



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

DECEMBER 3RD, 2015 MEETING MINUTES

Time: 8:00 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 8:00 am.

Town Planner P. Kane began the meeting by requesting that the meeting schedule be modified to accommodate conflicts with other recurring meetings. After brief deliberation, the subcommittee settled on holding meetings on the second Tuesday of each month with a 7 PM start time.

PAST MEETING MINUTES

The minutes from the November 5th 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

Town Planner P. Kane re-capped the impetus behind the proposed awning amendment. The current regulation seems over burdensome in some instances. Generally, awnings are considered 'signage' and fall under section 3.2.0.0, of the zoning bylaw. Section 3.2.2.6 defines the general provisions including the requirement for a Planning Board site review and further cites section 3.2.5.5 for the specific sign type requirements for awnings including the ZBA special permit requirement. The result is that applicants are currently required to go through both site plan

review by the Planning Board and receive a Special Permit from the ZBA for all awnings, newly installed or replacement, whether or not it has lettering or graphics.

Planner Kane continued by presenting the proposed amendment that would add new exceptions to the District or Use Regulations sections, 3.2.4.1 for districts B1 and B2, and 3.4.2.2, for districts B3 and I that would alleviate some of the burden. The following paragraph gives the proposed text for insertion after the existing exemptions in section 3.2.4.1 and 3.4.2.2. The wording is identical in both new sections except for the pertinent zoning districts for each.

(d) In addition to the signs permitted above, within the ___-___ and ___-___ Districts, awnings (new or replacement) without lettering or graphics may be installed upon approval through Administrative Site Plan Review by the Planning Board. Awnings (replacement) without a change or alteration of lettering or graphics on the awning may be installed upon approval through Administrative Site Plan Review by the Planning Board. Awnings (new) with lettering or graphics may be installed upon approval through Administrative Site Plan Review by the Planning Board and granting of a Special Permit issued by the Board of Appeals in accordance with Section 5.3.0.0.

The effect of this amendment is summarized in Table 1 below which shows the proposed requirements. All types of awnings would still require the Planning Board Site Review, but the ZBA Special Permit requirements would be relaxed as indicated by the shaded cells, which is in contrast to the current bylaw which requires both site review and special permit for all awnings.

	Planning Board Site Review	ZBA Special Permit
New awning with no lettering or graphics	Yes	No
Replacement awning with no lettering or graphics	Yes	No
New awning with lettering or graphics	Yes	Yes
Replacement with lettering or graphics but not changing	Yes	No
Replacement with lettering or graphics that is changing	Yes	Yes

Table 1. Summary of the Site Review and Special Permit requirements described by the proposed amendment.

After brief discussion, the subcommittee was tasked with reviewing the proposal in more detail and compiling any questions or further updates for the next ZBRS meeting in preparation for the vote to escalate the proposed amendment to the Planning Board.

HOTEL, MOTEL, INNS, AND BED AND BREAKFASTS

B. Quinn proposed an approach that the subcommittee could use to layout the definitions and use regulations for transient lodgings. Currently, the bylaw groups Hotels, Motels, and Inns by using a single definition and a separate definition for Bed and Breakfasts. A new umbrella category will be created called ‘Tourist Lodging Establishments’ that will be broken down into four specific types of lodging; Hotel, Motels, Inns, and Bed and Breakfast Establishments (B&Bs). E. Barden asks if the title could be changed to ‘Travel and Tourist Lodging Establishments’ so as not to imply that only ‘tourists’ could make use of these facilities. This format provides the ability to

specifically define each type of establishment and tailor the regulations to suit each application as well as providing the opportunity to expand with additional types of establishments in the future should the need arise. P. Kane states that the new section should be added at the end of Section 5 - Administration and Procedures.

The paragraphs below show a draft of the proposed text for the new section, 5.13.0.0.

5.13.0.0 Travel and Tourist Lodging Establishments: *The provisions of this section provide guidelines for the creation and regulation of Travel and Tourist Lodging Establishments within the Town of Swampscott and outlines the considerations and requirements for their approval. Informed through public input from the Master Plan, the Town recognizes the value of the tourist trade industry and the benefits that it provides to the community. One of the mainstays of the tourist trade industry is the availability of accommodations and lodging options to attract visitors for short term and temporary visits. The intent of this bylaw is to encourage Tourist and Travel Lodging Establishments within the Town of Swampscott. For purposes of this bylaw, Travel and Tourist Lodging Establishments have been further categorized according to the definitions below and general regulations for all types of lodging establishments as well as specific regulation for each type are also shown.*

5.13.1.0 General Regulations for Travel and Tourist Lodging Establishments:

5.13.1.1 *Travel and Tourist Lodging Establishments are intended for transient, overnight or extended occupancy guests on intermittent visits, and shall not be used as long-term rental units or apartments.*

5.13.1.2 *No occupant of such tourist lodging establishment may claim residency at such location.*

5.13.2.0 Hotel – *A building or buildings ... TBD*

5.13.3.0 Motel – *A building or buildings...TBD*

5.13.4.0 Inn – *A building or buildings...TBD*

5.13.5.0 Bed and Breakfast (B&B) – *Accommodations... TBD.*

The next order of business was to determine the specific definitions and regulations for each type of establishment. As a tool to track various attributes for each type, a working template was used showing the types of establishments in the left most column and the important and differentiating attributes that were identified last month through the neighboring town investigations were listed across the top. The subcommittee went through each column and discussed the options before coming to consensus on many of them to fill in the matrix. Table 2, below, shows a snapshot of the working revision of the tracking template. The notes section following the table provides additional detail on the discussions. Once complete, this table can be used as a roadmap to writing the definitions and regulations section for each type of establishment.

TABLE 2. TRACKING TOOL FOR LODGING ESTABLISHMENT ATTRIBUTES.

	# of rooms	# of guests	max length of stay	parking group	food service	cooking facilities in room	restaurant (public)	swimming pool	function room	Recreation and fitness (tennis, etc)	owner or manager on site	signage	lot size	beer, wine or liquor
H O T E L	>6-X		30 days	C/E	Yes	No	Yes	Yes	Yes	Yes	24 Hrs			
M O T E L	?		30 days	C	No	No	No	No	No	No	24 Hrs			
I N N	4-16		30 days	C	Guest only	No	No	No	No	No	24 Hrs			
B & B	up to 3		30 days	C	Guest only B-fast only	No	No	No	No	No	Resid.			

Notes: The paragraphs below provide additional information and discussion points from the meeting.

1. Number of rooms for B&B was chosen because it is present in the current definition. The number for Inns is sort of arbitrary as are the hotel and motel figures. The subcommittee discussed that maybe a formula based on the lot size might be helpful and cited a bylaw in Dennis Ma. which has a 25,000 sqft min lot size and a room density of 1 unit per 1000 sqft for hotels. Alternatively, it may be possible to apply the same formula that was used to determine the number of units in the Hanover development or the assisted living project in Vinnin Square.
2. The subcommittee didn't see the value of defining the maximum number of guests despite the fact that other neighboring communities surveyed had done so. It was generally felt that the number of rooms would naturally determine the maximum number of guests allowed and the site review would ensure that rooms are sized appropriately for the intended use. T. Paprocki asked if we should put in some guidelines for room sizes to facilitate the site reviews.
3. J. Mahler recalled a reference to a 30 day maximum stay during his recent review of lodging guidelines and the subcommittee felt that that would be appropriate.
4. J. Mahler and T. Paprocki suggest that hotels should be allowed to have swimming pools but none of the other types should. The same should be true for non swimming pool recreational facilities such as fitness centers and tennis courts, etc. E. Barden mentioned that the hotels in town years ago allowed the public to pay per use for the swimming pools and tennis courts etc. The subcommittee was unanimously opposed to that and felt as though the pools allowed in hotels should be designates as for guests only. E. Barden asked what happens if someone who currently has a pool attempts to open a B&B. J. Watts commented that the pool should not be for guests as it could potentially increase noisy activity in the neighborhood and the subcommittee agreed. This would be made clear through the site plan review and special permit process.

5. J. Watts asked if B&Bs would be allowed to serve wine and cheese in the evenings (for example). Further discussion about whether alcohol could be served in any of the establishment. The group decided that it was not within the purview of the ZBRS and that the Board of Selectman would be the regulating body for liquor licensing.
6. E. Barden suggests that the current zoning bylaws regulate the parking, signage, and lot size requirements. T. Paprocki adds that it will also define limits for height restrictions, lot coverages, set-backs and buffers, among other things. Although he adds we may want to review them to see if there are any cases where we would want allow anything over and above the existing bylaws for any reason to accomodate high density uses like a hotel.
7. There was significant discussion around food service and restaurants. J. Mahler suggested adding a separate column for restaurants and that they should be allowed in hotels only and that they would be open to the public as well as guests of the hotel. Motels, Inns, and B&Bs should not have restaurants that would serve the public. Motels would not have any food service while Inns would be allowed to serve food to their guests only and B&Bs could serve breakfast only to their guests. There was unanimous agreement that none of these establishments should have in-room cooking facilities.
8. J. Mahler suggests that only hotels be allowed to have a function room. The function room will need definition within the bylaw as a space that is rented out for specific events (ie. weddings, graduations, etc.) and not to be confused with common areas within the establishment for small conversational gathering or watching television for example.

Unfortunately, the meeting time ran over and the subcommittee had not quite finished filling in the entire tracking template. There was also no time remaining to discuss the table of principal uses that will be specific for each type of lodging establishment. The blank principal use table is shown in table 3, below. The goal is to complete filling in both the tracking tool and the table of uses so that the definitions can be written at the next meeting.

	A-1	A-2	A-3	B-1	B-2	B-3	I	Parking
Hotel								
Motel								
Inn								
B&B								

TABLE 3. PROPOSED TABLE OF PRINCIPAL USES FOR LODGING ESTABLISHMENTS

ACTION ITEMS FOR NEXT MEETING

- Subcommittee members should perform a final review of the proposed awning bylaw amendment. Any questions or clarifications should be communicated to Town Planner P. Kane via e-mail.
- P. Kane to compile any additional feedback from subcommittee members and prepare a final draft of the proposed awning bylaw amendment in preparation for ZBRS approval at the next meeting.
- B. Quinn to contact building inspector to determine the formula used to calculate allowable number of units in Hanover and Assisted living developments to see if there is any relevance to the lodging bylaw.
- Subcommittee members to review the tracking template for lodging attributes and refine their definitions for each type of establishment.
- Subcommittee members should also make a preliminary attempt to fill in the table of principal uses for each of the establishments.

MISCELLANEOUS

The following miscellaneous topics were discussed during the meeting:

- ZBRS meetings will now be held on the second Tuesday of each month with a 7PM start time.
- At each meeting, the meeting date and time of the next meeting will be confirmed.
- The next ZBRS meeting will be held on **Tuesday January 12th, 2015 at 7PM** in the first floor conference room at the Town Hall.

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

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