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## PROPOSED ZONING ARTICLES

- I. Amend Section 5.A.2.c. regarding accessory uses permitted in the Residence A, B, & C Districts, as follows:
- a. Delete subsection 5.A.2.c.ii.c. in its entirety, regarding the keeping of pets and animals for use of the resident premises, as follows:
    - e) ~~Animals shall be cared for in accord with all rules and regulations that the Board of Health may from time to time promulgate pertaining to the keeping of animals, following a posted public hearing. Rationale: This is regulated by the Board of Health.~~
  - b. Amend subsection 5.A.2.c.iv. regarding professional office and customary home occupation, as follows:
    - 1) Add the word “home” between the words “Professional office”, so it appears as:

“iv) Professional **home** office or customary home occupation, provided that.” *Rationale: Clarifies that the section refers to a professional home office, not a professional office as the principal use.*
    - 2) Add new subsection 5.A.2.c.iv.g, as follows:

**“g) All parking required to service the occupation is provided off-street, and not within a required front yard”.** *Rationale: Provides parking guidelines for professional home offices and customary home occupations.*
- II. Amend Section 5.A.3. regarding uses permitted in the Residence A, B & C Districts with a Special Permit, as follows:
- a. Amend Section 5.A.3.h. by deleting the terms “convalescent homes, old age homes, sanitariums” and inserting in their place the term, “rehabilitation facilities”, as follows:
    - “h. Nursing homes, ~~convalescent homes, old age homes, sanitariums~~ rehabilitation facilities, hospitals.” *Rationale: The proposal would modernize these terms.*
  - b. Amend Section 5.A.3.j. by deleting the terms, “Non-profit schools, kindergartens, nursery school, children centers”, and replacing them with the terms, “For profit”, as follows:
    - “j. ~~Non-profit schools, kindergartens, nursery schools, children centers,~~ **For profit** arts, crafts and dramatic schools, dancing and music schools.” *Rationale: The provisions regarding non-profit schools, kindergartens, nursery schools and child centers are in*

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*violation MGL Ch. 40A, s.3. Clarifies that the other schools mentioned are for profit, so as not to be in violation of said law.*

III. Amend regulations for “Congregate Housing” to clarify provisions and to eliminate unnecessary restrictions, as follows:

- a. Amend the definition for “Congregate Housing” in Section 2 of the Zoning Bylaw by removing the word “nonprofit” from the first line and by adding the terms “and persons with disabilities” after the terms “elderly persons” in the first line, as follows:

**“Congregate Housing. A ~~nonprofit~~ group living arrangement for elderly persons *and persons with disabilities* who cannot easily maintain their own housing, financially or otherwise, but who do not need nursing home care. The persons living together may care for themselves or may have some support services.”** *Rationale: Limiting the development group to non-profit charitable organizations is overly restrictive and might prevent projects that are beneficial to the Town. The proposal adds persons with disabilities to be in line with the State’s definition of Congregate Housing.*

- b. Amend Section 5.A.3.i. regarding uses permitted in the Residence A, B & C Districts with a special permit, by refining the requirements for congregare housing by: 1. replacing the terms “one-half (1/2) again” with “150%” (section 5.A.3.i.i); 2. combining subsection 5.A.3.i.i. with Section 5.A.3.i.; and, deleting subsections 5.A.3.i.ii. through vi. as follows:

“i. Congregate housing for the elderly **and persons with disabilities**, and shared elderly housing ~~providing~~ **provided** that: i) ~~In~~ **in addition to the requirements of Section 6.A, the lot shall contain at least one half (1/2) again 150% of the required lot area for the District in which it is located.**

*Rationale: Adds persons with disabilities to be in line with the State’s definition of Congregate Housing. Clarifies the confusing lot area requirement.*

~~ii. There shall be no more than twelve (12) persons per unit and no more than two (2) persons per bedroom.~~

*Rationale: This provision unnecessarily restricts a project. Persons per unit and per bedroom are regulated by other authorities (State, Board of Health).*

~~iii) All required licenses and permits from the Commonwealth and the Board of Health have been obtained.~~ *Rationale: Requirements of these authorities stand in and of themselves.*

~~iv) The use is served by municipal water.~~ *Rationale: This provision unnecessarily restricts a project. Other authorities (Water Department, Board of Health, DEP) regulate access to drinking water.*

~~v) Off street parking is provided in the side or rear yards.~~

*Rationale: This provision unnecessarily restricts a project.*

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- vi) ~~Off street loading, if any, is in the rear of the structure.”~~  
*Rationale: This provision unnecessarily restricts a project.*

IV. Amend Section 5.B.1.e.i, regarding outdoor storage and display as an accessory use permitted in the Business District subject to a site plan approved by the Planning Board, as follows:

“e. Accessory buildings and uses provided that:

- i) Outdoor **business-related** storage and display ~~that is conducted~~ **located** in the rear and/or side yard, ~~and such storage or display is~~ **shall be** screened from view of **abutting residential** dwellings ~~in abutting Residence A, B or C Districts~~ with shrubs or a fence of at least four (4) feet in height.  
*Rationale: Clarifies that this regulation applies to business related storage only. Further, the regulation currently only requires screening for dwellings in abutting residential districts, whereas any abutting residential dwelling should be screened from outdoor business-related storage and display, regardless of Zoning District.*

V. Amend Section 5.B.2., regarding uses permitted in the Business District upon a special permit granted by the Planning Board, as follows:

- a. Delete subsection 5.B.2.e. regarding Child Care Centers in its entirety and re-letter the subsequent subsection, as follows:

~~“e. Child Care Center. A child care facility for more than six children may be permitted in the Business District by a special permit from the Planning Board, provided that the lot area used for facilities at least 60,000 square feet, that the facility provides service for no more than twenty (20) children, and that a safe and fenced yard/outdoor play area is provided having at least 10,000 square feet.~~

**f.e.** Residential units ...”

*Rationale: The existing subsection “e.” is in violation of GL Ch. 40A, s.3.*

- b. Amend new subsection 5.B.2.e. (formerly subsection f.) regarding residential units located in the same buildings as commercial enterprises, by deleting the terms “, provided that they be in compliance with other local regulations, including Board of Health” and by adding the terms “by the Planning Board” to the end, as follows:

“f. Residential units located in the same buildings as commercial enterprises, ~~provided that they be in compliance with other local regulations, including Board of Health.~~ Visual elements, density, and parking shall be part of the special permit review **by the Planning Board.**”

*Rationale: Other local regulations such as those of the Board of Health stand in and of themselves. This revision also clarifies that the Planning Board, and not another entity, is the Special Permit Granting Authority reviewing “visual elements, density and parking”.*

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VI. Amend the following Zoning Bylaw Sections regarding properties having rooms for rent as follows:

- a. Revise the definition of “Bed and Breakfast” by changing the duration of stay from “15 days” to “less than 14 consecutive nights” as follows:

“Bed and Breakfast. A house, or portion thereof, where up to four lodging rooms, with meals, are provided providing that the maximum duration of any tenant shall ***be less than 14 consecutive nights*** ~~not exceed 15 days~~. The operator shall live on the premises, or in an adjacent premises immediately abutting the residence with the bed and breakfast facility.”

- b. Add new definition of “Short Term Paying Guest” as follows:

“Short Term Paying Guest”: A person who rents a room in a hotel or bed & breakfast for less than 14 consecutive nights.”

*Rationale for a. & b.: Properties having rooms for rent are differentiated in the Zoning Bylaw by the duration of stay. However, the actual number of days in the stay are not well defined. Hotels (Including Inns, Motels, Tourist Homes and Lodging Houses) are intended for temporary occupancy, though the duration of stay is not stated. Bed and Breakfast rooms have a maximum occupancy duration of 15 days. Boarding Houses (Including Rooming Houses) are not open to short term paying guests, which presumes guests are staying for an extended period of time. The Town’s “Short Term Rentals Bylaw” (Chapter XXXIX) requires that short term paying guests stay for a duration of less than 14 consecutive nights. The proposal seeks to define the length of stay using terms consistent with the “Short Term Rentals” Bylaw.*

- c. Revise the definition of “Boarding House” as follows:

“Boarding House: A building or premises, other than a hotel, ~~inn, motel, tourist house or lodging house~~ or bed & breakfast, for not more than four (4) persons, provided that the ***principal*** use is ~~house is also occupied~~ as a private residence, where rooms are let and where meals may be regularly served by prearrangement for compensation; not open to ***short term paying guests***. ~~transients; in contrast to hotels, restaurants, and tourist homes, open to transients;~~ *Rationale: Clarifies that the boarding house is only allowed by right in a residential district as an accessory use and that the primary use must be a dwelling. Added the definition content from Section 5.A.2.c.iii regarding number of persons (see XI.3. below). Stating that a Boarding House is not a hotel, restaurant, or tourist home two times is redundant and not necessary.*

- d. Revise the definition of “Hotel” as follows:

“Hotel”; ~~(Inn, Motel, Tourist Home or Lodging House).~~ A building, or portion thereof, or a group of buildings on a single lot, intended to be used for the temporary occupancy of three (3) or more

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~~persons~~ **short term paying guests** who are lodged, with or without meals, and in which major provision for cooking may be made in a central kitchen but may not be in the individual rooms or suites. *Rationale: Each of these terms (Inn, Motel, Tourist Home, Lodging House) are defined in Section 2. as "Hotel". They are one and the same in the Zoning Bylaw. These terms create unnecessary confusion. One common term, "Hotel" should be used. Also, the duration of stay is clarified by adding the terms "short term paying guest".*

e. Delete the definitions of "Motel", "Tourist Home", "Lodging House", and "Inn" in Section 2. "Definitions". *Rationale: Each of these terms are defined in Section 2. as "Hotel", as noted in "d" above.*

f. Delete the definition of "Rooming House" in Section 2. "Definitions".

*Rationale: The definition of "Rooming House" in Section 2. is "Boarding House", therefore use of the term is unnecessary.*

g. Revise Section 5.A.2.c.iii) regarding permitted accessory uses in the Res A, B, & C Districts as follows:

~~"iii. Boarding house or rooming house for not more than four (4) persons, provided that the house is also occupied as a private residence."~~

*Rationale: A boarding house and a rooming house are the same, as defined in the Zoning Bylaw. The definition of rooming house is proposed to be deleted, as noted above. This is the only instance in the Zoning Bylaw where a boarding house is allowed, therefore the occupancy requirements should more appropriately appear in the definition for "boarding house".*

h. Revise Section 5.A.3.d. regarding uses permitted in the Res A, B, & C Districts with a Special Permit, as follows:

~~"d. Restaurant or Inn~~ **Hotel**" *Rationale: A Hotel and an Inn are the same, as defined in the Zoning Bylaw. Further, the definition of Inn is proposed to be deleted, as noted above.*

i. Revise Section 5.B.2.d. regarding uses permitted in the Business District with a Special Permit, as follows:

~~"d. Motels and~~ **Hotels**" *Rationale: A Hotel and a Motel are the same, as defined in the Zoning Bylaw. Further, the definition of Motel is proposed to be deleted, as noted above.*