

Proposed Zoning Bylaw Amendments for 2017 Annual Town Meeting

To see if the Town will vote to remove regulations from definitions and create new sections for regulations lacking existing sections in the following manner...

Current Location	Existing Language	Proposed Location	Proposed Language/Change
Section 4, "Definitions"	<i>Agricultural use, nonexempt:</i> 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.	Section 4, "Definitions"	<i>Agricultural use, nonexempt:</i> Raising of livestock or poultry.
		Paragraph 5.4.1 Under new Section 5.4 "Special Use Regulations"	<i>Agricultural Use, Nonexempt:</i> The raising of livestock or poultry is allowed if the following conditions are met. <ol style="list-style-type: none">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.
Section 4, "Definitions"	<i>Establishment for manufacture, assembly or packaging of consumer goods Manufacturing of Consumer Goods:</i> 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.	Section 4, "Definitions"	<i>Manufacturing of Consumer Goods:</i> A facility or structure for retail sales, manufacturing, assembly and/or packaging of consumer goods.
		Paragraph 5.4.2 Under new Section 5.4 "Special Use Regulations"	<i>Manufacturing of Consumer Goods:</i> A facility or structure for retail sales, manufacturing, assembly and/or packaging of consumer goods is allowed if the following conditions are met. <ol style="list-style-type: none">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.

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Section 4, "Definitions"	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.	Section 4, "Definitions"	Limited Retailing and/or Mail Order Processing: Includes furniture, antiques, clothing, collectible dolls and related products.
		Paragraph 5.4.3 Under new Section 5.4 "Special Use Regulations"	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. <ol style="list-style-type: none"> 1. All items must be manufactured on site. 2. All display, sales and storage must be conducted within the building. 3. No 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.
Section 4, "Definitions"	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.)	Section 4, "Definitions"	Fencing: Any opaque or semi-opaque fence, wall, sign, or any other fabricated visual barrier or enclosure.
		New Paragraph 6.1.12	Fencing: 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.)
Section 4, "Definitions"	Screening: A screen shall consist of one of the following: <ol style="list-style-type: none"> 1. Plant materials, at least three feet in height at the time of planting, which are of a type that may be expected to form a year-round dense screen and will reach a height in maturity of at least five feet. 2. A masonry wall or a wooden or fabricated fence from five to six feet in height at least 50 percent solid designed in an attractive manner to obscure any view. 3. Any existing growth of trees and shrubs if in the judgment of the Board of Appeals, or if the use is by right, the Building Commissioner, such growth provides equivalent screening. 	Section 4, "Definitions"	Screening: Plant material or structures located so that visibility from neighbors and public ways is minimized.
		New Paragraph 6.1.13	Screening: <ol style="list-style-type: none"> 1. 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. 2. 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. 3. 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.

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Current Location	Existing Language	Proposed Location	Proposed Language/Change
Section 4, "Definitions"	<i>Temporary Structures:</i> 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.	Section 4, "Definitions"	<i>Temporary Structures:</i> Trailers (such as construction), and tents that are for commercial use.
		New Paragraph 6.1.14	<i>Temporary Structures:</i> 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.
Section 4, "Definitions"	<i>Loading Space, Off-Street:</i> See Off-Street Loading Space. <i>Off-Street Loading Space:</i> For the purposes of this Bylaw an off-street loading space is defined as 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.	Section 4, "Definitions" Combine into one definition	<i>Loading Space, Off-Street:</i> An area off the street for loading and unloading of trucks, located either within a building or in open space on the same lot.
Paragraph 7.1.18	<i>Loading Bays:</i> Each loading bay 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, drives and maneuvering space shall be located entirely on the lot with direct access to the building intended to be served.	Paragraph 7.1.18	<i>Loading Space:</i> Each <i>Loading Space</i> 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 spaces, drives and maneuvering areas shall be located entirely on the lot with direct access to the building intended to be served. Each space shall have a minimum clear height, including access to it from the street of fourteen (14) feet.
Section 4, "Definitions"	<i>Dwelling, Two Family (Duplex):</i> 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.	Section 4, "Definitions"	<i>Dwelling, Two Family (Duplex):</i> A free-standing building exclusively for residential use by two families.
		New Paragraph 9.1.4	<i>Dwelling, Two Family (Duplex):</i> Two family dwellings are allowed if the following conditions are met. 1. No unit contains more than two families. 2. Each unit shall contain not less than 700 square feet of habitable floor area.
Section 4, "Definitions"	<i>Domestic Pets:</i> See Pets, Domestic		Remove Language to eliminate circular reference.

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Section 4, "Definitions"	<i>Research Center:</i> See section 8.4.	Section 4, "Definitions"	<i>Research Center:</i> A building or a group of interrelated buildings where the main functions are data analysis, scientific research or applied research in product development.
Section 4, "Definitions"	<i>Two Family Dwelling (Duplex):</i> See Dwelling, Two Family		Remove language to eliminate circular reference.

To see if the Town will vote to make the following amendments to Section 5.2, Table of Uses:

Table of Uses Line F-5	Manufacturing of Consumer Goods	Table of Uses Line F-5	Manufacturing of Consumer Goods (finished products)
Table of Uses Line G-3	Manufacture, assembly or packaging of goods	Table of Uses Line G-3	Manufacture, assembly or packaging of goods (subassemblies)

To see if the Town will vote to correct an error in Section 6.1.1 the Table of Dimensional Requirements:

Table 6.1.1	5. Maximum Building or structure -Stories -Feet -height	Table 6.1.1	5. Maximum Building or structure height -Stories -Feet
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To see if the Town will vote to remove footnotes associated with Section 6.1.1, the Table of Dimensional Requirements and make them special sections so that Footnotes 1-5 will become their own special section within the Zoning Bylaw:

Current Location	Existing Language	Proposed Location	Proposed Language/Change
Table 6.1.1 Footnote (1)	On lots abutting streets on more than one side, the 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.	New Paragraph 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.
Table 6.1.1 Footnote (2)	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.	New Paragraph 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.
Table 6.1.1 Footnote (3)	These 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. 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.	New Paragraph 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.
		New Paragraph 6.1.9	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.
Table 6.1.1 Footnote (4)	In view of small and irregular lot sizes, 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.	New Paragraph 6.1.10	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.

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Table 6.1.1 Footnote (5)	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.	New Paragraph 6.1.11	Lots in the C-3A District: 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.

To see if the Town will vote to enumerate all the Use Table entries.			
	Currently, uses within each category of use are not enumerated.		Enumerating each use will make it easier to reference a particular use.

To see if the Town will vote to amend Section 9.9.1 - No. 5 so that it is consistent with Use Table H-3			
Use Table 5.2 Line H-3	Not more than one commercial vehicle per lot associated with a permitted home occupation	Paragraph 9.9.1 – No. 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 commercial vehicle as defined by the Registry of Motor Vehicles in 540 CMR 4.02.
Paragraph 9.9.1 – No. 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 two commercial vehicles as defined by the Registry of Motor Vehicles in 540 CMR 4.02.		

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To see if the Town will vote to Remove Footnotes 6 & 7 of the Table of Dimensional Requirements (6.1.1.) and place in Section 9, Special Residential Regulations.			
Current Location	Existing Language	Proposed Location	Proposed Language/Change
Table 6.1.1 Footnote (6)	<p>In the residential zoning districts, one accessory building or one detached garage is allowed on a lot with insufficient area which complies with all current street and lot line setbacks, frontage and setback between building requirements. In the event that the Building Commissioner determines there is not compliance with street or lot line setbacks, frontage or setback between building requirements the Board of Appeals may grant a Special Permit for the reduction of these requirements provided that the accessory building or detached garage does not exceed 20 feet in height.</p> <p>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 and shall not be located any nearer to any street than the required minimum street line set back of the zoning district. These limitations shall not apply to structures used for agricultural purposes.</p>	New Section 9.3	<p>Accessory Buildings The limitations of this Section (9.3) shall not apply to structures used for agricultural purposes.</p>
		New Paragraph 9.3.1	<p>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. In the event that the Building Commissioner determines there is not compliance with Section 9.3.2, the Board of Appeals may grant a special permit for the reduction of these requirements.</p>
		New Paragraph 9.3.2	<p>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.</p>
Table 6.1.1 Footnote (7)	<p>In residential zoning districts, a structure is allowed on a lot with insufficient area which complies with the street line setback, lot line setback and frontage requirements. In the event that the Building Commissioner determines there is not compliance with street line setback, lot line setback or frontage requirements, the Board of Appeals may grant a special permit for the reduction of these requirements.</p>		

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**To see if the Town will vote to amend Requirement 5 of Table 6.1.1 “Table of Dimensional Requirements”
to reflect the maximum height allowed in specific zoning districts and how this impacts the number of building stories permissible:**

Existing Table 6.1.1 Line No. 5								Proposed Table 6.1.1 Line No. 5							
Maximum building or structure	R-3A	R-1A	R-30	R-15	C-3A	C-1A	I	Maximum building or structure	R-3A	R-1A	R-30	R-15	C-3A	C-1A	I
Stories	2	2	2	2	2	2	2	Stories	2	2	2	2	4	4	4
Feet Height (3)	35'	35'	35'	35'	35'	35'	35'	Height (6.1.8)	35'	35'	35'	35'	35'	35'	35'