



MANCHESTER-BY-THE-SEA

PLANNING BOARD • TOWN HALL
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MINUTES OF THE PLANNING BOARD

May 17, 2022 6:30 p.m.

Virtual Meeting

MEMBERS PRESENT: Ron Mastrogiacomo, Chair, Sarah Creighton, Mary Foley, Chris Olney, Gary Gilbert, Christina Delisio, and Laura Tenny

MEMBERS NOT PRESENT:

STAFF PRESENT: Town Planner, Sue Brown, and Gail Hunter

The following minutes were approved by vote of the Planning Board on July 11, 2022

The chair called the meeting to order at 6:30 with a roll call vote.

The chair read the public notice into the record and called for a motion to open the public hearing. The motion carried on roll call vote 7-0. The chair turned the meeting over to vice chair Creighton.

Sarah Creighton and Chris Olney presented a summary of zoning changes. The full presentation slides are included at the end of these minutes.

Chris Olney added that zoning use regulations are not prescriptive, they don't tell you what you have to do. They tell you what you're allowed to do. For all of the uses allowed in all of the districts.

Uses that are by right vs special permit

1. You can go to the building inspector and get a permit if allowed by right
2. If by SP, the PB or ZBA has to conduct a public hearing and take input, then issue a [finding] with criteria and conditions to meet.

PUBLIC INPUT ON SECTIONS 1-4

Sandy Rogers, 82 Old Essex Road

Hard to follow what's changed. In different pieces on the website. What was new/changed in use case in by right or not by-right.

Sarah Creighton: Removing sections 1-4 and replacing with new. Simplest terms, replacing everything. The uses in each district, we have not changed any uses in any district. No basic changes to any uses in any district. Not in sections 1-4. as we get into later sections, you'll see where we will propose change of use in the -- for senior housing, for ex. In proposal for senior housing, we propose to amend the use table to allow that.

PUBLIC COMMENTS ON SECTION 6

None at this time

SECTION 7 -- NON-CONFORMING USES

PUBLIC COMMENTS

Brian Miller, 92 School St

7.2 changes in use. What defines detrimental to the neighborhood? If you can't define fully, it shouldn't be in the process.

S Creighton: We will with Mark B. to address that when he returns

Sandy Rogers, 82 Old Essex Rd

It was noted that minor changes would be allowed. Earlier version I recall that on non-conforming buildings, it could be up to a 50% change (SF?) in the building. Has that been dropped? Do we define minor changes?

Chris Olney: this would be a judgement call by the bldg inspector, must be de minimus. Like a foot or 6".

Sarah Creighton: the language has been on the website and at the town clerk for 2 weeks, that has not changed. The proposal DOES allow modification of structure of more than 100%. May be extended, altered, structurally changed, so long does not increase non-conforming or increase GSF by more than 100%. So NOT increasing your floor area, or going further into your setback.

Mary Foley: asking if this is allowing 100% by right? Let's say you have a ranch style home, if you could add a second floor. Not expand the footprint.

Sarah: yes, that's a good example.

Wendy Dixon, Address?

If changes in a house that has a one-family in it, are houses by virtue of this section, allowed to change into a one- or 2- or 3- or 4-family house? By right?

Chris Olney: no, you cannot convert your one-family to multi. That's a change in use. It would require a min variance or special permit.

John Jay, 18 Sea Street

Sea street abuts Tappan. At 34 Tappan there was a proposal to convert a lot in single to 4 apt units on 0.34 acres. Would that now be allowed under this?

SHC: it would need a special permit, but the ZBA would have more jurisdiction to consider it. If determined to be less DETRIMENTAL.

Sandy Rogers

Clarificatoin; non-conformity. If there is a building that has been non-conforming for a particular reason, but say it has to do with how far from edge of property. If 100% more to be built up, as long as allowed within normal height restriction. It's not changing the non-conformity. But then in a tight space you're allowing it to go up.

SHC: that's a good example. Yes.

SR: I have concerns about that and It should be clearly stated for voters

Sarah Mellish:

Clarify change in use. This applies to an existing non-confirming use changing to another non-conforming use. Doesn't allow a conforming use to go to a NON-conforming use.

Gary Gilbert : if the law is defective. Any expansion of that building has be to expanded in compliance with setbacks.

SECTION 8 – Regulate Adult Entertainment: No comments

SECTION 9.1 -- ADU's

Chris Olney: do we think ADU's are a good idea, or not? Mostly for an elderly parent to move in and the like. Or perhaps a single elderly who can't afford to pay taxes etc, or perhaps a grown child. Those are the justification for doing this. Called out in the masterplan as a priority for the town to do, and in the housing production plan for alternative housing options in this town. A way of creating a practical way of staying in the town.

Other cities and towns around the north shore are doing this. They're generally seeing 10-15 units a year.

Gary Gilbert:

most people want an in-law apt. we want to encourage them within reason and with regulation. SP deters these every occurring, and there's no reason to require

it. Since the town has witnessed the 40B, we understand need for more and varied housing. These are basically small apartments and we could use them.

Cathy Bilotta, 21 Pine Street

Good work. I like the idea of ADU's in the short-term. Can the PB consider the long-term impact of following scenario.

Family #1 has 2,500 sf home. Add 900 sf unit for family member.

Then sells to family #2 and they don't want the adu, they want to turn the extra 900 sf then all the sudden, could this turn into a 3,400 sf home that is now less affordable than the original scenario? Longer-term impacts on our affordable housing inventory.

Chris Olney: the ADU may not add a net 900 SF, but may carve out of existing SF. Family # 2 could build the 900SF addition anyhow by right.

Wendy Dixon

Place in overall revisions where happening? GG's point: I love the fact that we have great big beautiful houses, is there any place for the interior of these houses have been made into apartments like the Frick Estate in Bev Farms? Allow the big estates to make a change like that? Encourage that as a way to keep the outward beauty but the interiors reworked to allow. Our kids that need apartments.

Brian Miller, 92 School

Owner-occupied, 6 mos. Every year? Or just 6 mos when they first apply for ADU, and then they can move over?

Chris Olney:

If someone not in their house for more than 6 mos OF EVERY YEAR, approval goes away

Still a max 900 SF under detached structure, or can it be any sized unit?

That's up to the ZBA for a detached structure review.

Brian Miller:

then there should be a size limit for a detached structure.

Gary Gilbert:

We were intentionally not encouraging these in detached structures. Not except for odd situations like a dead-end road or the like. In general, the ZBA wouldn't allow.

Sandy Rogers

Can a house have more than one ADU?

I have a shared driveway with next door. If they comply with 900 sf. They don't have to have any notification, they will be adding a parking space. As abutter, I won't be notified.

The by-right, most of our surrounding towns around have only by Special Permit. It's not going to take up a lot of time, and will allow neighbors to know what's happening.

And will you allow a second curb cut, getting rid of more parking space on streets?

No second curb cut allowed. Must use existing driveway, create an off-street parking space in their own property and complying. They'd have to get SP to do that.

Chris Olney: No. Only one ADU per house

SHC: if there is a by-right compliant ADU, and the bldg inspector determines, there is not a requirement to notify abutter.

Chris Olney: I guess it's possible to get a second curb cut by SP.

SHC: for those lots that don't comply with zoning, is smaller than required for district, then ADU requires SP. Even outside of RD1-2, if the lot is non-conforming.

Chris Olney: by right, anyone in town can have a boarder, with no extra parking required. Not a big stretch from existing regs town has.

Mary Foley:

Nothing in the current proposed bylaw does not allow a second curb cut. We propose curb cuts proposed to go the DPW. Concerned about the building inspector being unable to deal with the additional workload.

Dave Reissfelder, 118 Bridge Street

Fairly big lot and would accommodate ADU separate. If I would do an ADU of 900 sf or less, still require an SP?

Chris Olney: If a separate building, YES

Sarah Mellish:

Concerned about lease and rental wording. Most are for family members and not charging lease or rent. IF leased, not for less than 6 mos. For family

SECTION 9.2 RESIDENTIAL CONSERVATION CLUSTER

SHC:

The Residential Conservation Cluster has been around for many years, preserving open space, smaller homes. Elm street, 21 pine street, surf village. Existing RCC is not easy to use. Provides little benefit to town. Proposing a SP for RCC with no increased density, and changing to that allowed by zoning or subdivision. Affordability 10% of units. Density bonuses. If less than 10 units, one must be Affordable.

Chris Olney:

Previously in zoning, have had up to 4 provisions for residential development. One is called Planned Residential Development, but required a min of 50 acres, and there are no such parcels. So we deleted it. In the past we've made a confusing set of regs for residential development. The idea is to cluster units together, more open space, and more of a village flavor than standard subdivision. 21 Pine is a good example on smaller than 5 acres. Another on Brook St across from old Cricket Office. We can do it, it's good for the town. Letting it happen on smaller parcels on 5 acres.

SCH:

The Brook St example - how do we create and encourage the kind of development that don't spiral getting bigger each time? RCC tend to have homes clustered together, they tend to not be added onto over and over.

Christina Delisio:

10 units example. 1 Affordable. We don't allow more that puts us behind Affordable numbers. Whatever we approve needs to be a wash at minimum.

Laura Tenny:

can still build by-right for housing on the same lot sizes in the town without creating affordable. Important benefits of open space conservation, smaller footprints, less impervious make this worth doing.

Sandy Rogers

Affordable... what was this?

When presenting the ADU's - said they tend to be more affordable? Then you would need to strike from article/discussion if not required. =maybe some affordability put into the ADU's?

Misleading to say less expensive. It would be good to try to get something in there.

Ann Harrison:

Capital A – Affordable means deed restrictions. Not sure that anyone would build an ADU if it meant putting a deed restriction on their house

As you explain that, be careful, not everyone understands all implications of by state standards.

9.3 SENIOR HOUSING (should by 9.4)

Lorraine Iovanni, 20A Pine Street

Want to support Chris said, that there's a need in MBTS for senior housing. Which has many different definitions. One is great if we could find a building to convert, but other options make sense. Senior Housing should be a priority. That includes ADU's. very important. Also mention that we don't want to box ourselves in. By deed 55+ a lot is actually 3 BR+, don't box ourselves in to a number of bedrooms. Many aren't immobile but want 55+ because it's safe and convenient. Affordable and senior -- yes. We need to do it. Thank you for hard work that you do.

SHC: rationale for size limits was Hamilton. Making senior housing with large footprints, start with something relatively small.

SECTION 10- SPECIAL DISTRICTS AND SECTION 11 - ENERGY REGS No Changes

SECTION 12 - Administration and Procedures

Sarah Mellish:

The number of copies should be updated to reflect technology.

MOVE SECTIONS TO GENERAL BYLAWS

Add three things:

1. Curb cuts/driveway entrances. For safety and drainage. Most towns have DPW review. If a curb cut doesn't comply, it would come back to PB for review
2. Junk Cars. Not subject to permits, move to general
3. Stormwater management. Broad applicability. Zoning might not apply but management is extremely important for the town so want to move where more broadly applicable. Section 6 does refer to SW in General Bylaws

Sarah Creighton:

Thank you all for coming. Town meeting is on June 11 - the order of topics will appear a little different. To make each article stand alone on its own.

PUBLIC COMMENTS:

What is definition of detrimental or not?

Gary Gilbert:

it's my understanding that language is part of the State statute. That's the fate of ZBA, they have to deal with / interpret it as a board. Has stood for decades.

JOHN JAY:

A lot of changes outlined here. Has any thinking been done about ramifications done to infrastructure? Looking to encourage development. Can you point to any studies done on impact on infrastructure?

SHC

Just because we allow something doesn't mean it would be built. The capacity in wastewater treatment and water systems verified. This does not pre-judge. Zoning bylaws are silent about whether a right to water or sewer. In the same way if you're allowed to build a house, you're allowed hookups.

Chris Olney:

The idea that we're encouraging development is a little off-base. I guess 20 ADU's could be a marginal impact. Senior housing maybe most impact. And as part of special permitting process, these kinds of analysis are done. This is not the time

JOHN JAY:

Foresight would be better than now than after the fact. Many times comments this evening, we don't have a draft, we can fine-tune. This is going to be voted on at town meeting? Is there a minimum requirement to have this in writing before town meeting?

Laura Tenny:

This would reduce reliance on town's drainage and wastewater infrastructure

SANDY ROGERS

Is there a limit as to the occupancy in an ADU? Sounds like we're trying to promote using existing SF. Might mean no new taxes, and = new kids in schools.

SUE THOMPSON, Harbor St

7.7 – abandonment of non-use. Why should the ZBE re-establish a non-conforming use?

Gary Gilbert:

Because the non-conforming use could be benign, and have little impact on the town.

In the event of reconstruction, would exceed original SF, or located elsewhere. SP before demolition. OK before, OK after so long as same footprint, but if other, would need a SP

Sue Brown:

Language allows it to be reestablished, but only by SP. Like an old General Store, beloved by neighborhood but then re-opened after 2 yrs if a new owner. Completely in the hands of a SP. Does re-allow it.

Mark Brobrowski:

Non-conforming use De minimus - so small no one may bother. Like re-shingling house, and you move it closer to the lot line.

The overall test for non-conformities. Detrimental. Do a comp: what's there today vs what's there tomorrow. Doesn't get too much bigger, might still be better. Specific to the application.

Non-conforming abandoned use

7.6 can be re-established. Not in the statute but helped city of Holyoke rezone its downtown. Like the Stirling Inn, right in the middle of town. Kitchen caught on fire. Since that a couple passes at re-opening. If you just say it's beached whale, you'll never have the opportunity to reuse it.

Section 7 - changes in USE, could that be separated out? SP would allow a change in use if less detrimental to neighborhood?

7.2

Change or substantial extension of the use is IN the statute. Unless you list it, you can't do it. Always preserve the option to change the use if wanted.

But the second, it's not in the statute. Driven by case law. Town of Winchendon. Convert non-conforming gravel pit to non-conforming... something. Neighbors sued and won on procedural.

7.2.1

1. Change or substantial extension of the use
2. Change from one non-conforming use to another by SP

Sarah Mellish,

A moving storage entity, a developer wanted to change to 4 condos. ZBA could not make a ruling b/c it was a variance on a NEW non-conforming use. Gives the ZBA flexibility to consider it. We've had 34 Tappan and 2 Harbor/Old Corner Inn. If we can get rid of some of non-conforming uses than what's significantly different and make it more amenable to the district, should be an option we get to consider.

Mark B:

for new construction of for regulation of non-conformities. Like here, you can change to another less detrimental.

Think of the tools the general SP section gives you. Traffic, scenic, environmental, etc.

While they may not be listed criteria, they're the same, and you spell them out in the new

OK to call it subjective. SP by definition are not objective. You may deny it. You have to have 4 parking spaces. Developer is not entitled just because he meets every criterion.

Mary Foley:

it becomes subjective if ZBA board decides what's sufficient, if not specific parameters.

Mark B:

to extent applicable, the applicant will comply with MAAB guidance.

Sarah Mellish:

Deal with applications that don't mark all of the boxes. We need to make judgement calls about whether appropriate to the neighborhood and with input.

Sandy Rogers

Question on de minimus - for by right non-conforming. What's the minimum and who defines?

Mark B:

there are cases that say this is de minimus and that's not. All within inches and 18". No, I wouldn't do that. Case from Amherst where someone with 99 feet of frontage in a 100-foot frontage said it's de minimus, and the court said no you have to draw the line somewhere. Allow the building inspector to make that call based on professional experience.

Gary Gilbert:

mark, are towns defining Affordable housing ratios they want to see? Are towns setting up standards below the 80%

Going the other way -- Concord says 100% or above the AMI. (average mean income). Just called locally affordable units, but they're not meeting SHI.

SHC:

Remind you that zoning changes are not forever, they can again be changed. Some things we've proposed will evolve again and improve over time.

Olney moved to close the public comment portion of the public hearing. Tenny seconded. The motion passed on roll call vote.

Motion to adjourn. Motion passed unanimously.



Introduction

- Zoning establishes allowed uses and dimensional requirements in town within the parameters of state and case law.
- Special permits can change restrictions when in the public interest.
- Today's Zoning has been modified many times:
 - Confusing
 - Redundant
 - Some provisions in conflict with state and case law.
 - Prohibits or discourages recommendations of the Masterplan
- The Planning Board has been working to remedy these issues
- Most changes are administrative.
- We will highlight those that are not.

[To view the Zoning Changes in full: https://www.manchesterma.gov/development/development-services/zoning](https://www.manchesterma.gov/development/development-services/zoning)



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[To view the Zoning Changes in full: https://www.manchesterma.gov/development/development-services/zoning](https://www.manchesterma.gov/development/development-services/zoning)



Procedures

- 13 Topics for discussion
 - Develop with land use attorney
 - Many of the changes are administrative
 - We are calling out those things that are substantive
- Purpose is to get input
- The pro/con arguments → town meeting
- Keep comments short
- Second comment must be a new issue
- Zoom chat has been disabled

Town Meeting is June 11 at 1pm

[To view the Zoning Changes in full: https://www.manchesterma.gov/development/development-services/zoning](https://www.manchesterma.gov/development/development-services/zoning)



Section 1. Authority and Purpose

Old: Defines authority & purpose of the bylaws.

New: Revises vague language and adds scope, applicability and procedures for approval of amendments

[To view the Zoning Changes in full: https://www.manchesterma.gov/development/development-services/zoning](https://www.manchesterma.gov/development/development-services/zoning)



Section 2: Definitions

Old:

- 11 definitions in this section
- Other definitions were scattered and hard to find.
- Some definitions needed improvement.

New:

- 80 definitions developed by land use attorney
- New definitions for affordable housing, dwelling types, & senior housing
- The definition of lot width is now simpler and clearer.
- All definitions are now gathered into the same bylaw section.

[To view the Zoning Changes in full: https://www.manchesterma.gov/development/development-services/zoning](https://www.manchesterma.gov/development/development-services/zoning)



Section 3: Districts

Old: Defined the General, Residential and Limited Commercial zoning districts & zoning map.

New:

- No changes to the districts
- District D has been clarified as 2 districts.
- Lot lines and lots in multiple districts have been clarified.
- Updated Zoning Map

To view the Zoning Changes in full: <https://bit.ly/mbtzoning>



New Zoning Map



To view the Zoning Changes in full: <https://bit.ly/mbtzoning>



Section 4: Use Regulations

Old:

- Lengthy narrative description of all land uses including those allowed in residential, general, & limited commercial districts.

New:

- Comprehensive table which clearly defines all allowed land uses in all zoning districts.
 - The table is a best practice and used by many towns
 - A version of the table has been on our web site for comment for a number of months
- Minor changes were made to a few land uses including some accessory uses.
- Swimming pools will be allowed as of right if specific criteria have been met.

To view the Zoning Changes in full: <https://bit.ly/mbtzoning>



Section 4: Table of Uses



To view the Zoning Changes in full: <https://bit.ly/mbtzoning>



Swimming Pools (4.3.2)

Swimming Pool Issue	Current	Proposed
Governance	Special Permit by ZBA	Building Inspector can issue permit for those that comply Special Permit by ZBA for all others
Lot and lot coverage	Special Permit by ZBA	Conforming
Allowed within setbacks (Section 3 defines "setback" from side, front, rear lot lines)	No	No
Fenced	Yes	Yes Landscape to screen visibility is encouraged

To view the Zoning Changes in full: <https://bit.ly/mbtzoning>



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To view the Zoning Changes in full: <https://bit.ly/mbtzoning>



Section 5: Dimensional Regulations

Section 5 covers rules for frontage, setbacks from lot lines and height restrictions.

- No Changes

To view the Zoning Changes in full: [View the Zoning Changes](#)



Section 6: General Regulations

Old:

- Lengthy and redundant "Special Provisions"
- Unrelated issues such as parking, signage, non-conforming uses, & site plan review.

New:

- Renamed "General Regulations"
- Move to General Bylaw: curb cuts (driveway entrances), junk cars, and (updated) stormwater permit.
- Parking Regulations are mostly unchanged
- Signage Regulations are unchanged
- Consolidated performance-based design standards for special permit & site plan review
- Topographical Changes and Site Clearing Special Permit: new title and revised purpose

To view the Zoning Changes in full: [View the Zoning Changes](#)



Section 6 (continued)

What are performance-based standards for special permits and site plan review?

- A single set of design standards provides guidance for developers and Town boards
- Promotes more sustainable, resilient, and creative design solutions

Prescriptive standards:

- Specify exact minimum requirements: quantities, distances, materials, etc.
- Risk: designs that meet the minimum standard without imaginative solutions
- Can have unintended consequences.

Performance-based standards: Considered a best practice:

- Focus on an outcome or end result of the design.
- Avoid controlled pass design that may technically meet prescriptive standards
- Promotes sustainable and creative principles

Example:

Plant size tree for every five parking stalls in a parking lot

or

or

landscape is designed to manage stormwater and mitigate heat island effect

To view the Zoning Changes in full: [View the Zoning Changes](#)



Section 7: Non Conforming Uses (previously section 6.1)

Rationale:

- About three quarters of the properties in town do not fully comply with current zoning
- Loosening the rules will allow changes to non-conforming buildings with less difficulty and expense
- More flexibility in approving modifications of grandfathered properties that benefit the neighborhood

Old Non-Conforming Use section:

- Any change to non-conforming structures requires a special permit or variance
- Changes in use are not allowed

New:

- Allow minor changes to non-conforming residences without obtaining a special permit
- ZBA will be allowed more flexibility in issuing permits for changes in use
- Reconstruction, demolition and abandonment of nonconforming structures is allowed
- Brings the Bylaw into compliance with case law and avoids the risk of lawsuits and appeals.

To view the Zoning Changes in full: [View the Zoning Changes](#)



Section 7: Non Conforming Uses (continued)

Non Conforming Use Issue	Current	Proposed
Changes to one and two-family dwellings on underlying lots if changes comply with 1991	By Right	By Right
Changes to one and two-family dwellings on lots smaller than required in District	Special Permit by ZBA	By Right if within setback
Changes to structures that do not conform to setback requirements	Special Permit by ZBA	By Right if non-conformity is not made worse or is de minimis. Otherwise, special permit.
Changes to buildings that currently exceed height of 35 feet	Special Permit by ZBA	By Right if non-conformity is not made worse or is de minimis. Otherwise, special permit.
Changes in use (7.2)	Not allowed	Special Permit if the new use is less detrimental to the neighborhood

To view the Zoning Changes in full: [View the Zoning Changes](#)



Section 8: Special Regulations (Adult Entertainment)

Rationale:

- We are obligated to allow Adult Entertainment (free speech)
- Only in the LCD by Special Permit
- Can regulate as long as it is not totally banned
- Without regulations, the Town is vulnerable to an unregulated adult entertainment establishment.

Old: None

New:

- This is a new section developed by land use attorney
- Regulations are needed to require standards of operation for such establishments.
- Requires special permit
- Prohibits visible pictures and other merchandise from public view

To view the Zoning Changes in full: [View the Zoning Changes](#)



Break

Zoning Public Hearing will be right back

To view the Zoning Changes in full: [TOWN OF WILKINSON](#)



Section 9.1: Accessory Dwelling Units (ADU)

Rationale: ADUs offer low cost housing options to seniors and singles without significant disruption to neighborhoods. They also allow homeowners an effective source of revenue so they can maintain residency in town.

Old:

- All ADUs require special permits by ZBA
- Only in houses built before 1984
- Double the minimum lot size required
- 4 parking spaces.

New:

- Building Inspector may grant ADU "by right" as long as they comply with specific regulations:
 - Within the single family home, limited size to 900 sq. ft., One additional parking space
 - owner occupancy
 - minimum 8 month lease
- Annual cap of 20 new units per year
- Eliminates the employee occupied allowed use (in section 4)
- Allows ADU's by special permit from the ZBA that do not comply.

To view the Zoning Changes in full: [TOWN OF WILKINSON](#)



ADU Issue	Current (with SP)	Proposed - permit from Building Dept	Proposed - w/SP permit
Location	Single family dwellings built prior to 1984 Districts: A, B, C, E	Single family dwellings in all districts except R21 and R22	Single family homes in all districts R21 and R22
Lot size	As the minimum lot (except in E (not specified))	None (subject to not conforming section if lots than minimum)	Waived by Special Permit
ADU size	Cannot exceed 35% of floor area of residence (no max) 2 parking spaces	Max 900 of additional Within the existing house One additional parking space	Waived by Special Permit
Detached structure	No	No	Waived by Special Permit
Allowed for employees	As the only way ADUs are allowed by SP (in Section 9)	Define requirement from section 4	Define from section 4
Owner occupied primary dwelling	Yes, but no overnight	Yes - 8 mo. min with affidavit. Clause occupied for more than one year	Yes - 8 mo. min with affidavit. Clause occupied for more than one year
Lease/rental	Not required	Required for at least 8 mo. with lease	Required for at least 8 mo. with lease
Overnight	280 - one time	Building Inspector Review permit every 5 years	Building Inspector Review permit every 5 years
Number of permits per year	No limit	20	Waived by Special Permit
Streamlining of zoning	No	Yes	Yes

Section 9.2: Residential Conservation Cluster (RCC)

Rationale:

- Clustered housing allows for preservation of open space and more efficient use of land by allowing smaller lot sizes and reduced setbacks.
- Examples: Surf Village, Elm Street, and 21 Pine Street.

Old:

- The existing RCC special permit is not easy to use
- Requires 5 acres of land (many examples of clustered housing are on smaller land parcels)
- Provides little benefits for the town.

New:

- Special permit for clustered housing with no increase in density
- Minimum Lot size: as would be allowed by zoning/subdivision
- Affordability of 10% of units
- Density bonuses for affordable housing, open space, or town amenities.

To view the Zoning Changes in full: [TOWN OF WILKINSON](#)



Section 9.2: Residential Conservation Cluster

Issue	Current	Proposed
Minimum Lot	5 acres	As required by zoning
Districts	All Residential Districts	All Residential Districts
Review	Special Permit	Special Permit
Required Affordability	20%	10%
Open Space Requirement	50% minimum	20% minimum
Density Bonus	None	Up to 20% additional units for: <ul style="list-style-type: none"> Affordable units Open Space Other Special Benefits
Setbacks	Reduced by SP	Reduced by up to 50% by SP

To view the Zoning Changes in full: [TOWN OF WILKINSON](#)



Section 9.3: Senior Housing

Rationale:

- Allowing senior housing by special permit will promote greater diversity of housing opportunities as recommended by the Master Plan.
- Allow the development of assisted living and long-term care for seniors and to create health care, housing and other supportive services for our senior population.

Old: None

New: Proposed Bylaw language provided by land use attorney

To view the Zoning Changes in full: [TOWN OF WILKINSON](#)



Section 9.3: Senior Housing

Senior Housing Issue	Proposed
Overnight	Special Permit
Districts	All
Minimum Lot size	As required in the district
Dimensional requirements	As required in the district
Interior limits	Max: 2 Bedrooms Bedrooms/bath on floor with living/kitchen Max 2BR: 1,200 SF Max 1 BR: 900 SF Max Studio: 600 SF
Design standards (exterior and site plan)	Yes
Age restriction	Yes, as defined by State Law

To view the Zoning Changes in Full: [VIEW THE ZONING CHANGES](#)



Section 10: Special Districts and Section 11: Energy Regulations

- Section 10 (no changes)
 - Flood Control District
 - Flood Plain District
 - Ground and Surface Water Resource Overlay District
- Section 11: Energy Regulations (see changes)
 - Wind Energy Conversion Facilities (wind turbines)
 - Large Scale Ground Mounted Photovoltaic Installations

To view the Zoning Changes in Full: [VIEW THE ZONING CHANGES](#)



Section 12: Administration and Procedures

Summary:

- Administrative and procedural requirements
- New section that replaces Section 7 of the current bylaw.

Old (Section 7)

- Confusing and neglects to describe the role of the Planning Board

New:

- The roles, powers and organizational framework of the Building Inspector, Zoning Board of Appeals and Planning Board are clarified.
- The procedures and criteria for reviewing special permits and site plan review are simplified and strengthened.

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Move Sections to General Bylaw

Rationale:

- Zoning regulations apply one time only to new development
- General bylaws may be enforced over time as needed.

Old:

- No changes are being proposed to the existing General Bylaws beyond adding modified zoning bylaws from Section 6 to them.

New:

- Curb cuts will be referred to as Driveway Entrances and reviewed based on specific criteria by the DPW. Most towns already review these by their DPW, Highway or Traffic Departments only.
- Junk car regulations are relocated here and will not change.
- Stormwater Management will have minor changes bringing it into compliance with current State standards.

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Town Meeting Articles

Article 1: Replace Section 1, 2, 3, and 4 (see summary (0) word)

Article 2: Amend General Bylaws

- needed to clarify things (reports)

Article 3: Delete Sections that Move to the General Bylaw (1/1)

Article 4: Re-number Sections 5.1 and Section 7

- administrative to make the use of the articles more concise. Section to separate it out to article 6 from the substance of section 7 (summary section 6.6)

Article 5: Section 12 – ADMINISTRATION (see second priority) (1/1)

Article 6: Section 6 (see a priority)

Article 7: Section 7 – Non-Conforming Uses (2/1)

Article 8: Section 8 – Adult Entertainment (2/1)

Article 9: 9.2 Residential Conversation Cluster (2/1)

Article 10: 9.3 Senior Housing (2/1)

Article 11: 9.4 ADU (majority)

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Old or extra

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