Retail sales frontage – 20 watts per linear foot of sales frontage. Sales frontage is measured along the edge, as viewed from a STREET, of a paved or otherwise improved area used exclusively for the display of vehicles or other large objects for sale. Sales frontage area is assumed to be 20 feet deep.
 - f) OUTDOOR SALES AREA – 0.8 watts per square foot times the area of the OUTDOOR SALES AREA. This area shall be specifically for the display and storage of vehicles, structures, or other large objects offered for sale, and shall not include driveways, walkways, service areas, storage, or other uses. For an area to be included in the total of these Activity Areas, a LUMINAIRE must be within 100 feet of any such areas.

- 10.6.3.3 Unlit areas of the LOT may not be used to calculate Allowed Lighting Power. An illuminated area of the LOT is defined as within 100 feet of a LUMINAIRE on the

LOT, or, if under a CANOPY, within 25 feet of a LUMINAIRE mounted under the CANOPY.

10.6.4 Lighting Plan

10.6.4.1 A Lighting Plan shall be included in all applications for a Site Plan Special Permit that proposes new or replacement lighting installations. For initial developments of land, a major modification (more than 25% of LUMINAIRES being modified or replaced), or a major addition (more than 25% increase in the number of LUMINAIRES), this lighting plan shall be certified to be valid and correct by its designer. The lighting plan shall contain:

- a) On the site plan – the location, height, shielding type of all LAMPS in all existing and proposed outdoor LUMINAIRES, and the wattage rating of all LAMPS in each LUMINAIRE, including BUILDING or CANOPY mounted LUMINAIRES. Any existing off-site LUMINAIRES used to illuminate the LOT shall be included in the Lighting Plan. Activity areas (Section 10.6.3) shall be clearly marked on the Site Plan.
- b) Manufacturer's data – For all LUMINAIRES, whose LAMP wattage is greater than Table 1, Column B, the manufacturer's specification data and technical drawings, including the LUMINAIRE LAMP wattage; photometric data showing that the LUMINAIRE is FULLY SHIELDED, including an electronic copy of the IES photometric file, or a reference to the file location on the manufacturer's web site. Manufacturer's photometric specification that the LUMINAIRE is rated IESNA Full Cutoff (FCO) is sufficient to show that it is FULLY SHIELDED. For all LUMINAIRES whose LAMP wattage is less than values shown in Table 1, Column B but greater than values shown in Table 1, Column A, the manufacturer's specification data and technical drawings showing that it meets the definition of SHIELDED LUMINAIRE.
- c) The data of previous sections a) and b) shall be organized into a table, with one line per LUMINAIRE.
- d) Calculations showing that the maximum LIGHT TRESPASS allowed, Sections 10.6.2.2.c) (Light Trespass) and 10.6.2.4.c) (Outdoor Recreational Facilities), will be satisfied by the design.
- e) Calculation of the Allowed Lighting Power for the LOT according to Section 10.6.3 (Total Site Energy [Power] Limits). Activity areas (Section 10.6.3) shall be clearly marked on the Site Plan.
- f) Calculation of the Total Installed Lighting Power from the LUMINAIRES proposed for installation on the Lighting Plan plus any existing LUMINAIRES intended to remain in use, and demonstration that Total Installed Lighting Power does not exceed the Allowed Lighting Power.

10.6.4.2 Submission and subsequent approval of a plan does not relieve the applicant of responsibility to demonstrate conformity to all sections of this bylaw, both in the individual LUMINAIRES as built, and for the entire LOT as built. The designer shall submit an as-built plan that correctly reflect the as-built installation, and shall certify that the as-built installation conforms to the requirements of this bylaw.

10.6.5 Exemptions – The following lights shall be exempt from the standards of this bylaw:

10.6.5.1 Internally illuminated signs.

10.6.5.2 Temporary holiday lighting.

10.6.5.3 Emergency lighting such as used by the Police, Fire Department, or other official or utility emergency personnel. Placement of longer-term emergency lighting

shall, to largest extent possible, take into consideration the detrimental effects of GLARE on passing motorists and pedestrians, and on residential LOTS.

10.6.5.4 Temporary lighting used on construction sites. All such lighting shall be placed and directed to minimize the detrimental effects of GLARE on passing motorists and pedestrians, and on residential LOTS.

10.6.5.5 Lighting during special events such as fairs, celebrations, or concerts sponsored by the Town of Acton or authorized by the Acton Board of Selectmen. Lighting for festivals and carnivals is exempt but should be in keeping with the intent of this ordinance.

10.6.6 Definitions

- CANOPY - an opaque ceiling over installed lighting.
- CUTOFF (CO) – A LUMINAIRE light distribution, specified by the IESNA, where the intensity in candela per 1000 LAMP lumens does not numerically exceed 25 (2.5%) at a vertical angle of 90 degrees above nadir, and 100 (10 %) at a vertical angle of 80 degrees above nadir. Nadir is the point directly vertically below the LUMINAIRE. A FULL CUTOFF (FCO) LUMINAIRE is also a CUTOFF LUMINAIRE.
- DIRECT LIGHT - Light emitted directly from the LAMP, from the reflector or reflector diffuser, or through the refractor or diffuser lens of a LUMINAIRE.
- FOOT CANDLE (fc) - Unit of ILLUMINANCE; One lumen per square foot.
- FULL CUTOFF (FCO) - A LUMINAIRE light distribution, specified by the IESNA, where zero candela intensity occurs at an angle of 90 degrees above nadir, and at all greater angles from nadir. Additionally, the candela per 1000 LAMP lumens does not numerically exceed 100 (10 percent) at a vertical angle of 80 degrees above nadir. Nadir is the point directly vertically below the LUMINAIRE.
- FULLY SHIELDED: constructed in such a manner that no light emitted by the fixture, either directly from the LAMP or a diffusing element, or indirectly by reflection or refraction from any part of the LUMINAIRE, is projected above a horizontal plane passing through the lowest direct-light-emitting part of the LUMINAIRE. (Figure 1). BUILDING CANOPIES, overhangs, roof eaves and similar types of construction shall not be considered as the means for providing the light cutoff characteristics shall be achieved by the LUMINAIRE itself. (Figure 5)
- GLARE -The sensation of visual discomfort or loss in visual performance and visibility produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted.
- INDIRECT LIGHT - DIRECT LIGHT that has been reflected off surfaces other than the source LUMINAIRE.
- IESNA - Illuminating Engineering Society of North America. A professional association of lighting engineers and lighting manufacturers generally recognized as the definitive source for illumination recommendations in the United States.
- ILLUMINANCE – The luminous flux incident per unit area, expressed in FOOT CANDLE (one LUMEN per square foot). Horizontal or vertical ILLUMINANCE is that measured with a photometer cell mounted horizontally or vertically.
- LAMP – The light source component of a LUMINAIRE that produces the actual light.
- LIGHT TRESPASS – DIRECT or INDIRECT LIGHT produced by an artificial light source and which shines outside the boundaries of the LOT containing the LUMINAIRE.

- LUMINAIRE – A complete OUTDOOR LIGHTING unit or fixture including a LAMP or LAMPS, together with the parts designed to distribute the light, to position and protect the LAMPS, and to connect the LAMPS to the power supply, but not including a pole on which the LUMINAIRE may be mounted.
- OUTDOOR LIGHTING – The night-time illumination of an outside area or object by a LUMINAIRE located outdoors. LUMINAIRES under a CANOPY are considered outdoor lights and are regulated by this bylaw.
- OUTDOOR SALES AREA – A static display of goods for sale at night, such as automobile sales lots, landscaping and nursery businesses, outdoor construction materials sales lots, and outdoor activity areas such a miniature golf, family fun centers, and permanent swap meets. An OUTDOOR SALES AREA location is not covered by CANOPIES or other STRUCTURES.
- SHIELDED – A LUMINAIRE employing a shield to prevent GLARE or obtrusive light by blocking direct view of the LAMP from a STREET or an abutting LOT that is in Residential or Conservation USE. The LUMINAIRE shall have a generally downward distribution of light and must have a top shield to minimize upward light.
- STREETLIGHTS – LUMINAIRES installed within a STREET and intended primarily for the illumination of the STREET.
- UP-LIGHTING – DIRECT LIGHT illumination distributed above a 90 degree horizontal plane through the lowest DIRECT LIGHT emitting part of the LUMINAIRE.

10.6.7 Figures and Tables

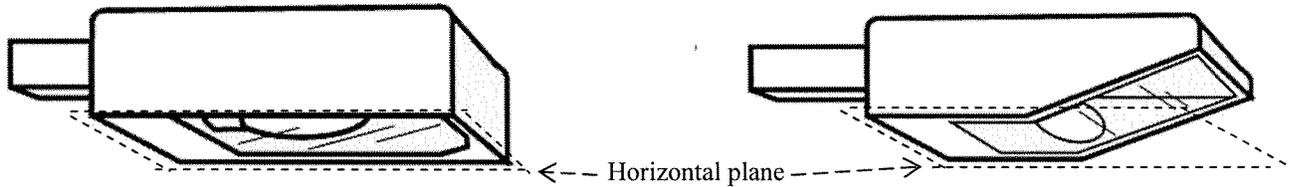
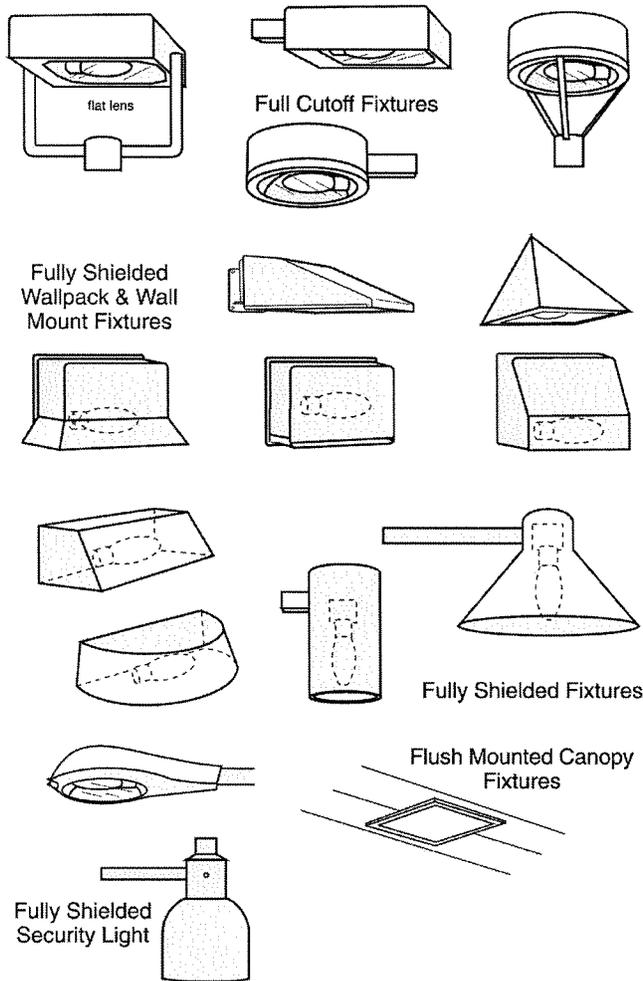


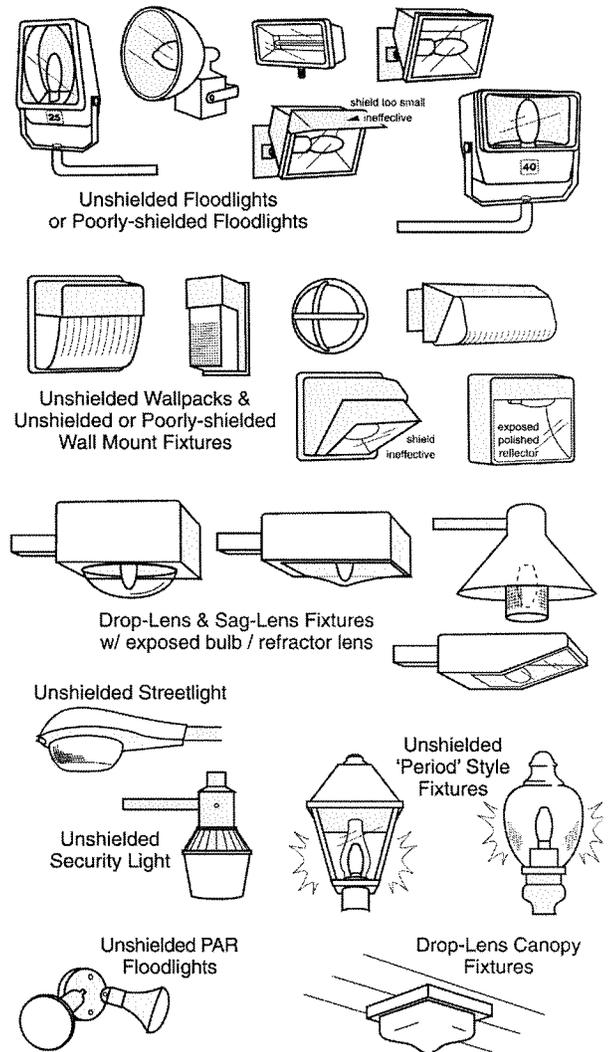
Figure 1A. FULLY SHIELDED. No light emitted above a horizontal plane through the lowest DIRECT-LIGHT-EMITTING part of LUMINAIRE.

Figure 1B. Not FULLY SHIELDED. Light is emitted above a horizontal plane through the lowest DIRECT-LIGHT-EMITTING part of LUMINAIRE.

Examples of FULLY SHIELDED LUMINAIRES



Examples of LUMINAIRES that are NOT FULLY SHIELDED



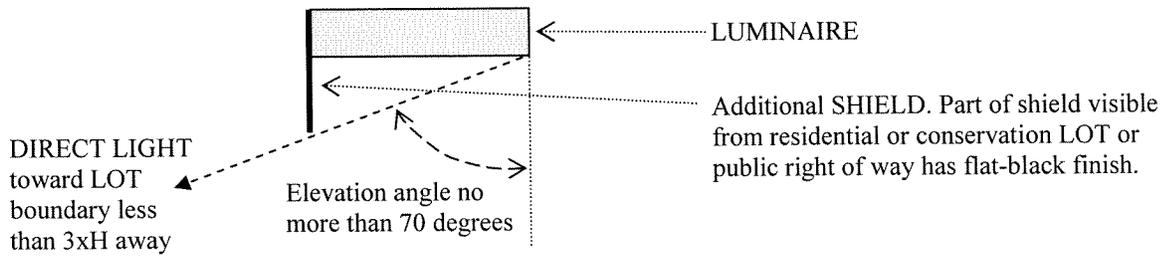


Figure 2A. Any outdoor LUMINAIRE whose distance from the LOT boundary is less than three times its height shall be shielded so that all DIRECT LIGHT cast in the direction of residential or conservation lots and public rights-of-way is cut-off at an angle no more than 70 degrees measured from a vertical line directly below the LUMINAIRE.

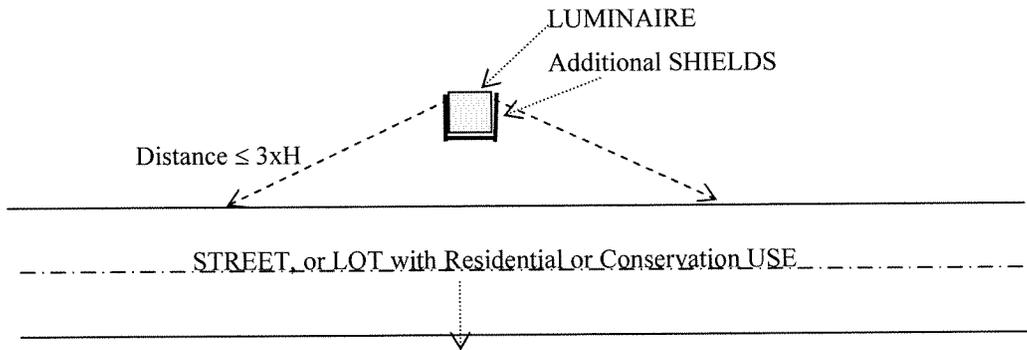


Figure 2B. This applies to all sides of the LUMINAIRE that emit light toward a LOT boundary less than $3xH$ away. (Figure 2)

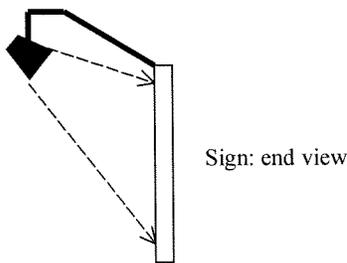


Figure 3. Lighting for externally illuminated signs shall be projected downward from above. The LUMINAIRE shall be SHIELDED and shall comply with Section 3.2 (Control of LIGHT TRESPASS and GLARE).

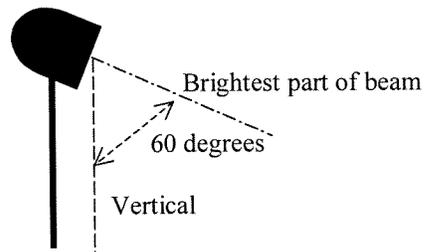


Figure 4. Illumination for outdoor recreational facilities shall be SHIELDED LUMINAIRES and shall be mounted at sufficient height and aimed so that the brightest part of the beam is elevated no more than 60 degrees above a point directly vertically below the LUMINAIRE (Figure 4)

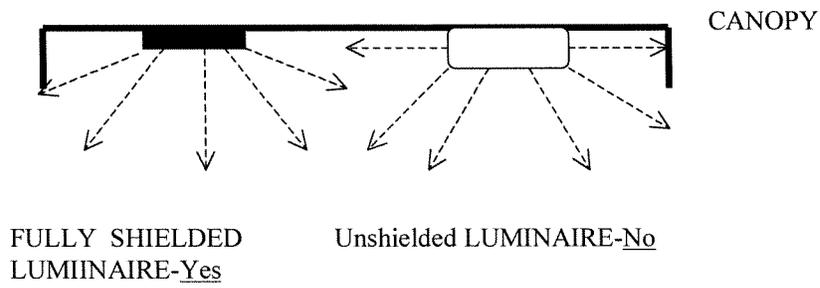


Figure 5. Building canopies, overhangs, roof eaves and similar types of construction shall not be considered as the means for providing the light cutoff. The cutoff characteristics shall be achieved by the LUMINAIRE itself.

Table 1. LUMINAIRES whose LAMP wattage exceeds the values in Column A of this table shall be SHIELDED. LUMINAIRES whose LAMP wattage exceeds the values in Column B of this table shall be FULLY SHIELDED.

Lamp type	A; SHIELDED	B; FULLY SHIELDED
Incandescent, Halogen	60 w	120 w
High Pressure Sodium, Metal Halide, Mercury Vapor, other HID	35 w	35 w
Fluorescent, Low Pressure Sodium	13 w	20 w

C. Insert a new section 5.3.5.3 as follows:

5.3.5.3 In all Districts, the height limits in the Table of Standard Dimensional Regulations shall not apply to light poles that illuminate outdoor recreation facilities such as, but not limited to, playing fields, pools, rinks, tennis courts, driving ranges, ski areas, or skateboard parks that are operated as a Recreation, Municipal, or Commercial Recreation USE. Instead, light poles illuminating such outdoor recreation facilities may reach to a height of 85 feet, provided the luminaires on the light poles comply with section 10.6.2.4.c) of this bylaw.

D. Delete Section 7.4.3.3 and replace it with a new section 7.4.3.3 as follows:

7.4.3.3 Except as otherwise provided herein, illumination for any SIGN shall be provided through a stationary external light source, with the light projected downward from above and in compliance with section 10.6.2.4.a) of this bylaw. In no case shall the illumination of a SIGN cause blinding or otherwise obstruct the safe vision of any traffic participant anywhere. SIGN illumination through an external source shall always be white or off-white.

[Note: Section 7.4.3.3 currently reads:

7.4.3.3 Except as otherwise provided herein, illumination for any SIGN shall be provided through an external light source which shall be stationary, and concealed or hidden so that it is invisible from any abutting property and practically invisible to the casual passerby on or outside the LOT. Such light source shall be directed primarily onto the SIGN and maintained at a sufficiently low intensity and brightness to avoid glare. In no case shall the illumination of a SIGN cause blinding or otherwise obstruct the safe vision of any traffic participant anywhere. SIGN illumination through an external source shall always be white or off-white.]

or take any other action relative thereto.

SUMMARY

This article, if adopted, would provide new regulations for permanent outdoor lighting on commercial sites in Acton. The proposed regulations would apply to the development of new commercial properties and to substantial redevelopment or expansion of existing commercial properties. The article proposes to regulate the design of outdoor lighting installations to prevent light trespass and glare, the hours during which outdoor lights may be turned on, and the total light power used on a site. A detailed lighting plan would be required as part of all site plan special permit applications. The article proposes changes to the regulation of sign illumination to limit external illumination of signs only from a shielded light source above the sign. For outdoor recreation facilities, the article proposes special lighting design standards and a height exemption for light poles light. Both measures would reduce light trespass from illuminated outdoor recreation facilities while also improving the illumination of those facilities.

Because this article would only regulate outdoor lighting in new commercial developments or significant commercial redevelopments, it is presented for Town Meeting's consideration together with a companion article for a general bylaw that would regulate the hours of operation of all existing and new outdoor lighting installations.

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 BU – ARC DISTRICT CHANGES FOR T.J. O’GRADY MEMORIAL SKATE PARK
(2/3 vote required)

To see if the Town of Acton will vote to amend the zoning map and the zoning bylaw as follows:

- A. Amend the zoning map, Map No. 1, by rezoning from General Industrial (GI) to Agriculture Recreation Conservation (ARC) an area of land shown in the 2003 Town Atlas on map F-3 as parcels 16 and 16-1.
- B. Amend the zoning bylaw, section 5, Table of Dimensional Regulations, by deleting the line for ARC and replacing it with a new line for ARC 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 ARC 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
ARC	NR	20	50	20	10	NR	NR	36
	<i>[80,000]</i>			<i>[45]</i>	<i>[20]</i>			

or take any other action relative thereto.

SUMMARY

Part A of this article would rezone the +/-1.3-acre (+/-57,000 square feet) town-owned property at 66 Hayward Road from General Industrial District (GI) to the Agriculture Recreation Conservation (ARC) District. Part B would change dimensional requirements in the ARC District, dropping the minimum lot area requirement, and reducing the minimum yard requirements for buildings and structures from 45 to 20 feet in the front and from 20 to 10 feet in the side and rear.

These changes are intended to accommodate the T.J. O’Grady Memorial Skate Park design on its chosen site on Hayward Road. Rezoning of the site from GI to ARC reflects the future recreation use of the property and allows for changes in the dimensional requirements that might not be appropriate for industrial uses, but are needed to accommodate the skate park. Given the site’s topography and existing wetlands constraints, the skate park with its proposed permanent concrete structures, including a series of ramps, a “bowl”, and a street course, requires reductions in the minimum setback dimensions in order to fit the skate park’s design in a practical, safe, and cost efficient manner on the site. The elimination of the minimum lot size requirement is proposed because the skate board park site is too small to meet the present minimum requirement.

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DRAFT ZONING ARTICLE BV – MULTI-FAMILY DWELLINGS IN THE SAV DISTRICT
(2/3 vote required)

To see if the Town of Acton will vote to amend the zoning bylaw, section 3, by adding to footnote (2) in the Table of Principal Uses the following sentence [*Notes in italic print are not part of the article but are intended for explanation only*]:

- (2) In the SAV district, the Board of Selectmen may by Special Permit allow more than four DWELLING UNITS per multifamily dwelling.

[Note: Footnote (2) applies to Multifamily Dwellings in the South Acton Village (SAV) district and the Village Residential (VR) district in West Acton. It currently reads as follows:

(2) Not more than four DWELLING UNITS shall be permitted per multifamily dwelling. At least one of the DWELLING UNITS shall be occupied by the owner of the property. For purposes of this footnote, the owner shall be defined as one or more individuals residing in a DWELLING UNIT who hold legal or beneficial title and for whom the DWELLING UNIT is the primary residence for voting and tax purposes. In the VR District a Site Plan Special Permit shall not be required.]

or take any other action relative thereto.

SUMMARY

Presently, multifamily dwellings in the South Acton Village District are limited to four dwelling units per building. This article provides that the Board of Selectmen may grant a special permit for buildings with more than four dwelling units. This special permit is in addition to the site plan special permit that the zoning bylaw already requires. It is the Planning Board's belief that this change will allow the construction of larger residential buildings that are more consistent with or reminiscent of South Acton's history and architectural heritage as a 19th century manufacturing center. The added special permit affords authority and discretion for the architectural review of the proposed buildings that a site plan special permit alone may not provide. This article would not change the overall density limits for residential development in the South Acton Village district.

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DRAFT ZONING ARTICLE BW – ADJUSTMENTS TO SECTION 9B – SENIOR RESIDENCE
(2/3 vote required)

To see if the Town of Acton will vote to amend section 9B of the zoning bylaw as follows: *[Notes in italic print are not part of the article but are intended for explanation only]:*

A. Insert a new section 9B. 2.3 as follows:

9B.2.3 Underlying Zoning District – Where the Planning Board grants a special permit for a Senior Residence, the USE, dimensional, and parking requirements applicable to the underlying zoning district shall not apply.

B. Insert a new section 9B.4.3 as follows:

9B.4.3 Two-FAMILY Dwellings.

And, renumber existing sections 9B.4.3 through 9B.4.7 to become sections 9B.4.4 through 9B.4.8 respectively.

[Note: Section 9B.4 and its subsections currently read:

9B.4 Allowed USES – Only the following USES shall be allowed in a SENIOR Residence development:

9B.4.1 Single FAMILY dwellings.

9B.4.2 Single FAMILY dwellings with one apartment.

9B.4.3 Multifamily dwellings.

9B.4.4 ACCESSORY USES typically associated with residential USES.

9B.4.5 Support services to meet SENIORS' needs, such as skilled nursing service, medical and other health service, recreation and leisure facilities, a community center, or food service.

9B.4.6 Convenience services intended primarily for its residents, such as Retail Stores, Banks, Restaurants, and Services provided that not more than 10% of the total NET FLOOR AREA of the development is dedicated to such uses.

9B.4.7 Allowed USES on the Common Land as set forth herein.]

C. Delete section 9B.5 and its subsections 9B.5.1 through 9B.5.10 and replace them with a new section 9B.5 and new subsections as follows:

9B.5 Dimensional Regulations – A SENIOR Residence development shall comply with the following dimensional regulations for the area of the TRACT OF LAND, density, BUILDINGS, and STRUCTURES:

9B.5.1 Minimum TRACT OF LAND area: 8 acres. For the purpose of this section, the Planning Board may consider LOTS on directly opposite sides of a STREET as a single TRACT OF LAND.

9B.5.2 Maximum density: 4 DWELLING UNITS per acre in the R-2 District, and 3 DWELLING UNITS per acre in the R-4, R-8, R-8/4, and R-10/8 Districts, based on the total development site including the Common Land.

9B.5.3 Minimum setbacks for BUILDINGS and STRUCTURES: 45 feet from any existing STREET; 15 feet from a STREET within the site; 30 feet from any TRACT OF LAND boundary; and 10 feet from the Common Land boundary, except that the Planning Board may require larger setbacks to the Common Land boundary to ensure adequate yard space.

9B.5.4 Minimum separation of BUILDINGS: 20 feet for exterior walls with doors, otherwise 10 feet.

9B.5.5 Maximum height of BUILDINGS and STRUCTURES: 36 feet.

- 9B.5.6 Maximum horizontal dimension of a BUILDING: 250 feet.
- 9B.5.7 The Planning Board may impose other dimensional requirements as it deems appropriate to enhance the purpose and intent of this bylaw.

[Note: Section 9B.5 and its subsections currently read:

- 9B.5 Dimensional Regulations – A SENIOR Residence development shall comply with the following dimensional regulations for the area of the TRACT OF LAND, density, BUILDINGS, and STRUCTURES:*
- 9B.5.1 Minimum TRACT OF LAND area: 8 acres. For the purpose of this section, the Planning Board may consider LOTS on directly opposite sides of a STREET as a single TRACT OF LAND.*
- 9B.5.2 Maximum density: 4 DWELLING UNITS per acre in the R-2 District, and 3 DWELLING UNITS per acre in the R-4, R-8, R-8/4, and R-10/8 Districts, based on the total development site including the Common Land.*
- 9B.5.3 Minimum setbacks for BUILDINGS and STRUCTURES: 45 feet from any existing STREET; 15 feet from a STREET, way or common drive within the site; 30 feet from any lot line and the Common Land boundary.*
- 9B.5.4 Minimum separation of BUILDINGS: 20 feet.*
- 9B.5.5 Maximum height of BUILDINGS and STRUCTURES: 36 feet.*
- 9B.5.6 Maximum number of DWELLING UNITS per BUILDING: 4.*
- 9B.5.7 Maximum horizontal dimension of a BUILDING: 200 feet.*
- 9B.5.8 Each DWELLING UNIT shall have at least two separate exterior entrances at ground level.*
- 9B.5.9 Where the requirements of this section 9B differ from or conflict with other requirements of the Bylaw, the requirements established herein shall prevail.*
- 9B.5.10 The Planning Board may impose other dimensional requirements as it deems appropriate to enhance the purpose and intent of this bylaw.]*

- D. Delete section 9B.9.1.2 and replace it with a new section 9B.9.1.2 as follows:

9B.9.1.2 Eighty percent (80%) of the minimum required Common Land shall be laid out as one or more large, contiguous parcels that are distinct from parcels dedicated for other purposes or USES. Each such Common Land parcel shall contain at least one access corridor to a STREET or way that shall be not less than 40 feet wide. The other twenty percent (20%) of the Common Land may be scattered throughout the development site for buffer, screening, or park purposes.

[Note: Section 9B.9.1.2 currently reads:

9B.9.1.2 The minimum Common Land shall be laid out as one or more large, contiguous parcels that are distinct from parcels dedicated for other purposes or USES. Each Common Land parcel shall contain at least one access corridor to a STREET or way that shall be not less than 40 feet wide.]

- E. At the end of section 9B.12.3 insert the following new sentence:
"The Planning Board may further adjust or waive the dimensional requirements of section 9B.5, the parking requirements of section 9B.6, and the Common Land requirements of 9B.9 to the extent reasonable and necessary to facilitate the production of affordable DWELLING UNITS under this density bonus option."

[Note: Section 9B.12.3 currently reads:

Density Bonus Option – The total number of allowable DWELLING UNITS in a SENIOR Residence development may be doubled to 8 per acre in the R-2 District, and to 6 per acre in the R-4, R-8, R-8/4, and R-10/8 Districts provided that at least 20% of the DWELLING UNITS in the SENIOR Residence development, rounded to the next integer, are AFFORDABLE SENIOR RESIDENCES. When rounding, fractions of .5 shall be rounded up.]

or take any other action relative thereto.

SUMMARY

The Senior Residence development option, section 9B of the zoning bylaw, was introduced in 2000 as an alternative to standard single-family home developments in residential zoning districts and as a response to the housing needs of Acton's growing senior population including the need for affordable senior housing. This option has not been tried, yet.

As an alternative to the proposed Ellsworth Village Ch. 40B affordable senior housing proposal, the proponent developer has explored and discussed with Planning Department staff the use of section 9B of the zoning bylaw. It became clear that its dimensional requirements would not permit such developments at the housing densities that the regulations purport to allow – four dwelling units per acre in the R-2 district, and 3 dwelling units per acre in the other single-family residential districts. A review of conceptual development schemes on the proposed Ellsworth Village site, which is constrained very little by wetlands or odd-shaped lot inefficiencies, suggests that some changes are necessary to realize the intent of Town Meeting to generate senior housing and senior affordable housing through section 9B. This article would adjust or clarify some of the dimensional requirements for buildings and structures, and delete others. It would also modify the common land or open space requirement (minimum of 60% of the total development site) so that a small portion of it can be scattered throughout the site to create areas for buffers, screening, and small parks.

Section 9B requires a small affordable housing component of 5%, but also provides for the inclusion of more affordable dwelling units with a further increase in density. The article would give the Planning Board, as the special permit granting authority, the flexibility to further adjust or waive dimensional, parking, and common land requirements in order to accommodate the density increases that come with affordable housing.

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DRAFT ZONING ARTICLE BX – HOUSEKEEPING

(2/3 vote required)

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

- A. Amend the zoning map, Map No. 1, by rezoning from Residence 2 (R-2) to Village Residential (VR) an area of land shown in the 2003 Town Atlas on map F-2B as parcel 58.
- B. Amend the zoning map, Map No. 1, by rezoning from Residence 8 (R-8) to Residence 10/8 (R-10/8) an area of land shown in the 1993 Town Atlas on map F-5 as parcel 12-3.
- C. Amend the zoning bylaw by deleting sections 3.5.12 and 3.5.13 and replacing them with new sections 3.5.12 and 3.5.13 as follows:
 - 3.5.12 Services – Establishments providing services directly to the consumer such as a bank, credit union, barber shop, beauty salon, laundry, dry-cleaning, diaper service, building cleaning service, funeral home, shoe repair, tailor, clothing rental shop, equipment rental or leasing, food catering, photocopying, secretarial service, or similar USES or establishments.
 - 3.5.13 Repair Shop, Technical Shop, Studio – Repair and service of appliances, computers, office equipment, bicycles, lawn mowers, or similar small equipment; photography or film studio; art studio; artisan's studio; music instruction or practice room; or similar USES or establishments.

[Note: Sections 3.5.12 and 3.5.13 currently read as follows:

3.5.12 Services – Establishments providing services directly to the consumer such as a bank, credit union, barber shop, beauty salon, laundry, dry-cleaning, funeral home, shoe repair, clothing rental shop, equipment rental or leasing, or similar USES or establishments.

3.5.13 Repair Shop, Technical Shop, Studio – Repair and service of appliances, computers, office equipment, bicycles, lawn mowers, or similar small equipment; diaper service; building cleaning service; photocopying; secretarial service; tailor; food catering; photography or film studio; art studio; artisan's studio; music instruction or practice room; or similar USES or establishments.]

- D. Amend the zoning bylaw, section 7.5, by deleting the last sentence of the lead paragraph and replacing it with the following new sentence:

“No such SIGN shall be ERECTED within 5 feet of the sideline of a STREET or any other right of way customarily used by the general public, unless such SIGN is a traffic SIGN, landmark SIGN, directional SIGN, or an EXTERIOR SIGN.”

[Note: The lead paragraph of section 7.5 currently reads as follows:

7.5 SIGNS Which Do Not Require a SIGN Permit – The following SIGNS do not require a SIGN Permit or Special Permit, nevertheless such SIGNS shall comply with Sections 7.3 and 7.4 above unless specifically provided otherwise in this section. No such SIGN shall be ERECTED within 5 feet of the sideline of a STREET or any other right of way customarily used by the general public, unless such SIGN is a traffic SIGN, landmark SIGN or an EXTERIOR SIGN.]

or take any other action relative thereto.

SUMMARY

Part A of this article would rezone to Village Residential a +/-7500-square foot parcel of land with a building on it. The parcel's street address is 220 Central Street in West Acton. It is located between Central Street and Willow Street near the intersection of the two. Town Meeting established the

Village Residential District in this area in April of 1994. A recent review of Acton's zoning history revealed that this parcel was inadvertently omitted. All surrounding parcels are zoned Village Residential.

Part B of this article would rezone to Residence 10/8 a long narrow sliver of land on the northwest side of Pope Road from 150 Pope Road to the intersection with Strawberry Hill Road. The subject parcel was last identified in the 1993 Town Atlas. It has since been incorporated into several new residential lots shown in the 2003 Town Atlas on map F-5 as parcels 55 (150 Pope Road), 56 (160 Pope Road), 57 (178 Pope Road), and 58 (180 Pope Road), and on map E-5 as parcels 16-15 (115 Strawberry Hill Road) and 16-16 (186 Pope Road). Town Meeting established the Residence 10/8 District in this area in November of 1990. A recent review of Acton's zoning history revealed that this parcel was inadvertently omitted. All surrounding parcels on this side of Pope Road are zoned Residence 10/8. With this change the six mentioned lots would be zoned uniformly.

Part C corrects the use definitions for 'Services' (section 3.5.12) and 'Repair Shop, Technical Shop, Studio' (section 3.5.13). A recent review of these sections revealed that a mix-up had occurred with some of the uses listed in these definitions in the 2000 Annual Town Meeting warrant when these sections were last revised as part of a complete rewrite of section 3.

Part D amends a paragraph in the sign regulations of the zoning bylaw to allow directional signs within the 5-foot front setback that applies to most other signs. Directional signs as defined in the zoning bylaw are for instance, enter / exit signs, handicapped parking signs, or street address signs.

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Selectmen:
Finance Committee:
Planning Board: Recommendation Deferred

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