



TOWN CLERK

TOWN OF ACTON
472 MAIN STREET
ACTON, MASSACHUSETTS, 01720
TELEPHONE (978) 929-6620
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July 20, 2016

MIDDLESEX, SS:

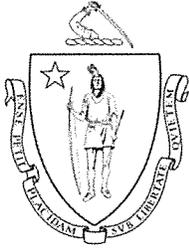
ON THE ABOVE DATE, I POSTED ATTESTED COPIES OF THE AMENDMENT TO THE TOWN ZONING BYLAW, ARTICLE 29, WHICH PASSED AT THE ANNUAL TOWN MEETING THAT CONVENED ON APRIL 4, 2016. THE ARTICLE MENTIONED FOR THE TOWN ZONING BYLAW, WAS APPROVED BY THE ATTORNEY GENERAL, MAURA HEALEY ON JULY 20, 2016 AND IS POSTED AT THE FOLLOWING PLACES IN THE TOWN OF ACTON:

NAGOG WOODS POST OFFICE, TOWN HALL, WEST ACTON POST OFFICE, CENTER POST OFFICE, PUBLIC SAFETY FACILITY, CENTER LIBRARY AND TOWN WEB PAGE.

CONSTABLE

CLAIMS OF INVALIDITY BY REASON OF ANY DEFECT IN THE PROCEDURE OF ADOPTION OR AMENDMENTS OF THESE BYLAWS MAY ONLY BE MADE WITHIN NINETY DAYS (90) PER CHAPTER 40, SECTION 32, OF THE GENERAL LAWS OF THE COMMONWEALTH.

EVA K. SZKARADEK
TOWN CLERK



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

MAURA HEALEY
ATTORNEY GENERAL

(508) 792-7600
(508) 795-1991 fax
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July 20, 2016

RECEIVED

Eva K. Szkaradek, Town Clerk
Town of Acton
472 Main Street
Acton, MA 01720

JUL 20 2016

TOWN CLERK
ACTON

**RE: Acton Annual Town Meeting of April 4, 2016 - Case # 7895
Warrant Articles # 29, 30 and 31 (Zoning)**

Dear Ms. Szkaradek:

Article 29 - We approve Article 29 from the April 4, 2016 Acton Annual Town Meeting.¹

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

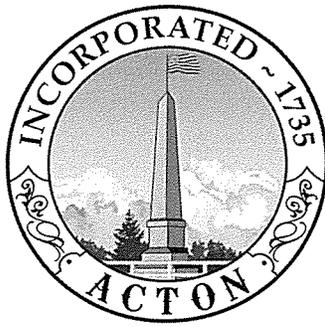
MAURA HEALEY
ATTORNEY GENERAL

Nicole B. Caprioli

By: Nicole B. Caprioli
Assistant Attorney General
Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600 ext. 4418
nicole.caprioli@state.ma.us

cc: Town Counsel Stephen D. Anderson

¹ We approved Articles 30 and 31 in a decision issued June 6, 2016.



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TOWN CLERK

EXCERPT OF THE ANNUAL TOWN MEETING HELD
MONDAY, APRIL 4, 2016, 7:00 P.M.
ACTON-BOXBOROUGH REGIONAL HIGH SCHOOL AUDITORIUM
WITH ADJOURNED SESSION HELD APRIL 5, 2016

Article 29 Amend Zoning Bylaw – Accessory Apartments
(Two-thirds vote)

To see if the Town will amend Section 3.3, Residential Uses, of the Zoning Bylaw as set forth below:

- A. Delete Section 3.3.2, Single Family Dwelling with one Apartment, in its entirety including all its subsections, and renumber sections 3.3.3 through 3.3.5 to become 3.3.2 through 3.3.4, respectively.

[Note – Section 3.3.2 currently reads: Single FAMILY Dwelling with One Apartment – A single FAMILY Dwelling, the BUILDING of which was in existence on or before January 1, 1990, to be altered and used for not more than two DWELLING UNITS, the Principal Unit plus one Apartment, provided that:

- 3.3.2.1 The GROSS FLOOR AREA of the Apartment shall not exceed the lesser of fifty percent of the GROSS FLOOR AREA of the Principal Unit or 800 square feet.*
- 3.3.2.2 There shall be no more than two bedrooms in the Apartment.*
- 3.3.2.3 The Apartment shall be clearly and distinctly separated from the Principal Unit by separate entrances either from the exterior of the BUILDING or from a common hallway located within the BUILDING.*
- 3.3.2.4 Any stairways to an Apartment located above the ground floor of a BUILDING shall be enclosed within the exterior walls of the BUILDING.*
- 3.3.2.5 There shall be not more than one driveway or curb cut providing ACCESS to the DWELLING UNITS, except for half circular or horseshoe driveways located in the front of the BUILDING.*
- 3.3.2.6 A minimum of one additional parking space shall be provided for the Apartment.*
- 3.3.2.7 The owner of the property shall occupy either the principal DWELLING UNIT or the Apartment. For the purposes of this section, the “owner” shall be one or more individuals residing in a dwelling who hold legal or beneficial title and for whom the dwelling is the primary residence for voting and tax purposes.*
- 3.3.2.8 The Apartment shall not be held in, or transferred into separate ownership from the Principal Unit under a condominium form of ownership, or otherwise.*
- 3.3.2.9 The minimum LOT area for a Single FAMILY Dwelling with One Apartment shall be the minimum LOT area required in the zoning district or, if the LOT is nonconforming, it shall comply with the standards for nonconforming LOTS under Section 8, provided, however, that:*

- a) *In the R-2, R-4, R-8, R8/4, R-10, and R-10/8 Districts a Special Permit from the Board of Appeals shall be required for a Single FAMILY Dwelling with One Apartment on a nonconforming LOT with less than 15,000 square feet in LOT area.*

3.3.2.10 *The apartment may be located within a detached BUILDING that is located on the same LOT as the BUILDING with the Principal DWELLING UNIT, if the detached BUILDING has been continuously in existence since before 1950 and has not been expanded or enlarged after July 1st, 1991. An apartment in such a detached BUILDING may have a GROSS FLOOR AREA of up to 2000 square feet, not including attic or basement areas, and up to three bedrooms. A LOT containing a BUILDING with a Principal Unit and an Apartment within a detached BUILDING shall not be further divided resulting in the separation of the Principal Unit and the Apartment, unless both resulting LOTS and the BUILDINGS thereon meet all minimum area, FRONTAGE, width and yard requirements of the applicable zoning district.*

- a) *However, in the R-2, R-4, R-8, R8/4, R-10, and R-10/8 Districts an apartment in such a detached BUILDING shall only be allowed with a Special Permit from the Board of Appeals.*

3.3.2.11 *No Apartment permitted under this Section shall be constructed and occupied without Building and Occupancy Permits issued by the Building Commissioner.]*

B. In Section 3.8.1 – ACCESSORY USES Permitted in the Residential Districts and dwellings in Non-Residential Districts, insert a new subsection 3.8.1.6 as follows:

3.8.1.6 Accessory apartments subject to the following standards and requirements.

- a) There shall be not more than one accessory apartment on a LOT.
- b) Any BUILDING extensions or alterations shall maintain the appearance of a Single FAMILY Dwelling when viewed from a STREET.
- c) The GROSS FLOOR AREA of the accessory apartment shall not exceed the lesser of fifty percent of the GROSS FLOOR AREA of the Principal Unit or 800 square feet.
- d) There shall be no more than two bedrooms in the apartment.
- e) Ground floor apartments shall be designed and constructed to be adaptable with only minor structural changes to meet the requirements for Group 2B residences as set forth in the Massachusetts Building Code, 521 CMR (Architectural Access Board), as amended.
- f) The apartment shall be clearly and distinctly separated from the Principal Unit by separate entrances either from the exterior of the BUILDING or from a common hallway located within the BUILDING.
- g) Any stairways to an apartment located above the ground floor of a BUILDING shall be enclosed within the exterior walls of the BUILDING.
- h) There shall be not more than one driveway or curb cut providing ACCESS to the DWELLING UNITS, except for half circular or horseshoe driveways located in the front of the BUILDING.
- i) A minimum of one additional parking space shall be provided for the apartment.
- j) The owner of the property shall occupy either the principal DWELLING UNIT or the apartment. For the purposes of this section, the “owner” shall be one or more individuals residing in a dwelling who hold legal or beneficial title and for whom the dwelling is the primary residence for voting and tax purposes.
- k) The apartment shall not be held in, or transferred into separate ownership from the Principal Unit under a condominium form of ownership, or otherwise.

- l) The apartment may be located within a detached BUILDING that is located on the same LOT as the BUILDING with the Principal DWELLING UNIT, if the detached BUILDING has been continuously in existence since before 2010 and has not been expanded or enlarged thereafter. An apartment in such a detached BUILDING may have a GROSS FLOOR AREA of up to 2000 square feet, not including attic or basement areas, and up to three bedrooms. A LOT containing a BUILDING with a Principal Unit and an apartment within a detached BUILDING shall not be further divided resulting in the separation of the Principal Unit and the apartment, unless both resulting LOTS and the BUILDINGS thereon meet all minimum area, FRONTAGE, width and yard requirements of the applicable zoning district.
- m) However, in the R-2, R-4, R-8, R-8/4, R-10, and R-10/8 Districts an apartment in such a detached BUILDING shall only be allowed with a Special Permit from the Board of Appeals.
- n) No apartment permitted under this Section shall be constructed and occupied without Building and Occupancy Permits issued by the Building Commissioner.

, or take any other action relative thereto.

MOTION: Mr. Clymer moves that the Town adopt the Zoning Bylaw amendments as set forth in the Article.

MOTION CARRIES

Declared 2/3 by Moderator*

*Town of Acton has accepted MGL CH 39 Sec 15 at its Annual Town Meeting April 2001, Article 43 and the amended Bylaw 5A was approved by the Attorney General on Aug. 6, 2001.
(The Town Meeting Moderator is not required to count a 2/3 required vote.)