

To see if the Town will vote to amend the Zoning Bylaw by inserting under section 3.8.3 (Accessory Use Permitted in any Zoning District) a new sub-section 3.8.3.7 as follows:

- 3.8.3.7 In any zoning district where, pursuant to the Table of PRINCIPAL USES, Vehicle Repair is a USE allowed by right (Y) or by special permit (SPS), the sale of used motor vehicles as an ACCESSORY USE to Vehicle Repair, provided that:
- a) Any motor vehicle that is for sale does not exceed a maximum gross vehicle weight of 14,000 pounds;
 - b) Not more than 10 used motor vehicles shall be for sale at any one time;
 - c) Where Vehicle Repair requires a special permit, such special permit has been issued and the Vehicle Repair USE is in compliance with said special permit; and
 - d) Where Vehicle Repair requires a special permit, not more than 5 motor vehicle that are for sale shall be placed for open-air display between the STREET and any BUILDING on the LOT and such open-air display area shall comply with the standards of Section 6.7 or 6.9 of this Bylaw as applicable for the zoning district in which the Vehicle Repair USE is located.

[Note: Related Use Definitions in the Zoning Bylaw:

3.5.20 Vehicle Repair – Establishment where the principal service is the mechanical repair, excluding body work, of automobiles, trucks, boats, motorcycles, trailers, recreational vehicles, farm equipment or similar motor vehicles, having a maximum gross vehicle weight of 10,000 pounds and a wheel base no larger than 135-inches, provided that all but minor repairs shall be conducted entirely within a BUILDING.

3.5.22 Vehicle Sale, Rental – Facility for the rental, leasing or sale of automobiles, trucks, boats, motorcycles, trailers, recreational vehicles, farm equipment or similar motor vehicles having a maximum gross vehicle weight of 10,000 pounds and a wheel base no larger than 135-inches; including open-air display. The open-air display area shall comply with the standards of Section 6.7 of this Bylaw.

See separate article in this warrant proposing to change the gross vehicle weight limit to 14,000 pounds.]

, or take any other action relative thereto.

SUMMARY

Vehicle repair as a defined principal use in Section 3.5.20 of the zoning bylaw is allowed by right in the Limited Business (LB), Powder Mill (PM), Light Industrial (LI) and Small Manufacturing (SM) zoning districts, and by special permit in the West Acton Village (WAV) and Kelley's Corner (KC) zoning districts. Vehicle Sales as a defined principal use in Section 3.5.22 is allowed by right only in the LB and PM zoning districts. The owner of a vehicle repair shop in the WAV zoning district has approached the Planning Board about adding a used car sales business. This article would accommodate the sale of used motor vehicles as an accessory use to auto repair shops with certain conditions and requirements as set forth in the article. The particular repair business in the WAV zoning district is pre-existing non-conforming, meaning it came into existence prior to the special permit requirement of the zoning bylaw. The owner would have to obtain a special permit before they can obtain a license to sell used motor vehicles on the property. Special permits are discretionary and can impose conditions and requirements pertaining to the property and the business on it. Auto dealer licenses are issued by the Board of Selectmen and come up for renewal once a year. This provides an annual opportunity to check for special permit compliance.

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

Selectman assigned:

Board of Selectmen:

Finance Committee:

Planning Board:

Notes:

- If the Planning Board is inclined to accommodate the Sal's Auto Repair's request, the draft article as presented here would be staff's recommended option. It would not only apply to Sal's.
- An alternative would be the creation of a separate zoning district for just this purpose on Sal's property. Acton already has 26 zoning district. This is minutia in the larger picture and does not justify a separate zoning designation. In addition, spot zoning allegations may be a concern with this approach, because one may argue that it singles out one such business for favorable treatment.

I:\planning\town meetings\2012 atm\zj - sal's auto - dealer license - draft 2.doc