



# TOWN OF SWAMPSCOTT

## ZONING BYLAW REVIEW SUBCOMMITTEE (Subcommittee to the Planning Board)

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

### MEMBERS

BILL QUINN  
EUGENE BARDEN  
JAY MAHLER  
JODY WATTS  
TONY PAPROCKI

### STAFF

S. PETER KANE, TOWN PLANNER

# NOVEMBER 5<sup>TH</sup>, 2015 MEETING MINUTES

**Time:** 8:00– 9:00 am

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

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

**Members Absent:** none

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

## INTRODUCTION

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

Town Planner Pete Kane began the meeting by informing that subcommittee that Tony Paprocki had been appointed by the Planning Board at their October 19<sup>th</sup> meeting to fill the vacant seat on the ZBRS. Tony was introduced to and welcomed by the subcommittee which is now operating at full capacity.

## PAST MEETING MINUTES

The minutes from the October 1<sup>st</sup> meeting were reviewed and approved by unanimous vote on the motion made by J. Watts and seconded by E. Barden. Minutes from the December 2014 and February 2015 meetings are being retrieved and will be reviewed and approved at the next ZBRS meeting. Since there were no ZBRS meetings held in March 2015 through September 2015, the record will show no minutes for that period.

## ZONING BYLAW DISCUSSIONS

### AWNING AMENDMENT PROPOSAL

P. Kane is in the process of drafting a proposed update to the awning bylaw that was adopted at the Town Meeting in May of 2014. The proposed modification would address the imposition of excessive regulation that currently requires both a signage special permit from the ZBA and an administrative site plan review for which a \$400 fee is required. The draft of the proposed modification will be completed and presented at the next ZBRS meeting.

## TRANSIENT TOURIST LODGING ESTABLISHMENTS

At the last ZBRS meeting, members were tasked with reviewing the relevant sections of the zoning bylaws from nearby towns to determine how they are handling transient tourist lodging establishments in their municipalities. B. Quinn presented comparative data from Newburyport, Beverly, Nahant, and Manchester by the Sea and J. Watts presented data from Salem, Marblehead, and Rockport. During the presentations, the subcommittee made the following observations:

- Transient lodging establishments are further categorized - Hotel, Motel, Inn, Guest House, Tourist Court, Rooming House, Boarding House, Lodging House and B&B.
- Each town groups them differently both for definition and table of uses.
- Definitions vary widely even within the same category and are unique for each municipality.
- Key variables included number of allowable units, length of stay, restaurant on-site, central entrance, parking requirement, signage regulations, cooking facilities, and on-site owner residency.

Comparative charts and notes are attached to these minutes as Appendix A.

E. Barden provided some historical perspective relating to transient lodging establishments in Swampscott. As a member of the Planning Board for many years, he recalls that there was significant opposition to these types of businesses in the late 1990's and early 2000's. Main issues raised at the time were neighborhood disturbance, noise, traffic, lack of parking, late night operation, etc. T. Paprocki commented that this aligns with his more recent experience as a member of the Zoning Board of Appeals. There was some discussion as to how we can be assured that the desire that has been expressed in the Master Plan would stand up to the past arguments. We also will need to write the rules so as to prevent rampant overuse.

J. Mahler updated the subcommittee on his investigation into the legal requirement differences between hotels, motels, inns, and Bed and Breakfast Establishments. He cited a model Bylaw by the American B&B Association. Typically, Hotels, Motels, and Boarding Houses can be grouped together. Bed and Breakfast Establishments are mainly separated based on usage rather than aesthetics. Typically, B&Bs would have no pools, only serve breakfast to guests, allow limited number of people, and limited lengths of stay allowed. There is no real need to divide Hotels and Motels.

The group also discussed Air B&B type businesses and the apparent lack of regulation around them. Everyone seemed to agree that there should be some attempt at regulation or at least providing for future regulation if possible. T. Paprocki volunteered to investigate Air B&B to see if there are any predicate municipalities that we could leverage, starting with the recent referendum question in San Francisco.

## ACTION ITEMS FOR NEXT MEETING

- P. Kane to provide an overview of the Master Plan status with specific emphasis on the chapter that relates to tourism and lodging.
- B. Quinn to prepare a template for use in consolidating the information for each of the lodging categories.
- After reviewing comparative analyses, all members should draft a basic definition for Hotel, Motel, Inn, and B&B to start. (We can add more if needed) At the next meeting, we will compare and merge them into a single proposed definition for each.
- T. Paprocki to present findings on Air B&b, if any.
- P, Kane to prepare a draft of the proposed amendment to the awning bylaw.

## MISCELLANEOUS

The following miscellaneous topics were discussed during the meeting:

- The ZBRS is an advisory subcommittee to the Planning Board, and is therefore considered a public body that is subject to the Open Meeting Laws of the Commonwealth of Massachusetts. The law allows for email correspondence between subcommittee members provided that the communication does not contain any deliberation or expression of opinion. Reports, articles, or documents that may be discussed at a meeting are often helpful to members when preparing for upcoming meetings, and are generally considered acceptable for exchange via e-mail among subcommittee members.
- There was a brief recap of the White Court forum held by the Sisters of Mercy last week.
- E. Barden reminded the subcommittee that there was some recent confusion at an Earth Removal Committee meeting regarding the zoning status of the new assisted living project in Vinnin Square. He will bring in some documentation for discussion to the next ZBRS meeting to see if there is anything the subcommittee should address to add clarification to the Zoning Bylaw.
- The next ZBRS meeting will be held on **Thursday December 3<sup>rd</sup>, 2015 from 8AM to 9AM** in the first floor conference room at the Town Hall.

Meeting was adjourned at 9:20 AM by motion of J. Watts, seconded by E. Barden, and unanimously approved.

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

**Attachments: Appendix A.**

## Zoning Allowances for Transient Lodging Comparison Swampscott, Newburyport, Beverly, Nahant, Manchester by the Sea

Nov. 1.2015  
B. Quinn

Swampscott	A-1	A-2	A-3	B-1	B-2	B-3	I
Hotel	Not allowed	Not allowed	Not allowed	Allowed with special permit	Allowed with special permit	Allowed with special permit	Not allowed
Motel	Not allowed	Not allowed	Not allowed	Allowed with special permit	Allowed with special permit	Allowed with special permit	Not allowed
Inn	Not allowed	Not allowed	Not allowed	Allowed with special permit	Allowed with special permit	Allowed with special permit	Not allowed
B&B	Allowed with special permit	Allowed with special permit	Allowed with special permit	Allowed with special permit	Not allowed	Not allowed	Not allowed

Newburyport	Agric	Residential			Commercial			Industrial			Med	Waterfront	
Hotel	Not allowed	Not allowed	Not allowed	Not allowed	Allowed with special permit	Allowed with special permit	Allowed with special permit	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Allowed with special permit
Motel	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed
Inn	Not allowed	Not allowed	Not allowed	Not allowed	Allowed with special permit	Allowed with special permit	Allowed with special permit	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Allowed with special permit
B&B	Not allowed	Not allowed	Not allowed	Allowed with special permit	Allowed with special permit	Allowed by right	Allowed with special permit	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Allowed with special permit
Lodging House	Not allowed	Not allowed	Not allowed	Allowed with special permit	Allowed with special permit	Allowed with special permit	Allowed with special permit	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed

Beverly	Residential				Multi Residential			Commercial		Industrial		Med	Waterfront	
Hotel	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Allowed with special permit	Allowed by right	Not allowed	Not allowed	Allowed with special permit	Not allowed
Motel	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Allowed with special permit	Not allowed
Inn	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed
B&B	Allowed with special permit	Allowed with special permit	Allowed with special permit	Allowed with special permit	Allowed with special permit	Allowed with special permit	Allowed with special permit	Allowed with special permit	Allowed with special permit	Allowed with special permit	Allowed with special permit	Allowed with special permit	Allowed with special permit	Not allowed
Rooming	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Allowed with special permit	Not allowed	Not allowed	Allowed with special permit	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed
Boarding	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Allowed with special permit	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed
Lodging	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Allowed with special permit	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed

Nahant	Residential		Commercial		Natural	Public
Hotel	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed
Motel	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed
Inn	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed
B&B	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed
Roomers	Allowed by right	Allowed by right	Allowed by right	Allowed by right	Not allowed	Not allowed
Lodgers	Allowed by right	Allowed by right	Allowed by right	Allowed by right	Not allowed	Not allowed

Manchester	Residential				General	Ltd Comm
Hotel	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed
Motel	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed
Inn	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed
B&B	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed	Not allowed
Boarders	Allowed by right	Allowed by right	Allowed by right	Allowed by right	Not allowed	Not allowed

Key	
Not mentioned in By-law	Not mentioned in By-law
Not allowed	Not allowed
Allowed with special permit	Allowed with special permit
Allowed by right	Allowed by right

## Notes for Hotel/Motel/B&B/Lodging Zoning Bylaws (Beverly, Newburyport, Nahant, Manchester by the Sea)

### BEVERLY

Technically a city, but left in the comparative analysis due to its similarities to Swampscott.

Bed & Breakfast Establishment - The renting of not more than five (5) rooms as a lodging, without separate cooking facilities and for not more than eight (8) persons for a term of residence of less than eight (8) days. These establishments shall be residential in both character and appearance, and off-street parking areas shall be screened from abutting residential uses in a manner defined by Section 38-2.B.64 of this Ordinance. The owner of a bed and breakfast establishment shall be required to reside either on the premises of the establishment or on an abutting parcel. (Rev. 3-19-91, 6-18-91, 5-13-96)

Hotel – An establishment providing transient lodging accommodations to the general public for compensation and which may include, but is not limited to, ancillary facilities and services such as restaurants, meeting rooms, and recreational facilities.

R-90 One-family residential – 2 acre lots (90,000sqft) -B  
R-45 One-family residential (suburban density) – 1 acre lots (45,000 sqft) - B  
R-22 One-family residential (suburban density) – 1/1 acre lots (22,000 sqft) - B  
R-15 One-family residential (urban density) – 1/3 acre lots (15,000 sqft) - B  
R-10 One-family residential (urban density) – ¼ acre lots (10,000 sqft) - B  
R-6 One and two-family residential – 1/8 acre lots (6,000 sqft) - B  
RMD Multi-family residential (medium density) (8,000 +4,000/unit sqft) - B  
RHD Multi-family residential (high density) (6,000 + 3,000/unit sqft) -B, R  
RSD Special residential development (high density) (3,600+3,600/unit) - B  
CN Neighborhood commercial (Lots same as abutting residential) - B  
CC Central business district - B,R,H (R,L by planning board, B by ZBA)  
CG General commercial (automobile oriented) - H by right, B by sp  
IR Restricted industrial, research and office Light density industrial – 2 acre lot size - H,B  
IG General industrial (high density industrial – no min. lot size) - B  
HD Hospital district - B  
WDR Waterfront development residential - H with stipulations by planning board, B by ZBA  
BHD Beverly Harbor District - H only (no motel) in mixed use all above 2<sup>nd</sup> floor  
MOSR Municipal open space and recreation

Assume by special permit unless otherwise indicated

B – Bed and Breakfast

R – Rooming, Boarding, Lodging

H – Hotel or Motel

### PARKING:

Rooming house, Hotel, Motel 1 space for each rental unit plus 1 space for each eight seats provided for eating and meeting facilities Bed and Breakfast Establishment 1 space for every room rented, plus 2 spaces. For bed and breakfast establishments, all parking shall be off-street, not within the required front yard setback and “piggy back” parking shall not be allowed except for those spaces assigned to the permanent resident(s) of the structure. All other requirements of the City's parking requirements will apply as well (size of spaces, surfacing materials, etc.).

## Notes for Hotel/Motel/B&B/Lodging Zoning Bylaws (Beverly, Newburyport, Nahant, Manchester by the Sea)

### MANCHESTER BY THE SEA

No table of uses

No mention of hotel, motel, inn or lodge

For the purpose of this By-Law, the Town of Manchester-by-the-Sea is hereby divided into the following zoning districts [See Maps]:

- Single Residence District A
- Single Residence District B
- Single Residence District C
- Residence District D
- Single Residence District E [Added 2000]
- General District
- Limited Commercial District [Amended 1987]

4.0 In a single Residence District no building or land shall be used and no building shall be erected or altered which is intended or designed to be used for any purpose except one or more of the following:

4.1.5 The taking of boarders or the leasing of rooms for not more than four (4) persons by a family residing on the premises with common cooking and living facilities, providing there is no sign or display to advertise such use. (But it shall not be permissible to construct or operate overnight camps.)

### NEWBURYPORT

- Ag/C agricultural/conservation.*
- R-1 single-family district.*
- R-2 two-family district.*
- R-3 multifamily district. (up to 6 units)*
- B-1 business district. (multifamily allowed)*
- B-2 downtown business district. (multi use encouraged, no single or 2 fam permitted)*
- B-3 neighborhood business district.*
- I-1 Industrial district.*
- I-1B industrial district.*
- I-2 industrial district. .*
- M general acute care medical district.*
- Floodplain overlay district.*
- WMD waterfront marine dependent.*
- WMU waterfront mixed use.*

**Table of use regulations.**

USE	AG CON	R- 1	R- 2	R- 3	B- 1	B- 2	B- 3	I-1	I- 1B	I-2	M	WMD	WMU
Hotel/inn	NP	NP	NP	NP	SP	SP	SP	NP	NP	NP	NP	NP	SP
Lodging house	NP	NP	NP	SP	SP	SP	SP	NP	NP	NP	NP	NP	NP
Rehabilitation residence	NP	NP	NP	SP	SP	SP	SP	NP	NP	NP	NP	NP	NP
Bed and breakfast	NP	NP	NP	SP	SP	P	P	NP	NP	NP	NP	SP	SP

## Notes for Hotel/Motel/B&B/Lodging Zoning Bylaws (Beverly, Newburyport, Nahant, Manchester by the Sea)

**Definitions**

Hotel/inn	A building or any part of a building containing rooming units without individual cooking facilities for transient occupancy and having a common entrance or entrances; and including an inn, motel, and motor inn.
Lodging house	Any building, structure, or part thereof used as a sleeping place or dwelling for hire, or otherwise, for five (5) or more persons, not within the second degree of kindred to the person conducting the lodging house, and shall include fraternity houses and dormitories of educational institutions, but shall not include dormitories of charitable or philanthropic institutions or duly licensed convalescent, nursing, or rest homes.
Rehabilitation residence	A profit or nonprofit facility or dwelling unit housing persons unrelated by blood or marriage and operating as a group family household for the sheltered care of adult persons.
Congregate elderly housing	A dwelling or group of dwellings providing shelter and services for the elderly which consists of individual dwelling units, community dining and recreation centers, housekeeping and personal and/or medical care assistance with licence as required by the State of Massachusetts.
Bed and breakfast	A owner occupied building containing no more than five (5) rooming units, not including living quarters for owner occupants, without individual cooking facilities for transient occupancy and having a common entrance or entrances. Common cooking facilities may be included providing that service is limited to those who are owners of the building and those rooming in the building.

**Parking requirements.**

Hotel/inn	1 per guest bedroom
Restaurant in conjunction with motel, hotel, inn	1 for every 6 seats of the occupancy rating
Lodging house	1 per guest bedroom
Rehabilitation residence	1 per every 2 employees plus 1/2 units
Congregate elderly housing	1.2 per 2 units
Bed and breakfast	2 spaces plus 1 space for each guest room

## Notes for Hotel/Motel/B&B/Lodging Zoning Bylaws (Beverly, Newburyport, Nahant, Manchester by the Sea)

### Sec. 9-1. - Lodging house licenses.

(a)

The license commission may grant licenses for lodging houses under M.G.L.A. c. 140, § 23. Such licenses shall be for the period provided in M.G.L.A. c. 140, § 4. A fee of two dollars (\$2.00) for such license is hereby established by the city council.

(b)

The license commission may grant a general license to an owner of a bed and breakfast establishment. A bed and breakfast establishment shall be defined as an owner-occupied building containing no more than ten (10) guest rooms, not including living quarters for owner occupants and having a common entrance or entrances. Common cooking facilities may be included providing that service is limited to those who are owners of the building and those rooming in the building. Said general license shall be renewed annually for a fee of twenty dollars (\$20.00).

(Code 1971, § 15-2; Ord. of 9-25-95)

### NAHANT

#### SECTION 4.06 – RENTING OF ROOMS TO ROOMERS OF LODGERS

Renting of rooms (lodging units) in a dwelling unit for the use of not more than two roomers or lodgers, who do not constitute a housekeeping unit separate from that of the resident family, is permitted in a residential or business district provided that at least one off-street parking space is provided for each such roomer. Rooms rented to roomers or lodgers shall not have private outside entryways or separate cooking facilities. Roomers must use cooking facilities of resident family.

No hotels or motels allowed in table of uses. Lodging not mentioned in table of uses. Only in regulation section B. see below.

Hotels have a loading bay requirement in the LBR table.

**Lodgers:** (See Section 4.06 “Renting of Rooms to Roomers or Lodgers”)

**Roomers:** (See Section 4.06 “Renting of Rooms to Roomers or Lodgers”).

B. Residential and Business Districts – The following accessory uses and/or buildings shall be permitted in residential and business districts:

1. Renting of rooms to roomers or lodgers (See Section 4.06).

7. Provision of lodgings in a dwelling unit to one or more domestic servants actually employed as such on the premises by the resident family 35 or more hours each week

Parking:

Accessory lodgings or lodging 1.0 per Room offered for rent houses but not less than 1 per 2 beds

Zoning Districts:

R-1 Residential R-1

R-2 Residential R-2

B-1 Business B-1

B-2 Business B-2

NR Natural Resource

P Public



Table 1

		Use	Parking	Definition	Signs
<b>SALEM</b>	Fr. Table of Use and Accessory Use Regulations				
<b>Rooming, boarding or lodging house</b>	Special permit by ZBA in R2, B1 and B2 only	Residential Use - Accessory Use Table	One and one-half (1½) spaces per dwelling unit, with a minimum of two (2) spaces, plus one (1) space for each home occupation	<i>Rooming, boarding or lodging house:</i> A dwelling or part thereof in which lodging is provided by the owner or operator to at least three, but not more than six, roomers or boarders.	Must meet Residential Sign limitations
<b>Rooming and boarding not more than 2 persons</b>	By Right in R2 & R3, otherwise not allowed	Accessory Use	Nothing specific	None	Nothing specific
<b>Hotel, motel, or inn</b>	By right in B2 and B5, by Special permit by ZBA in R3 or B4 only	Commercial Use	1 space per guest room plus 1 space for every 2 employees	<i>Hotel, motel or inn:</i> A building containing rooms rented or hired out, or designed to be rented or hired out, for sleeping purposes by guests. A general kitchen, dining room, drugstore or newsstand, intended primarily for serving the building's occupants and only incidentally the public, may be provided within the building or in an accessory building.	On-premises sign in nonresidential district guidelines with historic district sign off required by historic commission
<b>Bed and Breakfast</b>	Special Permit by ZBA in R2, B1 and B2 only	Commercial Use	See definition	<i>Bed and breakfast establishment:</i> Accommodations with not more than six (6) bedrooms occupied by bed and breakfast guests in which the owner of the establishment resides. Bed and breakfasts are intended for guest on intermittent visits, and shall not be used as long-term rental units or apartments. All parking for residents and guests shall be off-street.	
<b>Marblehead</b>					
<b>Hotel, Motel or rooming house</b>		Residence Use - yes, double checked this	Hotels, motels and rooming/boarding houses, and rooms available for rent (§ 200-13C): one parking space for each room available for overnight use or rent.	Hotel, motel, or rooming house: a building erected for use or used for paying guests, permanently or transiently, where more than five bedrooms are used for such purposes.	
<b>Boarders</b>		Accessory Use		Boarders. In a dwelling unit, the taking of boarders or the leasing of rooms by a resident owner shall be considered as an accessory use, provided that no more than five roomers or boarders shall be allowed in any building used for such purposes, and that no sign shall be displayed advertising or otherwise calling attention to such use of the premises and that no separate cooking facilities are maintained. (Refer to § 200-17B for parking requirements.)	No signs

		Use	Parking	Definition	Signs
<b>Rockport</b>					
<b>Guest House</b>	Res (R), General (G) Downtown (D), SMR by Right. Not allowed and SRAA, SR or RA	Retail Business & Consumer Services Use	All places offering overnight accommodations - at least one and one half spaces for each guest room.	The leasing of rooms by the person or persons residing on the premises. Guest houses, provided that there is no sign or display to advertise such use, except that one sign of not more than three square feet may be used.	One sign no more than 3 feet
<b>Motel or Tourist Court</b>	Did not see in Bylaws			A building providing travelers with lodgings typically united under one roof but having individual entrances, and with on-site, off-street parking spaces.	
<b>Boarding</b>	Special Permit in RA,SR and AR. By Right in R, SMR, G and D	Retail Business & Consumer Services Use		The taking of boarders or the leasing of rooms by the person or persons residing on the premises, provided that there is no sign or display to advertise such use.	No signs
<b>Inn</b>				INN: A building erected for or used for paying guests, permanent or transient, where over six (6) bedrooms are used for such purpose.	