



TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
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Planning Department

January 11, 2006

Notice of Public Hearing on Proposed Zoning Changes

Please publish the following as a LEGAL NOTICE on *January 26, 2006* and *February 2, 2006*.

Acton Planning Board public hearing –

2/14/06

8:30 PM

Acton Memorial Library

on proposed zoning map and bylaw changes: (1) Map - rezone from Residence 2 to General Industrial +/-7.7 acres behind 87 Hayward Rd. & 81 Charter Rd. (2) Bylaw – allow by site plan special permit, s. 10.4, in the Small Manufacturing District in North Acton increased floor area ratio and height subject to specific conditions. (3) Bylaw, s. 6 – exempt Town conservation and recreation uses from parking lot design standards. (4) Bylaw, s. 4.3 – add regulation pertaining to ‘Special Waste’. (5) Bylaw, housekeeping - (a) cross- reference correction; (b) clarifying that projects with common land must meet minimum area requirements in Acton. Agricultural operations will not be impacted. Proposals are available at the Planning Dept. and Town Clerk.

Distribution list (**do not include in advertisement**):

The Beacon - Legal Notices
Town Clerk for posting
Town Counsel
Town Manager
Planning Board
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MAPC

Town of Boxborough Planning Board
Town of Carlisle Planning Board
Town of Concord Planning Board
Town of Littleton Planning Board
Town of Maynard Planning Board
Town of Stow Planning Board
Town of Sudbury Planning Board
Town of Westford Planning Board

To see if the Town will vote to amend the Zoning Map by rezoning to General Industrial (GI) the following parcels of land identified by their 2004 Town Atlas Map and Parcel numbers [Present zoning and street addresses are not part of the article but are shown for reference purposes only]:

map	parcel	present zoning	street address
E-3	85	R-2	rear of 87 Hayward Rd
E-3	93	R-2	rear of 87 Hayward Rd

The area proposed to be rezoned to General Industrial is also shown as Parcels B, C, and D on a "Plan of Land in Acton, Massachusetts", dated January 30, 2006, prepared by Stamski and McNary, Inc.

, or take any other action relative thereto.

SUMMARY

In the summer of 2005, the Haartz Corporation acquired the subject parcels from the Commonwealth of Massachusetts at an auction. Together they comprise +/- 3 acres. The change would rezone the parcels from Residence 2 (R-2) to General Industrial (GI). Haartz owns abutting property with a manufacturing plant on it. The change of zoning to General Industrial would provide Haartz with future expansion capability. Haartz intends to place the land under a conservation restriction except for +/- 2 acres immediately adjacent to other property they own. The conservation restriction would prevent any future development on the remaining land.

If approved this action would repeat an arrangement from 1996. Then, Town Meeting rezoned other land of Haartz from R-2 to GI. Haartz then placed that land in a conservation restriction; yet, the rezoning allowed Haartz to expand its manufacturing facility.

If this article is approved, the existing conservation restriction (Middlesex South District Registry of Deeds Bk. 27757 Pg. 537-546) would be extended to apply to all but two acres, more or less, of the subject parcels. **Haartz has submitted a letter of intent to do so.** Simultaneously, it would provide Haartz with room to grow at this location in the future ensuring that this longstanding Acton manufacturer can remain here for years to come and continue to contribute to Acton's business and industrial tax base.

Direct inquiries to: Roland Bartl, AICP, Town Planner
planning@acton-ma.gov / (978) 264-9636

Selectman assigned:

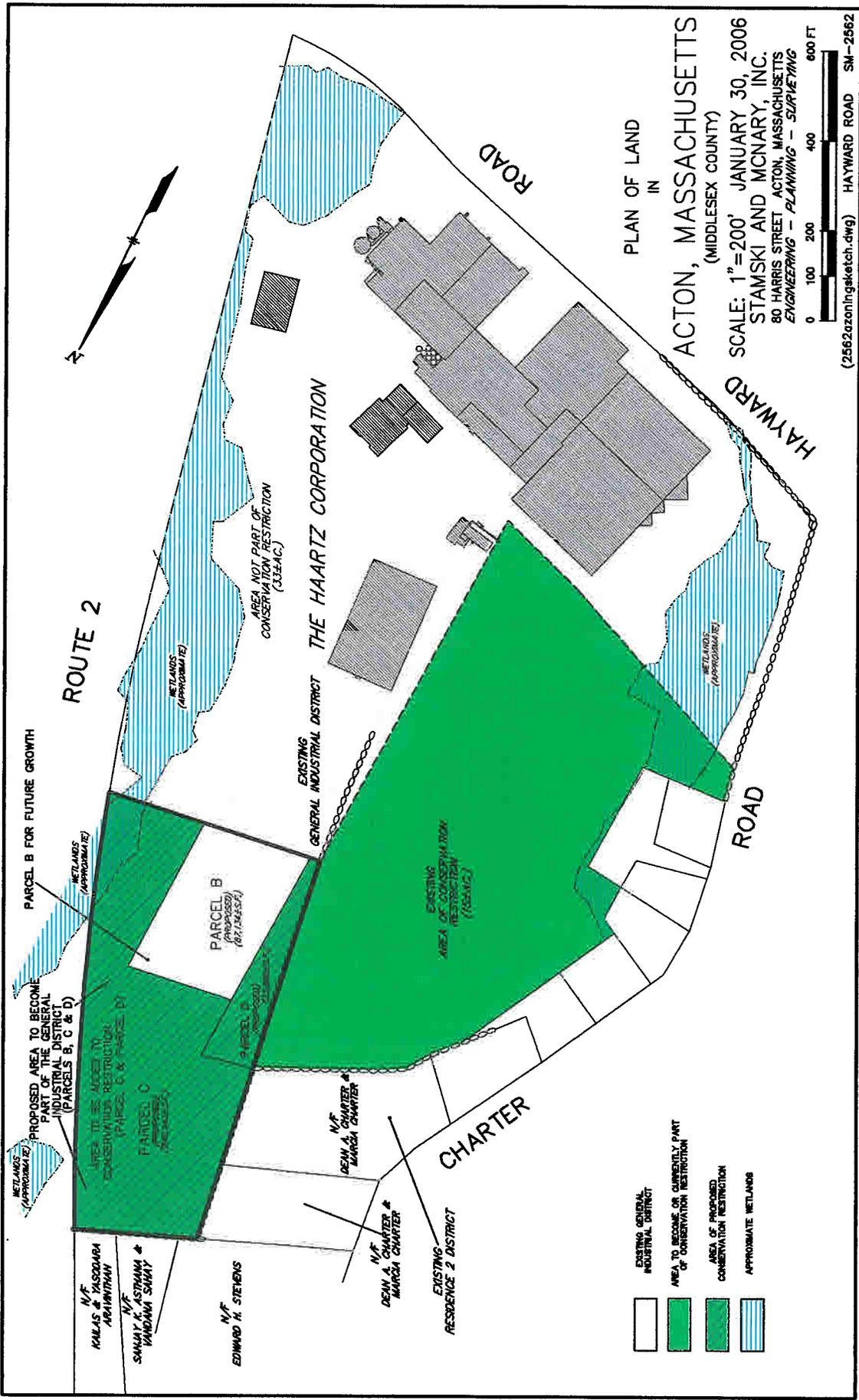
Board of Selectmen: (recommendation)

Finance Committee: (recommendation)

Planning Board: (recommendation)

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PLAN OF LAND
IN
ACTON, MASSACHUSETTS
(MIDDLESEX COUNTY)
SCALE: 1"=200' JANUARY 30, 2006
STAMSKI AND MCNARY, INC.
80 HARRIS STREET ACTON, MASSACHUSETTS
ENGINEERING - PLANNING - SURVEYING

(2562azoningketch.dwg) HAYWARD ROAD SM-2562

ROUTE 2

ROAD

HAYWARD ROAD

ROAD

THE HAARTZ CORPORATION

CHARTER ROAD

PARCEL B FOR FUTURE GROWTH

PROPOSED AREA TO BECOME PART OF THE GENERAL INDUSTRIAL DISTRICT (PARCELS B, C & D)

AREA TO BE ADDED TO CONSERVATION RESTRICTION (PARCELS C & PART OF D)

PARCELS B, C & D

PARCEL B (PROPOSED) (87.1 ACRE)

PARCEL C (PROPOSED) (20.0 ACRE)

PARCEL D (PROPOSED) (20.0 ACRE)

AREA NOT PART OF CONSERVATION RESTRICTION (USE/AC)

EXISTING INDUSTRIAL DISTRICT

EXISTING RESIDENCE 2 DISTRICT

N/F KALAS & JASODARA APARTMENT

N/F SAKAY K. ASTIRAMA VANDANA SHAIY

N/F EDWARD H. STEVENS

N/F DEAN A. CHARTER & MARCIA CHARTER

N/F DEAN A. CHARTER & MARCIA CHARTER

-  EXISTING GENERAL INDUSTRIAL DISTRICT
-  AREA TO BECOME OR CURRENTLY PART OF CONSERVATION RESTRICTION
-  AREA OF PROPOSED CONSERVATION RESTRICTION
-  APPROXIMATE WETLANDS



Mr. Peter Ashton, Chairman
Board of Selectmen
Acton Town Hall
472 Main Street
Acton, MA 01720

January 9, 2006

Dear Mr. Ashton,

Mr. Dick Hatfield talked with you and other Selectmen about The Haartz Corporation's intentions for the approximately 7.6 acres of land bought from the Commonwealth of Massachusetts in the DCAM auction of June 28, 2005. Technically the land consists of two parcels, but I will refer to them both as a singular land unit, here. At request of Mr. Roland Bartl, I offer this letter as statement of our intentions with respect to that land. Based on our best ability to anticipate future land-use needs, we would like to have the entire 7.6 acres rezoned to industrial land, and secure the majority of that former state property in a conservation restriction. This would supplement the buffer zone between our plant and our residential neighbors. We would like to keep a smaller portion of the land open to possible future use in connection with our business operations here.

Presuming that you have familiarity with the property in question here (and if not, we will be happy to furnish a plot plan), we would like to keep the southwesterly two acres open for potential future use. This end is nearest to our existing business facilities, and although we have no specific use in mind right now, we want to keep open the option for facility needs, consistent with all applicable zoning regulations now in force for industrially zoned Acton land.

The larger portion of the subject land, approximately 5.6 acres comprising the northerly and easterly part of the property, is what we would like to secure in a conservation restricted status. The industrial zoning of this portion would enable the acreage to count in the denominator of our floor area ratio. Based on internal conversations here with Mr. Hatfield, I understand this to be mutually desirable to our neighbors and to the Town. Ten years ago, the citizens of the Town kindly voted to approve the rezoning of some 15 acres of our Hayward Road property in preparation for securing conservation restricted status, and the Commonwealth was kind enough to grant that status. Ideally, we would like to expand that conservation restriction to encompass the approximately 5.6 acres under consideration now.

If you have further questions regarding this proposal, feel welcome to contact Dick Hatfield or me (if via telephone, call 978-264-2600).

Sincerely,

The Haartz Corporation
Eric R. Haartz, C.E.O.

c. Mr. Don Johnson
Mr. Dick Hatfield

To see if the Town will vote to amend the Zoning Bylaw, Section 10.4 by inserting a new section 10.4.3.12 as follows:

10.4.3.12 On LOTS in the Small Manufacturing (SM) District the Board of Selectmen, when granting a new or amended Site Plan Special Permit, may authorize a FLOOR AREA RATIO and a height above the limits set forth for BUILDINGS and STRUCTURES in the Table of Standard Dimensional Regulations, subject to the following conditions and limitations:

10.4.3.12.1 To be eligible under this section 10.4.3.12, a LOT shall have on it IMPERVIOUS COVER as defined in section 4.3 – GROUNDWATER Protection District of this Bylaw, which by its size or coverage may or may not be conforming to the limitations of this Bylaw, but shall have been installed or constructed legally in accordance with the zoning bylaw standards in effect at the time of installation or construction.

10.4.3.12.2 To be eligible under this section 10.4.3.12 and to retain ongoing eligibility, the amount and percentage on the LOT of OPEN SPACE, and of UNDISTURBED OPEN SPACE as defined in section 4.3 – GROUNDWATER Protection District of this Bylaw, shall not be reduced below the amount and percentage existing on the LOT on or before January 1, 2006; and the amount and percentage on the LOT of IMPERVIOUS COVER as defined in section 4.3 – GROUNDWATER Protection District of this Bylaw shall not be increased above the amount and percentage existing on the LOT on or before January 1, 2006.

10.4.3.12.3 Eligibility under this section 10.4.3.12 shall be limited to the following USES on the LOT, provided they are otherwise allowed in the SM District, and subject to the applicable regulations of the Groundwater Protection District Zone that overlays the LOT: Municipal; Child Care Facility; Industrial USES; and Business USES except Office, Health Care Facility, Hospital, Medical Center, and Commercial Recreation.

10.4.3.12.4 Any height increases under this section shall not result in a height of BUILDINGS and STRUCTURES greater than 45 feet, plus 12 feet for appurtenant roof STRUCTURES that in aggregate may not occupy more than 20% of the roof plan area.

10.4.3.12.5 Any NET FLOOR AREA increases under this section shall not increase the overall FLOOR AREA RATIO above 0.50.

10.4.3.12.6 There shall remain adequate space for vehicular parking on the site that meets the applicable requirements of section 6 of this Bylaw for the USE or USES on the LOT.

And,

by inserting in Section 5, Table of Standard Dimensional Regulations, line “SM”, columns “Maximum Floor Area Ratio” and “Maximum Height in feet”, the following new footnote (18):

(18) The maximum FLOOR AREA RATIO and height may be increased further subject to procedures and conditions set forth in section 10.4.3.12.

, or take any other action relative thereto.

SUMMARY

This article would allow the more productive use or reuse of vacated or underutilized industrial properties in the Small Manufacturing (SM) District. The SM District is located in North Acton primarily along the west side of Main Street between Ledge Rock Way and the Carlisle and Westford town lines. The need for this zoning amendment became apparent to the Economic Development Committee when reviewing the former Somerville Lumber store at 976 Main Street, but it may apply to other industrial properties in the SM District.

The 976 Main Street site has been developed for a large retail lumber yard in the late 1980's with extensive paved outdoor lumber storage areas and approximately 330 vehicular parking spaces. Somerville Lumber closed its doors a few years later and the facility sat vacant for several years. The current owner, Methods Machine Tools, is a custom adapter of industrial machinery and uses only the interior of the building. The outdoor lumber storage area lies fallow most of the time. The few employees at the site use only about ten or so parking spaces. Methods Machine Tools is in need of expanding the building to install an indoor crane to improve operational efficiency for loading, unloading, or moving of machinery. It could expand the building onto the existing pavement with zero environmental or other impacts were it not for the fact that the building already exceeds current floor area limits for the SM District.

This zoning amendment would provide a remedy so that developed sites and facilities once built for more customers and employees, may be more effectively reutilized by less intensive uses, which need much less vehicular parking but often larger buildings. Building additions are typically associated with higher assessed property values and increased tax revenues.

Specifically, this article would allow, as part of a site plan special permit, the increase of building floor area and height above the otherwise applicable limits in the SM District - maximum floor area ratio 0.20; maximum height 36 feet – subject to very specific conditions and limitations, including:

- The site must have existing improvements on it. It cannot be a vacant “greenfield”.
- The increase must serve a use that is otherwise allowed on the property, but cannot be for potentially high traffic generators such as office, educational, religious uses, health care, or commercial recreation.
- The increase cannot result in any net increase of currently existing total impervious coverage.
- The increase cannot result in a net loss of open space.
- The height cannot exceed 45 feet plus an appropriate allowance for accessory roof structures.
- The Floor Area Ratio cannot exceed 0.50.
- Adequate vehicular parking must be maintained to serve the use.

Direct inquiries to: Roland Bartl, AICP, Town Planner
planning@acton-ma.gov / (978) 264-9636

Selectman assigned:

Board of Selectmen: (Recommendation)

Finance Committee: (Recommendation)

Planning Board: (Recommendation)

How it would work:

The Small Manufacturing (SM) district prescribes a –
maximum FAR of 0.20
minimum Open Space of 35%
the Groundwater Protection District (GPD) overlays the SM district with three zones:
Zone 1 raises the open space requirement to 90%
Zone 2 raises the open space requirement to 70%
Zone 3 no increased open space requirement
maximum Height of 36 feet.

Uses allowed in the SM district: industrial type uses, office, municipal, educational, religious, nursing home, childcare, full service retirement community, wireless communication, veterinary care, animal boarding, commercial recreation. The focus of this article is to encourage or allow the reuse of property, while avoiding or minimizing degradation of the environment or harm to the neighborhood and community. The environmental effect should net out to zero, as the article would not allow any expansion of impervious covers to support additional building beyond what is otherwise allowed by right. The most significant community impact would be additional traffic generation. To minimize this potential effect, heavy traffic generators such as office, religious, or educational uses are excluded from the options provided in this article.

Any site in the SM district can be built on, or used and building on it can be expanded on it, subject to the otherwise applicable requirements of the zoning bylaw. In some cases, the site may be “built out”.

Whether “built out” or not, under this article building floor area and height can be moved to higher limits, provided that all such expansion – building, parking, driveways, etc. can be accommodated within the existing amount of impervious cover on the lot. Impervious covers may be shifted around to increase efficiency, but any net increase in impervious cover voids eligibility. However, on a site where impervious cover is increased, buildings may still be erected or expanded under the otherwise applicable bylaw requirements if the site is not yet “built out”.

The allowed increase in building height that this article also proposes facilitates the reuse of underutilized sites for industrial uses.

Next are the groups of scenarios found in the SM district and a description of how this amendment would or would not affect further development on the lots. Then follows a table that shows best-guess estimates of maximum possible additional floor areas on each lot in the SM district. The applicable scenario is indicated. In many cases the maximum stated floor area and FAR may never be reach, mostly due to the needs of the land use on the lot, for instance a tenant or owner may need more than the minimum number of parking spaces that zoning prescribes; or a tenant or owner may need to retain loading areas and maneuvering space for trucks and semis.

Scenario 1:

A vacant lot or lot that is largely underdeveloped with, for example, a residence, or a very small industrial/commercial use on it. There is no or very little impervious cover – certainly too little to develop much of any commercial land use, let alone to any higher density, without increases in pavement and building areas. Such sites could develop under the standard development and site

plan rules of the zoning bylaw, but could not use proposed article ZB to extend their FAR beyond 0.20. See *Scenario Type 1* in the Table that follows.

Scenario 2:

A lot with a pre-existing nonconforming FAR over 0.20 that cannot add more floor area under standard zoning provisions. The existing impervious cover and open space areas may comply with current zoning or may be preexisting non-conforming. The current use either does not utilize all the paved area, or a possible future change in use from, say, office to industrial, may free up parking spaces so that the building can be expanded. There may also be other paved surfaces on the lot that served as storage or loading areas, which in certain cases may be convertible to building footprint. Such a lot can make use of proposed article ZB to increase FAR, by replacing some surface parking and pavement with buildings. The extent of the conversion potential obviously varies greatly from one lot to another, and may be purely hypothetical in some cases. It is possible that there is so much pavement on a lot that a conversion could not fully absorb it before the proposed FAR 0.50 limit of this article acts as a cap. See *Scenario Type 2* in the Table that follows.

Scenario 3:

Very similar to *Scenario 2* above, except that here the lot's total built net floor area is below current FAR limits. There is existing or potential excess pavement area on the lot that may be conforming or pre-existing nonconforming, but in any case could potentially be converted to building footprint depending on the land use. The building expansion could occur under the standard bylaw provision up to and FAR limit of 0.20. Beyond that, the proposed article ZB could allow for further increases to the extent that already existing pavement areas are convertible. See *Scenario Type 3* in the Table that follows.

Scenario 4:

A lot is already developed to an existing non-conforming FAR of 0.50 or greater. Therefore, no further expansion is possible – not even under the proposed article ZB. See *Scenario Type 3* in the Table that follows.

Scenario 5:

A lot is developed to an existing FAR of 0.20 or greater, but below FAR 0.50. There is no possibility of expanding the building floor space under the standard provisions of this bylaw as its limits are reached. Proposed article ZB is also not effective in raising the maximum FAR, because a building expansion could not be accomplished without adding impervious cover. In other words, there is no excess pavement on the lot that could be converted to building foot print. See *Scenario Type 5* in the Table that follows.

Scenario 6:

A lot is assumed protected from development by restrictions outside of zoning. In the SM district these are two parcels – one is owned by the Acton Water District for public well protection purposes, the other is comprised entirely of wetlands. See *Scenario Type 6* in the Table that follows.

Scenario 7:

An assisted living residence which was developed by special permit under a different set of zoning rules. No change in use is assumed. There is one such project in the SM district that comprises five parcels. See *Scenario Type 7* in the Table that follows.

Scenario 8:

Very similar to *scenario 1*. The lot is currently, or was until recently in single- or two-family residential use. There is an approved site plan permit on it for commercial/industrial redevelopment and building permits are in the processing stage. As approved the site will be fully built out under

standard zoning provisions at FAR 0.20. There is possibly some excess parking under some future use change once built according to the approved site plan. However, because the impervious cover was not installed before 1/1/06, the lot is not eligible to use the proposed article ZB provisions. See *Scenario Type 8* in the Table that follows.

Note:

Under section 8.3.2 of the zoning bylaw, the Board of Appeals may by special permit allow the extension of a nonconforming structure. However, the standards for such special permit are more discretionary and at the same time more generic or vague. This amendment makes the approval of building expansion in the SM district less discretionary as it is placed under site plan, but the criteria and standards are specific and clear.

Parcel by Parcel:

Parcel ID	Addr	By-right addl. bldg. (net floor area +/- sq.ft.)	Addl. bldg. by art. ZB (net floor area +/- sq.ft.)	Resulting total max. net floor area (+/- sq.ft.)	Resulting FAR	Notes	Develo- pable site area (+/-sq.ft.)	Net floor area (+/- sq.ft.)	Existing FAR	Excess parking spaces if indust. use (+/-) ²	Other excess pavement areas (+/- sq.ft.)	Potential excess pavemt./ parking&other (+/- sq.ft.)	Scenario Type
B6 002000	982	33200	0	43200	0.20	Butterbrook Farm	221500	10000	0.05	0	0	0	1
B6 002001	1000	0	10400	21700	0.40	Pamet Systems	54000	11300	0.21	43	0	11800	2
B6 002002	976	0	99000	275000	0.50	Methods Mach. Tools	550000	176000	0.32	305	50300	134000	2
B6 003000	1012	5900	0	5900	0.20	vacant land	29500	0	0.00	0	0	0	1
B6 004000	1019	4600	0	10000	0.20	warehouse	49800	5400	0.11	0	0	0	1
B6 006000	977	0	5800	24500	0.40	Intech, Inc.	61000	18700	0.31	4	5000	6100	2
B6 013000	940	0	0	0	0.00	AWD well protection land	0	0	0.00	0	0	0	6
B6 014000	930	0	600	57500	0.50	Deck House	115000	56900	0.49	72	0	19800	2
B5 035000e	910r	0	0	0	0.00	vacant, wet	0	0	0.00	0	0	0	6
B5 039000	928	0	0	37500	1.70	mixed ind/ofc.	22000	37500	1.70	0	0	0	4
B5 039001	920	0	8800	27800	0.40	Industrial bldg.	69300	19000	0.27	33	0	9100	2
C5 006000	880	-	-	-	-	assisted living residence -- separate rules apply	-	-	-	-	-	-	7
006001													
008000													
020000													
039002													
C5 012000	906	7600	0	8700	0.20	single family	43600	1100	0.03	0	0	0	1
C5 020001	898	0	0	57000	0.50	indust. bldg.	115000	57000	0.50	0	0	0	4
C5 038001	9 Rex	49000	61100	138200	0.37	Rex Lumber	376000	28100	0.07	0	120000	120000	3
C5 039000	848	0	51800	107800	0.38	Deck House	284300	56000	0.20	26	46100	53250	2

Parcel ID	Addr ¹	By-right addl. bldg. (net floor area +/- sq.ft.)	Addl. bldg. by art. ZB (net floor area +/- sq.ft.)	Resulting total max. net floor area (+/- sq.ft.)	Resulting FAR	Notes	Develo- pable site area (+/-sq.ft.)	Net floor area (+/- sq.ft.)	Existing FAR	Excess parking spaces if indust. use (+/-) ²	Other excess pavement areas (+/- sq.ft.)	Potential excess pavemt./ parking&other (+/- sq.ft.)	Scenario Type
C5 040000	866	0	0	8700	0.20	Approved, but not yet built, therefore not eligible due to 1/1/06 cut-off date	43700	8700	0.20	12	0	3300	8
C5 040003	3 Eastern	1200	1800	9900	0.25	dance studio	40000	6900	0.17	13	0	3600	3
C5 040004	4 Eastern	0	9900	27400	0.34	industrial/offi ce	80200	17500	0.22	38	0	10500	2
C5 040005	2 Eastern	0	4700	14400	0.32	Foreign Auto Dr	45700	9700	0.21	20	0	5500	2
C5 050000	840	0	18400	139000	0.34	Rex Lumber - facility	405100	120600	0.30	59	3000	19000	2
C5 059000	816	0	0	29600	0.20	new self storage bldg	148700	29600	0.20	0	0	0	5
C5 060000	820	23600	0	30300	0.20	Capizzi landscaping	151300	6700	0.04	0	0	0	1
C5 061000 061001	836	4200	1600	13600	0.23	indust. bldg. w/ residence	60000	7800	0.13	25	0	6900	3
Totals +/-	-	129300	273900	1087800	0.39	-	2765700	684600	0.25	-	-	-	

I:\planning\town meetings\2006 atm\zb underutilized industrial lands - 3 notes.doc

¹ All are Main Street addresses except for Eastern Rd and Rex Lane as noted.

² +/-275 square feet per parking space

To see if the Town will vote to amend the Zoning Bylaw, by deleting the first paragraph of section 6.7 – Parking Lot Design Requirements, and replacing it with the following new paragraph [*Notes in italic print are not part of the Article but are intended for explanation only.*]:

“All parking lots shall be designed in compliance with the following design standards, except as provided in Section 6.9. In addition, the following standards shall not apply to parking lots serving a single to four-FAMILY residential USE, an Assisted Living Residence with 10 or less residents, a religious USE, a Conservation USE, and a Municipal outdoor recreation USE.”

[Note: The first paragraph of section 6.7 currently reads:

“All parking lots shall be designed in compliance with the following design standards, except as provided in Section 6.9. In addition, the following standards shall not apply to parking lots serving a single to four-FAMILY residential USE, an Assisted Living Residence with 10 or less residents, a religious USE, and to parking lots with up to 15 parking spaces serving a Conservation USE.”]

, or take any other action relative thereto.

SUMMARY

The subject paragraph of the zoning bylaw introduces the section on parking lot design standard and provides for certain exemptions from these standards. This article would broaden the exemptions to include all conservation land parking lots and all parking lots used in connection with outdoor recreation facilities operated by the Town of Acton. This change allows, for example, gravel surfaces or grass pavers instead of pavement, and waives specific landscaping requirements.

Direct inquiries to: Roland Bartl, AICP, Town Planner
planning@acton-ma.gov / (978) 264-9636

Selectman assigned:

Board of Selectmen: (Recommendation)

Finance Committee: (Recommendation)

Planning Board: (Recommendation)

To see if the Town will vote to amend the Zoning Bylaw, section 4.3 – Groundwater Protection District, as follows [*Notes in italic print are not part of the Article but are intended for explanation only.*]:

A. Insert a new definition subsection 4.3.3.12 as follows:

4.3.3.12 **SPECIAL WASTE** –Waste that requires special management to ensure protection of public health, safety, or the environment based upon its physical, biological, or chemical properties. Special wastes include but are not limited to: asbestos waste; infectious wastes except as specified in 310 CMR 19.061(6)c4 as amended; and sludges, including but not limited to wastewater treatment sludges, drinking water treatment sludges, and industrial process wastewater treatment sludges (Ref: 310 CMR 19.061(2) and (3) as amended.).

And, renumber current subsections sections 4.3.3.12 through 4.3.3.15 to become subsections 4.3.3.13 through 4.3.3.16 respectively.

B. Delete subsection 4.3.6.1 and replace it with a new subsection 4.3.6.1 as follows:

4.3.6.1 **FILL** – FILL material shall not contain **HAZARDOUS MATERIAL OR WASTE, SPECIAL WASTES, or SOLID WASTE**. This Section shall also apply in ZONE 4.

[Note: Subsection 4.3.6.1 currently reads:

“FILL – FILL material shall not contain either HAZARDOUS MATERIAL OR WASTE, or SOLID WASTE. This Section shall also apply in ZONE 4.”]

, or take any other action relative thereto.

SUMMARY

This article follows a recommendation of the Environmental Standards for Fill Advisory Committee in its Draft Report dated December 12, 2005. See companion articles in this warrant with proposed changes to the Acton Hazardous Material Control Bylaw.

Direct inquiries to: Roland Bartl, AICP, Town Planner
planning@acton-ma.gov / (978) 264-9636

Selectman assigned:

Board of Selectmen: (Recommendation)

Finance Committee: (Recommendation)

Planning Board: (Recommendation)

To see if the Town will vote to amend the Zoning Bylaw as follows [*Notes in italic print are not part of the Article but are intended for explanation only.*]:

A. In section 3.8.3.6 relative to Amateur Radio Towers, amend subsection i) by replacing the first cross-reference “(section 3.8.3.6.a)” with a corrected cross-reference to read “(section 3.8.3.6 – first paragraph)”.

B. In section 4.2, Open Space Development:

1. Replace the first paragraph of subsection 4.2.3.1 with the following new paragraph:

“Minimum Tract Size – Open Space Developments shall be located upon a TRACT OF LAND which has an area within the Town of Acton of at least 6 acres in the R-2 District, or 8 acres in the R-4, R-8, R-8/4, R-10 and R-10/8 Districts.”

[Note: The first sentence of subsection 4.2.3.1 currently reads:

“Minimum Tract Size – Open Space Developments shall be located upon a TRACT OF LAND which has an area of at least 6 acres in the R-2 District, or 8 acres in the R-4, R-8, R-8/4, R-10 and R-10/8 Districts.”]

2. In subsection 4.2.3.4, delete the first sentence and replace it with the following new sentence:

” Dimensional Requirements for the Common Land - Not less than 30% in the R-2 District, 40% in the R-4 and R-8/4 Districts, and 50% in the R-8, R-10 and R-10/8 Districts of the total area of the TRACT OF LAND within Acton to be developed as an Open Space Development shall be dedicated as Common Land within Acton.”

[Note: The first sentence of subsection 4.2.3.4 currently reads:

” Dimensional Requirements for the Common Land - Not less than 30% in the R-2 District, 40% in the R-4 and R-8/4 Districts, and 50% in the R-8, R-10 and R-10/8 Districts of the total area of the TRACT OF LAND to be developed as an Open Space Development shall be dedicated as Common Land.”]

C. In section 9, Planned Conservation Residential Community:

1. Add at the end of the first sentence of subsection 9.6.2.1 the following phrase:

“within the Town of Acton”

[Note: The first sentence of subsection 9.6.2.1 currently reads:

“PCRC Site Area – The TRACT OF LAND for a PCRC must contain a minimum of 8 acres.”]

2. In subsection 9.6.3.1, delete the first sentence and replace it with the following new sentence:

”In a PCRC, at least sixty percent (60%) of the TRACT OF LAND within Acton shall be set aside as Common Land within Acton for the use of the PCRC residents or the general

public.”

[Note: The first sentence of subsection 9.6.3.1 currently reads:

”In a PCRC, at least sixty percent (60%) of the land shall be set aside as Common Land for the use of the PCRC residents or the general public.”]

D. In section 9B, Senior Residence:

1. In subsection 9B.5.1, add after the words “8 acres” the following phrase:

“within the Town of Acton”

[Note: Subsection 9B.5.1 currently reads:

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

2. In subsection 9B.9.1, delete the first sentence and replace it with the following new sentence:

”In a SENIOR Residence development, at least fifty percent (50%) of the TRACT OF LAND in Acton shall be set aside as Common Land in Acton for the use of the SENIOR residents or the general public.”

[Note: The first sentence of subsection 9B.9.1 currently reads:

” In a SENIOR Residence development, at least fifty percent (50%) of the land shall be set aside as Common Land for the use of the SENIOR residents or the general public.”]

, or take any other action relative thereto.

SUMMARY

Part A corrects an error that was overlooked when Town Meeting adopted the section on Amateur Radio towers last year. Parts B, C, and D clarify the current intent of the Zoning Bylaw that minimum tract of land and common land requirements for Open Space Developments, Planned Conservation Residential Communities, and Senior Residences must be met within the boundaries of the Town of Acton. Recent experience with a preliminary project before the Planning Board suggested that this clarification would be prudent and helpful.

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Selectman assigned:

Board of Selectmen: (Recommendation)

Finance Committee: (Recommendation)

Planning Board: (Recommendation)