

**Draft Preliminary Warrant Language – Articles for Fall 2017 Town Meeting**

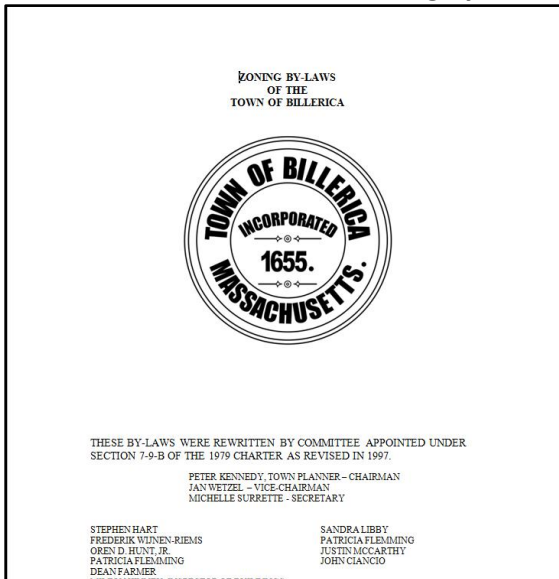
**Warrant Article**

To see if the Town will vote to approve the following housekeeping amendments to the Zoning By-Laws as follows:

**1. Housekeeping Changes to the Zoning By-Laws as stated in Appendix A**

*Explanation: These housekeeping changes will not change the content of the By-laws but correct things like font sizes, extra spaces, italics, and underlining that can be cleaned up. These changes can be viewed in an Appendix A.*

**2. Addition of the Town Seal to the Zoning By-Laws**



*Explanation: The addition of the Town Seal will not change the content of the By-Laws, but is an aesthetic improvement and makes the bylaws look more professional.*

**3. Addition of the new Zoning By-Law Committee names to the Zoning By-Laws**

Current Language

THESE BY-LAWS WERE REWRITTEN BY COMMITTEE APPOINTED UNDER SECTION 7-9-B OF THE 1979 CHARTER AS REVISED IN 1997.

PETER KENNEDY, TOWN PLANNER – CHAIRMAN  
JAN WETZEL – VICE-CHAIRMAN  
MICHELLE SURRETTE - SECRETARY

STEPHEN HART	SANDRA LIBBY
FREDERIK WIJNEN-RIEMS	PATRICIA FLEMMING
OREN D. HUNT, JR.	JUSTIN MCCARTHY
PATRICIA FLEMMING	JOHN CIANCIO
DEAN FARMER	
MILTON KINNEY, INSPECTOR OF BUILDINGS	

New Language

THESE BY-LAWS WERE REWRITTEN BY COMMITTEE APPOINTED UNDER SECTION 7-9-B OF THE 1979 CHARTER AS REVISED IN 2017.

RICHARD SCANLON – CHAIRMAN  
WALLACE LAFAYETTE – VICE-CHAIRMAN  
DENISE SALEMME – SECRETARY

ANUPAM WALI	CHRIS REILLY
DEAN SANTORO	JOHN BURROWS
JENNIFER CEDRONE	PETER DION
MARK LALUMIERE	ROB ANDERSON

*Explanation:* This is a simple update to the cover of the Zoning By-Laws with the names of the current Zoning Bylaw Review Committee members and changes to the revision date.

**4. Changes to the Table of Contents**

*Explanation:* This will amend the Zoning By-Laws so that the page numbers within the Table of Contents (Pages i-viii) match the pages within the document. This will include the addition on **Page v, in section 5, E** we need to make sure that we add 9. PLANNED UNIT DEVELOPMENT below Medical Marijuana Overlay District. This will not change the content of the zoning, but with the addition of the Planned Unit Development Language in Fall 2016 and housekeeping changes, these should be confirmed and updated.

**5. Changes to Section 2.C (“In-Law Apartment”)**

Current Language

IN-LAW APARTMENT: A dwelling unit accessory to a single-family dwelling designed to provide complete and separate living facilities for occupancy by a maximum of two individuals who **ar4** related to the occupants of the principal residence.

New Language

IN-LAW APARTMENT: A dwelling unit accessory to a single-family dwelling designed to provide complete and separate living facilities for occupancy by a maximum of two individuals who **are** related to the occupants of the principal residence.

*Explanation:* This is the correction of a simple typo in the definition of In-Law Apartment. The proposed change is in **bold**.

**6. Changes to Section 3.A.3**

Current Language

3. Overlay Districts:

- a. Flood Plain
- b. Historic
- c. Residential Cluster
- d. Townhouse
- e. Elderly Housing

- f. Self-Service Storage Facility
- g. Mill Conversion and Reuse District
- h. Medical Marijuana Overlay District

New Language

3. Overlay Districts:

- a. Flood Plain
- b. Historic
- c. Residential Cluster
- d. Townhouse
- e. Elderly Housing
- f. Self-Service Storage Facility
- g. Mill Conversion and Reuse District
- h. Medical Marijuana Overlay District
- i. Planned Unit Development District**

*Explanation: This is a simple housekeeping matter to add the approved Planned Unit Development overlay to the list of Overlay Districts. The addition is in **bold**.*

**7. Changes to Section 5.C.6.f.1.b (“Wholesale Uses”) in the Zoning By-Laws**

Current Language

The hours of operation are tailored to safeguard against early morning and late night disturbance of residents in **nearly** neighborhood.

New Language

The hours of operation are tailored to safeguard against early morning and late night disturbance of residents in **nearby** neighborhood.

*Explanation: This is a simple housekeeping matter to correct a typo in the required findings of “Wholesale Use” within the General Business District in the Zoning By-laws. The proposed change is in **bold**.*

**8. Changes to Section 5.C.8.b (to ease readability and formatting)**

Current Language

b. BUSINESS USES

(1) By right:

- (a) Loan agency
- (b) Personal services
- (c) Tradesman’s shop
- (d) Offices (**Amended: 05/06/2008**)

(2) By special permit:

~~(a) Accessory uses to scientific research or development subject to the Required Findings set forth under the Neighborhood Business District (Deleted Art. 38 – AFTM 10/2011)~~

- (b) Bank

Required Findings:

- The use is compatible with other uses in the area where located
- There is adequate landscaping and buffer to screen the use from surrounding uses

(c) (deleted Art. 37 – May, 2008)

~~(d) Research facility subject to the Required Findings set forth under the Neighborhood Business District  
(Amended: Art. 38; AFTM 10-4-2011)~~

(e) Dog Day Care

Required Findings:

- The activity is not injurious, noxious, or offensive to the senses of the neighborhood residents, not limited to client traffic and parking effects
- There is a maximum of twenty (20) dogs at any one time on the premises
- There is a minimum of one thousand five hundred (1500) square feet of interior gross floor area
- There is a minimum of one thousand five hundred (1500) square feet of exterior space enclosed by an eight
- (8) foot non-chain link fence with the finished surface facing in and a similar gate for the dogs to exercise
- An attendant is on the premises at all times when there are dogs at the site
- There is no overnight kenneling of dogs at the site
- There are no dogs on the site before 6:00 a.m. or after 10:00 p.m.

(f) Dog Training

Required Findings:

- The activity is not injurious, noxious, or offensive to the senses of the neighborhood residents, not limited
- to client traffic and parking effects
- There is a maximum of fifteen (20) dogs at any one time on the premises
- There is a minimum of one thousand five hundred five hundred (1500) square feet of interior gross floor area
- An attendant is on the premises at all times when there are dogs at the site
- There is no overnight kenneling of dogs at the site
- There is no overnight in-kennel training
- There are no dogs on the site before 6:00 a.m. or after 10:00 p.m.
- There is no outside on-premise training

#### New Language

##### b. BUSINESS USES

###### (1) By right:

- (a) Loan agency
- (b) Personal services
- (c) Tradesman's shop
- (d) Offices **(Amended: 05/06/2008, Article 37)**
- (e) **Accessory uses to scientific research or development** (Amended: 10/04/2011, Article 38)
- (f) **Research Facility** (Amended: 10/04/2011, Article 38)

###### (2) By special permit:

(a) Bank

Required Findings:

- The use is compatible with other uses in the area where located
- There is adequate landscaping and buffer to screen the use from surrounding uses

**(b) Dog Day Care**

Required Findings:

- The activity is not injurious, noxious, or offensive to the senses of the neighborhood residents, not limited to client traffic and parking effects
- There is a maximum of twenty (20) dogs at any one time on the premises
- There is a minimum of one thousand five hundred (1500) square feet of interior gross floor area
- There is a minimum of one thousand five hundred (1500) square feet of exterior space enclosed by an eight (8) foot non-chain link fence with the finished surface facing in and a similar gate for the dogs to exercise
- An attendant is on the premises at all times when there are dogs at the site
- There is no overnight kenneling of dogs at the site
- There are no dogs on the site before 6:00 a.m. or after 10:00 p.m.

**(c) Dog Training**

Required Findings:

- The activity is not injurious, noxious, or offensive to the senses of the neighborhood residents, not limited to client traffic and parking effects
- There is a maximum of fifteen (20) dogs at any one time on the premises
- There is a minimum of one thousand five hundred five hundred (1500) square feet of interior gross floor area
- An attendant is on the premises at all times when there are dogs at the site
- There is no overnight kenneling of dogs at the site
- There is no overnight in-kennel training
- There are no dogs on the site before 6:00 a.m. or after 10:00 p.m.
- There is no outside on-premise training

*Explanation: The goal of this point is to clarify the formatting for a zoning change enacted in 2011 to the "Business Uses" (Section 5.C.8.b) in the Industrial District. This will not change the content of the zoning; Accessory uses to scientific research or development and Research facility were moved from "Special Permit" to "By right" as a result of that vote. The current formatting has them simply crossed out and not moved to their rightful place. This may be confusing for users looking at the zoning. The proposed change is in **bold**.*

**9. Correction of typos Section 5.E.9.14 & Section 5.E.9.20 (Planned Unit Development)**

Current Language

Section 5.E.9.14

Additions or amendments to the Preliminary PUD Plan at this stage shall be deemed either major or minor by the Planning Board according to Sections 5.E.9. Minor additions or amendments shall be authorized by written approval of the Board. Major additions or amendments shall be considered as original items to the application and be subject to the procedures specified in **Section 5.x**. The Board shall decide whether proposed changes are major or minor.

Section 5.E.9.20

If the PUD is to be developed in phases, the Developer shall begin the construction of each phase in accordance with the approved Phasing Schedule; however, the Planning Board shall

grant additional extensions in the timing of phases for up to 24 months each as minor amendments to the Final PUD Plan, upon the determination of a reasonable cause. If the Developer fails to commence construction of a PUD phase within the specified time limit for that phase, including any approved extension period, said failure shall be deemed a major amendment to the Final PUD Plan, and the phase at issue and all subsequent phases which depend upon said phase for their construction and operation in conformance with the Final PUD Plan must be re-approved in accordance with **Section 5.x**.

New Language

Section 5.E.9.14

Additions or amendments to the Preliminary PUD Plan at this stage shall be deemed either major or minor by the Planning Board according to Sections 5.E.9. Minor additions or amendments shall be authorized by written approval of the Board. Major additions or amendments shall be considered as original items to the application and be subject to the procedures specified in **this section**. The Board shall decide whether proposed changes are major or minor.

Section 5.E.9.20

If the PUD is to be developed in phases, the Developer shall begin the construction of each phase in accordance with the approved Phasing Schedule; however, the Planning Board shall grant additional extensions in the timing of phases for up to 24 months each as minor amendments to the Final PUD Plan, upon the determination of a reasonable cause. If the Developer fails to commence construction of a PUD phase within the specified time limit for that phase, including any approved extension period, said failure shall be deemed a major amendment to the Final PUD Plan, and the phase at issue and all subsequent phases which depend upon said phase for their construction and operation in conformance with the Final PUD Plan must be re-approved in accordance with **this section**.

*Explanation: There are two sentences where the placeholder words "Section 5.x" were not replaced—by "this section"—in the Planned Unit Development language. The proposed change is in **bold**.*

**10. Correct numbering issues in Section 5.H.D**

Current Language

2. Non-residential zones: In addition to the General Provisions in Section B above, the following procedures and requirements shall apply in all non-residential zones:

- a. Freestanding SECS are subject to special permit approval from the Planning Board and may be subject to the conditions and requirements of previously granted special permit/site plan and special permit approvals for the subject property and/or uses.
- b. SECS may be the primary use or an accessory use on a property and more than one structure may be placed on a property and/or building.
- c. A permit application for freestanding SECS shall be submitted to the Planning Board for special permit approval. Unless specifically exempted by this section of the Bylaw, the following requirements of Section 6 of the Zoning By-law shall apply to special permit applications for freestanding SECS:
  - (1) A, B, E (except subsection 1), G, I, J, and K; and
  - (2) The plan for special permit approval shall be prepared by a professional engineer (PE) and/or registered land surveyor (RLS), as appropriate. If prepared by a RLS, the

Planning Board may require certification by a licensed engineer as to the structural integrity of the SECS itself.

3. In addition to sections D1 and D2 above, the following requirements shall apply to all SECS permit applications submitted for Planning Board or building permit approval:

- d. An operation and maintenance plan (OMP) for the structure(s);
- e. Documentation of the SECS manufacturer, outlining specifications of the system(s);
- f. All requirements of Section 6 of the Zoning By-law that are applicable to this section must be addressed in the permit application. If certain requirements of Section 6 are not appropriate or applicable, this must be indicated in the permit application and the reason for the inapplicability explained; and
- g. If deemed appropriate, the Planning Board may require the filing of a surety instrument for a SECS sufficient to secure performance of the conditions and observance of the safeguards and limitations of the special permit approval. However, in no case shall the Planning Board place such conditions on the approval so as to make the installation of a SECS impractical or unusable. This requirement may not apply to the DPU or DTC per the provisions of Mass. General Law Chapter 81R.

**(Amended: 10/05/2010, Art. 41)**

**(Amended 05/03/2011, Art. 44)**

## **2. All non-freestanding SECS shall be allowed as an as-of-right use.**

### New Language

2. Non-residential zones: In addition to the General Provisions in Section B above, the following procedures and requirements shall apply in all non-residential zones:

- a. Freestanding SECS are subject to special permit approval from the Planning Board and may be subject to the conditions and requirements of previously granted special permit/site plan and special permit approvals for the subject property and/or uses.
- b. SECS may be the primary use or an accessory use on a property and more than one structure may be placed on a property and/or building.
- c. A permit application for freestanding SECS shall be submitted to the Planning Board for special permit approval. Unless specifically exempted by this section of the Bylaw, the following requirements of Section 6 of the Zoning By-law shall apply to special permit applications for freestanding SECS:
  - (1) A, B, E (except subsection 1), G, I, J, and K; and
  - (2) The plan for special permit approval shall be prepared by a professional engineer (PE) and/or registered land surveyor (RLS), as appropriate. If prepared by a RLS, the Planning Board may require certification by a licensed engineer as to the structural integrity of the SECS itself.

- d. **All non-freestanding SECS shall be allowed as an as-of-right use.**

**(Amended: 05/03/2011, Article 44)**

3. In addition to sections D1 and D2 above, the following requirements shall apply to all SECS permit applications submitted for Planning Board or building permit approval:

- a. An operation and maintenance plan (OMP) for the structure(s);
- b. Documentation of the SECS manufacturer, outlining specifications of the system(s);
- c. All requirements of Section 6 of the Zoning By-law that are applicable to this section must be addressed in the permit application. If certain requirements of Section 6 are not

appropriate or applicable, this must be indicated in the permit application and the reason for the inapplicability explained; and

- d. If deemed appropriate, the Planning Board may require the filing of a surety instrument for a SECS sufficient to secure performance of the conditions and observance of the safeguards and limitations of the special permit approval. However, in no case shall the Planning Board place such conditions on the approval so as to make the installation of a SECS impractical or unusable. This requirement may not apply to the DPU or DTC per the provisions of Mass. General Law Chapter 81R.

**(Amended: 10/05/2010, Article 41)**

*Explanation: This change voted on at Town Meeting in May of 2011 ended up incorrectly numbered. This is therefore a "housekeeping" article. The proposed changes are in **bold**.*

## Warrant Article

To see if the Town will vote to approve the following amendments to clarify the Zoning By-Laws as follows:

### **1. Changes to definition in Section 2.C ("Retail Store")**

#### Current Language

RETAIL STORE: Any facility that sells retail goods to the general public, such as a drugstore, book store, stationary and gift shop, florist, television and radio sales store, hardware store, furniture store, floor covering sales store, news store, neighborhood grocery store, and dry good and variety store.

#### New Language

RETAIL STORE: Establishments that offers retail goods and services, not specifically listed in the Table of Uses, to the general public.

*Explanation: This is a simplification of the definition of a retail store; there is little need to list a small sampling of potential retail uses or an exhaustive list of all possible options.*

### **2. Removal of Unnecessary Language in Section 5.B.3**

#### Current Language

In all districts, surface runoff rates existing at predevelopment shall not be increased at post-development. When deemed appropriate by the Inspector of Buildings, applicants shall install erosion and siltation control devices so that sediment laden runoff from disturbed surfaces will be filtered onsite to prevent sediment from migrating onto roads, abutters' properties and into Natural Resource Areas, such as floodplains, wetlands, water bodies, and waterways.

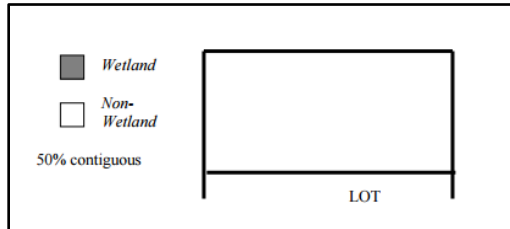
#### New Language

In all districts, surface runoff rates existing at predevelopment shall not be increased at post-development.



*Explanation: The protection defined in the deleted second sentence is work that happens within the standard operating procedure of other Town Departments and Commissions, and is therefore not in the purview of the Building Commissioner.*

### 3. Proposed Changes to Zoning By-law Section 7.B.3 to remove image



*Explanation: The image to remove, above, does not help clarify the corresponding language and can be viewed as confusing since the legend does not match the image.*

### 4. Change to Section 5.C.1.i.2.e (Rental of five or more rooms)

#### Current Language

(e) Rental of five or more rooms

#### New Language

(e) Room Rental (more than 5)

*Explanation: This is a cleanup of some confusing language. Under the residential uses within the Village Residence District there is a By right use defined as “Rental of five or less rooms” and a By special permit use defined as “Rental of five or more rooms.” This change is to address the unlikely occurrence of someone asking for five rooms.*

## Warrant Article

To see if the Town will vote to approve the following modifications to Section 5.C.5.c.2.b as follows:

#### Current Language

Open space is provided on the lot in addition to any area required for parking and associated to driveways, equal to twice the gross floor area of the hotel or motel

#### New Language

Open space is provided on the lot in addition to any area required for parking and associated to driveways, equal to twice the gross **ground** floor area of the hotel or motel

*Explanation: Through an analysis of previous warrant articles on hotels, there appears to be an oversight for the open space requirements for hotels. This is an addition of a single word “ground” to the third bullet for the Required Findings. This omission puts a stringent limitation on hotels compared to retail which has much more traffic. The addition of this single word does not punish the hotel by using a smaller footprint and building multiple stories.*

## Warrant Article

To see if the Town will vote to amend the Zoning By-Laws (Section 5.F) to add an updated and reformatted Use Table as follows. The previous Use Table and the Proposed Use Table are included in Appendix B and C.

- 1) In section 5.F (District Abbreviations) add Mill Conversion (MC) and Planned Unit Development (PUD) to the list of Abbreviations.
- 2) Add a column for PUD to the Use Table (see Appendix C).

*Explanation: The goal is ease of readability and the addition of previously approved uses.*

## Warrant Article

To see if the Town will vote to approve the addition of an Accessory Use Table within the Zoning By-Laws as follows.

- 1) The language for Accessory Uses will read: *For Professional Office and/or R&D Buildings of over 50,000 net SF, uses that are wholly within the same building as the principal permitted use and occupy less than 20% of the net square footage can be allowed by right. These can include retail, restaurant, personal services, and other amenity uses.*
- 2) The Accessory Use Table will appear visually (as part of a newly reformatted Use Table) as follows:

ACCESSORY USES	MAIN								SPECIAL					OVERLAY								
	VR	NR	RR	MF	NB	GB	C	I	RT	DG	AD	CP	AE	FP	H	RC	TH	EH	SS	MC	PUD	
For Professional Office and/or R&D Buildings of over 50,000 net SF, uses that are wholly within the same building as the principal permitted use and occupy less than 20% of the net square footage can be allowed by right. These can include retail, restaurant, personal services, and other amenity uses.	N	N	N	N	Y	Y	Y	Y	N	N	N	N	N	*	*	*	*	*	*	*	*	Y

\* All uses permitted in the underlying District by right or by special permit are permitted by right or by special permit, respectively, in the Overlay District, unless otherwise provided in the Zoning By-law.

*Explanation: The Accessory Use table is useful business recruitment tools to help large property owners (those facilities of over 50,000 SF) attract new tenants to their sites. The "By right" designation allows the tenants to move quickly through the permitting process.*