

Recommended Housekeeping Bylaw Additions, Modifications and Deletions

Legend: **Green Text - Additions; Red Text - Jim's Comments**

~~**Agricultural use, nonexempt:** Raising of livestock or poultry. but not swine, mink, chinchilla or other animals raised for their pelts, on a farm that is not exempt under G.L. c. 40A, § 3, provided that any building housing livestock or poultry may not be less than 300 feet from the property boundary.~~

5.4 Special Use Regulations (Section 5 is Use Regulations)

5.4.1 Agricultural Use, Nonexempt

The raising of livestock or poultry is allowed if the following conditions are met.

1. Must be on a farm that is not exempt under G.L. c. 40A, § 3.
2. Swine, mink, chinchilla or other animals raised for their pelts are not allowed.
3. Any building housing livestock or poultry may not be less than 300 feet from the property boundary.

~~**Establishment for manufacture, assembly or packaging of consumer goods** **Manufacturing of Consumer Goods:** A facility or structure for retail sales, manufacturing, assembly and/or packaging of consumer goods. provided that some of the merchandise is sold at retail on the premises and that all display, sales and storage is conducted within a building; and further provided that not more than 25 percent of floor area is devoted to manufacturing, assembly, or packaging of consumer goods and that not more than 5 persons are employed at any one time for the manufacturing, assembly, or packaging of such goods.~~

5.4 Special Use Regulations

5.4.2 Manufacturing of Consumer Goods

A facility or structure for retail sales, manufacturing, assembly and/or packaging of consumer goods is allowed if the following conditions are met.

1. Goods must be finished products and not subassemblies.
2. Some of the merchandise must be sold at retail on the premises.
3. All display, sales and storage of merchandise must be conducted within a building.
4. Not more than 25 percent of floor area can be devoted to manufacturing, assembly, or packaging.
5. Not more than five persons are employed at any one time.

Use Table terminology modified to clarify difference between F-5 and G-3.

		R3A	R1A	R30	R15	C3A	C1A	C	I	References
F-5	Manufacturing of consumer goods (finished products)	N	N	N	N	N	Y	Y	Y	
G-3	Manufacture, assembly or packaging of goods (subassemblies)	N	N	N	N	N	N	N	Y	

~~**Limited Retailing and/or Mail Order Processing:** Includes furniture, antiques, clothing, collectible dolls and related products. Manufactured on site. All display, sales and storage must be conducted within the building. No more than 2 persons including the proprietor shall be employed at any time for the manufacturing, assembly, packaging or processing of such goods. Permissible retail floor area shall be tied to provision of on-site parking spaces in full compliance with the requirements of this bylaw.~~

5.4.3 Limited Retailing and/or Mail Order Processing

Limited Retailing and/or Mail Order Processing, including furniture, antiques, clothing, collectible dolls and related products is allowed if the following conditions are met.

1. All items must be manufactured on site.
2. All display, sales and storage must be conducted within the building.
3. Not more than two persons, including the proprietor, shall be employed at any time.
4. Permissible retail floor area shall be tied to provision of on-site parking spaces in full compliance with the requirements of this bylaw.

~~**Dwelling, Two Family (Duplex):** A free-standing building exclusively for residential use by two families but not more than two families. Each unit shall contain not less than 700 square feet of habitable floor area.~~

9.1 Multifamily and Townhouse Buildings

9.1.4 Dwelling, Two Family (Duplex) (Section 9 is Special Residential Regulations)

Two family dwellings are allowed if the following conditions are met.

1. Each unit shall contain not less than 700 square feet of habitable floor area.
2. No unit contains more than two families.

~~**Loading Space, Off-Street:** See Off-Street Loading Space.~~

Loading Space, Off-Street ~~Off-Street Loading Space:~~ For the purposes of this Bylaw an off-street loading space is defined as areas accommodations off the street for loading and unloading of trucks, in the form of one or more truck berths located either within a building or in open space on the same lot. The area of each berth shall not be less than 350 square feet and it shall have a minimum clear height, including access to it from the street of fourteen (14) feet. **In 7.1.2 Location, change loading bays to loading spaces.**

7.1.18 Loading Bays Space. (Section 7.1 is Off-Street Parking and Loading Requirements)

Each loading bay space shall be not less than ten (10) feet in width and thirty-five (35) feet in length exclusive of drives and maneuvering space, and all required bays spaces, drives and maneuvering space areas shall be located entirely on the lot with direct access to the building intended to be served.

Each bay space shall have a minimum clear height, including access to it from the street of fourteen (14) feet.

Consider having this Loading Space change reviewed by the Parking Subcommittee.

~~Domestic Pets: See Pets, Domestic~~

~~Two Family Dwelling (Duplex): See Dwelling, Two Family.~~

Retain existing Definitions: Pets, Domestic; Dwelling, Two Family.

Hotel: An establishment providing accommodations, meals and other services for travelers. This may be a building or group of buildings. A restaurant, dining room, or related retail and consumer services may be provided within the building or buildings.

Hotel Unit: Any room or suite of rooms with its own bathing facilities, cooking facilities and toilet facilities wholly within such room or suite of rooms. **Bylaw does not refer to Hotel Unit anywhere.**

Motel: A roadside hotel designed primarily for motorists, typically having the rooms arranged in a low building with parking directly outside.

Motel Unit: Any room or suite of rooms with its own bathing facilities, cooking and food storage facilities and toilet facilities wholly within such room or suite of rooms.

~~**Motel:** The word "motel" shall include "hotel", "inn", "tourist home", "guest house", and any others of like significance.~~

~~**Motel Unit:** Any room or suite of rooms with its own bathing facilities and toilet facilities wholly within such room or suite of rooms but without its own cooking and food storage equipment and facilities.~~

Resort, Private: Building or group of buildings, a portion thereof designed for serving food in a public common dining room and containing 15 or more sleeping rooms for transient guests together with both indoor and outdoor recreational facilities and personal services with a variety of activities provided which could be judged self-sufficient for the entertainment of the guests therein. The amenities and services of said resort are for use of paying guests lodged at said resort.

Resort, Public: Building or group of buildings, a portion thereof designed for serving food in a common dining room and containing 15 or more sleeping rooms for transient guests together with both indoor and outdoor recreational facilities and personal services with a variety of activities open to guests as well as the public.

Resort and Conference Center: A structure or series of structures, divided into separate units, the purpose of which is to provide living, sleeping and toilet facilities; conference, seminar, or meeting facilities and/or recreation or entertainment services and facilities, including but not limited to golfing, tennis, dining, or other amenities intended to solicit the use of the property as a resort and conference center. Don't seem to be any conflicts with these resort related requirements. Resort is covered in 8.5 Resorts, and in 7.1 Off Street Parking and Loading Requirements. Conference Center is not mentioned anywhere in the bylaw.

~~**Research Center:** See Section 8.4. A building or a group of physically interrelated buildings where the main functions are data analysis, scientific research or applied research in product development.~~

This definition is unique to Section 8.4 Planned Unit Office or Research Center. This added wording came from Section 8.4.

Following new section (9.3) replaces Footnotes 6 and 7 of the Table of Dimensional Requirements (6.1.1). (Section 9 is Special Residential Regulations)

9.3 Accessory Buildings

9.3.1 General Standards

Accessory buildings in a residential zone shall not exceed twenty (20) feet to the ridge (height) above mean grade at the foundation and shall not be located nearer than twenty (20) feet to the principal building or occupy more than ten (10) percent of the lot area. Accessory buildings shall not be located forward of the principle building on the property.

The limitations of this Section (9.3) shall not apply to structures used for agricultural purposes.

In the event that the Building Commissioner determines there is not compliance with Sections 9.3.2 and 9.3.3, the Board of Appeals may grant a special permit for the reduction of these requirements.

9.3.2 Lots Meeting Yard Area Requirement This is an added requirement.

In the residential zoning districts, two accessory buildings and one garage (attached or detached) are allowed, as long as they comply with all current street and lot line setbacks, frontage and setback between building requirements.

9.3.3 Lots not Meeting Yard Area Requirement

In the residential zoning districts, one accessory building or one garage (attached or detached) is allowed, as long as it complies with all current street and lot line setbacks, frontage and setback between building requirements.

Following new sections (6.1.6 thru 6.1.14) include Notes 1 thru 5 of the Table of Dimensional Requirements plus the requirements from the Fencing, Screening and Temporary Structures definitions. Reference numbers (1) thru (5) in the Table of Dimensional Requirements must be replaced with the corresponding references to these new sections. The word "height" in the table's section 5 must be moved up to follow the word "structure".

5. Maximum Building or structure								
-Stories	2	2	2	2	2	2	2	2
-Feet	35'	35'	35'	35'	35'	35'	35'	35'
-height (3) (6.1.8)								

6.1.6 Lots Abutting Multiple Streets

On lots abutting streets on more than one side, the building front setback requirements shall apply to each of the abutting streets. However, a dwelling need not be set back more than the average of the setbacks of the dwellings on the abutting lots on either side. If a vacant lot exists on one side it shall be considered as a dwelling setback the depth of the required front setback. No fence shall be constructed so as to obstruct intersection view within front setbacks at street intersections.

6.1.7 District Boundary Lines

Where district boundary lines separate residential districts from commercial districts and industrial districts, setback areas shall be planted with screening to protect the residential districts.

6.1.8 Maximum Height Restrictions

Maximum building or structure height restrictions shall not apply to chimneys, water towers, skylights and other necessary features appurtenant to buildings which are usually carried above roofs and are not used for human occupancy. The Board of Appeals may allow greater height when permitting Planned Unit Office, Great Estates, Gateway Mixed Use Developments, and uses located in the Commercial Zone. In no instance shall height, not including exemptions as stated above, exceed 50 feet.

6.1.9 Lot Sizes in the C District

In view of small and irregular lot sizes in the C District, applications for a new building will be accepted for consideration based on areas no less than current lot sizes. Fireproof walls on one side to the lot line are permissible if there is at least 15' setback on the other side of the building.

6.1.10 Lots Abutting Multiple Streets

The street line building or structure setback in C-3A may be reduced to a minimum of thirty-five (35) feet by a Special Permit from the Board of Appeals pursuant to Section 6.3 of this Bylaw if the Board determines that the proposed plan will significantly enhance the aesthetics of the property.

6.1.11 Stairways

Stairways leading to any floor or story above the first floor story shall be located within the walls of the building whenever practicable; otherwise, stairways and fire escapes shall be located on the rear wall in preference to either side wall. In no instance shall a stairway or fire escape be located on any wall fronting on a street.

6.1.12 Fences

Fences in side and rear yards are not to exceed six (6) feet in height. Fences in the street line setback are not to exceed four (4) feet in height and be not more than fifty (50) percent solid, and be finished on the good side which is to face the abutting property. (Revised in accordance with the Attorney General Approval dated July 23, 2008.)

6.1.13 Screening

Plant materials used for screening must be at least three feet in height at the time of planting, must be of a type that may be expected to form a year-round dense screen and must reach a height in maturity of at least five feet.

Any existing growth of trees and shrubs may be used for screening if in the judgment of the Board of Appeals, or if the use is by right, the Building Commissioner, such growth provides equivalent screening.

Masonry walls or wooden or fabricated fences used for screening must be from five to six feet in height, at least 50 percent solid, and designed in an attractive manner to obscure any view.

6.1.14 Temporary Structures

Temporary structures such as construction trailers and tents that are for commercial use and are at least one-hundred twenty (120) square feet in size and will be occupied by more than ten (10) people may be issued a temporary permit by the Building Commissioner if the Building Commissioner determines that such uses shall be reasonably required or customary. Such permit shall be for a period of not more than a year with renewal for successive period of not more than one additional year with permission of the Building Commissioner.

~~**Fencing:** Any opaque or semi-opaque fence, wall, sign, or any other fabricated visual barrier or enclosure. Fences in side and rear yards are not to exceed six (6) feet in height. Fences in the street line setback are not to exceed four (4) feet in height and be not more than fifty (50) percent solid, and be finished on the good side which is to face the abutting property. (Revised in accordance with the Attorney General Approval dated July 23, 2008.)~~

~~Requirements that were with the Fencing definition have been moved to new section 6.1.6-7 above.~~

~~Have searched bylaw for "fenc" and can't find any reasons why "fences that delineate property lines" are explicitly excluded from the definition of a structure.~~

~~**Screening:** A screen shall consist of one of the following: Plant material or structures located so that visibility from neighbors and public ways is minimized.~~

~~Requirements that were with the Screening definition have been moved to new section 6.1.6-8 above.~~

~~**Temporary Structures:** Trailers (such as construction), and tents that are for commercial use, and are at least one hundred twenty (120) square feet in size and will be occupied by more than ten (10) people may be issued a temporary permit by the Building Commissioner if the Building Commissioner determines that such uses shall be reasonably required or customary. Such permit shall be for a period of not more than a year with renewal for successive period of not more than one additional year with permission of the~~

~~Building Commissioner:~~

Requirements that were with the Temporary Structures definition have been moved to new section 6.1.6-9 above.

Enumerate all the Use Table entries. For instance, number the entries in Section A, Residential Uses, 1 thru 9 etc.

Table 5.2, Schedule of Uses

H; Accessory Uses and General Off-street Parking

H-3: Not more than one commercial vehicle per lot associated with a permitted home occupation.

9.9 Home Occupation **The following change makes 9.9.1-5 consistent with H-3.**

9.9.1-5; The maximum number of off-street parking spaces for employee and customer parking shall be two. There shall be no outside parking of more than ~~one~~ **two commercial vehicles as defined by the Registry of Motor Vehicles in 540 CMR 4.02.**
