

**ARTICLE A – ADMINISTRATIVE CORRECTIONS**  
***PB SPONSORED***

**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 “Planning Administrator”.**

**Amend §70-7.2.F(10)(d) by replacing the term “Building Commissioner” with “Planning Administrator”.**

**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 as specified herein;

A. Building Permits. No Building Permit, as defined by the Massachusetts State Building Code, 780 CMR, shall be issued by the Building Commissioner without certification from the Planning Administrator that the construction, alteration, relocation, or change of use for which the permit is sought complies with the then applicable zoning and any applicable decisions from the SPGA or DPR board. Permit applications shall be accompanied by a description of the existing and proposed use of land or structures, a plan showing the dimensions of the development site and locations and dimensions of all existing and proposed structures and dimensions of yards, as well as other information that may be requested by the Planning Administrator. The Planning Administrator may waive the required submittals if the proposed work is of a minor nature.

B. Occupancy certificates. A certificate of occupancy as defined by The Massachusetts State Building Code, 780 CMR shall not be issued by the Building Commissioner without certification from the Planning Administrator that then applicable zoning and any applicable decisions from the SPGA or DPR board are complied with. Issuance of a Certificate of Occupancy by the Building Commissioner, following certification from 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 Chapter 70, Zoning shall immediately cease. Whoever violates any provision of Chapter 70, Zoning, or any of the conditions under which a permit is issued by the Building Commissioner, following certification by the Planning Administrator, permission granted by the Board of Appeals, any decision rendered by the SPGA, or DPR board, 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 Chapter 70, Zoning, 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(1) by deleting the term “Inspector of Buildings”.**

**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 of constructive approval.”

**Amend §70-8.2.D(3) by deleting the existing language and replacing with the following;**

Notice to Building Commissioner. The Planning Administrator shall notify the Building Commissioner of Planning Board action within seven days of the Board's endorsement and in the case of Board inaction, immediately following issuance of a certificate of constructive approval. The Building Commissioner's actions on any building permit application subject to these provisions shall be substantially consistent with determinations by the Planning Board.

**Amend §70-8.3.B(1) by deleting the existing and replacing with the following;**

“Deciding appeals. To hear and decide appeals taken by any person aggrieved by inability to obtain a permit or enforcement action from the Planning Administrator or by any person including an officer or board of the Town of Williamstown or of an abutting Town aggrieved by an order or decision of the Planning Administrator in violation of any provision of MGL C. 40A, or this chapter, in accordance with MGL C. 40A, § 8.”

**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 some of 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 recommended by state officials. These changes complete the change of legal terms in the Zoning Bylaw defining the 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.*

**ARTICLE B – OFFICE SPACE**  
**PB SPONSORED**

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	Yes	Yes	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
<i>Medical Office</i>								
500 Square feet gross floor area or less	No	BA	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 onsite sale of merchandise; no medical or dental offices directly serving patients.

**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**  
**PB SPONSORED**

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 nonresident employee, with client traffic on site.	BA	BA	BA	BA	Yes	Yes	BA	BA

Amend §70-7.3.A by deleting the phrase “professional office or” and deleting the phrase “on special permit” and replacing with the phrase “in accordance with § 70-3.3.B Accessory Uses”.

**§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.

*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.*

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**ARTICLE D – BIKE SHOPS**  
**PB SPONSORED**

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.A(2) by deleting the term “bicycles” from the following use table category;

ZONING DISTRICTS	RR1	RR2 RR3	GR	LB	VB	PB	LI	SG
<b>§ 70-3.3.A(2) Business Uses</b>								
Salesroom for automobiles, <u>bicycles</u> , boats, farm implements and similar equipment	No	No	No	BA	No	BA	No	No

*This article responds to an action item in the recent Economic Development Plan calling on the Planning Board to remove unnecessary roadblocks to businesses. At present, bike shops are regulated by zoning in the same manner as car dealers. They are restricted to only two business districts and require Zoning Board permits. This change would allow bike shops as “general retail”. General retail is permitted by right in all business zones, including Spring & Water Streets, up to a certain building size.*

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**ARTICLE E – VILLAGE BUSINESS DISTRICT EXPANSION**  
**SPONSORED BY BOARD OF SELECTMEN, FORWARDED TO PB FEBRUARY 8, 2016**

To see if the Town will vote to amend The Zoning Map entitled “Town of Williamstown – Zoning Districts” by extending the existing Village Business Zoning District to include the following areas presently zoned General Residence;

- The area of Assessor’s Parcels 131-4, 7, 70, & 71 within a line offset 550 feet south of the centerline of Latham Street and 550 feet west of the centerline of Spring Street.
- Assessor’s Parcel 131-10 in its entirety.
- The area Assessor’s Parcel 130-90 within a line offset 250 feet west of the centerline of Spring Street and 130 feet south of the southerly bound of the Town Green.

*This article proposes the re-zoning of an area south of Latham Street currently occupied by barns and landscaping materials storage for Williams College to the same zoning designation as the rest of Spring and Water Streets.*

**ARTICLE F – WAUBEEKA OVERLAY DISTRICT**  
**SPONSORED BY CITIZEN’S PETITION, FORWARDED TO PB FEBRUARY 8, 2016**

**CITIZENS’ PETITION**  
**AMENDMENT TO ZONING BYLAW**  
**WAUBEEKA OVERLAY DISTRICT**

**The undersigned, each of whom is a registered voter in the Town of Williamstown residing at the addresses listed below, hereby request and petition the selectmen pursuant to Massachusetts General Laws Chapter 39, Section 10 to insert in the warrant of the 2016 Williamstown Annual Town Meeting the following:**

**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, or take any other action in relation thereto:**

**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 manner 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.
  - c) Promotes the public welfare by encouraging the reuse and enhancement of an existing economic asset; encouraging much needed expansion of Williamstown's commercial tax base; and encouraging much needed expansion of broad and inclusive employment opportunities in Williamstown.
- (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. In the event a WOD special permit lapses pursuant to §70-8.4.B., is permanently revoked, or is permanently surrendered the special requirements of such WOD special permit shall expire.
- (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
    - ii. Restaurant
    - iii. Membership Club
    - iv. Golf Course
  - b) Accessory Uses.

- i. Uses customarily accessory to New England resort hotel properties.
- ii. Agriculture and related uses as described in §70-7.2.D.

(4) Development and Standards.

- a) Height Requirements: Buildings shall be limited to three stories in height, and no higher than 40 feet. The exterior design will reduce the apparent height and bulk of the building. Design features should have architectural elements that divide the building into smaller pieces Applicants are required to present plans that demonstrate consistency with this objective.
- b) Landscaping. Landscaping should reduce the apparent height and bulk of the building. Landscape design will include 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.
- c) Dimensional Requirements: The underlying dimensional standards with the exception of open space requirements, of the Rural Residence Two District shall apply.
- d) Parking Requirements: Subject to parking determination from the Planning Board as an unlisted use.

(5) Open Space – Building Envelopes. In connection with any WOD special permit, the entire WOD shall be divided into open space and building envelopes:

- a) Open space means areas left substantially in a natural or landscaped state. No less than 80% of the district shall remain open space as a condition of any WOD special permit.
  - i. Permitted Open Space Improvements: Open Space shall be inclusive of golf course area, subsurface infrastructure, accessory use solar photovoltaic infrastructure and panels, and such accessory buildings reasonably necessary to support the operation of such permitted open space improvements provided no such accessory buildings shall have an area in excess of 600 square feet. Examples of such accessory buildings include pump houses, equipment shelters, control technology shelters, rain shelters, rest rooms and snack sheds.
  - ii. Prohibited Open Space Improvements: All structures other than those permitted under subsection (5)(a)(i) above.
- b) Building envelopes means areas other than designated open space.
  - i. Permitted Building Envelope Improvements: Structures, infrastructure, improvements, and landscaping related to Permissible Uses.
  - ii. Prohibited Building Envelope Improvements: Dwellings.
  - iii. Access to Building Envelopes shall be from New Ashford Road frontage.
- c) Infrastructure in the district need not be located on the same parcel, premises, or Assessor's Map Lot as the structures or uses it supports. Building envelopes and the structures, infrastructure, improvements and landscaping within them may span parcels, premises, or Assessor's Parcels within the WOD.
- d) Plan Requirements: Any applicant for a WOD special permit shall submit a plan defining open space areas and building envelopes in accordance with this section. The plan shall be prepared by an engineer, architect, or registered surveyor.
- e) Any special permit under this section shall include a condition approving and referencing the Open Space / Building Envelope Plan. The building envelope or envelopes for the uses listed in subsections (3)(a) above shall be located within 500 feet of New Ashford Road and in the northeast quadrant of the district.

- (6) 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.

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

**HOTEL OR MOTEL** -- A building or portion thereof, or a group of buildings on a single lot, providing transient sleeping accommodations to the general public in guest units without kitchens, plus not more than a single accessory dwelling unit, but not including a tourist home or boarding or rooming house.

**And replacing with the following:**

**§70-9.2 DEFINITIONS**

**HOTEL:** A building or part thereof, or a group of buildings on a single lot, providing transient sleeping accommodations in guest units, not dwelling units, to the general public or, in whole or in part, in accordance with Massachusetts General Law Ch. 183B. Hotels may include a single accessory dwelling unit but shall not include a tourist home or rooming house.

**MOTEL:** A building or part thereof, or a group of buildings on a single lot, providing transient sleeping accommodations to the general public in guest units, not dwelling units, that are accessed from the exterior only and front upon parking lots. Motels may include a single accessory dwelling unit but shall not include a tourist home or rooming house.

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