

**ARTICLE A**

**To see if the Town will vote to amend the Williamstown Zoning By-Laws, §70 of the Code of the Town of Williamstown as follows:**

**Amend §70-7.2.F(10)(b)[1] by replacing the term “Buildings Inspector” with “Building Commissioner”.**

**Amend §70-8.2.D(1) by replacing the term “Inspector of Buildings” with “Building Commissioner”.**

**Amend §70-8.2.D(2) by replacing the existing language with the following;**

“Determinations. The Planning Board shall determine whether or not the development plan complies with the requirements of Article V, Development Standards, and § 70-6.1, Off-street parking, and shall notify the applicant, the Planning Administrator, and the Building Commissioner of its determination within 45 days of the time that complete materials have been received by the Planning Administrator. Failure of the Planning Board to act within 45 days shall be construed as determination of compliance, and the Planning Board shall forthwith make such endorsement on the submitted plans or, on its failure to do so, the Planning Administrator shall issue a certificate to the same effect.”

**Amend § 70-8.1. Administration and enforcement by replacing the existing language with the following;**

§ 70-8.1. Administration and enforcement.

The provisions of this chapter shall be administered and enforced by the Planning Administrator and Building Commissioner as defined by §70-9.

A. Compliance review. Buildings or structures shall not be erected, substantially altered, moved or changed in use and land shall not be substantially altered or changed in principal use without certification by the Planning Administrator that such action is in compliance with then-applicable zoning. Issuance of a building permit or certification of use and occupancy by the Building Commissioner, where required under the Commonwealth of Massachusetts State Building Code, shall serve as such certification. In reviewing such permits the Building Commissioner shall consult the Planning Administrator as to the applicability of then applicable zoning.

B. Occupancy certificates. The Building Commissioner shall consult the Planning Administrator on project compliance with zoning and applicable SPGA or DPR board decisions prior to granting occupancy certification as required by the Commonwealth of Massachusetts State Building Code. Issuance of a Certificate of Occupancy by the Building Commissioner, following consultation with the Planning Administrator, shall serve as evidence of compliance with then applicable zoning.

C. Violations and penalty. Violation shall be determined by the Planning Administrator by an investigation of the fact and inspection of the premises, after which he shall give notice thereof in writing to the owner or to his duly authorized agent and to the occupant of the premises, and shall order that any use of any premises contrary to the provisions of this chapter shall immediately cease. Whoever violates any provision of this chapter, or any of the conditions under which a permit is issued by the Building Commissioner, or permission is granted by the Board of Appeals, or any decision rendered by the Board of Appeals under the provision of this chapter, shall be liable to a fine as provided in the Noncriminal Disposition Bylaw for each violation. Each day of violation after such written notice will be considered a separate offense. If, after such notice, the premises continue to be used in a manner contrary

to the provisions of this chapter, or if any such owner or occupant shall fail to obey any law, or if any such owner or occupant shall fail to obey any lawful order of the Planning Administrator in respect to any violation or use contrary to the provisions of this chapter, the Planning Administrator shall institute appropriate legal proceedings to enforce the provisions of this chapter or to restrain by injunction any violation thereof, or both.

D. Request for enforcement. If the Planning Administrator is requested in writing to enforce the Zoning Bylaw against any person allegedly in violation thereof, and he declines to act, he shall notify, in writing, the party requesting such enforcement, informing them of any action or refusal to act, and the reasons therefor, within 14 days of receipt of such request.

**Amend §70-8.2.D(3) by replacing the term “Inspector of Buildings” with “Building Commissioner”.**

**Amend §70-8.3.B(1) by replacing the term “Inspector of Buildings” with “Building Commissioner”.**

**Amend §70-9.2 LOT FRONTAGE by replacing the term “Inspector of Buildings” with “Planning Administrator”.**

*This proposal is a follow up to Article 38 from Annual Town Meeting 2015. Due to a scribner’s error these changes were left out of the original article from 2015. There are some additional changes to bylaw’s Administration and Enforcement section that have been requested by State Department of Public Safety Officials. These changes complete the change of legal terms in the Zoning Bylaw defining the legal roles and responsibilities of the Planning Administrator and Building Commissioner and ensure the Town’s Zoning and the State Building Code do not conflict with each other.*

*The Planning Board recommends adoption of this article unanimously.*

**ARTICLE B – OFFICE SPACE**

**To see if the Town will vote to amend the Williamstown Zoning By-Laws, §70 of the Code of the Town of Williamstown as follows:**

**Amend §70-3.3A by deleting the following use designations;**

ZONING DISTRICTS	RR1	RR2 RR3	GR	LB	VB	PB	LI	SG
<b>§ 70-3.3A PRIMARY USES</b>								
Office:								
<i>Professional</i>	No	No	BA	Yes	SPS	SPS	No	BA
Other	No	No	No	Yes	SPS	SPS	No	BA

**And replacing with the following;**

**Amend §70-3.3.A by adding the following use designations**

ZONING DISTRICTS	RR1	RR2 RR3	GR	LB	VB	PB	LI	SG
<b>§ 70-3.3.A PRIMARY USES</b>								
<i>Business Office</i>								
500 Square feet gross floor area or less	No	No	Yes	Yes	Yes	Yes	Yes	Yes

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More than 500 but less than 5000 square feet gross floor area	No	No	BA	Yes	Yes	Yes	Yes	BA
More than 5000 square feet gross floor area	No	No	No	BA	Yes	Yes	Yes	BA
<i>Medical Office</i>								
500 Square feet gross floor area or less	No	No	BA	Yes	Yes	Yes	Yes	Yes
More than 500 but less than 5000 square feet gross floor area	No	No	BA	Yes	Yes	Yes	Yes	BA
More than 5000 square feet gross floor area	No	No	No	BA	Yes	Yes	Yes	BA

**Amend §70-9.2 by deleting the following:**

**PROFESSIONAL OFFICE** -- A room or suite of rooms used for the practice of any generally recognized profession, such as medical or dental practitioner, attorney, engineer or architect.

**And replacing with the following:**

**§70-9.2 DEFINITIONS**

**BUSINESS OFFICE:** A building or part thereof, for the transaction of business or the provision of services exclusive of the receipt, sale, storage, or processing of merchandise; no medical or dental offices directly serving patients, no retail business, no manufacturing and no processing.

**MEDICAL OFFICE::** A building or portion thereof where patients are seen for examination and treatment by one or more physicians, dentists or other medical personnel, psychologist, or social workers.

*This article responds to a July 2015 request from the Zoning Board of Appeals to simplify regulation of office spaces in Williamstown. The ZBA has previously struggled to interpret the definition of “professional” when faced with newer occupations such as web based businesses and wellness practitioners. The new definitions proposed would regulate businesses based on medical versus other uses and on overall size. Offices smaller in nature would be allowed in residential zones others will not, medical offices will always require a ZBA permit to operate in a residential area.*

**ARTICLE C – HOME OCCUPATIONS**

**To see if the Town will vote to amend the Williamstown Zoning By-Laws, §70 of the Code of the Town of Williamstown as follows:**

**Amend §70-3.3.C by deleting the following designations**

ZONING DISTRICTS	RR1	RR2 RR3	GR	LB	VB	PB	LI	SG
<b>§ 70-3.3.B Accessory Uses</b>								
<i>Other home occupation (See § 70-7.3A.)</i>	No	BA	BA	No	No	No	No	BA

**And replacing with the following;**

ZONING DISTRICTS	RR1	RR2 RR3	GR	LB	VB	PB	LI	SG
<b>§ 70-3.3.B Accessory Uses</b>								
Home Occupation with no more than one nonresident employee, with no client traffic on site.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Home Occupation with more than one	BA	BA	BA	BA	Yes	Yes	BA	BA

nonresident employee, with client traffic on site.								
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**Amend §70-3.1.B by adding the following notation:**

**§70-9.2 DEFINITIONS**

**HOME OCCUPATION** -- An endeavor, business, profession, occupation, or trade conducted by the occupant of a dwelling that is incidental and secondary to the use of the dwelling unit as a residence.

**Amend §70-7.3.A by deleting the existing and replacing with the following;**

A. Home occupations. A home occupation is allowed, in a dwelling unit, in accordance with § 70-3.3.B Accessory Uses, as an accessory use, provided that the following are complied with:

- (1) The profession or home occupation shall be conducted by the resident(s) of the premises.
- (2) Not more than two persons, other than residents of the premises, shall be regularly employed on the premises in connection with such use.
- (3) No noise, vibration, smoke, dust, odor, heat, glare, unsightliness, electrical interference or other nuisance shall be produced which is discernible from other properties.
- (4) The use shall be clearly incidental to and secondary to the use as a dwelling unit.
- (5) Less than 50% of the gross floor area of the dwelling unit shall be used for home occupation.
- (6) There shall be no external evidence of the office or occupation, except as allowed by Chapter 53, Signs, of the Code of the Town of Williamstown, and no exterior storage or display of goods or wares.
- (7) There shall be adequate off-street parking for employees and visitors in connection with such use.
- (8) Excessive vehicular traffic is not generated. Vehicles used in connection with the occupation shall be parked in the rear or side yard or under cover.

*This article responds to an action item in the recent Economic Development Plan to encourage more home based businesses and telecommuting opportunities. At present any home based occupation must obtain a permit from the ZBA. If passed the bylaw would only require a permit if the business has nonresident employees and regularly hosts customers and clients at the home.*

**ARTICLE D – WAUBEEKA OVERLAY DISTRICT**

**To see if the Town will vote to amend the Williamstown Zoning By-Laws, §70 of the Code of the Town of Williamstown as follows:**

**Amend §70-2.1.B by adding the following;**

Waubeeka Overlay District (WOD)

**Amend §70-2.3 by adding the following;**

F. Waubeeka Overlay District is composed of land shown on the Williamstown Assessor's Maps, as of the date of the passage of this chapter, Map 303, Lot 51 and 17, and Map 304, Lot 30.

**Amend §70-7.4 by adding the following;**

**F. Waubeeka Overlay District**

- (1) Intent. The Waubeeka Overlay District is intended to permit and encourage redevelopment at the Waubeeka property in a matter that:
  - a) Preserves the majority of the area within the district as an important community recreational and open space asset.
  - b) Is consistent and in keeping with the historical context of the adjacent South Williamstown Historic District and the greater community.
- (2) The Waubeeka Overlay District is superimposed over the underlying Rural Residence 2 district. Land in the district may be used for such uses as are permitted by right or allowed subject to special permit approval in the underlying district, subject to the same requirements as in the underlying district. Within the WOD requirements of the underlying district shall apply except where superseded by the special requirements of the WOD in connection with WOD special permits.
- (3) Permissible Uses. The following primary and accessory uses are permitted in the WOD upon Special Permit from the Zoning Board of Appeals.
  - a) Primary Uses.
    - i. Hotel or Motel, with no more than 10% of rooms having exterior access.
    - ii. Restaurant
    - iii. Membership Club
    - iv. Golf Course
  - b) Accessory Uses.
    - i. Other place for exercise, amusement or assembly.
    - ii. Other retail or service, principally within buildings.
- (4) Development and Standards.
  - a) Siting Requirements: Buildings shall be sited so the street facing facades are in parallel with existing streets or shall be oriented toward a focal point such as a landscaped public square, plaza or similar formal public open space. In all cases all building facades fronting on a street shall have doors and windows facing that street.
  - b) Height Requirements: Buildings shall be limited to three stories in height or 40 feet. The exterior design will reduce the apparent height and bulk of the building. Design features may include emphasis on architectural elements (such as windows, entries, balconies, etc.) that divide the building into smaller pieces, articulated rooflines, selection of facade

material and color. Applicants are required to present plans that demonstrate consistency with this objective.

- c) Landscaping. Landscaping should reduce the apparent height and bulk of the building. Landscape design will include large trees, singly or in clumps, arranged to break up the mass of the building and provide a more human scale and shall be oriented in order to reduce massing from adjacent properties and preserve existing distant mountain viewsheds to the maximum extent practicable.
  - d) Dimensional Requirements: The underlying dimensional standards with the exception of open space requirements, of the Rural Residence Two District shall apply.
  - e) Open Space Requirements: At least 80% of the district shall remain in an open and natural state, inclusive of golf course areas, and be restricted from development in a manner enforceable by the Town. The Zoning Board of Appeals shall define and certify a building envelope in compliance with this provision as a condition of any development.
  - f) Parking Requirements: Subject to parking determination from the Planning Board as an unlisted use.
- (5) Special Permit Criteria: Any proposed development shall meet the following criteria in addition to the Special Permit criteria of 70-8.3.D
- a) The development shall balance development with preserving open space and view sheds on the remainder of the property.
  - b) The overall development, including architectural design, shall be of a form style and scale that maintains and enhances those qualities and historical traditions of the Five Corners National Registered Historic District in order to protect the historic and scenic character of the adjacent district.