

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 or in cases where the Fire Chief or Police Chief for public safety reasons order the the use of other materials, 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 2nd 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.

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Selectman assigned:

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