

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

**AMEND ZONING BYLAW – REDUCE SPECIAL PERMITS**

To see if the Town will vote to amend the Zoning Bylaw as follows:

A. Restaurant

1. In Section 3 - Table of Principal Uses, replace “SPS” with “Y” in the fields in columns VR, EAV, EAV-2, NAV, SAV, WAV, OP-2, KC, LB, PM and TD, line 3.5.5 Restaurant.
2. In Section 3 – Notes for Table of Principal Uses, delete Note (9) and replace it with the following:  
  
(9) A Special Permit shall be required for a Restaurant with more than 125 seats.

*[Note (9) currently reads:*

*No Special Permit shall be required for a Restaurant with 10 seats or less.]*

B. Commercial Recreation

1. In Section 3 - Table of Principal Uses, replace “SPS” with “Y” in the fields in columns EAV, EAV-2, NAV, SAV, WAV, OP-1, OP-2, KC, LB, PM, GI, LI, LI-1, SM(1) and TD, line 3.5.15 Commercial Recreation.
2. In Section 3 – Notes for Table of Principal Uses, delete Note (10) and replace it with the following:  
  
(10) A Special Permit shall be required for Commercial Recreation facilities operating at night between the hours of 10PM and 5AM.

*[Note (10) currently reads:*

*No Special Permit shall be required for Commercial Recreation facilities with a NET FLOOR AREA of less than 2,000 square feet.]*

3. In Section 3 – Table of Principal Uses and Notes to Table of Principal Uses, delete Note (11) from the field in column EAV, line 3.5.15 Commercial Recreation.

*[Note (11) reads:*

*No Special Permit shall be required for this Use if its NET FLOOR AREA is 5,000 square feet or less.]*

4. In Section 5.5A.1 – Maximum Floor Area of Businesses and Industries Table, delete “NR” from the field in columns NAV and SAV, line 3.5.15 Commercial Recreation and replace it with the following:

In field column NAV, 7,500.

In field column SAV, 5,000.

### C. Non-Conforming Lots

1. In Section 8.1.4 – Extensions, alterations, or changes of Single and Two-Family Dwellings on Nonconforming Lots, delete the existing section and replace it with the following:

One or more extensions, alterations or changes to a single or two-family residential STRUCTURE on a nonconforming LOT shall be deemed not to increase any nonconformity and shall not require special permits under Section 8.1.5, provided that such extensions, alterations or changes comply with all applicable yard requirements and in total do not increase the size of the STRUCTURE by more than 30% of the GROSS FLOOR AREA in existence on April 1, 2012 or the date that the LOT became nonconforming, whichever is later.

*[Note Section 8.1.4 currently reads:*

*One or more extensions, alterations or changes to a single or two-family residential STRUCTURE on a nonconforming LOT shall be deemed not to increase any nonconformity and shall not require special permits under Section 8.1.5, provided that such extensions, alterations or changes comply with all applicable yard requirements and in total do not increase the size of the STRUCTURE by more than 15% of the GROSS FLOOR AREA in existence on April 1, 2012 or the date that the LOT became nonconforming, whichever is later.]*

, or take any other action relative thereto.

### SUMMARY

The intent of this article is to streamline permitting processes for existing and proposed uses that are historically approved without much, if any public concern during the special permitting process, and to address those concerns through bylaw amendments as shown above. Uses requiring a special permit are more discretionary than uses allowed by-right. Special permits require a public hearing, necessitating additional time, cost and uncertainty to the applicant as well as considerable bureaucratic cost and effort to the Town.

**Part A.** Currently, only restaurants with 10 seats or less are allowed by-right; meaning a use special permit is required for all restaurants with more than 10 seats. This article increases the allowed by-right seat capacity in restaurants from 10 to 125 seats. The Acton 2020 Comprehensive Community Plan states that residents desire to encourage activity in village and key centers by promoting a variety of different uses including restaurants. Increasing the by-right restaurant seat capacity from 10 seats to 125 seats will reduce barriers for existing restaurants to expand and for prospective restaurants from locating in Acton, and reduce overall permitting cost to the Town. For the last 10 years, the Town has not denied any restaurant special permit application. In the village districts the size of restaurants remains capped at 5,000 square feet of floor area (Zoning Bylaw, section 5.5A.1).

**Part B.** This article will remove the special permit requirement for Commercial Recreation facilities entirely except for facilities operating during night hours. This bylaw also introduces a

maximum area of 7,500 square feet in the North Acton Village (NAV) district consistent with limits in the East Acton Village district, and 5,000 square feet in the South Acton Village (SAV) district consistent with limits in the West Acton Village district. Currently, Commercial Recreation facilities over 2,000 square feet require a special permit. Special Provisions for Village Districts under Section 5.5A.1 restrict the net floor area of commercial recreational facilities. Currently, the North Acton Village (NAV) and South Acton Village (SAV) rely on the Table of Principal Uses 2,000 square foot special permit threshold but do not have any additional restrictions under Section 5.5A.1. For the last 10 years, the Town has not denied any Commercial Recreation facility special permit application. A proposed facility with night hours was approved with conditions.

**Part C.** This article increases the by-right threshold for extensions, alterations or changes to a single or two-family dwelling on a non-conforming lot from 15% to 30%. There are many lots in Acton that are non-conforming with respect to minimum frontage or area. Without some accommodation in the Zoning Bylaw, State law requires that every extension, alteration, or change to a dwelling on a non-conforming lot is subject to a special permit. Currently, the Zoning Bylaw provides that a by-right extension, alteration or change to a single or two-family dwelling on a non-conforming lot is limited to a 15% increase to the size of the existing structure. Any increase above 15% requires a special permit. Since the adoption of the 15% threshold in April 2013 there have been numerous special permit applications under this Bylaw section, and all were granted.

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Selectman assigned:

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

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