

ARTICLE 20 MOTIONS

Simple majority vote:

I move to amend Bylaws Chapter 198, Section 16: Accessory apartment/inlaw apartment and Accessory apartment to a business, and Sections 32.1 through 32.1.D as written in the warrant.

I move to amend the first sentence of Bylaws Chapter 198, Section 27.C(1) by adding the words “except on a property on which an accessory apartment/inlaw apartment, accessory apartment to a business, mixed use, or multi-family use is located, provided that such exception allows for additional housing units beyond what would otherwise be permitted under existing zoning bylaws” so that said sentence reads as follows:

No off-street parking area for five or more cars shall be located within the required front, side or rear yard setback areas, except on a property on which an accessory apartment/inlaw apartment, accessory apartment to a business, mixed use, or multi-family use is located, provided that such exception allows for additional housing units beyond what would otherwise be permitted under existing zoning bylaws.

Supermajority (2/3) vote:

I move to amend Bylaws Chapter 198, Section 15.C(2), Section 16: Health care including medical, dental offices and clinics; storage units; body art establishment; artist gallery/studio; private dock or pier; and semidetached dwelling, and Sections 19, 29.A and B, and 33: Artisan Food and Beverage, Artisan Manufacturing, Coworking Space, Maker Space, and Small Scale Indoor Recreation, all as written in the warrant; and, further to take no action with respect to Section 16: Shipping Containers and Section 33: Shipping Containers.

I move to amend Bylaws Chapter 198, Section 29.6 as written in the warrant.

I move to amend Bylaws Chapter 198, Section 32.2 as written in the warrant.

Simple majority:

I move to amend Bylaws Chapters 65 as written in the warrant.

I move to amend Bylaws Chapter 306 as written in the warrant.

I move to amend Bylaws Chapter 316 as written in the warrant.

I move to amend Bylaws Chapter 322 as written in the warrant.

PLANNING BOARD

May 4, 2024 Town Meeting, Article 20, Proposed Zoning Bylaw Changes Summary

Chapter 198: Zoning

For § 198-16 Use Regulation Schedule

- o **Yes** means a Permitted Use
- o **No** means an Excluded or Prohibited Use
- o **Allowed** means a Use Authorized Under Special Permit

Motion 1, Requiring a Simple Majority Vote

§ 198-16 Use Regulation Schedule

- o Change "Accessory apartment/in-law apartment" – **Yes** in Rural Residence & Single Residence, General Residence District, Apartment/Multifamily District, and Agricultural District.
- o Change "Accessory apartment to a business" – **Yes** in Business and Industrial Districts.

§ 198-32.1 Accessory Dwelling Units

- o Remove "allowed by special permit of the Planning Board" and replace with "pursuant to §198-16" in 198-32.1.
- o Remove the minimum lot size requirement of 22,500 square feet from 198-32.1 A. Lots with Accessory Dwelling Units must still meet the minimum lot size requirements of the district.
- o Change the floor area requirements of 198-32.1 B to match MGL c. 40A§1A.
- o Remove 198-32.1.C – Building Inspector will ensure the units are up to code.
- o Remove the restrictions on expanding existing structures and on having units in basements, attics, and garages in 198-32.1 D.

Motion 2, Requiring a Simple Majority Vote

Motion to amend the first of Bylaws Chapter 198, Section 27.C(1) so that said sentence reads as follows:

§ 198-27 Parking Area Designation and Location

- o No off-street parking area for five or more cars shall be located within the required front, side or rear yard setback areas, except on a property on which an accessory apartment/inlaw apartment, accessory apartment to a business, mixed use, or multi-family use is located, provided that such exception allows for additional housing units beyond what would otherwise be permitted under existing zoning bylaws

Motion 3, Requiring a 2/3rds Majority Vote

§ 198-15 Use Regulations

- o Require proposed uses or expansion of uses that would require five or more parking spaces in the Mixed Use [MU] District to be authorized by special permit granted by the Planning Board in 198-15 C(2).

§ 198-16 Use Regulation Schedule

- o Add "Health care including medical, dental offices, and clinics" – **Yes** in Business and Mixed Use, **Allowed** in Industrial, and **No** in all other districts.

Motion 3, Requiring a 2/3rds Majority Vote (cont.)

§ 198-16 Use Regulation Schedule (cont.)

- o Add "Storage Units" – **Allowed** in Business and Industrial, **No** in all other districts.
- o Change "Body Art Establishment" – **Yes** in Business, Industrial, and Mixed Use, remove Footnote 19 which prohibits Body Art Establishments within 1,000 feet of a school or church.
- o Change "Artist Studio/Gallery" – **Yes** in Mixed Use
- o Change "Semidetached Dwelling" – **Yes** in Mixed Use
- o Change "Private Dock or Pier" – **Yes** in all Districts – Would be allowed without a special permit from the Planning Board or the Zoning Board of Appeals, but would still have to meet all other existing Federal, State, and Local requirements as well as undergo Conservation Commission review.

§ 198-19 Fences

- o Remove hedges from the six-foot height restriction along boundaries, keep the 42 in. height requirements for hedges within the front yard area or within 20 feet of the street in 198-19 B.

§ 198-29 Special Permit for certain intensive nonresidential and multifamily site developments

- o Clarify the language of 198-29 A(5).
- o Reduce the number of required print copies from 10 to 2 and add a digital copy requirement to 198-29 B.

§ 198-33 Definitions

- o Add the following definitions:
- o Artisan Food and Beverage
- o Artisan Manufacturing
- o Coworking Space, Maker Space
- o Small Scale Indoor Recreation

Motion will take no action with respect to:

§ 198-16 Use Regulation Schedule: Add "Shipping Containers" – Yes in Industrial, and No in all other districts.

§ 198-33 Definitions: Shipping Containers

Motion 4, Requiring a 2/3rds Majority Vote

§ 198-29.6 Solar photovoltaic energy facilities (SPEF)

- o Reduce the number of required print copies from 10 to 2, and add a digital copy requirement to 198-29.6 F.
- o Remove language to allow for the clear-cutting of trees within five years to instead make the clear-cutting of trees completely prohibited in 198-29.6 G (8).

Motion 5, Requiring a 2/3rds Majority Vote

§ 198-32.2 Docks and Piers

- o Remove references to the Planning Board and Zoning Board of Appeals as the Special Permit Granting Authorities in 198-32.2 B.
- o Remove 198-32.2 D, which had allowed for special permit granting authorities to grant waivers of compliance.

TOWN OF FAIRHAVEN, MASSACHUSETTS
PLANNING BOARD

May 4, 2024 Town Meeting, Article 20, Proposed Zoning Bylaw Changes Summary

Motion 6, Simple Majority Vote

Chapter 65: Planning Board

§ 65-1 Board established

- Change the elected term length for Planning Board members from 4 years to 3 years.

§ 65-3 Powers and Duties

- Add that the Planning Board is a Special Permit Granting Authority pursuant to MGL c. 40A§9.

Motion 7, Simple Majority Vote

Chapter 306: Planning Board Fees

§ 306-1 Fee Schedule of Planning Board charges

- Removal of this entire section from the bylaw. Going forward, Planning Board fees would be set via vote by the Planning Board and Select Board.

Motion 8, Simple Majority Vote

Chapter 316: Planning Board Procedural Rules

§ 316-2 Rezoning Applications

- Change number of required prints for plans from 10 to 2 and require digital copies in 316-2 C.

§ 316-3 Plans not requiring subdivision approval

- Change number of required prints for plans from 10 to 2 and require digital copies of the plans and application forms in 316-3 B.

§ 316-4 Subdivision plans

- Change number of required prints for plans from 10 to 2, require digital copies of the plans and application forms, and require a digital plan to be filed with the Board of Health in 316-4 A(2).
- Change number of required prints for plans from 10 to 2 and require digital copies of the plans and application forms in 316-4 A(5).
- Change number of required prints for plans from 10 to 2 and require digital copies of the plans in 316-4 A(7).
- Remove the certified mail requirement for notices to abutters in 316-4 B(3).
- Add a requirement for a notice of decision to be sent to parties of interest in 316-4 B(5).

§ 316-5 Street Acceptances

- Change number of required prints for plans from 10 to 2 and require digital copies of the plans and application forms in 316-5 B(6)(b)[1].
- Remove references to CD ROM or DVD and require digital copies of geographic data in 316-5 B(6)(b)[11][g].

Motion 8, Simple Majority Vote (cont.)

§ 316-7 Special Permit Required

- Change number of required prints for plans from 10 to 2 and require digital copies of the plans and application forms in 316-7 B(2).
- Remove the certified mail requirement for notices to abutters in 316-7 E(3).

§ 316-9 Accepted Street Discontinuance

- Change number of required prints for plans from 10 to 2 and require digital copies of the plans in 316-9 B(1)(b).
- Remove the certified mail requirement for notices to abutters in 316-9 D(3).

§ 316-10 Repetitive Petition

- Change number of required prints for plans from 10 to 2 and require digital copies of the plans in 316-10 B(2).
- Remove the certified mail requirement for notices to abutters in 316-10 D(3).

Motion 9, Simple Majority Vote

Chapter 322: Subdivision of Land

Part 4 - Procedure for Submission and Endorsement of Non-Subdivision Plans

§ 322-12 Submission; contents; action.

- Change number of required prints for plans from 10 to 2 and require digital copies of the plans and application forms in 322-12 B.
- Remove references to CD ROM or DVD and require digital copies of geographic data in 322-16 E.

Part 5 - Procedure for Submission of Preliminary Plans

§ 322-13 Submission; contents; action.

- Change number of required prints for plans from 10 to 2 and require digital copies of the plans and application forms in 322-13 B(1).
- Allow for filing a print or digital plan with the Board of Health in 322-13 B(2).

Part 6 - Procedure for Submission of Definitive Plans

§ 322-14 Submission; contents; action.

- Change number of required prints for plans from 10 to 2 and require digital copies of the plans and application forms in 322-14 B(1)(a).
- Allow for filing a print or digital plan with the Board of Health in 322-14 B(2).
- Remove references to CD ROM or DVD and require digital copies of geographic data in 322-14 K.