

ARTICLE ZA
(Two-thirds vote)

FLEXIBLE PARKING LOT DESIGN

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

A. In section 6.7, which sets forth standard parking lot design requirements, insert a new section 6.7.9 as follows:

6.7.9 Flexible Parking Lot Design Requirements – A Special Permit or Site Plan Special Permit Granting Authority having jurisdiction, or the Building Commissioner in cases where no special permit is required, may waive any and all requirements of sections 6.7.1, 6.7.2, 6.7.5 thru 6.7.8, and 10.4.3.5 of this Bylaw, including their subsections, subject to the following requirements, conditions, and findings:

6.7.9.1 The special permit or site plan special permit application shall contain a Parking Proof Plan, prepared and stamped by a Registered Professional Engineer, drawn to sufficient detail to demonstrate compliance with all applicable local, State, and Federal laws and regulations, including this Bylaw without the benefit of this section 6.9. The Parking Proof Plan shall show the number of proposed parking spaces and identify the total area of impervious paved surface, parking lot landscaping, and OPEN SPACE on the LOT.

6.7.9.2 The special permit or site plan special permit application shall contain a Flexible Parking Plan, prepared and stamped by a Registered Professional Engineer, showing the same number of parking spaces as on the Parking Proof Plan and a parking lot layout that differs in whole or in part from the requirements of sections 6.7.1, 6.7.2, 6.7.5 thru 6.7.8, and 10.4.3.5. The Flexible Parking Plan shall include sufficient detail, including drainage system details, to demonstrate compliance with all other applicable local, State, and Federal laws and regulations, and it shall identify the total area of impervious paved surface, parking lot landscaping, and OPEN SPACE on the LOT. The Flexible Parking Plan shall be submitted with a list of waivers from the stated sections of this Bylaw and supporting materials detailing why the Flexible Parking Plan is more advantageous for the site; better protects the neighbors including abutting residential properties; is more conservative in its use of natural resources; and overall would be in the better interest of the Town of Acton as compared to the Parking Proof Plan.

6.7.9.3 In cases where a special permit or site plan special permit is not required, the Parking Proof Plan and Flexible Parking Plan shall be submitted to the Building Commissioner.

6.7.9.4 The Flexible Parking Plan shall comply with the following minimum standards:

- a) Except for access driveways all parking spaces and paved surfaces shall be set back a minimum of ten feet from any LOT line.
- b) The landscaping of the parking lots shall as a minimum comply with section 6.9.4.7 including subsections a) through e).

6.7.9.5 The Special Permit or Site Plan Special Permit Granting Authority, or the Building Commissioner where no special permit is required, may at their sole discretion approve the Flexible Parking Plan if they can find and determine that the Flexible Parking Plan is superior to the Parking Proof Plan and provides a substantial public benefit.

- B. In section 10.4, Site Plan Special Permit, insert under section 10.4.3.6 the following subsection 3):
- 3) See also section 6.7.9 for Flexible Parking Plans and potential waivers from this section 10.4.3.6.

, or take any other action relative thereto.

SUMMARY

The zoning bylaw determines in a detailed manner the layout, design, and landscaping of parking lots in Acton. This zoning bylaw amendment would provide for an optional flexible design approach in most zoning districts. The number of parking spaces that can fit in a given area would be determined by way of a proof plan that is in compliance with the detailed standard design requirements. The same number of parking spaces may then be arranged in a different layout and pattern, subject to minimum performance standards for setbacks and landscaping that currently apply in some of Acton's village districts. The result of flexible parking design can be the more conservative use of land and natural resources, more contiguous open space, less impervious pavement coverage, less storm water runoff, and more flexibility to design a parking lot that is context sensitive and potentially more responsive to the needs of the abutters, the neighborhood, and the Town.

Direct inquiries to: Roland Bartl, Town Planner – (978) 264-9636; planning@acton-ma.gov
Selectman assigned: – ; bos@acton-ma.gov

Board of Selectmen:
Finance Committee:
Planning Board:

ARTICLE ZB.2
(Two-thirds vote)

**TEAR-DOWNS AND REPLACEMENTS
OF HOMES ON UNDERSIZED LOTS**

Option 1: Standards for replacement only.

To see if the Town will vote to amend the Zoning Bylaw, section 8.3 – Nonconforming Structures, by inserting a new section 8.3.6 as follows:

- 8.3.6 Replacement of Single Family Dwelling – A STRUCTURE in single-family residential USE on a nonconforming LOT, that cannot be built on under the requirements of Section 8.1, may be razed and rebuilt for single-family residential USE subject to the following conditions and limitations:
- 8.3.6.1 The replacement STRUCTURE shall meet all minimum yard and maximum height requirements as they apply to the LOT at the time of the special permit application.
 - 8.3.6.2 The replacement STRUCTURE shall not exceed the foot print area, including garages, porches, and decks, of the existing STRUCTURE on the LOT by more than 25%.
 - 8.3.6.3 The replacement STRUCTURE shall not exceed the GROSS FLOOR AREA of the existing STRUCTURE on the LOT by more than 50 percent up to a maximum GROSS FLOOR AREA of 2000 square feet.
 - 8.3.6.4 A STRUCTURE with more than 2000 square feet in GROSS FLOOR AREA may be replaced in kind with a new STRUCTRE with the same as or less than the GROSS FLOOR AREA of the existing STRUCTURE.
 - 8.3.6.5 In the absence of architectural plans for the existing structure, the foot print area and GROSS FLOOR AREA shall be determined by the measurements on record at the Assessor's office.

Option 2: Special permit only.

To see if the Town will vote to amend the Zoning Bylaw, section 8.3 – Nonconforming Structures, by inserting a new section 8.3.6 as follows:

- 8.3.6 Replacement of Single Family Dwelling – A STRUCTURE in single-family residential USE on a nonconforming LOT, that cannot be built on under the requirements of Section 8.1, may be razed and rebuilt for single-family residential USE by special permit from Board of Appeals.

Option 3: Special permit and standards for replacement.

- 8.3.6 (This could combine *Option 2* with all or some of the standards in *Option 1*)

, or take any other action relative thereto.

SUMMARY

This article would amend the zoning bylaw to allow the tear-down and replacement of single-family residential structures on lots that are nonconforming due to insufficient frontage or area. The zoning bylaw allows the restoration of structures on such lots after fire or other damage has destroyed less

than 50% of their value. But, it does not currently allow their intentional demolition and rebuilding. Since 2000, the Board of Appeals heard seven variance petitions to allow such replacements. Six variances were granted. The cases varied. The replacement of a septic system required the relocation of a house. One house sustained fire damage that exceeded 50% of its value. Other petitions were by homeowners or builders who simply wanted to replace the existing “low value” structure with a modern home. Looking only at smaller single family homes (less than 1,500 square feet in living area) as the more likely candidates for potential replacements, and evaluating their lots only for area, the Planning Department found 237 such small homes on undersized lots. This represents approximately 4% of Acton’s single family housing stock.

The statutory criteria for variances – hardship due to soil conditions, shape, or topography – do not strictly apply to most of these situations. Insufficient frontage or area by themselves cannot be considered hardship. This article would remove the zoning bylaw’s barrier against demolition and replacement of single-family homes on nonconforming lots, some of which may fall into disrepair after years of estate ownership and abandonment, become an eyesore in the neighborhood, and pose a safety hazard. The proposed zoning bylaw change includes certain conditions and limitations on the replacement structures to ensure that they are for single-family residential purposes, and that their size and bulk will be reasonably compatible within the context of established neighborhoods.

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Note: The summary of the article is written for Option . It will need some editing if Option 2 or Option 3 are selected.