



# TOWN OF SWAMPSCOTT

## ZONING BYLAW REVIEW SUBCOMMITTEE

ELIHU THOMSON ADMINISTRATION BUILDING  
22 MONUMENT AVENUE, SWAMPSCOTT, MA 01907

**MEMBERS**  
BILL QUINN  
EUGENE BARDEN  
JAY MAHLER  
JODY WATTS

**STAFF**  
S. PETER KANE,  
TOWN PLANNER

# OCTOBER 1<sup>ST</sup>, 2015 MEETING MINUTES

**Time:** 8:00– 9:00 am

**Location:** Elihu Thomson Administration Building, First Floor Conference Room

**Members Present:** B. Quinn, E. Barden, J. Watts, J. Mahler

**Members Absent:** none

**Others Present:** Pete Kane (Town Planner)

The Zoning Bylaw Review Subcommittee (ZBRS) meeting called to order at 8:05 am.

## INTRODUCTION

Town Planner Pete Kane began the meeting by informing that subcommittee that Chair Clinton Bench had resigned from the Zoning Bylaw Review Subcommittee due to his relocation to the west coast and will be replaced by Bill Quinn, a member of the Planning Board. Additionally, subcommittee Secretary Paul Johnson has also relocated out of town and will no longer serve on this subcommittee. The Planning Board will seek out and appoint his replacement in the near future.

## MEETING MINUTES

The last meeting of the Zoning Bylaw Review Subcommittee was held in February of 2015. Meeting minutes from December'14 and February'15 will be reviewed and approved at the November meeting.

## ZONING BYLAW DISCUSSIONS

### AWNINGS

The new awning bylaw was adopted at the Town Meeting in May of 2014. It has since been recognized that the bylaw as written may impose excessive regulation by requiring both a signage special permit from the ZBA and an administrative site plan review for which a \$400 fee is required. At the September Planning Board meeting, it was suggested that the ZBRS evaluate the options to amend the bylaw so that it is less cumbersome and cost prohibitive. G. Barden asked why the building inspector couldn't simply issue permits based on the existing guidelines. If an awning meets the established guidelines, the building inspector could approve it with a minimal fee. If a petitioner wants an awning that does not conform to the guidelines, they may choose to apply for the special permit/site review and pay the \$400 fee. It was also proposed that the bylaw could make a differentiation

for awnings with text and those without text. J. Watts is in agreement that the bylaw needs further clarification and simplification for the applicants. P. Kane will draft a proposed update.

## **HOTELS/INNS/B&BS**

P. Kane shared with the subcommittee that the master plan activities have clearly identified a need for increasing tourism in town to promote and support an increasing commercial base. One major contributor to the lagging tourism in town is the lack of places to stay. Historically, there have been many hotels and inns that drew visitors to town as a vacation destination, but as of today there is only a single permitted B&B and no hotels, motels, or Inns present in Swampscott. Current bylaws mention these types of establishments in the table of principal uses and in the definitions section, but there is little other regulation around them. Bed and Breakfast Establishments are treated differently than Hotels, Motel, and Inns which are grouped and treated similarly. G. Barden reminded the subcommittee that there was notable opposition to B&Bs in the 90's as the town residents were very protective of their space and felt as though the B&Bs may compromise their neighborhoods. P. Kane mentioned that this was also the subject of a recent ZBA petition and that we should clarify the definitions and regulations along with adjusting the table of uses as appropriate.

## **BED AND BREAKFAST ESTABLISHMENTS**

Based on input from the master plan, B&Bs should be encouraged; therefore, the zoning bylaw needs to be clarified and fortified. They are allowed in all residential zones with special permit and not at all in business zones. There are also issues around the current definition in the zoning bylaws for a bed & breakfast establishment: no more than three rooms, can't modify or expand parking area already in place, can't modify or expand exterior already in place, can't install a sign identifying the B&B. There is also no guidance around length of stay regulations among others.

## **HOTELS, MOTELS, AND INNS**

Hotels, motels, and Inns are currently lumped into a single category and have similar allowances in the table of uses. Currently they are not allowed in any residential zones and allowed by special permit in all business zones. P. Kane recommends that separate definitions be created for hotels, motels and Inns, possibly categorizing by number of rooms or food service capabilities. He further suggests that the table of uses be amended to allow Hotels and Inns in residential zones with special permit but not motels as they are more automobile centered and should most likely remain in business zones.

## **ACTION ITEMS**

Research into the zoning definitions, use tables, and regulations will be done by the subcommittee members with the following breakdown. P. Kane will investigate similar towns in the areas with respect to the Bed and Breakfast Establishments. J. Watts will look at the zoning bylaws from Salem, Marblehead, and Rockport. B. Quinn will review zoning bylaws from Newburyport, Beverly, Manchester by the Sea, and Nahant. E. Barden will summarize the historical work that has been done and the impetus behind the current bylaws. J. Mahler will review the similarities and differences from a legal perspective defining and regulating B&Bs, Hotels, Motels, Inns, and other transient lodging modalities. Findings will be gathered and presented at our next meeting.

Discussions pointed toward splitting up hotels, motels, and inns and adjusting the table of uses, clarifying definitions for each type of establishment, and adding a regulation section for each.

## MISCELLANEOUS

Here are the miscellaneous topics discussed during the meeting:

- J. Watts asked for clarification about buffer zones between multifamily buildings (40ft). P. Kane to follow up with Building Inspector with regard to whether the buffer is required between buildings on a single lot or if it applies to all multifamily buildings. He also clarified that larger buffers are required between multifamily vs single family due to higher population density and the potential need for larger emergency equipment access for bigger buildings.
- E. Barden asked for clarification regarding zoning of assisted living facilities. (Residential or Commercial) based on some recent confusion with an earth removal permit. P. Kane stated that they should be considered commercial. Subcommittee may want to look specifically at what the confusion was and determine if the bylaw should be further clarified.
- J. Watts asked what the zoning rules are relative to Food Trucks. P. Kane stated that since they would be operating in a public way, they would fall under the jurisdiction of the Board of Selectmen, not the zoning or planning department. They may also be subject to some scrutiny from Health department. As of now, they can come into town and operate as long as they are legally parked and do not exceed time restrictions on the parking spot.
- ZBRS has one vacant seat (formerly Paul Johnson) and subcommittee members should reach out to people who may want to join the subcommittee and have them contact P. Kane.
- Subcommittee meetings are loosely scheduled for the first Thursday of each month with the final confirmation made at least one meeting in advance. Every attempt will be made to confirm them four or five months out.
- Next meeting will be **Thursday November 5<sup>th</sup>, 2015 from 8AM to 9AM** in the first floor conference room at the Town Hall.

Meeting adjourned at 9:15 AM by motion of J. Watts, seconded by E. Barden, and unanimously approved.

Bill Quinn,  
Planning Board Member/Zoning Bylaw Review Subcommittee Member