



CANTON PLANNING BOARD

Members:

Thomas C. Scully, Chairman

Robert E. Panico, Vice Chairman

Patricia McDermott, Clerk

David McCarthy, Member

Michael Mitcheroney, Member

AGENDA

PLANNING BOARD

MEETING

WEDNESDAY, MARCH 6, 2019

SALAH MEETING ROOM

TOWN HALL

801 WASHINGTON STREET

7:00 P.M.

SCHEDULED HEARINGS:

(1) Amend Zoning By-laws Section 11.0 Definitions - ARTICLE (29) - To see if the Town will vote to amend Zoning By-Laws Section 11.0 as follows, with new word definitions being incorporated into the existing text in order alphabetically with the existing word definitions:

1. By adding the definition of "Boarding or lodging houses" under the **Dwelling** definition as follows:

Dwelling, Boarding or Lodging House: a lodging house licensed under section 23 of chapter 140 and where rooms are let to four or more unrelated persons. A lodging house may or may not be owner-occupied. A boarding or lodging house is not a hotel, motel, short-term rental, long-term care facility, or group home.

2. By adding the definition of "Short-term rental" as follows:

Short-term rental, non-intensive: an owner-occupied, tenant-occupied or non-owner occupied property including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment, where: (i) at least 1 room or unit is rented to an occupant or sub-occupant; (ii) all accommodations are reserved in advance; provided, however, that a private owner-occupied property shall be considered a single unit if leased or rented as such. (iii) A short-term rental for the purposes of this Bylaw is the same definition as set forth in Chapter 337 of the Acts of 2018 as a rental that is not for more than 31 consecutive calendar days per occupant, and does not include long-term rentals such as leases. Non-intensive short-term rentals are rented out for a period of 14 days or less in one calendar year.

Short-term rental, intensive: an owner-occupied, tenant-occupied or non-owner occupied property including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment, where: (i) at least 1 room or unit is rented to an occupant or sub-occupant; (ii) all accommodations are reserved in advance; provided, however, that a private owner-occupied property shall be considered a single unit if leased or rented as such. (iii) A short-term rental for the purposes of this Bylaw is the same definition as set forth in Chapter 337 of the Acts of 2018 as a rental that is not for more than 31 consecutive calendar days per occupant, and does not include long-term rentals such as leases. Intensive short-term rentals are rented out for a period of greater than 14 days in one calendar year.

(2) Amend Zoning By-laws Section 3.1.4 Table of Use Regulations - ARTICLE (30) - To see if the Town will vote to amend Zoning By-laws Section 3.1.4 Table of Use Regulations as follows or take any other action related thereto.

1. By amending the Zoning By-laws Section 3.1.4, Table of Use Regulations, Section A Residential Uses changing the title to the principal use of "Boarding or lodging house, convalescent or nursing home, tourist home" to state "Boarding or lodging house" but not changing any zones for principal use.

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Principal Use	SR	GR	B	CB	LI	LI(B)	LI(C)	I	POS
<i>A. Residential Uses</i>									
Boarding or lodging house ²	N	BA	Y	Y	N	N	N	N	N

2. See Section 8.3 for special regulations

2. By amending the Zoning By-laws Section 3.1.4, Table of Use Regulations, Section J Accessory Uses by adding the principle use zones for “Short term rentals, non-intensive” by allowing their use by right in all Single Family zones, General Residence zones, Business and Central Business zones (if rented for 14 calendar days a year or less), and “Short-term rental, intensive” by special permit in Single Family zones and General Residence zones (if rented for greater than 14 calendar days a year), and allowed by right in Business and Central Business zones. Short term rentals non-intensive and intensive would not be allowed in Limited Industrial zones (LI, LI-B, or LI-C), Industrial Zones, or Parkland and Open Space, as stated below.

J. Accessory Uses	SR	GR	B	CB	LI	LI(B)	LI(C)	I	POS
<i>Short-term rental, non-intensive</i>	Y	Y	Y	Y	N	N	N	N	N
Short-term rental, intensive	BA	BA	Y	Y	N	N	N	N	N

(3) 2 MEETINGHOUSE ROAD – (ANR) - (Paul Brodmerkle, Site Design)

CONTINUED HEARINGS:

- (4) (Continued from February 6, 2019) Amend the Zoning Map by Rezoning Certain Business Parcels to Single Residence Zones - Article (40)** - To see if the Town will vote to amend the Zoning Map to rezone the following parcels from Business (B) to the respective adjacent Single Family Zone: Single Residence AA (SR-AA), Single Residence B (SR-B), or Single Residence C (SR-C). Said parcels of land are identified by the Board of Assessors’ Map and Lot numbers as follows:

Address	Parcel Number	Current Zone	Proposed Zone
2 Tracywood Road	088_021_000	B	SR-AA
4 Tracywood Road	088_019_000	Partially B, partially SR-AA	SR-AA
3 Tracywood Road	088_020_000	B	SR-AA
5 Tracywood Road	088_018_000	Partially B, partially SR-AA	SR-AA
1 Meetinghouse Road	079_103_000	B	SR-C
2 Meetinghouse Road	079_100_000	B	SR-C
5 Meetinghouse Road	079_104_000	Partially B, Partially SR-C	SR-C
6 Meetinghouse Road	079_099_000	Partially B, Partially SR-C	SR-C
20 Louise Street	079_106_000	Partially B, partially SR-C	SR-C
22 Louise Street	079_105_000	Partially B, partially SR-C	SR-C
1 Edward Street	079_090_000	Business	SR-C
5 Edward Street	079_089_000	B	SR-C
6 Edward Street	079_083_000	B	SR-C
7 Edward Street	079_088_000	Partially B, Partially SR-C	SR-C
8 Edward Street	079_084_000	Partially B, Partially SR-B, Partially SR-C	SR-B
16 Barbara Road	079_079_000	Partially B, Partially SR-B	SR-B

Assisted Living and/or Independent Living Facility ¹	N	BA	BA	BA	BA	BA	BA	N	N
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Motion 2: To see if the Town will vote to amend the Zoning By-laws Section 3.1.4, Table of Use Regulations, Section B Exempt and Institutional Uses by combining religious purposes, educational purposes, and childcare centers into one line, titled “Exempt: uses exempted from prohibition by G.L. Chapter 40A, Section 3”, by separating Hospitals from Philanthropic, or charitable institutions, by adding and combining “Hospitals”, “Long-term care facility, “Hospice”, and “Substance abuse detoxification or treatment center” as follows:

Principal Use	SR	GR	B	CB	LI	LI(B)	LI(C)	I	POS
<i>B. Exempt and Institutional Uses</i>									
Exempt: uses exempted from prohibition by G.L. Chapter 40A, Section 3 ²	Y	Y	Y	Y	Y	Y	Y	Y	Y
Hospital, Long-term care facility, hospice, or substance abuse detoxification or treatment center³	N	N	N	N	BA	BA	BA	BA	N
Philanthropic, educational, or charitable institution, non-exempt	BA	BA	Y	Y	N	N	N	N	Y

Motion 3: To see if the Town will vote to amend the Zoning By-laws Section 3.1.4, Table of Use Regulations, Section F Commercial and Office Uses by amending the principle use zones for “Medical offices: offices of a doctor or dentist not a resident of the premises, or a group of such offices” and “General or Personal Service Establishments”, and “Business or professional office or agency” to expand their use by special permit in all Limited Industrial (LI) zones, and adding “Medical or Dental Labs”, “Healthcare facility/clinic” and “Medical marijuana facilities” with the proposed use zones as stated. Finally, to allow kennels, animal or veterinary hospitals in Business zones as a special permit, as stated below.

F. Commercial and Office Uses	SR	GR	B	CB	LI	LI(B)	LI(C)	I	POS
Kennel, animal or veterinary hospital	N	N	BA	N	Y	Y	Y	Y	N
Medical offices: offices of a doctor or dentist not a resident of the premises, or a group of such offices	N	N	Y	Y	BA	BA	BA	Y	N
Medical or Dental Labs	N	N	Y	Y	BA	BA	BA	Y	N
General or personal service establishment	N	N	Y	Y	BA	BA	BA	Y	N
Health care facility/clinic	N	N	BA	BA	BA	BA	BA	Y	N
Medical Marijuana Facilities⁶	N	N	N	N	N	N	N	BA	N

Motion 4: To see if the Town will vote to amend the Zoning By-laws Section 3.1.4, Table of Use Regulations, Section G Retail Uses by adding “Pharmacy or drug store” as follows:

G. Retail Uses	SR	GR	B	CB	LI	LI(B)	LI(C)	I	POS
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Pharmacy or drug store	N	N	Y	Y	Y	Y	Y	Y	Y	N
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(7) (Continued from February 6, 2019) Amend Zoning By-laws Section 4.2. Special Regulations - Article (35) - To see if the Town will vote to amend Zoning By-law 4.2 Special Regulations by adding Section 4.2.7 as follows or take any other action related thereto: **4.2.7 Hospitals, Long-term care Facility, or Substance Abuse Detoxification or Treatment Center.** a. **Roads**; b. **Refuse**; c. **Utilities**; d. **Safety**; e. **Open Space**; and f. **Bonding procedures and requirements.**

3. Dimensional Regulations

Hospital, Long-term care facility, or Substance Abuse Detoxification or Treatment Center Dimensional Regulations	
Minimum Lot Size	1. Six to ten beds: 21,780 square feet (0.5 acre). 2. Eleven to 20 beds: 43,560 square feet (1 acre). 3. Every ten beds (or fraction thereof) over 20 beds: 21,780 square feet (0.5 acre). Outpatient substance abuse treatment centers minimum lot size is determined by the underlying zone.
Minimum Non-wetland Area	Same as minimum lot size.
Lot Width	200 feet
Frontage (ft.)	100 feet
Lot Coverage (%)	25
Open Space (%)	20
Setbacks	Determined by underlying zone
Proximity to existing residential zone	500 feet
Proximity to existing hospital, long-term care facility, or substance abuse detoxification or treatment center	500 feet
Maximum Number of Beds	115 beds
Maximum Height	40 feet or 3 floors, whichever is less

4. Landscaping Requirements *Planning Board*

(8) (Continued from February 6, 2019) Amend Zoning By-laws Section 8.0 Special Residential Regulations -Article (36) - To see if the Town will vote to amend Zoning By-Laws Section 8.0 as follows:

Motion 1: By amending Zoning By-law 8.2.2 Multifamily Dwellings Requirements by adding number 8, as follows or take any other action thereto:

Motion 2: By amending Zoning By-law 8.3 Convalescent or Nursing Home, Boarding or Lodging House, or Tourist Home by removing reference to “convalescent or nursing home” in the title and Section 8.3.1 or take any other action thereto.

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Motion 3: By adding Zoning By-law 8.7 “Assisted Living Facilities” as follows or take any other action thereto:

8.7 Assisted Living Facilities

8.7.1 General. An Assisted Living Facility may be authorized by special permit by the Zoning Board of Appeals, subject to the following requirements. This list is not intended to exclude the imposition of any additional conditions by the Zoning Board of Appeals or the Planning Board under Site Plan Review:

8.7.2 Requirements

8.7.3 Dimensional Regulations

Assisted Living Facility Dimensional Regulations

Minimum Lot Size	2.5 acres
Minimum Non-wetland Area	2.5 acres
Lot Width	200 feet
Frontage (ft.)	125 feet
Lot Coverage (%)	25
Open Space (%)	30
Setbacks	Determined by underlying zone
Minimum Lot Area per Dwelling Unit	4,000 square feet
Maximum Number of Units in an Assisted Living Facility	115 units
Maximum Height	40 feet or 3 floors, whichever is less

8.7.5 Landscaping and Buffering Requirements;

8.7.5 Accessory Uses

8.7.6 Non-Residential Uses

8.7.7 Public Transportation:

8.7.8 Decision.

Planning Board

(9) (Continued from February 6, 2019) Amend Zoning By-Law Section 6.1 Off-Street Parking - Article (36) - To see if the Town will vote to amend Zoning By-law Section 6.1. Off-Street parking as follows: 6.1.1 Parking Requirements in All Districts. Separate “Hospitals, sanitariums, convalescent and nursing homes” from “Boarding and Lodging Houses, tourist homes hotels, and motels” and add them separately as “In-patient medical facilities, long-term care facilities, or hospitals”. Add new off-street parking requirements for “Assisted Living Facilities” and “Out-patient medical offices, facilities, and clinics” as follows:

PRINCIPAL USE	REQUIRED PARKING
Assisted Living Facilities	0.5 spaces/ 1,000 building gross square footage plus employee parking as deemed adequate by the Board of Appeals
Boarding and lodging houses, tourist homes, hotels, motels	One parking space for each sleeping room for single or double occupancy, or, where not divided into such rooms (as in a dormitory), one space for each two (2) beds
In-patient medical facilities, long-term care facilities, or hospitals	2.5 spaces/ 1,000 building gross square footage
Out-patient medical offices, facilities, and clinics	4.0 spaces/ 1,000 building gross square footage

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(10) (Continued from February 6, 2019) Amend Zoning By-laws – Delete Senior Housing Overlay District - Article (38) - To see if the Town will vote to amend the Zoning By-laws: (1) By deleting Section 9.9 Canton Senior Housing Overlay District (SHOD) the text of which is being deleted appears below indicated by strike out; and (2) By relabeling section 9.9 as not used. ***Planning Board***

(11) (Continued from February 6, 2019) Amend Zoning By-laws – Delete Village Housing Overlay District - Article (39) - To see if the Town will vote to amend the Zoning By-laws: (1) By deleting Section 9.6 Village Housing Overlay District (VHOD) the text of which is being deleted appears below indicated by strike out. (Abbreviated for space); and (2) By relabeling section 9.6 as not used. ***Planning Board***

(12) (Continued from February 6, 2019) Amend Zoning By-Law 4.1.6 – Notes to Tables of Dimensional Requirements - Article (41) - To see if the Town will vote to amend Zoning By-law 4.1.6 Notes to Tables of Dimensional Requirements by adding number 3 as follows or take any other action related thereto: **4.1.6. Notes to Tables of Dimensional Requirements.** The following notes shall be construed as requirements of this By-Law.

3. Residential Accessory structures.

- a. Permitted and required accessory uses to residential properties shall be on the same lot of record as the principal use to which they are necessary and shall be such as not to alter the character of the premises on which it is located.
- b. On lots less than three acres, no freestanding residential accessory building shall occupy part of the required Front Yard.
- c. In no case shall an accessory structure be allowed that is larger in size or height than the principal building.
- d. See the Table of Dimensional Requirements – Residence Districts for rear and side yard setbacks (Section 4.1.4)
- e. Residential accessory building size may not exceed the size and number requirements outlined below ^{1, 2}:

Lot size	Maximum individual accessory building footprint	Maximum number of accessory structures	Maximum total accessory structure area
Less than ½ acre	No greater than 800 sq. ft.	3	1,000 s.f.
½ an acre to 1 acre	No greater than 1000 sq. ft.	4	1,000 s.f.
1 acre to 3 acres	No greater than 1,500	5	2,000 s.f.

	sq. ft.		
3 or more acres	Must be smaller than principal building, may be located in any yard (front, side, or rear)	No specific limit, lot coverage applies	No specific limit, lot coverage applies

- 1 Ground mounted solar panels are exempt from footprint size limitations, but not lot coverage limitations.
- 2 Historic storage or accessory structures on properties identified on the Massachusetts Cultural Resource Information System (MACRIS) or by the local or state Massachusetts Historical Commissions will not count towards maximum allowable square footage for the purposes of adding new accessory structures; however, expanding an existing historic structure will be counted towards the allowable square footage. ***Planning Board***

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(13) (Continued from February 6, 2019) Amend Zoning By-laws Section 10.4.8 Lapse - Article (42) - To see if the Town will vote to amend Zoning By-Laws Section 10.4.8 as follows: **10.4.8 Lapse.** Special permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within 3 years following the filing of the special permit approval (plus such time as required to pursue or await the determination of an appeal referred to in G.L. c. 40A, s. 17, from the grant thereof) with the Town Clerk. ***Planning Board***

(14) (Continued from February 6, 2019) Vote to Accept Beatrice Way as a Town Way Article (43) - To see if the Town will vote to accept Beatrice Way as a town way, as recommended by the Planning Board and laid out by the Board of Selectmen pursuant to G.L. c. 41 and c. 82;

<u>Property Address</u>	<u>Town Assessor ID</u>
0 Beatrice Way	Map 31, Parcel 26
0 Beatrice Way	Map 19, Parcel 20
10 Beatrice Way	Map 19, Parcel 19
15 Beatrice Way	Map 19, Parcel 22
20Beatrice Way	Map 19, Parcel 21
30 Beatrice Way	Map 31, Parcel 20
40 Beatrice Way	Map 31, Parcel 27
50 Beatrice Way	Map 31, Parcel 28

Board of Selectmen

(15) (Continued from February 6, 2019) Vote to Accept Cedarcrest Road Extension as a Town Way - Article (31) - To see if the Town will vote to accept Cedarcrest Road Extension as a town way, as recommended by the Planning Board and laid out by the Board of Selectmen pursuant to G.L. c. 41 and c. 82

<u>Property Address</u>	<u>Town Assessor ID</u>
80 Cedarcrest Road	Map 19, Parcel 15
90 Cedarcrest Road	Map 19, Parcel 16
100 Cedarcrest Road	Map 19, Parcel 18

Board of Selectmen

GENERAL BUSINESS:

- (16) Discussion of Removal of Stone Wall at 287 YORK STREET**
- (17) Discussion of Reappointment of Committee members**
- (18) Review & Approval of Minutes.**
- (19) Reinstate current Members of the Canton Center Design Review Board (“CCDRB”).**

Topics not reasonably anticipated by the Chairman 48 hours in advance of the meeting.

Next Meeting: March 20, 2019