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Planning Department

MEMORANDUM

To: Planning Board **Date:** February 16, 2012
From: Roland Bartl, AICP, Planning Director
Subject: Special Permit Rules and Regulations

In November of 2011 or thereabouts, the Planning Board adopted at a public hearing amendments to the Acton Subdivision Rules and Regulations, and along with that a couple of changes to the various special permit rules. All changes dealt principally with the changes towards digital filing of plans and applications.

The Subdivision Rules have been edited according to the vote taken at the public hearing; they are now files with the Town Clerk and the Registry of Deeds/Land Court and thereby official. While making the changes to the special permit rules and regulations, the project got a little bigger. Detailed review indicated that additional changes would be needed for consistent digital filings. Unrelated to this, (1) several special permit rules were so antiquated that additional changes became necessary, and (2) several special permits did not have any associated rules and regulations. State law requires, or at least suggests that there must or should be rules and regulations for all special permits governing filing requirements and procedures.

I have now updated all special permit rules and regulations and created additional ones for special permits, where no rules and regulations existed to this point. I request that the Planning Board adopt these rules. They are not perfectly polished, but they are workable and consistent across the board except for plan and document filing requirements that are tailored as much as possible to the special permit at hand.

The revised and new rules and regulations are in the meeting package for approval by consent vote. No public hearing is required for the adoption of special permit rules and regulations, but the adoption by the Board of any rules changes or new rules at a regular meeting is good practice.

The following are the highlights of rules changes and new rules additions:

Rules changes – all special permit rules:

Changed all document filing requirements to digital with only few paper documents where required (materials for preliminary staff reviews, formal applications and plan submissions, approved plan and as-built plan submissions, submission of changes and amendments.

Changed all public/abutters notice procedures to be same in all rules.

Rules changes for special permit projects with affordable housing components:

Deleted several forms specifically related to the affordable housing components, referring instead to forms available from the Mass. Department of Housing and Community Development (DHCD).
Rules Changes for common driveway special permits:

Deleted the entire section on design standards that were put in before the zoning bylaw had design standards (see section 3.8.1.5).

Rules for Personal Wireless Facilities:

Made adjustments to be consistent with the section 3.10 zoning bylaw changes adopted in April 2007.

New Rules:

Rules for special permit to reconstruct nonconforming multifamily dwellings (ZBL section 8.7).

Rules for miscellaneous other special permits (generic rules covering all Planning Board special permits for which no specific rules are published – e.g. residential recreation facilities; tall light poles for outdoor recreation facilities).

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