

Zoning Amendment #1

Article ##: To see if the Town will vote to amend the Westminster Zoning Bylaw (Chapter 205 of the Code of the Town of Westminster, Massachusetts) by amending Article II (Definitions) Section 205.4 – Terms Defined, as follows (new language appears in **red font** and deleted language appears as ~~strikethrough~~), or act in relation thereto.

ACCESSORY

- A. ACCESSORY DWELLING UNIT - An accessory dwelling unit shall mean a self-contained, separate housekeeping unit, complete with its own sleeping, cooking and sanitary facilities and a separate means of egress that is substantially contained within a single-family structure and is clearly subordinate to the primary single-family dwelling unit.*

APARTMENT

- A. UNIT – Any room or suite of rooms forming a habitable unit for one family with its own cooking and food storage equipment and its own bathing and toilet facilities and its own living, sleeping and eating areas wholly within such room or suite of rooms.
- B. APARTMENT BUILDING – A building containing four or more apartment units, with no portion of the building below the first story or above the second story used for dwelling purposes.
- C. TOWNHOUSE APARTMENT - An attached dwelling occupied by not more than one family in each unit between sidewalls, provided that no row of such units shall consist of less than three (3) and no more than eight (8) such units. Townhouse apartments are subject to the dimensional requirements set forth in Section 205-37 (Apartments and Attached Dwellings).*

Explanation:

The Zoning Bylaw currently does not include a definition for Accessory Dwelling Units.

The Townhouse Apartment definition above currently appears in the Zoning Bylaw’s Table of Uses, rendering this section difficult to read. As the language is applicable to how the term “townhouse apartment” is defined, it has been moved into the Zoning Bylaw’s Definitions section.

Zoning Amendment #2

Article ##: To see if the Town will vote to amend the Westminster Zoning Bylaw (Chapter 205 of the Code of the Town of Westminster, Massachusetts) by amending Article IV (Application of Regulations, Modifications and Exceptions), Section 205.13 – Minimum building requirements; subdivision, as follows, or act in relation thereto.

§ 205-13. Minimum Building Requirements; ~~Subdivision.~~

- A. No building shall be erected, except on a lot fronting on a street, and there shall be not more than one principal building on any lot, except as allowed under this chapter. [Amended ATM 5-3-2005 by Art. 40]

- B. *Flag Lots:* In addition, any parcel larger than five acres may be further divided without process through the Subdivision Control Law, provided that each created lot either conforms with the appropriate land space requirements for that zoning district or the following:
- (1) Each parcel shall have a minimum of 54 feet of frontage for an access to a Town road, this width to be maintained to the circumference of the radius described in Subsection B(4) *C-1* below;
 - (2) Each parcel shall contain a minimum of two and one-half (2 1/2) times the land area it would normally require in each zoning district; *and*
 - (3) There shall be no more than two such accesses adjacent to each other.
- C. *Design Standards for Newly Created Lots: Whether created through the subdivision process or Approval Not Required (ANR) process, all lots created after March 13, 2017 shall be designed as follows:*
- (1) There shall be a point on each lot from which a circle having a radius of ~~400~~ 50 feet can be drawn without touching any of the opposing lot lines.
 - (2) *At no point shall the width of a lot from side lot line to side lot line be less than fifty four (54) feet.*

Explanation:

Our attempt to regulate lot dimensions has several purposes:

1. Make the bylaw easier to read and understand. To know how to design a new building lot under our current Zoning Bylaw, one needs to review the Table of Dimensions and all of its footnotes and then go to our Definitions section to read through the various definitions for lots, lot lines, yards, and frontage. This is not user-friendly.
2. Do away with the current practice of making new lots extend the frontage width requirement all the way to the nearest point of a building. This is quite burdensome for people who want to build their house way in back of the property and has resulted in developers trying to circumvent this provision by placing a shed (considered a "building") at the end of the front yard setback so they can narrow the lot width from beyond that point. The current standard is almost impossible to apply when evaluating Approval Not Required (ANR) plans because such plans don't show where the house will be built on the lot. The vast majority of new lots are created through the ANR process, *not* through the subdivision process.
3. Ensure that newly created lots are not irregularly shaped. Such lots make it hard to know where a homeowner's property ends and their neighbor's begins. It also creates headaches for surveyors. The new lot creation standard ensures that there will be enough land on the lot to accommodate a house, well, septic system and replacement septic system. Requiring that the width between side lot lines is no less than 54 foot ensures that the lots will be wide enough to accommodate a new subdivision road through the property to open up backland for development.

Please note that the lot size, frontage and setback requirements are not changing.

Zoning Amendment #3

Article ##: To see if the Town will vote to amend the Westminster Zoning Bylaw (Chapter 205 of the Code of the Town of Westminster, Massachusetts), to amend Article VII (Land Space Requirements), Section 205.25 – Distance Between Buildings, to add a new section governing dimensional standards for accessory structures:

§ 205-25.1 Accessory Structures - Dimensional Requirements for Residential Lots

Small accessory structures (120 square feet in size or less) can be located no closer than five (5) feet from a side or rear lot line in all zoning districts that allow residential development.

Accessory structures that are larger than 120 square feet but smaller than the principal structure (building used as a dwelling or domicile) can be located no closer than fifteen (15) feet from a side or rear lot line in all zoning districts that allow residential development.

In no cases shall an accessory structure of any size be located within the minimum required front yard setback.

Accessory structures that are used to house livestock shall not be located closer than 50 feet from any lot line.

Explanation: Currently, all accessory structures must comply with the setback standards for principal buildings. Most communities have reduced setback standards for accessory structures, yet Westminster does not. This new section would supply some relief and would allow homeowners to locate accessory structures closer to their lot lines.

Zoning Amendment #4

Article ##: To see if the Town will vote to amend the Westminster Zoning Bylaw (Chapter 205 of the Code of the Town of Westminster, Massachusetts), to amend Article IX (Special Provisions), to add a new section governing the conversion of single family structures to multi-family structures:

§ 205-37.4 Conversion of Single Family Structures to Multi-Family Structures

Conversion of a dwelling existing at the time of adoption of this chapter to accommodate not more than 2 families is allowed by right in all zoning districts provided that there is no external structural evidence of occupancy by more than 1 family other than a second exit for fire purposes for each unit, and further provided that each dwelling unit resulting from such conversion shall have not less than 450 square feet of habitable floor space.

Conversion of a dwelling existing at the time of adoption of this chapter to accommodate more than 2 families is allowed by Special Permit from the Zoning Board.

Explanation: The language below appears within the Table of Uses and makes the table difficult to read. We propose to move the conversion language out of the Zoning Bylaw's Table of Uses into its own section within the text of the Zoning Bylaw. The only changes we are making in the text are to clarify that such conversions are allowed by right in all residential zoning districts.

Zoning Amendment #5

Article ##: To see if the Town will vote to amend the Westminster Zoning Bylaw (Chapter 205 of the Code of the Town of Westminster, Massachusetts), to amend Article IX (Special Provisions), to add a new section governing temporary residential structures:

§ 205-37.5 Temporary Residential Structures

Residential use of a camper or trailer properly connected to an approved on-site water and sewerage system for a period of not more than 24 months is allowed by right in all zoning districts if the user is in the continuing process of building a home after the issuance of a temporary Building Permit from the Building Inspector. Nothing in this subsection shall be interpreted to allow the residential use of a lot where forbidden by other sections of this bylaw.

Mobile homes, camping trailers, utility trailers, horse trailers, trailers, boats or pickup campers not connected to permanent sewage and water installation may be occupied for occasional short-term use not to exceed 28 days in a calendar year, excluding designated camping grounds.

Explanation: The language below currently appears within the Table of Uses and makes the table difficult to read. We propose to move the temporary residential structures language out of the Zoning Bylaw's Table of Uses into its own section within the text of the Zoning Bylaw. The only changes we are making in the text are to clarify that such structures are allowed by right in all residential zoning districts.

Zoning Amendment #6

Article ##: To see if the Town will vote to amend the Westminster Zoning Bylaw (Chapter 205 of the Code of the Town of Westminster, Massachusetts) by revising the Land Space Requirements (Section 205, Attachment 2) as follows, or act in relation thereto:

205 Attachment 2

Town of Westminster Land Space Requirements Chapter 205, Zoning

Zoning District	Minimum Lot Size (square feet)	Minimum Lot Frontage ¹ (feet)	Minimum Yard Depth ²			Maximum Building Height ³		Maximum Percentage of Lot Coverage ¹⁰
			Front ^{1,4,5} (feet)	Rear ^{1,4} (feet)	Side ^{1,4} (feet)	Stories	Feet	
Residence Districts								
R-I	50,000 ¹⁰	150 ⁴⁻¹⁰	25	20	15	2½	35	20% ⁴
R-II	60,000 ¹²	175 ^{4, 12}	30	20	15	2½	35	20% ⁴
R-III	86,000	200	30	20	15	2½	35	20%
Commercial Districts								
C-I	40,000	150	40	40	20 ⁶	2	30	--
C-II	10,000	100	25	20	20 ⁶	2	30	--
VC ⁷	--	--	15	20	10 ⁶	2	30	80%
Industrial Districts								
I-I	40,000	150	25	50	25 ⁸	4	50	65%
I-II ¹¹	40,000	100	20	30	25 ⁸	4	50	65%
Floodplain and/or Wetland Protection Districts ⁹								

NOTES:

¹ ~~Not less than the lot frontage requirements shall be maintained throughout the front yard depth.~~ *Lots that are zoned for industry shall maintain a twenty-foot non-disturbed vegetated buffer along any lot line that abuts a property used for residential purposes.*

Explanation: Removing the current #1 is meant to work in conjunction with our second zoning amendment regulating lot dimensions. In order for the lot dimension amendment to work, Footnote #1 needs to be removed.

We are adding a new Footnote #1 to require a buffer between lots in an industrial zoning district and abutting residential properties. No such buffer requirement currently exists.

Zoning Amendment #7

Article ##: To see if the Town will vote to amend the Westminster Zoning Bylaw (Chapter 205 of the Code of the Town of Westminster, Massachusetts), to amend Article IX (Special Provisions), to add a new section governing home occupations:

§ 205-39.5 Home Occupations

A. Purpose and Intent:

Conducting limited business activity from home has become more feasible and more widespread with modern technology and telecommunications. Residents of Westminster should have the ability to conduct reasonable business activities from home that are ancillary to the residential use and that will not be visible to the neighborhood or result in a negative impact.

The purpose of this bylaw is to set forth reasonable performance standards for home occupations that will ensure that such uses are compatible with surrounding permitted uses, do not adversely affect property values, and do not create any significant adverse impact on the quiet enjoyment of a residential neighborhood by others residing in the vicinity.

B. Home Occupations - Types:

(1) Contractors - Home-Based: The use of a portion of a dwelling or accessory building thereto by a resident builder, carpenter, painter, plumber, mason, electrician or other artisan or by a resident tree surgeon or landscape gardener for incidental work and storage in connection with their off-premises occupation, provided that there is no external change which alters the residential appearance of the buildings, and further provided there is no exterior storage of goods or materials.

(2) Home Office: The use of a portion of a dwelling or accessory building as an office for a resident physician, dentist, attorney-at-law, architect, engineer or member of other recognized profession similar to the aforementioned, provided that there is no external change which alters the residential appearance of the buildings, and further provided there is no exterior storage.

(3) Home Sales: The use of a portion of a dwelling or accessory building thereto by the residents of the dwelling for an office or for the sale of antiques or like merchandise, provided that there is no exterior storage, that all work or sale of goods is carried on inside a building and further provided there is no external change which alters the residential appearance of the buildings.

(4) Home Personal Services: The use of a portion of a dwelling or accessory building thereto by a resident service provider for personal services such as barbershops, beauty shops and like services provided there are no external changes which alter the residential appearance of the buildings.

C. Performance Standards:

All home occupations must register with the Building Commissioner who will verify that the occupation is in compliance with the following performance standards:

(1) The home occupation shall be conducted within a detached single-family dwelling or in an accessory building on the same property. If within the single-family dwelling, the total area devoted to the home occupation shall not exceed one third (33%) of the dwelling's gross floor areas.

(2) The home occupation must be operated by the resident occupant of the dwelling and may not employ more than three (3) full-time equivalent persons on site who are not residents therein.

(3) There shall be no evidence of the occupation through persistent or excessive sound, or through vibration, smell, or sight discernable at the boundaries of the premises.

(4) Not more than one (1) commercial vehicle shall be regularly parked outdoors on the premises. Such vehicles shall not weigh more than 15,000 pounds or have more than two (2) axles.

(5) Traffic and parking generated by the home occupation shall not be more disruptive to the neighborhood than traffic normally resulting from residential development considering volume, type, hours and other traffic characteristics.

(6) The portion of any structure utilized for the home occupation shall conform to all applicable fire, building, electrical, plumbing and health codes.

Explanation: The current Zoning Bylaw allows home occupations as an accessory use by right in all zoning districts and this will not change. We are simply moving the home occupation descriptive language out of the Table of Uses into a new Home Occupation section within the Zoning Bylaw and adding what we believe to be reasonable performance standards that will keep the peace between home businesses and nearby neighbors.

Zoning Amendment #8

Article ##: To see if the Town will vote to amend the Westminster Zoning Bylaw (Chapter 205 of the Code of the Town of Westminster, Massachusetts), to amend Article IX (Special Provisions), to revise Section 205.37.1 – Accessory dwelling unit, as follows, or act in relation thereto.

§ 205-37.1. Accessory Dwelling Unit.

Accessory dwelling units *are allowed by right* ~~in the Residential III Zoning District may be allowed by special permit~~ in accordance with this section.

A. Purpose: The purposes of the accessory dwelling unit section are to:

- (1) Provide an opportunity for older homeowners who can no longer physically or financially maintain their single-family home to remain in the homes they might otherwise be forced to leave;
- (2) Make housing units available to moderate income households who might otherwise have difficulty finding homes within the Town;
- (3) Provide a variety of types of housing to meet the needs of its residents; and
- (4) Protect stability, property values, and the single-family character of a neighborhood.

B. *Performance Standards: The Building Commissioner shall issue a Building Permit and Certificate of Occupancy for an accessory dwelling unit upon verification* ~~Special permit procedures and conditions. The Zoning Board of Appeals shall be the special permit granting authority for the issuance of accessory dwelling unit permits. The Zoning Board of Appeals may authorize an accessory dwelling unit by special permit in any residential district, provided that the following standards and criteria are met:~~

- (1) The accessory dwelling unit will be a complete, separate housekeeping unit that functions as a separate unit from the principal single-family unit.
- (2) *The owners of the principal structure shall occupy, as their primary residence, either the principal dwelling unit or the accessory dwelling unit.*
- (3) Only one accessory dwelling unit shall be created within a single-family structure.

- (4) The lot in which the single-family unit is created must have a determination from the Board of Health that there is adequate septic capacity or that the system may be expanded to provide adequate capacity. *No such verification is required if the lot is served by municipal sewer.*
- (5) The accessory dwelling unit shall be designed so that the appearance of the building remains that of a one-family residence as much as feasibly possible. ~~In general, any new entrances should be located on the side or rear of the building.~~
- (6) The accessory dwelling unit shall be clearly a subordinate part of the single-family dwelling. It shall be no greater than 700 square feet nor have more than two bedrooms.
- (7) At least three off-street parking spaces ~~are~~ *must be* available for use by the owner occupants and tenants.
- (8) The construction of the accessory dwelling unit shall be in conformity with the State Building Code.

~~C. Application Procedures~~

- (1) ~~An application for an accessory dwelling unit special permit shall be filed with the Zoning Board of Appeals accompanied by three copies of the plan accompanied by a notarized letter from the owner(s) stating that he/they will occupy one of the dwelling units on the premises.~~
- (2) ~~Upon receiving a special permit, the owner must file a declaration of covenants on the subject property at the Worcester County Registry of Deeds. The declaration shall state that the right to rent a temporary accessory dwelling unit ceases upon transfer of title. A time stamped copy of the recorded declaration shall be provided to the Zoning Board of Appeals and the Inspector of Buildings.~~

~~D. Transfer of ownership of a dwelling with an accessory dwelling unit.~~

- (1) ~~The special permit for an accessory dwelling unit in a single family dwelling shall terminate upon the sale or transfer of title of the dwelling.~~
- (2) ~~The new owner must apply for reapproval of a special permit for an accessory dwelling unit and shall submit a written request to the Zoning Board of Appeals, stating that conditions at the time of the original application remain unchanged. Minor changes may be approved without a hearing by the Zoning Board of Appeals. The Zoning Board of Appeals, in its sole discretion, at the reapplication of the new owner, may require compliance with all the procedures set forth herein.~~
- (3) ~~Upon receiving a special permit, the new owner must file a declaration of covenants on the subject property at the Worcester County Registry of Deeds. The declaration shall state that the right to rent a temporary accessory dwelling unit ceases upon transfer of title. A time-stamped copy of the recorded declaration shall be provided to the Zoning Board of Appeals and the Inspector of Buildings.~~
- (4) ~~A filing fee as determined by the most recent Zoning Board of Appeals Fee Schedule shall be included with the application. The applicant shall also be responsible for the cost of legal notices and mailings.~~

Explanation: The current accessory dwelling unit provision has been on the books for over a decade now, but rarely used. In an attempt to encourage more use of this provision as a means of keeping our seniors in town, we are proposing to allow accessory dwelling units by right instead of Special Permit and easing the application procedure.