

CANTON PLANNING BOARD  
REPORT AND MOTION  
ANNUAL TOWN MEETING – MAY 9<sup>th</sup>, 2022

ARTICLE #42 AMEND ZONING BY-LAW  
Section 11.0 Definitions  
(Select Board for Planning Board)

**Article 42.** 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. To delete the existing definitions for the Commercial Mixed Use Overlay District and add definitions related to the Commercial Mixed-Use Area as follows:

**Building Frontage Zone:** is the private setback area between the street facing façades of the primary building and the public right-of-way or street line.

**Civic Use:** A land use that provides a public, cultural, or institutional benefit to the community. Specific uses may include, but shall not be limited to, government offices, religious institutions, museums, and educational institutions. Some uses included in this definition are Exempt uses, as defined in M.G.L. Chapter 40A, Section 3.

**Common Yard and Garden:** A private open space associated with private residence or non-residential buildings not intended for public access or a high level of pedestrian activity.

**Community Garden:** An open space designed as individual garden plots available to residents for agriculture purposes, including storage facilities for necessary equipment.

**Common Green:** A common or green is a free-standing site with thoroughfares on all sides and landscape consisting of naturally disposed lawns, paths, and trees. This open space type is for active and passive recreation and gathering purposes and should be accessible to the general public.

**Gross Square Feet of Nonresidential Floor Area:** The total non-residential floor area contained within exterior walls but does not include basement space used for heating and utilities, storage or for automobile parking.

**Forecourt.** A private open space where a portion of the facade is aligned close to or at the Street Line, and the central portion of the façade is set back to create a courtyard with a principal entrance at-grade and space for gathering and circulation, or for outdoor shopping or restaurant seating. The forecourt may be planted or paved to join with the public sidewalk.

**Live-Work Space:** A dwelling unit in which up to 50% of the floor area is used for the production, showing or sale of art or handcrafted artisan crafts.

**Lot coverage:** the percent of the total lot area covered by buildings and impervious surfaces.

**Mixed-Use Structure:** A single building designed to encourage a diversity of compatible land uses which include a mixture of two or more of the following uses: residential, office, retail, or personal services, with the ground floor used primarily non-residential use.

**Open Space:** Open areas set aside for public use as a part of a coordinated site development process.

**Outdoor Dining Terrace:** An open space where the building facade is setback from the Street Line and the space between is occupied by a hardscape intended for use as an extension of the public sidewalk and outdoor amenity space such as for outdoor seating or displays. The terrace may also allow for public circulation along the façade and can be used to provide at-grade access or a grade change along a street line.

**Pedestrian Passage.** A paved/brick pedestrian connector between buildings. Pedestrian Passages provides direct connections between parking area, buildings, streets, and sidewalks. Pedestrian Passages may be covered by a roof, trellis, and may be lined by shopfronts.

**Personal Services:** Services for everyday affairs including barber shops, beauty salons, laundrettes, dry cleaning, shoe repair and similar service businesses.

**Plaza/Square:** An open space type designed for passive recreation, civic purposes, and commercial activities, with landscape consisting primarily of hardscape. Plazas should be accessible to the general public.

**Pocket Park/ Playground.** An open space type designed for passive recreation consisting of vegetation, a place to sit outdoors, and playground equipment.

**Rooftop Terrace:** A roofless, raised platform on the roof of a building that provides community gathering space such as a terrace, community garden, food and entertainment, or other outdoor amenities.

**Transparency:** The amount of transparent space that occupies a building façade including standard street-level windows and doorway windows.

**Upland:** Land without a wet area and not subject to flooding.

**Wet Areas or Wetlands:** All land subject to the provisions of Massachusetts G.L. c. 131, ss. 40 and 40A and/or the Town's Wetlands By-law.

**2.** To add the following definitions related to Section 8.1 Accessory Apartment in Single Family Dwelling:

**Accessory Family Apartment:** A secondary dwelling unit located within a detached single-family dwelling occupied by a family member of the primary owner. The accessory apartment shall be subordinate in size to the principal unit and separated from it in a manner that maintains the appearance of the structure as a single-family house.

**Boarder:** A boarder stays in another person's home paying rent with meals provided by the landlord.

**Lodger:** A lodger stays at another person's home and pays rent but is generally not supplied with meals.

**3.** To add the following definitions related to electric vehicle charging stations:

By adding the definition of "Electric vehicle charging levels", "Electric vehicle", "Electric vehicle charging station", "Electric vehicle charging station – restricted", "Electric vehicle charging station – public", and "Electric vehicle parking space" as follows:

**Charging levels:** means the standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms 1, 2, and 3 are the most common EV charging levels, and include the following specifications:

- Level 1 is considered slow charging
- Level 2 is considered medium charging.
- Level 3 is considered fast or rapid charging

**Electric vehicle:** means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose. “Electric vehicle” includes: (1) a battery electric vehicle or (2) a plug-in hybrid electric vehicle.

**Electric vehicle charging station:** means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

**Electric vehicle charging station — restricted:** means an electric vehicle charging station that is (1) privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking) or (2) publicly owned and restricted (e.g., fleet parking with no access to the general public).

**Electric vehicle charging station — public:** means an electric vehicle charging station that is (1) publicly owned and publicly available (e.g., Park & Ride parking, public library parking lot, on-street parking) or (2) privately owned and publicly available (e.g., shopping center parking, non-reserved parking in multi-family parking lots).

**Electric vehicle parking space:** means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

Or to take any other action related thereto.

#### **PUBLIC HEARING:**

This is to certify that a public hearing concerning the subject matter above, as place on the warrant for the 2022 Annual Town Meeting, was held by the Planning Board on February 16th, 2022 at 5:30 P.M. and continued to March 2<sup>nd</sup>, 2022 at 6:00 P.M., in the Salah Meeting Room, Town Hall, 801 Washington Street, Canton, Massachusetts, in accordance with the provision of the Massachusetts General Laws, Chapter 40A. Said amendment is contained, in its entirety, in a document available for public review on file in the office of the Planning Board, the Town Clerk, the Board of Selectmen, at Memorial Hall, and at the reference desk of the Canton Public Library. It is also available online on the Planning Department website.

Notice of the subject matter for the public hearing, sufficient for identification, has been published in the Canton Citizen, a newspaper of general circulation in the Town on January 27th and February 3<sup>rd</sup>, 2022.

#### **REPORT:**

On February 16<sup>th</sup>, and again on March 2<sup>nd</sup>, 2022, the Planning Board discussed the proposed article to amend Section 11.0. The goal of this article is to include definitions related to the new Commercial Mixed-Use Overlay District, to clarify definitions related to Accessory Apartments, and to include definitions related to electric vehicle charging stations. This is consistent with recommendations in the Canton Master Plan update (2020) goals, and the Route 138 Economic Development Study (2018).

#### **RECOMMENDATION:**

On February 16<sup>th</sup>, 2022, the Planning Board voted unanimously with four (4) members in favor and none opposed, to recommend that this Article be adopted at Town Meeting, that the applicable language be added directly into this section of the by-laws. The hearing was closed on March 2<sup>nd</sup>, 2022, with one addition to the motion, that a definition for “self-service storage facility” be added, as defined in Massachusetts General Laws Chapters 105A, “any real property used for renting or leasing individual storage spaces in which the occupants themselves customarily store and remove their own personal property on a ‘self-service’ basis.”.

Voted 4-0

In favor: Patricia McDermott, Kathy McCormack, David McCarthy, and Joseph Amrhein

Not present: Robert E. Panico

**MOVED:**

That 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:

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Respectfully submitted,

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David McCarthy  
Chair of the Canton Planning Board