



Planning Department

**TOWN OF ACTON**  
472 Main Street  
Acton, Massachusetts 01720  
Telephone (978) 264-9636  
Fax (978) 264-9630  
planning@acton-ma.gov

January 16, 2009

**Notice of Public Hearing on Proposed Zoning Changes**

Please publish the following as a LEGAL NOTICE on *January 29, 2009* and *February 5, 2009*.

Acton Planning Board public hearing - 2/17/09, 7:45 PM, Town Hall – Faulkner Room (204), on proposed zoning bylaw changes to: (A) Allow use of pervious pavements in parking lots and driveways. (B) Allowing truck rental as an accessory use in the Light Industrial district. (C) Clarify the floor area ratio limits in the South Acton Village (SAV) and West Acton Village (WAV) districts consistent with the past and current Town zoning interpretation that allows full residential use of property under the higher floor area ratio limit allowed in the respective footnotes (13) and (11) for the SAV and WAV districts in the Table of Standard Dimensional Regulations. (D) Modify the floor area ratio limits in the SAV and WAV districts to the effect that the higher floor area ratio limit allowed in the respective footnotes (13) and (11) can only be implemented if the additional floor area contains a non-residential portion. (E) Reduce the maximum floor area ratio limits allowed under respective footnotes (13) and (11) for the SAV and WAV districts by deleting footnotes (13) and (11) in their entirety. (F) Make housekeeping and minor changes exempting bicycle, pedestrian, and multiuse paths; allowing building cleaning service as a building trade shop; requiring transparent materials for the boarding up of buildings; and clarifying shielding standards for outdoor lighting fixtures. Agricultural operations will not be impacted. Proposals are available at the Planning Dept. and Town Clerk.

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**DRAFT ZONING ARTICLE 2009-04**  
(Two-thirds vote)

**AMEND ZONING BYLAW -  
POROUS PAVEMENTS**

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

A. In section 3.8.1.5 (Common Drives for Residential Land Uses) delete subsection l) and replace it with a new subsection l) as follows:

- l) The wear surface shall be at least 12 feet wide and consist of a minimum of (1) 3 inches of Type I bituminous concrete applied in two courses over a minimum base of 12 inches of properly prepared and compacted gravel, graded to drain from the crown; or (2) porous pavement, porous concrete or permeable concrete pavers over a durable structural base that is suitable for the intended use and provides site specific accommodation for water infiltration and/or storage.

*[Note: Subsection l) currently reads:*

*l) The paved wear surface shall be at least 12 feet wide and consist of a minimum of 3 inches of Type I bituminous concrete, applied in two courses over a minimum base of 12 inches of properly prepared and compacted gravel, graded to drain from the crown.]*

B. In section 4.3.6 (Design and Operation Requirements in the Groundwater Protection District) insert before the last sentence of subsection 4.3.6.2 the following new text:

“To facilitate GROUNDWATER recharge the Special Permit Granting Authority or the Planning Board may allow porous pavement, porous concrete, or permeable concrete pavers over a durable structural base that is suitable for the intended use and provides site specific accommodation for water infiltration and/or storage, provided that the Special Permit Granting Authority or the Planning Board can make a finding based in evidence that the use of these alternative paving materials does not detract from the purpose of the GROUNDWATER Protection District set forth in section 4.3.1.”

*[Note: Subsection 4.3.6.2 currently states:*

*4.3.6.2 Watershed Recharge – The amount of annual precipitation being captured and recharged to the GROUNDWATER on site shall not be reduced due to development related surface runoff from the site when compared to pre-development conditions. Where a Special Permit or Subdivision Approval is required the Special Permit Granting Authority or the Planning Board shall require a hydrologic budget or water balance calculation for the site, showing pre- and post-development conditions, prepared by a Massachusetts Registered Professional Engineer experienced in hydrogeology. This Section shall also apply in ZONE 4.]*

C. In the second lead paragraph of section 6.7 (Parking Lot Design Requirements), insert after the first sentence the following new text:

“Subject to the design standards in the GROUNDWATER Protection District, porous pavement, porous concrete, or permeable concrete pavers over a durable structural base that is suitable for the intended use and provides site specific accommodation for water infiltration and/or storage may be used as alternatives to conventional pavement materials.”

*[Note: The new text refers to requirements in the first sentence of the same paragraph. The first sentence reads as follows:*

*“Required parking spaces, loading areas and driveways shall be provided and maintained with suitable grading, paved surfaces and adequate drainage.”]*

- D. In section 6.9.4 (Parking Standards in the SAV and WAV Districts) add to the end of subsection 6.9.4.6.a) the following new text:

“Subject to the design standards in the GROUNDWATER Protection District, porous pavement, porous concrete, or permeable concrete pavers over a durable structural base that is suitable for the intended use and provides site specific accommodation for water infiltration and/or storage may be used as alternatives to conventional pavement materials.”

*[Note: Subsection 6.9.4.6.a) currently reads:*

*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 6.9.4.7.]*

, or take any other action relative thereto.

#### **SUMMARY**

This article would allow the use of various porous pavement materials for use in driveways, streets, parking lots, loading areas. Studies show that in many cases the use of pervious pavements can improve groundwater recharge and quality.

Direct inquiries to: Roland Bartl, AICP, Planning Director: [planning@acton-ma.gov](mailto:planning@acton-ma.gov) / (978) 264-9636

Selectman assigned: : [bos@acton-ma.gov](mailto:bos@acton-ma.gov)

<b>Recommendations:</b>	<b><u>Board of Selectmen</u></b> <b>Recommended</b>	<b><u>Finance Committee</u></b> <b>Deferred</b>	<b><u>Planning Board</u></b> <b>Recommended</b>
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**DRAFT ZONING ARTICLE 2009-04**  
(Two-thirds vote)

**AMEND ZONING BYLAW -  
TRUCK RENTAL AS ACCESSORY USE IN  
THE LIGHT INDUSTRIAL (LI) DISTRICT**

To see if the Town will vote to amend the Zoning Bylaw, section 3.8.2 (Accessory Uses Permitted in the Office, Business, and Industrial Districts) by inserting a new sub-section 3.8.2.8 as follows:

3.8.2.8 In the Light Industrial District, the rental of trucks with a gross vehicle weight not greater than 26,000 pounds, provided that not more than five trucks for rental use shall be parked on-site at any one time and that no such truck shall be parked on site for more than 72 consecutive hours.

, or take any other action relative thereto.

**SUMMARY**

This article makes accommodations for business and industrial truck rentals in the Light Industrial District as an accessory use to another allowed principal use. The Light Industrial District exists in three locations: at Craig Road; at the east end of River Street; and at the south end of Main Street. The proposed limitations on gross vehicle weight restrict the size of rental vehicles to medium duty trucks. The proposed limits on the number and duration of rental vehicles parked on site restricts such accessory uses to small branch operations typically set up to provide rental pick-ups and drop-offs after telephone or web appointments. Typically, a rental vehicle is delivered from a regional storage facility to the branch location in Acton for pick-up by a rental customer, and, unless there is an immediate subsequent rental customer booked, the vehicle is returned to the regional storage facility soon after customer drop-off. This article is proposed after an inquiry was made by an Acton warehousing and rental business (Concord Rental/Warren Rental) that is located in the Light Industrial District and after review and favorable recommendation by the Economic Development Committee.

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Selectman assigned:

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

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**DRAFT ZONING ARTICLE 2009-04**  
(Two-thirds vote)

**AMEND ZONING BYLAW - FLOOR AREA  
RATIO IN THE SOUTH ACTON VILLAGE  
(SAV) ZONING DISTRICT**

To see if the Town will vote to amend the Zoning Bylaw, section 5, Table of Standard Dimensional Regulations by changing the cell in line “SAV” and column “Maximum Floor Area Ratio” from 0.20 (13) to 0.40 (13), and by deleting footnote (13) and replacing it with a new footnote (13) as follows:

- (13) Within the Maximum FAR of 0.40, a project can consist entirely of habitable residential NET FLOOR AREA, or it can consist of a mix of habitable residential and non-residential NET FLOOR AREA; provided, however, that for every square foot of non-residential NET FLOOR AREA built above the FAR of 0.20, an equal amount or more of habitable residential NET FLOOR AREA must be provided simultaneously and set aside exclusively for residential USE.

*[Note: Footnote (13) currently reads:*

*(13) The maximum Floor Area Ratio (FAR) may be increased to .40, provided that for every square foot of non-residential NET FLOOR AREA built above FAR of .20 an equal amount or more of habitable residential NET FLOOR AREA is provided simultaneously, and set aside for exclusive residential USE.]*

, or take any other action relative thereto.

**SUMMARY**

Simply put, the Floor Area Ratio (FAR) is the result of the division of the internal floor area of all buildings on a lot by the land area of the lot, on which the buildings are situated. For example, on a 10,000 square foot lot with a building having 5,000 square feet of floor area, the FAR would be 0.50. In other words, the building floor area comprises 50% of the lot area. In this simple example, the footprint of a single-story building would cover 50% of the lot area, the footprint of a two-story building would cover 25% of the lot area, the footprint of a three-story building would cover 16.67% of the lot area, and so on.

Currently, the Table of Standard Dimensional Regulations states that the FAR limit in the South Acton Village (SAV) District is 0.20, and footnote (13) increases the FAR limit to a higher limit of 0.40 for lots with residential land uses. On lots with an FAR at or below 0.20 the land uses may be commercial, industrial, residential, or any combination thereof. Footnote (13) only affects the uses in the floor area that exceeds FAR 0.20. The Town’s interpretation of footnote (13) has been that not more than half of the floor area in excess of FAR 0.20 may be used for non-residential uses, but that non-residential uses are not required within the floor area above FAR 0.20. As a result, the floor area in excess of FAR 0.20 may be used 50% commercial and 50% residential, 25% commercial and 75% residential, 0% commercial and 100% residential, or any ratio in between. Further, this means that on one end of the spectrum a lot in the SAV district with only commercial uses on it is limited to an FAR of 0.20, whereas on the other end of the spectrum a lot with only residential uses on it is allowed a maximum FAR of 0.40. Since the adoption of the SAV zoning regulations in 1995, the Town has established considerable precedent under this interpretation in approving by right or by special several purely residential building or rehabilitation projects in the SAV district where the FAR exceeds 0.20.

Recently, the Town's interpretation of footnote (13) has been questioned. This article would amend footnote (13) to express even more clearly that the Town's current interpretation is the interpretation intended by Town Meeting.

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Selectman assigned:

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

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**DRAFT ZONING ARTICLE 2009-04**  
(Two-thirds vote)

**AMEND ZONING BYLAW - FLOOR AREA  
RATIO IN THE WEST ACTON VILLAGE  
(WAV) ZONING DISTRICT**

To see if the Town will vote to amend the Zoning Bylaw, section 5, Table of Standard Dimensional Regulations by changing the cell in line “WAV” and column “Maximum Floor Area Ratio” from 0.40 (11) to 0.70 (11), and by deleting footnote (11) and replacing it with a new footnote (11) as follows:

- (11) Within the Maximum FAR of 0.70, a project can consist entirely of habitable residential NET FLOOR AREA, or it can consist of a mix of habitable residential and non-residential NET FLOOR AREA; provided, however, that for every square foot of non-residential NET FLOOR AREA built above the FAR of 0.40, an equal amount or more of habitable residential NET FLOOR AREA must be provided simultaneously and set aside exclusively for residential USE.

*[Note: Footnote (11) currently reads:*

*(11) The FLOOR AREA RATIO may be increased to .70 provided that for every 1000 square feet of non-residential NET FLOOR AREA built above a FLOOR AREA RATIO of .40 an at-least-equal amount of residential NET FLOOR AREA is provided simultaneously.]*

, or take any other action relative thereto.

**SUMMARY**

Simply put, the Floor Area Ratio (FAR) is the result of the division of the internal floor area of all buildings on a lot by the land area of the lot, on which the buildings are situated. For example, on a 10,000 square foot lot with a building having 5,000 square feet of floor area, the FAR would be 0.50. In other words, the building floor area comprises 50% of the lot area. In this simple example, the footprint of a single-story building would cover 50% of the lot area, the footprint of a two-story building would cover 25% of the lot area, the footprint of a three-story building would cover 16.67% of the lot area, and so on.

Currently, the Table of Standard Dimensional Regulations states that the FAR limit in the West Acton Village (WAV) District is 0.40, and footnote (11) increases the FAR limit to a higher limit of 0.70 for lots with residential land uses. On lots with an FAR at or below 0.40 the land uses may be commercial, industrial, residential, or any combination thereof. Footnote (11) only affects the uses in the floor area that exceeds FAR 0.40. The Town’s interpretation of footnote (11) has been that not more than half of the floor area in excess of FAR 0.40 may be used for non-residential uses, but that non-residential uses are not required within the floor area above FAR 0.40. As a result, the floor area in excess of FAR 0.40 may be used 50% commercial and 50% residential, 25% commercial and 75% residential, 0% commercial and 100% residential, or any ratio in between. Further, this means that on one end of the spectrum a lot in the WAV district with only commercial uses on it is limited to an FAR of 0.40, whereas on the other end of the spectrum a lot with only residential uses on it is allowed a maximum FAR of 0.70. Since the adoption of the WAV zoning regulations in 1994, the Town has established considerable precedent under this interpretation in approving by right or by special several purely residential building or rehabilitation projects under the comparable footnote (13) that applies in the South Acton Village district.

Recently, the Town's interpretation of footnotes (11) and (13) has been questioned. This article would amend footnote (11) to express even more clearly that the Town's current interpretation is the interpretation intended by Town Meeting.

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Selectman assigned:

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

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**DRAFT ZONING ARTICLE 2009-04**  
(Two-thirds vote)

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- (13) Within the Maximum FAR of 0.40, the NET FLOOR AREA built above the FAR of 0.20 shall consist of a mix of habitable residential and non-residential NET FLOOR AREA, with the residential NET FLOOR AREA set aside exclusively for residential USE, and the non-residential NET FLOOR AREA set aside exclusively for non-residential USE; and provided further that for every square foot of non-residential NET FLOOR AREA built above the FAR of 0.20, an equal amount or more of habitable residential NET FLOOR AREA must be provided simultaneously and set aside exclusively for residential USE.

*[Note: Footnote (13) currently reads:*

*(13) The maximum Floor Area Ratio (FAR) may be increased to .40, provided that for every square foot of non-residential NET FLOOR AREA built above FAR of .20 an equal amount or more of habitable residential NET FLOOR AREA is provided simultaneously, and set aside for exclusive residential USE.]*

, or take any other action relative thereto.

### SUMMARY

Simply put, the Floor Area Ratio (FAR) is the result of the division of the internal floor area of all buildings on a lot by the land area of the lot, on which the buildings are situated. For example, on a 10,000 square foot lot with a building having 5,000 square feet of floor area, the FAR would be 0.50. In other words, the building floor area comprises 50% of the lot area. In this simple example, the footprint of a single-story building would cover 50% of the lot area, the footprint of a two-story building would cover 25% of the lot area, the footprint of a three-story building would cover 16.67% of the lot area, and so on.

Currently, the Table of Standard Dimensional Regulations states that the FAR limit in the South Acton Village (SAV) District is 0.20, and footnote (13) increases the FAR limit to a higher limit of 0.40 for lots with residential land uses. On lots with an FAR at or below 0.20 the land uses may be commercial, industrial, residential, or any combination thereof. Footnote (13) only affects the uses in the floor area that exceeds FAR 0.20. The Town’s interpretation of footnote (13) has been that not more than half of the floor area in excess of FAR 0.20 may be used for non-residential uses, but that non-residential uses are not required within the floor area above FAR 0.20. As a result, the floor area in excess of FAR 0.20 may be used 50% commercial and 50% residential, 25% commercial and 75% residential, 0% commercial and 100% residential, or any ratio in between. Further, this means that on one end of the spectrum a lot in the SAV district with only commercial uses on it is limited to an FAR of 0.20, whereas on the other end of the spectrum a lot with only residential uses on it is allowed a maximum FAR of 0.40. Since the adoption of the SAV zoning regulations in 1995, the Town has established considerable precedent under this interpretation in

approving by right or by special several purely residential building or rehabilitation projects in the SAV district where the FAR exceeds 0.20.

Recently, the Town's interpretation of footnote (13) has been questioned. An alternative interpretation has been suggested. This article would amend footnote (13) in favor of the alternative interpretation. As a result of this change, any floor area in excess of FAR 0.20 must be used as mixed residential and non-residential space; not more than 50% of the floor area above FAR 0.20 could be used for non-residential uses; and exclusive residential use of the floor area above FAR 0.20 would not be allowed.

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Selectman assigned:

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

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**DRAFT ZONING ARTICLE 2009-04**  
(Two-thirds vote)

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- (11) Within the Maximum FAR of 0.70, the NET FLOOR AREA built above the FAR of 0.40 shall consist of a mix of habitable residential and non-residential NET FLOOR AREA, with the residential NET FLOOR AREA set aside exclusively for residential USE, and the non-residential NET FLOOR AREA set aside exclusively for non-residential USE; and provided further that for every square foot of non-residential NET FLOOR AREA built above the FAR of 0.40, an equal amount or more of habitable residential NET FLOOR AREA must be provided simultaneously and set aside exclusively for residential USE.

*[Note: Footnote (11) currently reads:*

*(11) The FLOOR AREA RATIO may be increased to .70 provided that for every 1000 square feet of non-residential NET FLOOR AREA built above a FLOOR AREA RATIO of .40 an at-least-equal amount of residential NET FLOOR AREA is provided simultaneously.]*

, or take any other action relative thereto.

**SUMMARY**

Simply put, the Floor Area Ratio (FAR) is the result of the division of the internal floor area of all buildings on a lot by the land area of the lot, on which the buildings are situated. For example, on a 10,000 square foot lot with a building having 5,000 square feet of floor area, the FAR would be 0.50. In other words, the building floor area comprises 50% of the lot area. In this simple example, the footprint of a single-story building would cover 50% of the lot area, the footprint of a two-story building would cover 25% of the lot area, the footprint of a three-story building would cover 16.67% of the lot area, and so on.

Currently, the Table of Standard Dimensional Regulations states that the FAR limit in the West Acton Village (WAV) District is 0.40, and footnote (11) increases the FAR limit to a higher limit of 0.70 for lots with residential land uses. On lots with an FAR at or below 0.40 the land uses may be commercial, industrial, residential, or any combination thereof. Footnote (11) only affects the uses in the floor area that exceeds FAR 0.40. The Town’s interpretation of footnote (11) has been that not more than half of the floor area in excess of FAR 0.40 may be used for non-residential uses, but that non-residential uses are not required within the floor area above FAR 0.40. As a result, the floor area in excess of FAR 0.40 may be used 50% commercial and 50% residential, 25% commercial and 75% residential, 0% commercial and 100% residential, or any ratio in between. Further, this means that on one end of the spectrum a lot in the WAV district with only commercial uses on it is limited to an FAR of 0.40, whereas on the other end of the spectrum a lot with only residential uses on it is allowed a maximum FAR of 0.70. Since the adoption of the WAV zoning regulations in 1994, the Town has established considerable precedent under this interpretation in

approving by right or by special several purely residential building or rehabilitation projects under the comparable footnote (13) that applies in the South Acton Village district.

Recently, the Town's interpretation of footnotes (11) and (13) has been questioned. An alternative interpretation has been suggested. This article would amend footnote (11) in favor of the alternative interpretation. As a result of this change, any floor area in excess of FAR 0.40 must be used as mixed residential and non-residential space; not more than 50% of the floor area above FAR 0.40 could be used for non-residential uses; and exclusive residential use of the floor area above FAR 0.40 would not be allowed.

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

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**DRAFT ZONING ARTICLE 2009-04**  
(Two-thirds vote)

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*(13) The maximum Floor Area Ratio (FAR) may be increased to .40, provided that for every square foot of non-residential NET FLOOR AREA built above FAR of .20 an equal amount or more of habitable residential NET FLOOR AREA is provided simultaneously, and set aside for exclusive residential USE.]*

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**SUMMARY**

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Currently, the Table of Standard Dimensional Regulations states that the FAR limit in the South Acton Village (SAV) District is 0.20, and footnote (13) increases the FAR limit to a higher limit of 0.40 for lots with residential land uses. On lots with an FAR at or below 0.20 the land uses may be commercial, industrial, residential, or any combination thereof. Footnote (13) only affects the uses in the floor area that exceeds FAR 0.20. The Town’s interpretation of footnote (13) has been that not more than half of the floor area in excess of FAR 0.20 may be used for non-residential uses, but that non-residential uses are not required within the floor area above FAR 0.20. As a result, the floor area in excess of FAR 0.20 may be used 50% commercial and 50% residential, 25% commercial and 75% residential, 0% commercial and 100% residential, or any ratio in between. Further, this means that on one end of the spectrum a lot in the SAV district with only commercial uses on it is limited to an FAR of 0.20, whereas on the other end of the spectrum a lot with only residential uses on it is allowed a maximum FAR of 0.40. Since the adoption of the SAV zoning regulations in 1995, the Town has established considerable precedent under this interpretation in approving by right or by special several purely residential building or rehabilitation projects in the SAV district where the FAR exceeds 0.20.

Recently, the Town’s interpretation of footnote (13) has been questioned. An alternative approach has been suggested, to delete footnote (13) altogether. As a result of this change, the FAR in the SAV district would be limited to 0.20 regardless of land use or mixture of land uses.

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

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**DRAFT ZONING ARTICLE 2009-04**  
(Two-thirds vote)

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RATIO IN THE WEST ACTON VILLAGE  
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*[Note: Footnote (11) currently reads:*

*(11) The FLOOR AREA RATIO may be increased to .70 provided that for every 1000 square feet of non-residential NET FLOOR AREA built above a FLOOR AREA RATIO of .40 an at-least-equal amount of residential NET FLOOR AREA is provided simultaneously.]*

, or take any other action relative thereto.

**SUMMARY**

Simply put, the Floor Area Ratio (FAR) is the result of the division of the internal floor area of all buildings on a lot by the land area of the lot, on which the buildings are situated. For example, on a 10,000 square foot lot with a building having 5,000 square feet of floor area, the FAR would be 0.50. In other words, the building floor area comprises 50% of the lot area. In this simple example, the footprint of a single-story building would cover 50% of the lot area, the footprint of a two-story building would cover 25% of the lot area, the footprint of a three-story building would cover 16.67% of the lot area, and so on.

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Recently, the Town’s interpretation of footnotes (11) and (13) has been questioned. An alternative approach has been suggested to delete footnotes (11) and (13) altogether. As a result of this change, the FAR in the WAV district would be limited to 0.40 regardless of land use or mixture of land uses.

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**DRAFT ZONING ARTICLE 2009-04**  
(Two-thirds vote)

**AMEND ZONING BYLAW**  
**HOUSEKEEPING; MINOR CHANGES**

To see if the Town will vote to amend the zoning bylaw as follows:

1. In Section 1 (Authority, Purpose, Definitions and Applicability) delete the lead paragraph of section 1.4 and replace it with a new paragraph as follows:

**1.4 Applicability** - All LOTS and parcels of land in the Town of Acton and all BUILDINGS, STRUCTURES and other improvements thereon shall be subject to the regulations, restrictions and requirements established in this Bylaw. Except when specifically referred to or stated otherwise, this Bylaw shall not apply to STREETS and appurtenances and easements thereto; to railroad rights of way; to public bicycle, pedestrian, and multi-use paths funded, laid out, and constructed by the Town of Acton, the Commonwealth of Massachusetts, or the Federal Government; or to any BUILDING, STRUCTURE or USE of land, including grading, filling, and excavating, which is associated with a public sewer collection system owned or operated by the Town of Acton.

*[Note: The lead paragraph of section 1.4 currently reads as follows:*

*1.4 Applicability - All LOTS and parcels of land in the Town of Acton and all BUILDINGS, STRUCTURES and other improvements thereon shall be subject to the regulations, restrictions and requirements established in this Bylaw. Except when specifically referred to or stated otherwise, this Bylaw shall not apply to STREETS, appurtenances and easements thereto, to railroad rights of way, or to any BUILDING, STRUCTURE or USE of land, including grading, filling, and excavating, which is associated with a public sewer collection system owned or operated by the Town of Acton.]*

2. In Section 3.5.14 (Use Definition of Building Trade Shop) insert before “or similar occupation” the following:

”building cleaning service, ”.

*[Note: Section 3.5.14 currently reads as follows:*

*3.5.14 Building Trade Shop – An establishment for use by the practitioner of a building trade such as a carpenter, welder, plumber, electrician, builder, mason, landscaping contractor, lawn care service, or similar occupation.]*

3. In Section 8 (Nonconforming Lots, Uses, Structures and Parking; Exemptions) change the title of Section 8 to read:

“Nonconforming Lots, Uses, Structures and Parking; Exemptions; Vacancies”

, and

Insert a new sub-section 8.10 as follows:

**8.10 Boarding Up of Vacant Buildings** - Except where otherwise required under the Massachusetts State Building Code, a vacant BUILDING whose windows and doors are to be “boarded up” against illegal entry, vandalism, or loitering shall be “boarded up” with clear high-impact Lexan 9034 or equivalent impact resistant, transparent material in a manner that minimizes the appearance that the BUILDING is vacant.

4. In section 10.6 (Outdoor Lighting Regulations for Site Plan Special Permits), insert in the 2<sup>nd</sup> line of subsection 10.6.2.2.a), the word “additionally” before the word ‘SHIELDED’.

*[Note: Sub-section 10.6.2.2.a) currently reads:*

*10.6.2.2.a) Any LUMINAIRE whose distance from a LOT line is less than three times its height (3xH) shall be SHIELDED so that all DIRECT LIGHT cast in the direction of STREETS, or abutting LOTS that are in Residential or Conservation USE, is cut off at an angle no more than 70 degrees measured from a vertical line directly below the LUMINAIRE (Figure 2). This requirement shall apply to all sides of the LUMINAIRE that emit light toward a LOT line that is less than 3xH away from the LUMINAIRE. The cut-off may be accomplished either by the LUMINAIRE photometric properties, or by a supplementary external shield.]*

, or take any other action relative thereto.

### SUMMARY

Part 1 – STREETS, railroad rights of way; and facilities and infrastructure associated with the Town’s public sewer collection system are generally exempt from zoning regulations. This will add public bicycle, pedestrian, and multi-use paths to the list of exempt infrastructure facilities.

Part 2 – Building trade shops as a land use category of the Zoning Bylaw are allowed in most village, business, and office districts, and in all industrial districts. This change would define building cleaning services as a business within the category of building trade shops.

Part 3 – The boarding up of vacant buildings is generally intended to protect the buildings and any assets within them. Some owners with vacant buildings board them board up on their own, others do it because their insurance requires it. During this economic downturn Acton has so far experienced relatively few instances of vacated and boarded up buildings. Where it has happened, the boarding up with traditional plywood widely signaled a vacant building. This created a potential attractive nuisance, and sent a message of decline, neglect, and blight. This addition to the zoning bylaw requires less obvious materials for boarding up buildings such as Plexiglas or Lexan.

Part 4 – This amendment clarifies that the shielding required in this subsection is in addition to other shielding required in section 10.6.

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

Selectman assigned:

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

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