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## TOWN OF MONTEREY

435 Main Rd. P.O. Box 308  
Monterey, MA 01245

Town of Monterey Select Board

November 7, 2014

Re: Zoning Bylaw Revisions

Members of the Board:

The Zoning Board of Appeals has been working on a comprehensive review of the new Zoning Bylaws and we respectfully set forth our initial recommendations for what we believe would be minor changes to the Bylaw to accomplish the following goals:

1. Correct inadvertent omissions in transitioning from the old bylaws to the new bylaws;
2. Clarify and update certain sections; and
3. Create consistency between certain sections.

We have attached the initial proposed revisions for your review. We hope you will act favorably on these proposed changes and will refer and recommend them to the Planning Board for future public meetings with the Planning Board, with the goal of submitting final recommendations for changes to Town Meeting.

Sincerely,

*Jonathan Levin*  
Jonathan Levin, Chair  
Zoning Board of Appeals

*Robert Lazzarini*  
Robert Lazzarini, Member

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## ZBA Proposed Bylaw Changes 11.7.14

1. **Purpose and Authority, Sec. 1.3, page 1** does not include the number of dwellings per lot.  
**Proposed Solution:** add the phrase “the number of dwellings on one lot”
2. **Districts, Sec. 2.4.2, page 3** Our concern is that the description of the exact location of the westerly boundary of the Business District will fade with our memories.  
**Proposed Solution:** add the parenthetical phrase “(See Zoning Map of Monterey Massachusetts on file with the Town Clerk).”
3. **Table of Use Regulations, Sec 3.1.3B, p.5 “Child Care Center”** The current issue is that this is allowed in all districts.  
**Proposed Solution:** The Board recommends incorporating the phrase “and in compliance with MGL Chapter 40A, Section 9C.”
4. **Table of Use Regulations, Sec 3.1.3J, p.8 “Incidental crafts sales...”** Right now approval of a B&B allows the incidental sales of crafts.  
**Proposed Solution:** The Board suggests deleting this separate listing for incidental craft sales all together, since it is redundant and B&B’s are listed separately and require a special permit.
5. **Table of Use Regulations, Sec 3.1.3J, p.8 “Renting of Rooms...”** The Board felt that this was currently open-ended and that a limit to the number of rooms based upon the size of the house and property should be added.  
**Proposed Solution:** Change the entry in the Table to read “Renting of not more than 2 rooms and furnishing of board by an owner ...”
6. **Table of Use Regulations, Sec 3.2.2, p.9 “Customary or Professional...Occ”:** The By-Law is unclear whether the two employees includes the home professional or not.  
**Proposed Solution:** Substitute the phrase “with no more one employee in addition to the home owner per residence as of right” ... for the phrase “with no more than two employees per residence as of right”.
7. **Table of Use Regulations, Sec 3.1.3.D, p. 6. “Boat or canoe, riding academy or stable” and “Camp and/or Recreational Facility, seasonal or year round”.**  
**Issue:** These uses seem to be appropriate for LS, provided they are not detrimental to the neighborhood.  
**Proposed Solution:** Separate the categories out as “boat or canoe livery”, on the one hand, and “riding academy or stable”, on the other, and change both categories to BA for both AR and LS.

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### 8. **Table of Use Regulations, Sec 3.1.3.F, p. 7. “Studio business”**

**Issue:** No entry for B district

**Proposed Solution:** District B – Y

### 9. **Table of Dimensional Requirements and the Notes to the Table. P. 11.**

**Issue:** There are no references to the 15 ft setback requirement for lots in existence prior to May 3, 1986. This footnote was in the prior By-law, but during the reorganization of the Byways the superscript was inadvertently omitted from the new draft. At Town Meeting seeking approval of the updated by-law, Town members were advised that there were no substantive changes being made by the newly formed by-law; continuing to omit this section would be contrary to that assertion.

**Proposed Solution:** Insert a superscript \*\* footnote reference in the Table of Dimensional Requirements at the entries for Front, Side and Rear Setbacks in LS. The column titles of "Side Yard" and "Rear Yard" need to be changed to "Side Setback" and "Rear Setback". The \*\* footnote should be listed directly below the\* footnote about B lot size requirements. Footnote \*\* should read "Lots in the Lake Shore District existing prior to May 3, 1986 (and not having been changed since), shall have setback requirements of 15 feet front, side and rear".

### 10. **Section 10. Definitions, page 51 “Family”**

**Issue:** “six (6) unrelated individuals” which is very subjective

**Proposed Solution:** The Board believes that multiple couples may band together for the purchase a home or summer cottage and given that a number of properties in Town are seasonal, it may be appropriate to change “six (6) unrelated individuals” to “fewer than six”.

### 11. **Section 10.0 Definitions, p. 53 – “Setback”.**

**Issue:** Our Setback bylaws restrict the presence in the setback areas of certain structures that are commonly found there. These would include driveways, walkways, stairs, freestanding masonry walls or fences, and retaining walls used to retain soil topography.

**Proposed Solution:** Add the following sentence after the first sentence in the definition of “Setback”: “With respect to the restriction of structures in lot setback areas, driveways, walkways, stairs, freestanding masonry wall or fences and walls used to retain soil topography shall not be deemed as structures.”