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January 6, 2016

Notice of Public Hearing on Proposed Zoning Changes

Please publish the following as a LEGAL NOTICE on ***January 28, 2016*** and ***February 4, 2016***.

Acton Planning Board Public Hearing to be held on 2/24/16 at 7:30 PM in Town Hall, Faulkner Room (204) to discuss proposed zoning bylaw and map changes including the following: (1) comprehensive amendments to the Kelley's Corner zoning district; (2) amendments concerning accessory apartments; (3) amendments to the definition of 'family'; (4) amendments concerning residential common drives; and (5) rezoning of ±1/2-acre parcel of land at 116 Concord Road (Morrison Farm) to Residence 2 (R-2). Agricultural operations will not be impacted. Proposals are available at the Planning Dept. and Town Clerk.

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ARTICLE __ AMEND ZONING BYLAW & ZONING MAP - KELLEY'S CORNER
(Two-thirds vote)

To see if the Town will vote to amend the Zoning Bylaw and Zoning Map as set forth in this article:

A. In Section 5 - Table of Standard Dimensional Regulations, in the Business District group, delete the line for the KC (Kelley's Corner) Zoning District, and replace it with the following new line:

DISTRICT	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
BUSINESS DISTRICTS	KC (15)	10,000	100	50	25(19)	NR (6)	NR	0.20	36

And delete footnote (6), and replace it with the following new footnote (6):

(6) The minimum side or rear yard to a residential zoning district boundary shall be not less than 50 feet. On LOTS in existence on or before February 15, 1990 where this side or rear yard requirement exceeds 20 percent of the LOT depth, the requirement may be reduced to 20 percent of the LOT depth, but not to less than 30 feet. Lot depth shall be measured in a line that is perpendicular to the applicable side or rear LOT line.

And delete footnote (15), and replace it with the following new footnote (15):

(15) Subject to certain provisions in Section 5.6, Special Provisions for the Kelley's Corner District. Section 4.5 establishes the Kelley's Corner Master Planned Development (KC-MPD) Overlay District with different thresholds and dimensions.

And insert a new footnote (19) as follows:

(19) The maximum front yard shall be 30 feet for BUILDINGS that must be located near a STREET as required under Section 5.6, Special Provisions for the Kelley's Corner District.

[Notes -
The line for the KC District in the Table of Standard Dimensional Regulations currently reads:

DISTRICT	*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*
BUSINESS DISTRICTS	*KC*	*10,000*	*100*	*50*	*30*	*NR (6)*	*NR*	*0.40 (15)*	*36*

Footnote (6) currently reads:
If the LOT abuts a residential zoning district the minimum side and rear yard shall be 50 feet. On LOTS in existence on or before February 15, 1990 where the minimum side or rear yard exceeds 20% of the LOT depth, the side or rear yard may be reduced to 20% of that LOT depth, but not to less than 30 feet. Lot depth shall be measured in a line that is perpendicular to the applicable side or rear LOT line

Footnote (15) currently reads:
Subject to certain provisions in Section 5.6, Special Provisions for the Kelley's Corner District.]

B. Delete Sections 5.6 - Special Provisions for the Kelley's Corner District, 10.4.3.4.g) – Sidewalk requirements for Kelley's Corner per 1995 Plan, and 10.4.3.5.2) - Special Landscaping Standards for the Kelley's Corner District, and replace them with a new Section 5.6 as follows:

5.6 Special Provisions for the Kelley's Corner District

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5.6.1 **Purposes** – This Section 5.6 is intended to support, enhance and implement the Acton 2020 (Acton's Comprehensive Community Plan) and Kelley's Corner Improvement Initiative goals for Kelley's Corner. Accordingly, the purposes of the zoning regulations set forth herein are to help achieve the following objectives:

- Transform Kelley's Corner into a vibrant town center where people can safely and efficiently navigate using various transportation modes.
- Create the form, cohesion, order, and supporting infrastructure that will identify the Kelley's Corner District as an attractive, walkable, and pleasant town center for living, business, shopping, and community activities.
- Encourage sustainable mixed-use development of properties into places where people enjoy living, working, shopping and socializing.
- Emphasize architecture and site layout that encourages pedestrian interaction and use. Expectations include BUILDINGS with interesting and articulated facades; details and activities at the STREET and sidewalk level that invite interest, interaction and BUILDING access; and outdoor plazas and pocket parks as informal gathering places.
- Provide the minimum necessary vehicular parking sufficient to support the land USES that depend on it.
- Promote pedestrian and bicycle accessibility with generous safety and comfort.
- Use of effective, resilient, and low maintenance landscaping, including shade trees.
- Manage and accommodate site access and egress from and to STREETS with sufficient spacing between access driveways to minimize on-STREET congestion.

5.6.2 **Standards** – The Site Plan Special Permit Granting Authority (Site Plan SPGA) shall require compliance with the following standards on all LOTS in the KC District. In determining compliance, the Site Plan SPGA shall consult the Kelley's Corner Design Guidelines and solicit advice from the Design Review Board:

5.6.2.1 Buffer to Residence 2 (R-2) Zoning District - Where a business, industrial or multi-family USE, or a parking lot abuts the R-2 District, the Site Plan SPGA shall require a substantially opaque landscape buffer of at least 20 feet in depth that is designed to reduce noise and other impacts.

a) Where deemed appropriate and necessary to protect abutting Single Family Residential USES, the Site Plan SPGA may require an increase in the width of this landscape buffer to 30 feet.

b) In areas where abutting LOTS in the R-2 Districts have Single Family Dwellings on them, the Site Plan SPGA may require that this buffer shall include a fence, up to eight feet but not less than five feet in height, designed to prevent access to the abutting LOTS.

5.6.2.2 Sidewalks and Walkways – Sidewalks shall be installed along the LOT FRONTAGE on a STREET or on STREETS, and walkways shall be provided between BUILDING entrances and the nearest STREET or STREETS with minimal interruption by driveways.

a) Parking lot aisles, and access and interior driveways, shall not be considered walkways.

b) Sidewalks along STREETS shall be at least 8 feet wide.

c) Sidewalks may be located within the layout of STREETS or on LOTS.

d) Unless directed otherwise by the Site Plan SPGA, sidewalks shall be separated from vehicular travel lanes with buffers at least 4 feet wide having landscaped or hardscaped surfaces and where possible room for trees, light poles, and street furniture.

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5.6.2.3 STREET Trees – As a baseline standard, trees shall be placed behind sidewalks at 40-45 foot intervals and provided with adequate space to reach maturity. Each such tree shall be from a deciduous species rated for U.S.D.A. Hardiness Zone 5 that is expected to reach at least 30 feet in height at maturity; be at the time of planting at least seven (7) feet in height with a trunk caliper size of at least 2.5 inches; and be situated within a landscaped area of two hundred square feet (200 sq. ft.) to accommodate the root system of the mature tree. The Site Plan SPGA may modify this baseline standard to adjust for site-specific circumstances such as building or driveway locations, or overhead utility lines, while ensuring the adequate provision of STREET trees.

5.6.2.4 BUILDING Design and Layout – Building designs and layouts shall be consistent with the Kelley's Corner Design Guidelines. In addition, the following specific requirements shall apply:

a) At least 60 percent of the LOT FRONTAGE, measured in percentage of linear feet of the LOT FRONTAGE, shall be occupied by BUILDINGS that are located within 30 feet of the STREET sideline. The Site Plan SPGA may require that a portion not exceeding 20 percent of the 60 percent requirement must be occupied by pedestrian plazas.

b) Where the LOT FRONTAGE exceeds 300 feet, at least 70 percent of the LOT FRONTAGE, measured in percentage of linear feet of the LOT FRONTAGE, shall be occupied by BUILDINGS that are located within 30 feet of the STREET sideline. The Site Plan SPGA may require that a portion not exceeding 15 percent of the 70 percent requirement must be occupied by pedestrian plazas.

c) Where the LOT FRONTAGE exceeds 500 feet, at least 80 percent of the LOT FRONTAGE, measured in percentage of linear feet of the LOT FRONTAGE, shall be occupied by BUILDINGS that are located within 30 feet of the STREET sideline. The Site Plan SPGA may require that a portion not exceeding 10 percent of the 80 percent requirement must be occupied by pedestrian plazas.

e) Any LOT having FRONTAGE on more than one STREET shall comply with the aforesaid BUILDING and pedestrian plaza location requirements along all STREETS on which the LOT has FRONTAGE.

f) For any LOT with a STREET intersection on its corner the aforesaid BUILDING and pedestrian plaza location requirements shall be met inclusive of the entire STREET corner; in other words, the STREET corner shall be occupied by a BUILDING or a pedestrian plaza.

g) The Site Plan SPGA may allow a reduction of the aforesaid, if it finds that the presence of statutorily protected natural resource areas, including their no-build and no disturb buffer zones pursuant to the applicable Acton General Bylaws, make strict compliance infeasible. However, such further reduction shall only be made to the minimum necessary extent.

h) Pedestrian plazas shall function as gathering spots at the STREET level directly adjacent in the fronts or on the sides of BUILDINGS. They shall be designed for exclusive pedestrian use and shall be open and connect to the sidewalk and walkways.

i) No driveway or parking lot shall be placed in the space between STREETS, and the BUILDINGS and Pedestrian Plazas that abut STREETS within 30 feet as required in this Section.

j) On the LOT FRONTAGE, the ground floors of BUILDINGS, which abut STREETS within 30 feet as required in this Section, shall be occupied, or designed to be available for occupancy, by USES that promote and interact with a pedestrian, walkable environment. Such USES are

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Retail Stores, Restaurants, various Services, or similar USES as determined by the Site Plan SPGA. Exempt from this requirement are BUILDING entrances that serve upper stories.

k) In BUILDINGS that abut STREETS within 30 feet as required in this Section, the main business entrance to each ground floor business, identified by larger doors, signs, canopies, awnings or similar means of highlighting, shall be from the BUILDING front. Additional, secondary ground floor business entrances may be in other location. Retail Stores with a NET FLOOR AREA of at least 20,000 square feet may have a second main entrance in another location, for instance towards a parking lot in the rear or the side of a BUILDING.

l) Ground floor USES in BUILDINGS that abut STREETS within 30 feet shall have not less than 40 percent transparent windows in the façade facing the STREET.

m) The main architectural features of the front facades of BUILDINGS, which abut STREETS within 30 feet as required in this Section, including the materials used, shall be continued around all sides of the BUILDINGS that are visible from a STREET. The Site Plan SPGA may approve alternate facades for side and rear BUILDING walls that are consistent with the purposes of this Section 5.6 as stated in Section 5.6.1 and preserve the architectural integrity of the BUILDING as a whole.

n) The minimum height of single story flat roof BUILDINGS shall be as follows:

- 20 feet for buildings with overall horizontal side dimensions not exceeding 80 feet in any direction; and
- 25 feet for buildings with overall horizontal side dimensions measuring 80 feet or greater in any direction.

o) Garage doors and loading docks are not allowed in the front facades of BUILDINGS that abut STREETS.

p) BUILDING service and loading areas shall incorporate effective methods for visual and noise buffering from adjacent USES.

q) A BUILDING's mechanical equipment shall not be visible from the STREET.

5.6.2.5 Driveways and Parking Lots –

a) No driveway or parking lot shall be placed in the space that is directly between STREETS and BUILDINGS and pedestrian plazas that abut STREETS within 30 feet as required in Section 5.6.2.4. Vehicular driveways and parking lots may be located to the side and rear of such BUILDINGS and pedestrian plazas.

b) On the sides of BUILDINGS that abut STREETS within 30 feet as required in Section 5.6.2.4, parking lots shall not be located between the sideline of a STREET and the front line of such adjacent BUILDINGS on the same LOT.

c) Driveway and walkway connections shall be provided to abutting LOTS within the KC District where possible. Where such connections are not available due to current conditions on abutting LOTS, the Site Plan SPGA may require site design that facilitates such connections to such abutting LOTS at a future date.

d) Access driveways shall be shared as common driveways with adjacent LOTS whenever possible. Where such sharing of driveways is not possible due to current conditions on abutting LOTS, provisions shall be required to create such common driveways at a future date in locations and by means that the Site Plan SPGA may determine.

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5.6.2.6 Connectivity - LOTS in the KC District shall have pedestrian and bikeway connections to abutting neighborhoods and facilities outside the KC District. Where such connections are not available due to current conditions in the surrounding area, the Site Plan SPGA may require site design that facilitates such connections at a future date.

[Notes –

Section 5.6 currently reads:

5.6 Special Provisions for the Kelley's Corner District

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

Pedestrian access and circulation are favored in order to limit vehicular congestion and air pollution. Adjacent residential neighborhoods will be connected to the Kelley's Corner District via pedestrian ways but are otherwise separated with landscape buffers. In order to support the growth and vitality of the center, higher density developments are required to contribute to a fund for the construction of a centralized wastewater collection and treatment system serving the Kelley's Corner District and surrounding areas. The regulations are intended to implement the Kelley's Corner Plan as amended.

It is widely recognized that the mere provision of sidewalks and crosswalks will not encourage pedestrian use of a commercial area unless the layout and design of the sites and BUILDINGS are also conducive to pedestrian use. The leading design principles are therefore to provide convenient and efficient pedestrian access within the Kelley's Corner District and to surrounding neighborhoods and facilities, 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.

5.6.2 The following standards shall apply to all LOTS in the KC District:

5.6.2.1 The Site Plan Special Permit Granting Authority shall require sidewalks along the LOT'S FRONTAGE on a STREET or STREETS and walkways between BUILDING entrances and the nearest STREET or STREETS with minimal interruption by driveways. Parking lot aisles, and access and interior driveways do not count as walkways;

5.6.2.2 The Site Plan Special Permit Granting Authority shall require driveway and walkway connections to abutting LOTS within the KC District. Where such connections are not available due to current 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;

5.6.2.3 The Site Plan Special Permit Granting Authority shall require pedestrian connections to abutting neighborhoods and facilities outside the KC District. Where such connections are not available due to current 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.

5.6.3 The following standards shall apply on all LOTS in the KC District where the FLOOR AREA RATIO exceeds 0.20:

5.6.3.1 The Sidewalk – A sidewalk shall be provided along the LOT'S FRONTAGE on a STREET or STREETS. The sidewalk shall be at least 10 feet wide. Sidewalks may be located wholly or partially within the STREET layout. The sidewalk shall be separated from the vehicular roadway with a landscaped buffer at least 10 feet wide, which shall consist of shade trees placed at 40-45 foot intervals and other landscaping or STREET design elements, and which may consist in part of on-STREET vehicular parking spaces.

5.6.3.2 The Pedestrian Plaza – A pedestrian plaza shall be provided on any LOT where the NET FLOOR AREA is 30,000 square feet or more and the FLOOR AREA RATIO exceeds 0.35.

a) 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

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footprint and open to the outdoors may be counted towards the minimum area required for a pedestrian plaza.

b) 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.

c) The pedestrian plaza shall be next to the STREET and sidewalk, and shall be open on one or more sides to the sidewalk.

d) The pedestrian plaza shall be accented with pedestrian amenities such as benches and kiosks. Shade trees, ornamental trees and other landscaping shall be provided to create a separation between pedestrian and vehicular traffic, to highlight BUILDINGS and pedestrian spaces, to provide shelter from the sun, to minimize glare for drivers, to reduce noise, and to mitigate fumes.

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

f) 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.

5.6.3.3 Driveways and Parking Lots –

a) 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.

b) Vehicular driveways and parking lots may be located to the side and rear of BUILDINGS or to the rear of a pedestrian plaza.

5.6.3.4 BUILDING Design –

a) 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 40 feet of the STREET sideline. A reduction of this requirement to 50 percent 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 5.6.1 of this Bylaw.

b) 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 5.6.1 of the Bylaw.

c) 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 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.

d) The BUILDING front facades shall be articulated to achieve a human scale and interest. The use of different textures, shadow lines, detailing and contrasting shapes is required. Not more than 50 feet of a BUILDING front shall be in the same vertical plane.

e) The BUILDING front facade(s) shall be faced with materials used in historic New England architecture. Alternative materials may be used on the BUILDING front facade(s) provided that the Site Plan Special Permit Granting Authority finds the materials to be consistent with Section 5.6.1 of the Bylaw.

f) On the BUILDING fronts, the ground floor shall be occupied, or designed to be available for occupancy, by Retail Stores; Restaurants; Hotel, Motel, Inn, Conference Center; Lodges or Clubs; Bed & Breakfast; Services; Commercial Entertainment; real estate agencies; insurance agencies; travel agencies; law offices; medical and dental offices; walk-in clinics; small equipment repair services; tailors; or photography studios.

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g) 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.

h) Grocery retailers with a NET FLOOR AREA larger than 20,000 square feet may have a second main entrance in another location, for instance towards a parking lot in the rear or the side of a BUILDING.

i) Arcades and canopies shall not be considered part of the BUILDING. Arcades and canopies may not be located within 10 feet of the sideline of a STREET unless the Site Plan Special Permit Granting Authority finds that the reduction in setback to the sideline of the STREET is consistent with Section 5.6.1 of the Bylaw.

j) 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. Windows and doors shall be arranged to give the facade a sense of balance and symmetry.

k) 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 5.6.1 of the Bylaw and that they enhance one or more architectural features.

l) 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.

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

n) 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.

o) 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 5.6.1 of the Bylaw and preserves the architectural integrity of the BUILDING as a whole.

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

q) BUILDING service and loading areas shall incorporate effective techniques for visual and noise buffering from adjacent uses.

r) 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.

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

Section 10.4.3.4.g) currently reads:

g) In the Kelley's Corner District, the Board of Selectmen shall require on-site and off-site sidewalks, walkways, bikeways and crosswalks consistent with the planning objectives set forth in the 1995 Kelley's Corner Plan, as amended. The Kelley's Corner Plan identifies necessary improvements designed to accommodate future growth in the Kelley's Corner District. Off-site improvements hereunder shall be made as determined by the Board of Selectmen to encourage pedestrian circulation and bicycle use within the Kelley's Corner District and to adjacent areas as a direct measure to help minimize traffic impacts from the proposed development. Off-site improvements shall be located on ways and land owned or controlled by the Town of Acton, or in other locations where their owner allows and agrees to the improvements. The cost of the required off-site improvements shall be kept in reasonable proportion to the anticipated pedestrian and vehicular traffic from the development.

Section 10.4.3.5.2) currently reads:

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2) In the Kelley's Corner District where a business or industrial USE abuts a Residential District, the Board of Selectmen shall require a substantially opaque landscape buffer of at least 20 feet in depth that is designed to reduce noise and other impacts of the business or industrial USE on abutting Residential Districts.

a) Where deemed appropriate and necessary to protect abutting residential USES, the Board of Selectmen may require an increase in the width of this landscape buffer to 30 feet.

b) In areas where abutting LOTS in Residential Districts have single family dwellings on them, the Board of Selectmen may require that this buffer shall include a fence, up to eight feet in height, designed to prevent access to abutting LOTS.]

C. Amend Section 6.9.5 - Special Provisions for Parking in the Kelley's Corner District, as follows:

1. Insert new Sub-sections 6.9.5.2 and 6.9.5.3 as follows:

6.9.5.2 No driveway or parking lot shall be located directly between STREETS and BUILDINGS or pedestrian plazas that abut STREETS within 30 feet as required in Section 5.6.2.4. Vehicular driveways and parking lots may be located to the side and rear of such BUILDINGS and pedestrian plazas.

6.9.5.3 On the sides of BUILDINGS that abut STREETS within 30 feet as required in Section 5.6.2.4 of this Bylaw, parking lots shall not be located between the sideline of a STREET and the front line of such adjacent BUILDINGS on the same LOT.

And renumber the current Sub-sections 6.9.5.2 through 6.9.5.5 to become Sub-section 6.9.5.4 through 6.9.5.7 respectively.

2. Delete Subsection 6.9.5.5 (as renumbered to 6.9.5.7 above) - Design Requirements and Landscaping, and replace it with new Subsections 6.9.5.7 and 6.9.5.8 as follows:

6.9.5.7 Design Requirements – The parking lot design requirements of Section 6.7 shall not apply in the KC District. Off-STREET parking spaces, except parking spaces serving a single to four-FAMILY residential USE or an Assisted Living Residence with 10 or fewer residents, shall be either contained within a BUILDING or STRUCTURE or subject to the following requirements:

a) Required parking spaces, ACCESS driveways, and interior driveways shall be provided and maintained with suitable grading, paved surfaces, adequate drainage, and landscaping as required in Section 6.9.5.6.

b) ACCESS Driveways – Not more than one ACCESS driveway per LOT from a STREET shall be permitted. One additional ACCESS driveway from another STREET may be permitted.

c) Common ACCESS Driveways – Access driveways shall be shared as common driveways with adjacent LOTS whenever possible. Where such sharing of driveways is not possible due to current conditions on abutting LOTS, the Site Plan Special Permit Granting Authority may require site design that facilitates the sharing of driveways at a future date.

d) Driveway width - Driveways shall be 20 feet wide for two-way traffic and 14 feet wide for one-way traffic. Greater width may be permitted for intersection roundings and curves as needed, and to meet Fire Code requirements but only to the extent needed to safely accommodate all expected vehicles types.

e) Set-Backs – Except where parking lots established in accordance with Section 6.9.5.4 cross over common LOT lines, and except where greater setback dimensions are required under sections 5.6.2.1 and 6.9.5.3 of this Bylaw, all parking spaces and paved surfaces other than

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ACCESS driveways or common driveways shall be set back a minimum of 5 feet from any LOT lines. However, on the sides of BUILDINGS, which abut STREETS within 30 feet as required in Section 5.6.2.4 of this Bylaw, parking lots shall not be located between the sideline of a STREET and the front line of such adjacent BUILDINGS on the same LOT.

6.9.5.8 Landscaping of Parking Lots – Parking lots shall include a landscape area equal to a minimum of five percent (5%) of the area of the parking lot.

a) Shade trees – At least one shade tree shall be provided for each two thousand (2,000) square feet or less of pavement area. Each shade tree shall be from a deciduous species rated for U.S.D.A. Hardiness Zone 5 that is expected to reach at least 30 feet in height at maturity; be at the time of planting at least seven (7) feet in height with a trunk caliper size of at least 2.5 inches; and be surrounded by a landscaped area of two hundred square feet (200 sq. ft.) to accommodate the root system of the mature tree.

b) Perimeter Planting Strip – Parking lots adjacent to STREETS, sidewalks, paths, pedestrian plazas, ACCESS driveways and BUILDINGS shall include a perimeter planting strip that is at least seven and one-half (7.5) feet wide. However, the width of planting strips, which are protected with 12-inch or higher vertical curbs or with bollards or balustrades may be reduced to five (5) feet. Said planting strip shall provide a vertical separation between the parking lot and adjacent ways of at least 2.5 feet in height. This vertical separation may consist of plantings, walls, or fencing (other than chain link or smooth concrete) or a combination thereof.

c) Placement of Landscaped Areas - Landscaped areas shall be arranged so that no parking space is located more than ninety (90) feet from a landscape area.

d) Plantings – Plantings for landscaped areas shall include a mixture of flowering and decorative deciduous and evergreen trees and shrubs and shall be planted with suitable ground cover.

e) Additional landscaping may be required by the Site Plan Special Permit Granting Authority to appropriately screen the parking lot from the STREET and adjacent USES.

f) Sight Distance – All landscaping along any STREET FRONTAGE and at driveways shall be placed and maintained so that it will not obstruct sight distance for vehicular traffic.

g) Protection of Landscaped Areas – Landscaped areas shall be planted and protected in such a manner that the plantings will not be damaged by vehicles.

h) Landscaped areas shall be reasonably cared for and maintained in good condition; plants that die or become diseased shall periodically be replaced with suitable and equivalent substitutes.

[Note – Section 6.9.5.5 currently reads:

6.9.5.5 Design Requirements and Landscaping – Off-STREET parking spaces, except spaces serving a single to four-FAMILY residential USE or an Assisted Living Residence with 10 or less residents, shall either be contained within a BUILDING or STRUCTURE, or be provided in accordance with the design requirements of section 6.7 including all its subsections. In addition, no parking space or other paved surface, other than walkways and bikeways, shall be located within 20 feet of an abutting residential zoning district.]

D. On the Zoning Map, Map Number 1, establish the Kelley's Corner Master Planned Development (KC-MPD) Overlay District. It shall be superimposed on the underlying Kelley's Corner (KC) Zoning District and shall have the same area and boundaries as the KC Zoning District, except that the portion

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of the KC District that is located at 204-222 Main Street at the intersection of Main and Prospect Streets (Town Atlas parcels G2-110-1, G2-117, and G2-143) shall not be included in the KC-MPD Overlay District.

E. In Section 2.1 – Classification of District, under Overlay Districts, insert a new line as follows:

Kelley's Corner Master Planned Development KC-MPD

And, in Section 4 - Overlay Districts, insert a new Section 4.5 as follows:

4.5 **Kelley's Corner Master Planned Development (KC-MPD) Overlay District**

4.5.1 **Purpose** – To encourage, guide, and regulate larger-scale, mixed-use Master Planned Development (MPD) projects in the Kelley's Corner area consistent with Acton 2020 and the Kelley's Corner Improvement Initiative. The MPD is available as an alternate and optional permitting path for development and redevelopment of TRACTS OF LAND with certain minimum dimensions in Kelley's Corner. It accommodates phased permitting procedures to ensure comprehensive project planning, to expedite permitting, and to establish certainty intended to facilitate project financing.

This section 4.5 is intended to support, enhance and implement Acton 2020 (Acton's Comprehensive Community Plan) and Kelley's Corner Improvement Initiative goals. Accordingly, the purposes of the zoning regulations set forth herein are to help achieve the following objectives:

- Transform Kelley's Corner into a vibrant town center where people can safely and efficiently navigate using various transportation modes.
- Create the form, cohesion, order, and supporting infrastructure that will identify the Kelley's Corner District as an attractive, walkable, and pleasant town center for living, business, shopping, and community activities.
- Encourage sustainable mixed-use development of properties to create places where people enjoy living, working, shopping and socializing.
- Emphasize architecture and site layout that encourages pedestrian interaction and use. Expectations include BUILDINGS with interesting and articulated facades; details and activities at the STREET and sidewalk level that invite interest, interaction and BUILDING access; and outdoor plazas and pocket parks as informal gathering places.
- Provide the minimum necessary vehicular parking to sufficiently support the land USES that depend on such parking.
- Promote pedestrian and bicycle accessibility with generous safety and comfort.
- Use effective, resilient, and low maintenance landscaping, including shade trees.
- Manage and accommodate site access and egress from and to STREETS with sufficient spacing between access driveways to minimize on-STREET congestion.

The regulations provide a framework for the development and redevelopment of land in Kelley's Corner that is consistent with these purposes. The Town has established a Design Review Board and has adopted Kelley's Corner Design Guidelines to assist with achieving these purposes.

4.5.2 **Delineation** – The KC-MPD Overlay District shall be superimposed on the underlying Kelley's Corner (KC) Zoning District and shall have the same area and boundaries as the KC Zoning

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District, except that the portion of the KC District that is located at 204-222 Main Street at the intersection of Main and Prospect Streets (Town Atlas parcels G2-110-1, G2-117, and G2-143) shall not be included in the KC-MPD Overlay District.

4.5.3 **Special Permit Granting Authority** – The Planning Board shall be the designated Special Permit Granting Authority for the MPD Special Permit (the "Master Permit"), and for all other special permits that are required under the KC-MPD Overlay District regulations as set forth herein. It shall also function as the Authority for site plan approvals that are required under the provisions of the KC-MPD Overlay District regulations.

4.5.4 **Regulation Overview** – The KC-MPD Overlay District creates thresholds, parameters, performance standards, and procedures for project eligibility, zoning framework, project review, and permitting for eligible developments. Minimum and maximum parameters set the zoning framework. A project has flexibility within that framework for layout and design, mixture of uses, parking arrangements, signage, landscaping, and project execution to be determined based on what is appropriate for each proposed project. In addition to the zoning criteria in this section 4.5, the Kelley's Corner Design Guidelines set forth a baseline of the Town's expectations for site layout, building design, and other relevant matters. In general, this Bylaw contains the following components:

4.5.4.1 All developments or re-developments under the KC-MPD Overlay District are subject to an MPD special permit called the Master Permit. It is intended to function as an "umbrella permit" for a MPD Project. A Master Permit's principal purpose is to ensure comprehensive site planning and development that is consistent with the purposes of this Section 4.5 as set forth in Section 4.5.1. However, as set forth herein, the Master Permit process accommodates phased project planning and development whereby the Master Permit may be issued for a comprehensive concept plan, and subsequent detailed design phases or subsequent project development phases may be subject to site plan review procedures.

4.5.4.2 The Master Permit and site plan review procedures described herein provide for Planning Board review, design review, public hearings, and input and guidance by the Town and other interested parties. Because special permits are discretionary and may be approved, approved with conditions, or denied, the Master Permit ensures that MPD projects as approved benefit the Town through their consistency with Acton 2020 and the Kelley's Corner Improvement Initiative. It is the intention of this Bylaw that any MPD Project proponent and the Town, in particular its Design Review Board using the Kelley's Corner Design Guidelines, will work together closely and cooperatively to achieve the most desirable project.

4.5.4.3 To qualify for Master Permit consideration, a TRACT OF LAND must meet minimum dimensions set forth herein. A TRACT OF LAND may be held by an individual LOT owner, or by several owners of multiple LOTS. Individual owners and groups of owners, their legal representatives, or anyone applying with the owners' explicit permission, may apply for Master Permits.

4.5.4.4 The dimensional regulations set forth herein rely in part on those in the underlying Kelley's Corner Zoning District, but they allow for more floor area and greater height. Special height limits and design requirements apply to BUILDINGS that are adjacent to STREETS and at the edges of the Kelley's Corner Zoning District.

4.5.4.5 USE regulations set forth herein are derived from the underlying Kelley's Corner Zoning District. However, the regulations set forth herein also allow Multifamily Dwellings.

4.5.5 **Master Permit Process, Effect, and Options** – The Town strongly recommends that project proponents, before filing formal Master Permit applications, begin with optional, preliminary

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reviews and discussions with Planning Department staff. The Town also recommends a public informational meeting with the Planning Board prior to formal submittal of an application for a Master Permit.

4.5.5.1 The first permitting step for a MPD Project is to obtain a Master Permit. When granted, the Master Permit governs the entire MPD Project and guides all subsequent reviews, approvals and amendments and their associated processes that may be needed or required for detailed MPD Project implementation and execution, including but not limited to site layout; BUILDING locations, designs, and massing; circulation and site access/egress; drainage design; landscaping; locations of public parks and plazas, and other public amenities; signage; USES, and, as appropriate, locations and intensity of USES; and requirements, thresholds and conditions as needed and as specified in the Master Permit for subsequent detailed site plan approvals, detailed building design approvals, and amendments.

4.5.5.2 The Master Permit, and the approved MPD Project plan approved therein, shall be deemed the definitive approval of a MPD Project. It shall be an all-inclusive permit for all aspects of the development that are regulated and governed under this Bylaw. Except as set forth herein, it shall substitute for and incorporate any and all other special permits that may otherwise be required under other sections of this Bylaw. And, the Master Permit once exercised shall replace and supersede any and all special permits that may have been granted previously for the subject TRACT OF LAND. The Master Permit shall entitle the MPD Project proponent to rely on its authorizations, including any conditions or limitations, for purposes of proceeding with design, engineering, project financing, and contracting. The Master Permit, together with the approved MPD Project plan, shall be recorded at the Registry of Deeds or the Land Court.

4.5.5.3 Applicants for a Master Permit have choices about the permit process:

a) The regulations set forth herein allow an Applicant to apply for, and the Planning Board to consider, process, and issue a Master Permit that is all inclusive and final and that, like a conventional special permit with possible plan amendments, conditions and limitations, authorizes the issuance of building permits for construction (a "Final Master Permit"). In order to be considered for a Final Master Permit, the project proponent(s) must submit an application with robust, detailed and complete plans, analyses and designs that support an executable MPD Project that is consistent with the purposes of this Section 4.5 as set forth in Section 4.5.1 and the requirements of this Bylaw.

b) Otherwise, the regulations as set forth herein provide that a Master Permit may be granted on the basis of a comprehensive concept plan that is founded on a thorough overall feasibility analysis, that determines the approximate site layout, site access, BUILDING arrangements and USES within the established zoning framework. Other planning and design details are then deferred to one or more later MPD Project permitting phases requiring subsequent site plan review procedures, which when granted shall become part of the Master Permit as addenda or supplements. Throughout the multi-step permitting and review process, consistency with the purposes of this Section 4.5 as set forth in Section 4.5.1 shall be the primary objective of the Planning Board. This phased arrangement is intended, in part, to provide a basis for regulatory approval so that project proponents may obtain any necessary construction financing in order to proceed and to take into account market and other forces that may require phased development of a TRACT OF LAND.

c) The Master Plan Process is generally as follows:

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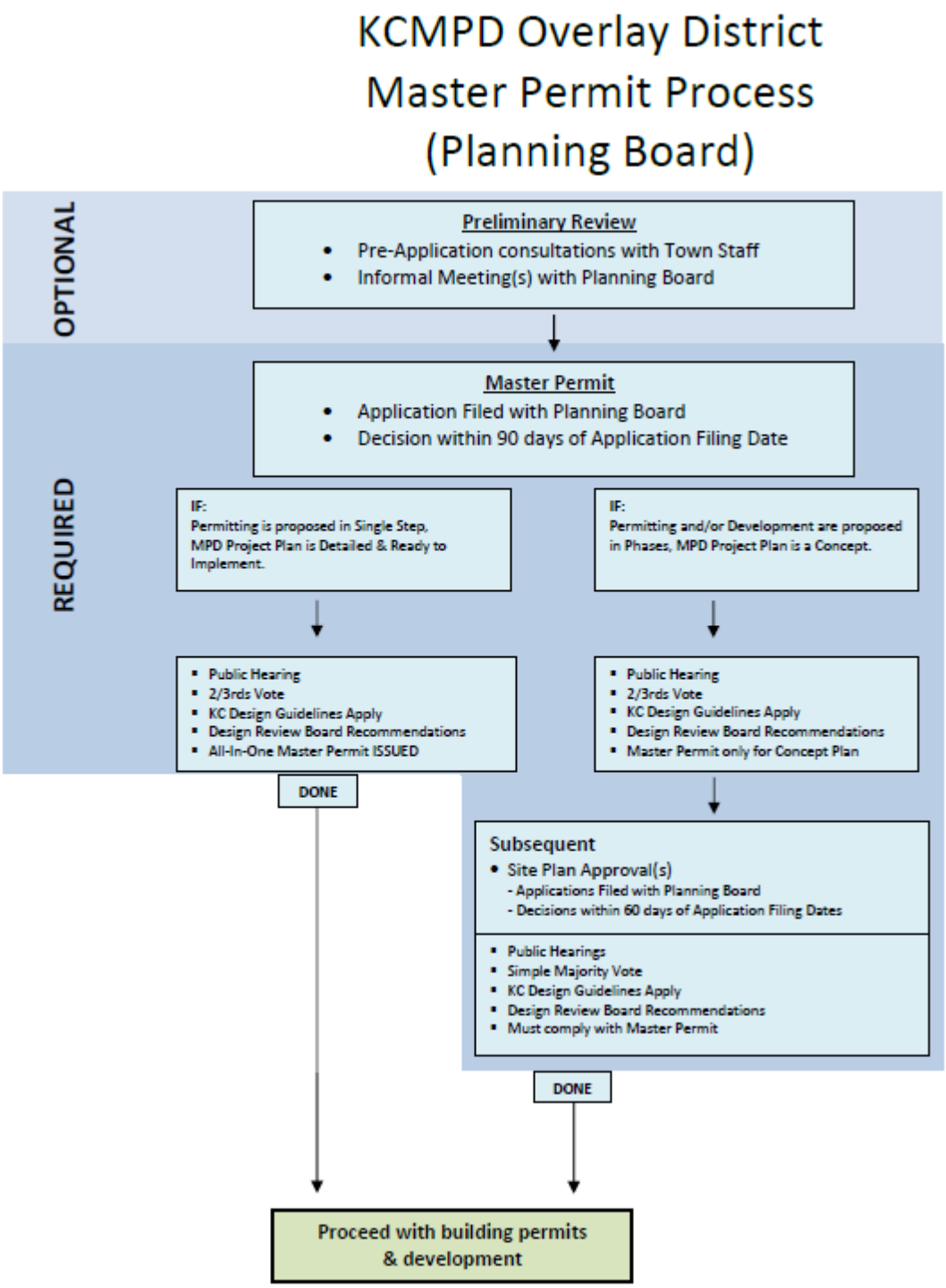

d) When reviewing applications for site plan approval the Planning Board may allow minor changes to the Master Permit concept plan. However, any changes to the concept plan, which are in the opinion of the Planning Board significant and of public interest, shall require amendments of the Master Permit with the same procedural and voting requirements as the original Master Permit.

4.5.6 **Minimum Dimensional Requirements** – The following minimum dimensional requirements shall apply to a TRACT OF LAND in the KC-MPD Overlay District as a threshold to qualify for a Master Permit:

4.5.6.1 Minimum FRONTAGE: 300 feet.

4.5.6.2 Minimum area: 50,000 square feet.

4.5.6.3 All other minimum requirements shall be the same as for a LOT in the underlying KC zoning district, except as specifically otherwise provided in this section 4.5.

4.5.7 **Maximum Dimensional Requirements** – The following maximum dimensional requirements shall apply to a TRACT OF LAND in the KC-MPD Overlay District, and all projects shall comply with them to qualify for a Master Permit:

4.5.7.1 Maximum height of BUILDINGS: 55 feet, and not exceeding four stories above the basement.

4.5.7.2 Maximum FLOOR AREA RATIO: 0.80.

4.5.7.3 All other maximum requirements shall be the same as in the underlying KC zoning district, except as specifically otherwise provided in this section 4.5.

4.5.8 **Other Dimensional Requirements for certain BUILDINGS in the KC-MPD Overlay District**.

4.5.8.1 Placement of Buildings abutting STREETS.

a) At least 70 percent of the LOT or TRACT OF LAND FRONTAGE, measured in percentage of linear feet of the LOT FRONTAGE, shall be occupied by BUILDINGS that are located within 30 feet of the STREET sideline. The Planning Board may require that a portion not exceeding 15 percent of the 70 percent requirement must be occupied by pedestrian plazas.

b) Where the LOT or TRACT OF LAND FRONTAGE exceeds 500 feet, at least 80 percent of the LOT FRONTAGE, measured in percentage of linear feet of the LOT FRONTAGE, shall be occupied by BUILDINGS that are located within 30 feet of the STREET sideline. The Planning Board may require that a portion not exceeding 10 percent of the 80 percent requirement must be occupied by pedestrian plazas.

c) Any LOT or TRACT OF LAND having FRONTAGE on more than one STREET shall comply with the aforesaid BUILDING and pedestrian plaza location requirements along all STREETS on which the LOT has FRONTAGE.

f) For any LOT or TRACT OF LAND with a STREET intersection on its corner the aforesaid BUILDING and pedestrian plaza location requirements shall be met inclusive of the entire STREET corner.

g) The Planning Board may allow a minor reduction of not more than 10 percent of the aforesaid BUILDING and pedestrian plaza location requirements provided that the Planning Board finds that the alternative arrangement is essential for project feasibility, and does not detract from but rather is consistent with the purpose of this Section 4.5 as stated in Section 4.5.1.

h) The Planning Board may allow a further reduction of the aforesaid BUILDING and pedestrian plaza location requirements, if it finds that the presence of statutorily protected natural resource areas, including their no-build and no disturb buffer zones pursuant to the applicable Acton General Bylaws, make strict compliance infeasible. However such further reduction shall only be made to the minimum necessary extent.

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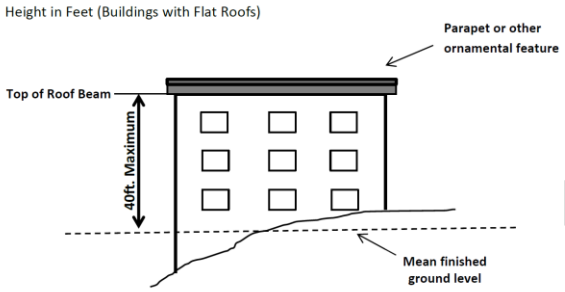
i) Pedestrian plazas shall function as gathering spots at the STREET level directly adjacent in the fronts or on the sides of BUILDINGS. They shall be designed for exclusive pedestrians use and shall be open to and connect with the sidewalk and walkways.

j) No driveway or parking lot shall be placed in the space between STREETS and the BUILDINGS or Pedestrian Plazas that abut STREETS within 30 feet as required in this section.

4.5.8.2 Height of BUILDINGS abutting STREETS.

a) BUILDINGS with flat roofs that abut STREETS within 30 feet as required in the previous section shall have a maximum height of 40 feet as measured separately for each side of the BUILDING from the mean finished ground level adjoining the BUILDING to the top of the highest roof beam.



b) BUILDINGS with pitched roofs that abut STREETS within 30 feet as required in the previous section shall have a maximum height of 40 feet measured separately for each side of the BUILDING from the mean finished ground level adjoining the BUILDING to the spring points of a pitched roof (where the vertical façade planes and the pitched roof planes meet), and such BUILDINGS shall not exceed an overall height of 45 feet from the mean finished ground level adjoining the entire BUILDING to the mean level of the pitched roof.

- Where the finished ground level drops down from the STREET side ground elevation of a BUILDING, the STREET side elevation of the spring points may be maintained on all sides of the BUILDING. This may result in higher spring points on BUILDING sides that are not facing the STREET and in higher overall BUILDING heights than set forth above.
- Wall dormers shall be counted as contributing to the mean roof height; roof dormers shall not be counted as contributing to the mean roof height.

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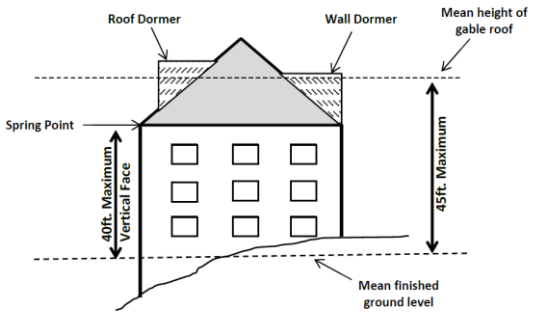
1. Height in Feet (Buildings with Pitched Roofs and dormers)



c) Where BUILDINGS that abut STREETS within 30 feet as required in the previous section have BUILDING portions that extend 100 feet or more from the STREET sideline, such BUILDING portions may increase in height to the limits set forth in section 4.5.7 above and shall be considered separately for purposes of determining compliance with height limits.

d) The Planning Board may grant exceptions to the aforesaid height limits for portions of BUILDINGS, if it finds that such exceptions significantly enhance the MPD project design and the Purposes of this Section 4.5 as set forth in Section 4.5.1. Any such exceptions shall be limited in ground area to 10 percent of a BUILDING'S footprint.

4.5.8.3 Placement and Height of BUILDINGS abutting Residential Zoning Districts.

a) The Planning Board may reduce the minimum side or rear yard to a residential zoning district boundary to 20 feet, where, at the time of the effective date of this subsection, the land in the adjacent residential district is not in residential USE or has no single-family residence on it within 100 feet of the zoning boundary line.

b) BUILDING facades that are located within 55 feet of the R-2 District boundary shall have a maximum height of 40 feet from the mean finished ground level adjoining the BUILDING to the top of the highest roof beam of a flat roof, and to the spring points of a pitched roof (where the vertical façade planes and the pitched roof planes meet).

c) The Planning Board may grant exceptions to the aforesaid height limits where, at the time of the effective date of this subsection, the land in the adjacent R-2 District is not in residential USE or has no single-family residence on it within 100 feet of the zoning boundary line.

d) Furthermore, the Planning Board may grant exceptions to the aforesaid height limits for portions of BUILDINGS, if it finds that such exception significantly enhances the MPD project design and feasibility, and the Purposes of this Section 4.5 as set forth in Section 4.5.1. Any such exceptions shall be limited in ground area to 10 percent of a BUILDING'S footprint.

4.5.9 **Allowed USES** in the KC-MPD Overlay District –

4.5.9.1 All USES allowed by right or by special permit in the underlying KC zoning district shall initially be deemed as allowed by right subject to the grant of a Master Permit. However, in a Master Permit the Planning Board may specifically regulate, restricted, or prohibited certain USES as may be appropriate for the MPD Project.

4.5.9.2 Multifamily Dwellings and BUILDINGS with a mixture of Multifamily and Business USES shall be allowed. Residential USES may comprise up to 75 percent of the total NET FLOOR AREA on the MPD TRACT OF LAND.

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4.5.10 **Location of USES -** Unless specifically approved otherwise in the Master Permit, the locations of USES in the KC-MPD Overlay District shall conform to the following standards:

4.5.10.1 On the LOT FRONTAGE, the ground floors of BUILDINGS that abut STREETS within 30 feet as required in Section 4.5.8.1 above, shall be occupied, or designed to be available for occupancy, by USES that promote and interact with a pedestrian, walkable environment. Such USES are Retail Stores, Restaurants, various Services, or similar USES as determined by the Planning Board during the Master Permit process. Exempt from this requirement are BUILDING entrances that serve upper stories.

4.5.10.2 Except as provided in Section 4.5.10.4, the ground floors of BUILDINGS that abut STREETS within 30 feet as required in Section 4.5.8.1 above, shall not be used for occupancy by residential USES.

4.5.10.3 Ground floor Business USES in BUILDINGS that abut STREETS within 30 feet shall have a main entrance and ample transparent windows in the façade facing the STREET. Additional, secondary ground floor business entrances may be in other location.

4.5.10.4 The Planning Board may consider alternate location arrangements for USES, particularly for Residential USES where residential USES exist directly on the opposite side of a STREET, if it finds that it significantly enhances the MPD project design and the Purposes of this Section 4.5 as set forth in Section 4.5.1.

4.5.10.5 Ground floors of BUILDINGS as referred to herein shall have their floors substantially at grade with the nearest adjacent sidewalk.

4.5.11 **Optional Preliminary Project Reviews –** The Acton Planning Department offers preliminary MPD project review consultations, and preliminary MPD project review meetings with various Town staff and agencies. In addition, the Planning Board offers preliminary public meetings to introduce a proposed MPD project to the Acton community and to facilitate early public comment and input.

4.5.12 **Master Permit** – A Master Permit issued hereunder shall govern a MPD Project and site, and shall be enforceable by the Town in the same manner as any other requirements of this Bylaw. A Master Permit shall be the only required special permit under this Zoning Bylaw for the initial development of a MPD Project. Other special permits that may be required under any other section of the Zoning Bylaw shall be deemed granted with the grant of the Master Permit. Once the Master Permit is exercised, any previous special permits issued for the TRACT OF LAND shall be deemed replaced and superseded by the Master Permit. However, as set forth under Section 4.5.15 the Master Permit itself may stipulate certain special permits that address changes in the MPD project after its initial completion.

4.5.13 **Required Findings –** The Planning Board shall issue a Master Permit if, after review and comments from other Town boards and agencies, including specifically the Design Review Board, and after a public hearing it finds that:

4.5.13.1 The MPD concept plan is consistent with Acton 2020 (Acton's Master Plan), the Kelley's Corner Improvement Initiative, and the Purposes of this Section 4.5 as set forth in Section 4.5.1.

4.5.13.2 The MPD concept plan is consistent with the Kelley's Corner Design Guidelines as applied to the specific MPD TRACT OF LAND.

4.5.13.3 The MPD concept plan otherwise meets the special permit findings criteria set forth in Section 10.3.5 of this Bylaw.

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4.5.14 **Design Guidelines and Design Review Board -** The Planning Board shall adopt and promulgate Kelley's Corner Design Guidelines consistent with Acton 2020 and the Kelley's Corner Improvement Initiative. These Guidelines shall be the same for the underlying Kelley's Corner Zoning District and for the Kelley's Corner MPD Overlay District. The Planning Board shall solicit comments and recommendation from the Design Review Board concerning the implementation of the Design Guidelines in a specific Master Permit application. The purpose of this consultation shall be to achieve a design that is consistent with the intent of the Kelley's Corner Design Guidelines and the Purposes of this Section 4.5 as set forth in Section 4.5.1.

4.5.15 **Master Permit Terms and Conditions** –

4.5.15.1 The Planning Board may impose special permit conditions, safeguards and limitations on a Master Permit consistent with the Purposes of this Section 4.5 as set forth in Section 4.5.1, and as otherwise as set forth in section 10.3.6 of this Bylaw.

4.5.15.2 The Planning Board may impose specific dimensional requirements within the limits set forth in this Section 4.5, as it deems appropriate in order to enhance the MPD Project within a specific TRACT OF LAND in a manner that is consistent with the Purposes of this Section 4.5 as set forth in Section 4.5.1.

4.5.15.3 The Planning Board may approve vehicular and bicycle parking accommodations that differ from the requirements set forth in Section 6 of this Bylaw in order to enhance the MPD project design and to effectuate the Purposes of this Section 4.5 as set forth in Section 4.5.1. Their design and layout shall be practical and functional for their intended purpose and shall integrate with the project's pedestrian facilities and BUILDINGS.

4.5.15.4 The Planning Board may approve signage that differs from the requirements set forth in Section 7 of this Bylaw in order to enhance the MPD project design and to effect the Purposes of this Section 4.5 as set forth in Section 4.5.1. However, the Planning Board shall refer to Section 7 as a guide, and shall approve differing standards only if they are part of an integrated commercial signage program that applies to the entire project. In addition, the dimensions of individual business or business center signs shall not exceed those set forth in Section 7 of this Bylaw, including dimensions allowed by special permit under said section.

4.5.15.5 The Planning Board may approve landscaping that differs from landscaping requirements set forth elsewhere in this Bylaw in order to enhance the MPD project design and to effectuate the Purposes of this Section 4.5 as set forth in Section 4.5.1. However, the minimum required landscape buffers to the abutting R-2 District as set forth in the standards for the underlying KC District (section 5.6.2) shall strictly apply except where, at the time of the effective date of this subsection, the land in the adjacent R-2 District is not in residential USE or has no single-family residence on it within 100 feet of the zoning boundary line.

4.5.15.6 The Planning Board may require in the Master Permit one or more site plan reviews and approvals for final implementation of MPD Project plans. In appropriate cases, a Master Permit applicant may request, and the Planning Board may issue, such site plan approvals concurrently with the Master Permit.

4.5.15.7 A Master Permit applicant, in order to preserve the integrity and coherence of an executed MPD project, especially when it is a mixed use project, may propose specific restrictions or regulations on certain USES, and the Planning Board in granting a Master Permit may accordingly establish which USES shall be allowed or prohibited on an MPD TRACT OF LAND, and may establish additional special permit requirements that apply

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to the MPD Project after it completion for certain USES, mixtures of USES, locations of USES, intensity of USES, or change of USES. However, the Planning Board shall not prohibit, restrict or further regulate USES that are allowed by right in the underlying KC zoning district and otherwise shall not prohibit, restrict or regulate specific USES in a MPD TRACT OF LAND unless it finds that doing so significantly enhances the MPD project in a manner that is consistent with Purposes of this Section 4.5 as set forth in Section 4.5.1.

4.5.15.8 The Planning Board may in a Master Permit delegate certain administrative matters to the Planning Department or other Town agencies.

4.5.15.9 The Planning Board may in a Master Permit establish criteria and thresholds for MPD Project changes or modifications that require the Planning Board's approval and that require formal amendments to the Master Permit. Consideration of such formal amendments shall follow the same procedures and reviews as set forth for the original Master Permit.

4.5.15.10 The Planning Board may in a Master Permit impose any other conditions, safeguards and limitations that it deems necessary and appropriate to effectuate the intent of this Bylaw and to ensure MPD project consistency with Acton 2020, the Kelley's Corner Improvement Initiative, The Kelley's Corner Design Guidelines, and the Purposes of this Section 4.5 as set forth in Section 4.5.1.

4.5.16 **Master Permit and Special Permit Procedures and Timelines** –

4.5.16.1 The Planning Board shall issue and file with the Town Clerk its decisions on Master Permit applications as set forth herein within 90 days from the date that any such application was received, unless such time is extended by written mutual agreement between the permit applicant and the Planning Board.

4.5.16.2 Except for the aforesaid shortened timeline, any Master Permit shall be governed by the standards and procedures, including appeals procedures, for special permits as set forth elsewhere in this Bylaw and in M.G.L. Ch. 40A.

4.5.17 **Site Plan Approval Procedures** –

4.5.17.1 The Planning Board shall issue and file with the Town Clerk its decisions on Site Plan Approval applications as set forth herein within 60 days from the date that any such application was received, unless such time is extended by written mutual agreement between the permit applicant and the Planning Board.

4.5.17.2 A Site Plan Approval pursuant to a Master Permit shall only require a simple majority vote of the Planning Board.

4.5.17.3 In all other respects, any Site Plan Approval required pursuant to a Master Permit shall be governed by the standards and procedures, including appeals procedures, for special permits as set forth elsewhere in this Bylaw and in M.G.L. c. 40A.

4.5.18 **Rules and Regulations** – The Planning Board may adopt and promulgate Rules and Regulations governing the administration of the aforesaid Master Permit and Site Plan Approvals thereunder, including but not limited to plan and document filing requirements, public notices, hearing procedures, and filing fees.

4.5.19 **Revisions and Amendments of a MPD Project or Plan** - Any change in the layout and design of BUILDINGS, driveways, parking lots, pedestrian amenities, landscaping, or any other change which, in the opinion of the Zoning Enforcement Officer, would significantly alter the

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character of the MPD Project as approved, shall require the written approval of the Planning Board. The Planning Board may, upon its own determination, require a Master Permit amendment and hold a public hearing pursuant to Section 10.3 of this Bylaw, if it finds that the proposed changes are substantial in nature and of public concern.

F. In Section 8.8 - Public Acquisition, add the following new subsections:

8.8.1 In the KC District, any dimensional ratios or percentages in this Bylaw that are derived from, dependent on, or otherwise use the LOT or TRACT OF LAND area, for instance as a basis for determining DEVELOPABLE SITE AREA, or FLOOR AREA RATIO, shall be calculated based on the area of such LOT OR TRACT OF LAND in existence after the effective date of this subsection and prior to the date of any taking or acquisition by any federal, state or local governmental body by eminent domain or otherwise.

8.8.2 In the KC District, any reconstruction and realignment of facilities and improvements on private property, such as but not limited to parking lots, driveways, setbacks and landscaping, that may be necessary in connection with the permanent or temporary taking or acquisition of private property or the construction of public infrastructure and public right-of-way improvements taking place after the effective date of this subsection, shall comply with the applicable standards of this Bylaw only to the extend reasonably possible and practical in light of specific site conditions and constraints. Any deviations from the applicable standards of this Bylaw resulting from such taking, acquisition, reconstruction, or realignment shall not require special permits or variances. Private property so affected shall not be deemed noncompliant or nonconforming solely as a result of such taking, acquisition, reconstruction, or realignment."

[Note – Section 8.8 currently reads:

***Public Acquisition** – If the area, FRONTAGE, width or other dimensions of a LOT, parcel or TRACT OF LAND is altered by a taking or acquisition of part of such land by the Town of Acton or the Water Supply District of Acton for public purposes, no such LOT, parcel or TRACT OF LAND nor any existing USE, BUILDING or STRUCTURE located on, or dependent upon the existing area or other dimensions of such LOT, parcel or TRACT OF LAND for compliance with the requirements of this Zoning Bylaw, shall be rendered non-compliant, nonconforming, or more nonconforming solely by reason of such taking or acquisition.]*

SUMMARY

This article offers a broad reform of zoning regulations for the Kelley's Corner zoning district (KC District). It acts on the Roadmap recommendation of the Acton 2020 Comprehensive Community Plan (See Executive Summary at http://doc.acton-ma.gov/dsweb/Get/Document-35918/ExecutiveSummary.pdf). Together with the appropriation for complete engineered infrastructure improvement plans for the street in Kelley's Corner (in another article of this warrant) it implements the recommendations of the Kelley's Corner Improvement Initiative. In April 2013, Town Meeting funded the planning work for this Initiative. The Kelley's Corner Steering Committee oversaw and directed the work. The Initiative's plan and recommendations are posted at www.acton-ma.gov > Quicklinks > Kelley's Corner Improvement Initiative Plan and Appendices, or at http://doc.acton-ma.gov/dsweb/View/Collection-7424.

Kelley's Corner is the commercial area around the intersection of Main Street (Route 27) and Massachusetts Avenue (Route 111). The KC District comprises this area, the northerly portion, and includes a smaller, geographically separate portion at the intersection Main Street and Prospect Street, the southerly portion. This article modifies the design and dimensional regulations for buildings, parking and other improvements in the KC District, which will be the Underlying District; and it establishes a new Kelley's Corner Master Planned Development Overlay District (KC-MPD District) for the northerly portion only. The KC-MPD District is conceived to enable cohesive and well-designed mixed-use redevelopment

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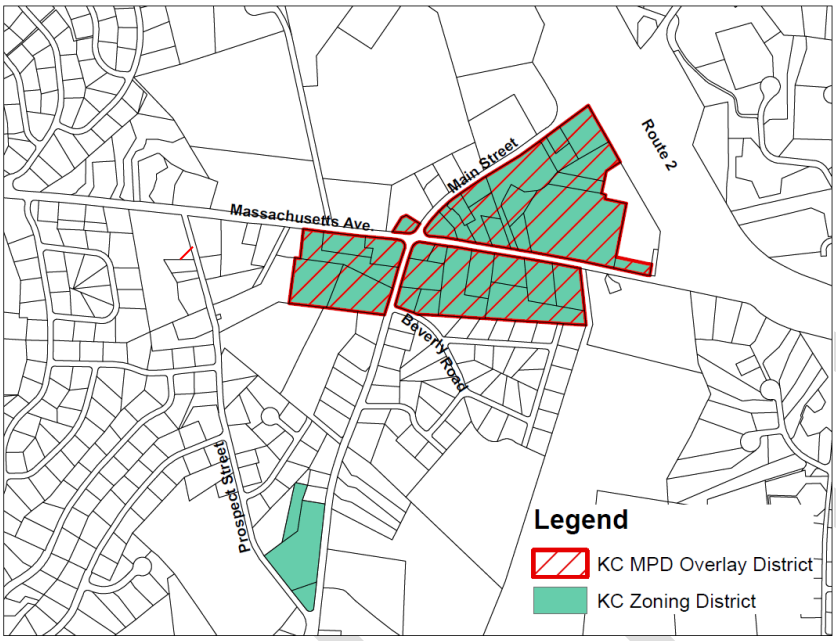
projects that are subject to discretionary permit and design approval under the auspices of the Acton Planning Board with a strong role for advice and input from the Acton Design Review Board. The following map shows the KC zoning district and the KC-MPD Overlay District.



In detail -

Part A amends dimensional requirements for the Underlying KC District, and clarifies and updates related footnotes. Most significantly:

(1) The maximum floor area ratio (FAR) is set at 0.20 (reduced from 0.40); FAR is a measure of building size relative to lot size. This change continues to allow limited "by-right" development at a small scale, but encourages the aggregation of land to make use of the KC-MPD Overlay District for a more positive transformation of Kelley's Corner through larger scale mixed-use town center redevelopment opportunities. And,

(2) the minimum front yard is set at 25 feet (reduced from 30 feet) and a new maximum front yard of 30 feet is established. This range allows sufficient room for street infrastructure improvements and ensures that new buildings will frame the improved streets in a manner that is more consistent with the traditional town centers. Front yards are measured from the street layout line.

Part B amends the special provisions section 5.6 for the Underlying KC District and brings a few special design provisions from section 10 underneath the same heading. As amended, the special provisions will apply to all new buildings and building additions. Currently, the special provisions only apply to buildings with an FAR that exceeds 0.20. The special provisions ensure that developments and redevelopments that may occur at a smaller scale or density will nevertheless contribute to a gradual town center transformation at Kelley's Corner. They include requirements that new buildings must be placed near the streets and that parking lots must be in the rear or on the side of these buildings. They also require minimum heights for one story buildings, transparency of buildings at the street level, walking areas, trees and landscaping, and buffers and screening to adjacent residential areas. Existing nonconformities will be managed in accordance with applicable Massachusetts statute and Acton zoning law.

Part C amends the special regulations for parking lots and driveways in the underlying Kelley's Corner District with respect to placement, access, setbacks, and landscaping. The changes are compatible with the special provisions in Part B of this article.

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Part D: Establishes the KC-MPD Overlay District on the Zoning Map superimposed on the larger northerly portion of the Kelley's Corner zoning district. As a result there will be for Kelley's Corner an underlying zoning district with certain dimensional and use regulations; and a superimposed overlay district with different options and requirements.

Part E establishes the superimposed KC-MPD Overlay District in the Zoning Bylaw. Use of the Overlay District and its opportunities and regulation is optional. All developments utilizing the KC-MPD Overlay are subject to a Master Permit. The Master Permit granting authority is the Planning Board. The Design Review Board has a strong advisory role. Design guidelines for Kelley's Corner express design expectations for sites and buildings and accompany the zoning standards. The Master Permit is a discretionary special permit that must not be granted except for development projects that are consistent with the Kelley's Corner Improvement Initiative Plan and Acton 2020. The Master Permit can approve an overall concept master development plan for a site and govern its entire subsequent site plan permitting and development process. Early engagement with the Town, including public engagement, for the planning of KC-MPD projects is encouraged and built into the zoning regulations.

To be eligible for consideration under the KC-MPD Overlay District a project applicant must have site control over at least 50,000 square feet of land and 300 feet of continuous frontage on a street. The minimum thresholds enable cohesive planned redevelopment, and the management of driveways and vehicle turning movements on the streets consistent with street infrastructure improvement plans.

The KC-MPD Overlay District provides significant town center redevelopment opportunities that the Underlying KC District cannot. Always subject to the Master Permit, it can allow mixed-use projects that include multifamily dwellings up to 75% of their floor area. Vertical building facades at the street front can be up to 40 feet high allowing vertical space for three stories. Buildings deeper into development sites can be up to 55 feet high allowing vertical space for four stories. The maximum allowable FAR is 0.80.

The majority of the frontage of a development site must be occupied by buildings that directly abut streets, leaving sufficient space for pedestrian plazas and amenities, driveway access, and some room for automobile parking on the side of buildings. There cannot be any parking between streets and such buildings. Street front buildings must have commercial ground floor occupancy and must be open and transparent at the sidewalk level as one would expect in a neighborhood shopping district with store fronts. Main business entrances must be from the street side. Significant setbacks, and building design and screening requirements apply where development sites abut residential zoning district and residential uses. Within the basic standards and requirements the Planning Board as the Master Permit granting authority has some latitude to make case by case decision in order to achieve the best possible project design and outcome for Acton.

Part F anticipates future public right-of-way acquisitions and public infrastructure improvements in Kelley's Corner. Accordingly, to facilitate improvements in Kelley's Corner, it inserts zoning exemptions and immunities for public works improvements and for properties affected by such improvements.

Direct inquiries to: Roland Bartl, AICP, Planning Director – (978) 929-6631
Selectman assigned: _____ – E-mail: bos@acton-ma.gov

Recommendations: Board of Selectmen Finance Committee Planning Board

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ARTICLE ___ **AMEND ZONING BYLAW – Accessory Apartments**
(Two-thirds vote)

To see if the Town will vote to amend Section 3.3, Residential Uses, of the Zoning Bylaw as set forth below:

A. Delete Section 3.3.2, Single Family Dwelling with one Apartment, in its entirety including all its subsections, and renumber sections 3.3.3 through 3.3.5 to become 3.3.2 through 3.3.4 respectively.

[Note – Section 3.3.2 currently reads: Single FAMILY Dwelling with One Apartment – A single FAMILY Dwelling, the BUILDING of which was in existence on or before January 1, 1990, to be altered and used for not more than two DWELLING UNITS, the Principal Unit plus one Apartment, provided that:

3.3.2.1 The GROSS FLOOR AREA of the Apartment shall not exceed the lesser of fifty percent of the GROSS FLOOR AREA of the Principal Unit or 800 square feet.

3.3.2.2 There shall be no more than two bedrooms in the Apartment.

3.3.2.3 The Apartment shall be clearly and distinctly separated from the Principal Unit by separate entrances either from the exterior of the BUILDING or from a common hallway located within the BUILDING.

3.3.2.4 Any stairways to an Apartment located above the ground floor of a BUILDING shall be enclosed within the exterior walls of the BUILDING.

3.3.2.5 There shall be not more than one driveway or curb cut providing ACCESS to the DWELLING UNITS, except for half circular or horseshoe driveways located in the front of the BUILDING.

3.3.2.6 A minimum of one additional parking space shall be provided for the Apartment.

3.3.2.7 The owner of the property shall occupy either the principal DWELLING UNIT or the Apartment. For the purposes of this section, the "owner" shall be one or more individuals residing in a dwelling who hold legal or beneficial title and for whom the dwelling is the primary residence for voting and tax purposes.

3.3.2.8 The Apartment shall not be held in, or transferred into separate ownership from the Principal Unit under a condominium form of ownership, or otherwise.

3.3.2.9 The minimum LOT area for a Single FAMILY Dwelling with One Apartment shall be the minimum LOT area required in the zoning district or, if the LOT is nonconforming, it shall comply with the standards for nonconforming LOTS under Section 8, provided, however, that:

a) In the R-2, R-4, R-8, R8/4, R-10, and R-10/8 Districts a Special Permit from the Board of Appeals shall be required for a Single FAMILY Dwelling with One Apartment on a nonconforming LOT with less than 15,000 square feet in LOT area.

3.3.2.10 The apartment may be located within a detached BUILDING that is located on the same LOT as the BUILDING with the Principal DWELLING UNIT, if the detached BUILDING has been continuously in existence since before 1950 and has not been expanded or enlarged after July 1st,1991. An apartment in such a detached BUILDING may have a GROSS FLOOR AREA of up to 2000 square feet, not including attic or basement areas, and up to three bedrooms. A LOT containing a BUILDING with a Principal Unit and an Apartment within a detached BUILDING shall not be further divided resulting in the separation of the Principal Unit and the Apartment, unless both resulting LOTS and the BUILDINGS thereon meet all minimum area, FRONTAGE, width and yard requirements of the applicable zoning district.

a) However, in the R-2, R-4, R-8, R8/4, R-10, and R-10/8 Districts an apartment in such a detached BUILDING shall only be allowed with a Special Permit from the Board of Appeals.

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3.3.2.11 No Apartment permitted under this Section shall be constructed and occupied without Building and Occupancy Permits issued by the Building Commissioner.

B. In Section 3.8.1 – ACCESSORY USES Permitted in the Residential Districts and dwellings in Non-Residential Districts, insert a new subsection 3.8.1.6 as follows:

3.8.1.6 Accessory Apartments subject to the following standards and requirements.

a) There shall be not more than one accessory apartment on a LOT.

b) Any BUILDING extensions or alterations shall maintain the appearance of a Single FAMILY dwelling when viewed from a STREET.

c) The GROSS FLOOR AREA of the Accessory Apartment shall not exceed the lesser of fifty percent of the GROSS FLOOR AREA of the Principal Unit or 800 square feet.

d) There shall be no more than two bedrooms in the Apartment.

e) Ground floor Apartments shall be designed and constructed to be adaptable with only minor structural changes to meet the requirements for Group 2B residences as set forth in the Massachusetts Building Code, 521 CMR (Architectural Access Board), as amended.

f) The Apartment shall be clearly and distinctly separated from the Principal Unit by separate entrances either from the exterior of the BUILDING or from a common hallway located within the BUILDING.

g) Any stairways to an Apartment located above the ground floor of a BUILDING shall be enclosed within the exterior walls of the BUILDING.

h) There shall be not more than one driveway or curb cut providing ACCESS to the DWELLING UNITS, except for half circular or horseshoe driveways located in the front of the BUILDING.

i) A minimum of one additional parking space shall be provided for the Apartment.

j) The owner of the property shall occupy either the principal DWELLING UNIT or the Apartment. For the purposes of this section, the "owner" shall be one or more individuals residing in a dwelling who hold legal or beneficial title and for whom the dwelling is the primary residence for voting and tax purposes.

k) The Apartment shall not be held in, or transferred into separate ownership from the Principal Unit under a condominium form of ownership, or otherwise.

l) The apartment may be located within a detached BUILDING that is located on the same LOT as the BUILDING with the Principal DWELLING UNIT, if the detached BUILDING has been continuously in existence since before 2010 and has not been expanded or enlarged thereafter. An apartment in such a detached BUILDING may have a GROSS FLOOR AREA of up to 2000 square feet, not including attic or basement areas, and up to three bedrooms. A LOT containing a BUILDING with a Principal Unit and an Apartment within a detached BUILDING shall not be further divided resulting in the separation of the Principal Unit and the Apartment, unless both resulting LOTS and the BUILDINGS thereon meet all minimum area, FRONTAGE, width and yard requirements of the applicable zoning district.

m) However, in the R-2, R-4, R-8, R8/4, R-10, and R-10/8 Districts an apartment in such a detached BUILDING shall only be allowed with a Special Permit from the Board of Appeals.

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n) No Apartment permitted under this Section shall be constructed and occupied without Building and Occupancy Permits issued by the Building Commissioner.

, or take any other action relative thereto.

SUMMARY

Responds to the Housing Production Plan Strategy, "Amend the accessory dwelling unit bylaw to better facilitate the development of smaller dwelling units", and to Encourage accessible and adaptable units in new private development."

Responds to the overwhelming request we receive from residents looking to accommodate the living needs of their aging parents.

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

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

DRAFT

ARTICLE ___ **AMEND ZONING BYLAW – FAMILY**
(Two-thirds vote)

To see if the Town will vote to amend the Zoning Bylaw, Section 1 (Definitions) as set forth below:

In Section 1.3 – FAMILY, delete the section in its entirety, and replace it with the following new sentence:

"FAMILY: For the purposes of this Zoning Bylaw a FAMILY shall be a person or number of persons occupying a DWELLING UNIT and living as a single household unit."

[Note – Section 1.3 currently reads:

1.3 FAMILY: A person or number of persons occupying a DWELLING UNIT and living as a single housekeeping unit, provided that a group of six or more persons shall not be deemed a FAMILY unless at least half of them are related by blood, marriage or adoption, including wards of the state.]

, or take any other action relative thereto.

SUMMARY

The Zoning Bylaw addresses the control of housing type through such terms as single family and multifamily dwelling types. Many people chose to live together in a number of different ways in one household operating as a single housekeeping unit. This article expands the current definition of family to reflect this reality of households. In the terms of impacts on the surrounding areas with regard to controlling population density the outward appearance is the same, a relatively permanent unit rather than a temporary living arrangement.

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

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

DRAFT

ARTICLE (2016ATM) # AMEND ZONING BYLAW – REGULATION OF COMMON DRIVES
(Two-thirds vote)

To see if the Town will vote to amend the Zoning Bylaw Section 3.8 – ACCESSORY USE Regulations, by deleting subsection 3.8.1.5 a), b), f), and m) and replacing them as follows:

3.8.1.5

a) All curb radii and radii of pavement edges shall be designed to accommodate SU-30 design vehicles (fire engine). In determining the adequacy of the radii at the Common Drive intersection with a STREET, it shall be assumed that on all streets a turn shall be possible without obstructing oncoming traffic.

b) There shall be a turn around for fire and other emergency vehicles (SU-30 design vehicle) for Common Drives that are 600 feet or longer and there shall be one additional turn around for each 600 feet.

f) The Common Drive shall be laid out entirely within an ACCESS and utility easement that is at least 24 feet wide.

m) There shall be a minimum 4 foot wide shoulder on each side free of obstructions such as trees or utility poles. The shoulder shall be prepared with a minimum of 2 inches of topsoil over the same gravel base as the wear surface, and seeded.

[Note – Section 3.8.1.5. a), b), f), and m) currently reads:

a) *All curb radii and radii of pavement edges shall be designed to accommodate SU-30 design vehicles (fire engine). In determining the adequacy of the radii at the Common Drive intersection with a STREET, it shall be assumed that on local STREETS the entire pavement width is available for turns, whereas on collector and arterial STREETS a turn shall be possible without obstructing oncoming traffic (local, collector and arterial STREETS as defined in the Acton Subdivision Rules and Regulations).*

b) *There shall be a turn around for fire and other emergency vehicles (SU-30 design vehicle) at the end of the Common Drive.*

f) *The Common Drive shall be laid out entirely within an ACCESS and utility easement that is at least 20 feet wide.*

m) *There shall be a minimum 3 foot wide shoulder on each side free of obstructions such as trees or utility poles. The shoulder shall be prepared with 3-4 inches of topsoil over the same gravel base as the wear surface, and seeded.*

, or take any other action relative thereto.

SUMMARY

The Massachusetts Fire Code (CMR 527) recently changed to require additional accommodations for emergency vehicle access. This article amends the standards for residential common driveways to be consistent with the new State regulations. In addition, this article adds more requirements for emergency vehicle turnaround.

Direct inquiries to: Roland Bartl, AICP, Planning Director – (978) 929-6631
Selectman assigned: _____ – E-mail: bos@acton-ma.gov

DRAFT

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

DRAFT

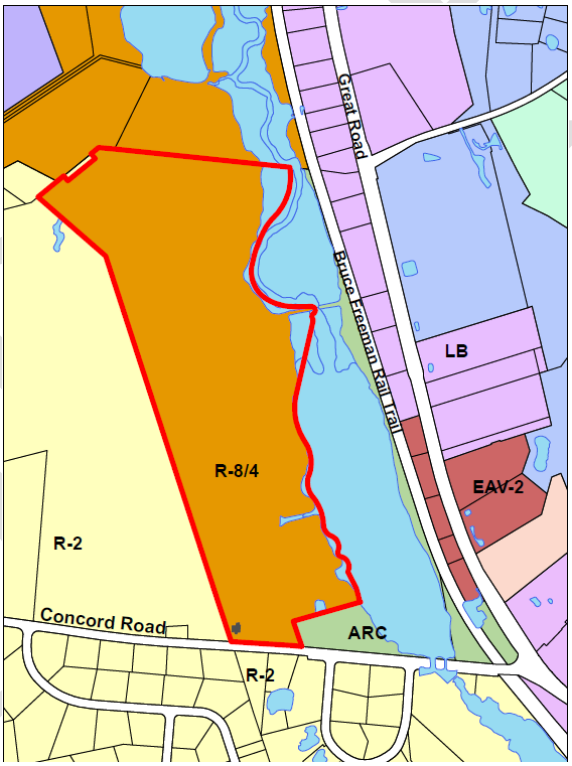
ARTICLE ___ **AMEND ZONING BYLAW – MORRISON FARM DWELLING**
(Two-thirds vote)

To see if the Town will vote to amend the Zoning Map, Map Number 1, by changing the zoning district designation for a portion of Town Atlas parcel F4-34 (116 Concord Road) from Residence 8/4 (R-8/4) to Residence 2 (R-2). Said portion is shown, more or less, as Lot 1 on a plan dated December 31, 2015, entitled "Plan of Land in Acton, Massachusetts (Middlesex County) Owned by the Town of Acton", prepared by the Town of Acton Engineering Department, and on file at the Planning Department.

, or take any other action relative thereto.

SUMMARY

The Morrison Farm property is a +/- 32.50 acre (or 1,414,700 square foot) parcel within the R-8/4 zoning district. This article would rezone a 20,378.26 square-foot portion of the property to Residence 2 (R-2) zoning as shown below. The subject parcel contains a house that has sat vacant for many years. This article would allow the Town to create a legal zoning lot for the house to facilitate its conveyance. The Town will retain the remainder of the Morrison Farm property.



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

Board of Selectmen:
Finance Committee:
Planning Board:

DRAFT