

PUBLIC HEARING NOTICE

Town of Rowe Planning Board

Pursuant to G.L. c. 40A, § 5, notice is hereby given that the Rowe Planning Board will hold a Public Hearing on March 6th at 6:00PM at the Rowe Elementary School Project Room to accept public comments on proposed changes to the Town of Rowe Zoning By-laws, Article VII Section 2(B), Section 5, Section 6, Section 8, Section 9, and Section 22(B). Written comments may be submitted to the Planning Board at Town Hall or by emailing the Planning Board at planningboard@rowe-ma.gov. A full copy of the proposed changes may be found on the Planning Board website page: <https://rowe-ma.gov/g/55/Planning-Board>. Copies will also be available at Town Hall or with the Town Clerk.

ARTICLE ##. REVISE TABLE OF USE SECTION 2(B)

To see if the Town will vote to revise Article VII Section 2(B), Table of Use, as follows, with revised text indicated in **Underline** and removed text indicated in ~~Strikethrough~~; or take any other action relative thereto.

B. Table of Use Regulations

	Zones	
I. Residential Uses	R-A	I
a. Detached, Single Family <u>Principal</u> Dwelling	Yes	Yes
b. <u>Single, Accessory Dwelling Unit</u> Two-Family or Semi-Detached Dwelling	<u>Yes</u>	<u>SP</u>
c. <u>Multiple, Accessory Dwelling Units</u> Multi-Family	<u>No</u>	<u>No</u>
d. <u>Two-Family or Semi-Detached Dwelling³</u>	SP	SP
e. <u>Multi-Family or Multiple Dwellings</u>	No	No
f. Trailer Park or Mobile Home Park	No	No
II. Municipal Uses	Yes	Yes
III. Religious Uses	Yes	Yes
IV. Educational Uses	Yes	Yes
V. Recreational Uses		
a. Non-Profit	Yes	Yes
b. Profit	SP	SP
VI. Agricultural Uses		
a. Farm Uses	Yes	Yes
b. Display & Sale at Roadside Stand of Natural Products, the Major Portion of which are raised on Farms of the Town of Rowe	Yes	Yes
c. Greenhouses and Nurseries	SP	SP
VII. Commercial Uses		
a. Professional Office conducted by Resident of Premises in Room or Rooms of Dwelling or Accessory Building with no more than two (2) employees	Yes	Yes
b. A Customary "Home Occupation" conducted by a Resident of Premises in Room or Rooms of Dwelling or Accessory Building with no more than two (2) employees	Yes	Yes
c. Scientific Research or Development as described in Chapter 40A, Section 9	SP	SP
d. Restaurants, Inns, Hotels, <u>Short Term Rentals</u> , Motels or Tourist home	SP	SP
e. Print Shop	SP	SP
f. Retail Stores	SP	SP
g. General Contractors	SP	SP
VIII. Industrial Uses		
a. Sawmills	SP	SP
b. Public Utilities		
(i) Generating Plants except for Solar Electric Generating Installations	No	SP
(ii) Accessory Buildings, Structures & Uses	SP	Yes
(iii) Transmission Lines, Substations and Switchyards	SP	Yes
(iv) Solar Electric Generating Installations ^{1,2} (See Section 23)	SP	SP

¹ – Solar Electric Generating Installations of 10kW or less which are an accessory use to a residential or non-residential use are allowed "by right" (Yes).

² – Solar Electric Generating Installations greater than 10 kW up to 250 kW occupying no more than one acre that meet the requirements of Section 23 and are located in the Solar Overlay District are allowed by-right (Yes) but are subject to Site Plan Review.

³ – A Semi-Detached Dwelling with a Gross Floor Area allowed by Section 6 is considered an Accessory Dwelling Unit

Reason: This update is needed to make revisions in accordance with new state laws and regulations that came into effect in February. Revisions have also been made to add clarity to commercial use categories and formatting to the existing table.

ARTICLE ##. AMEND SECTION 5

To see if the Town will vote to amend Article VII, Section 5 as follows, with revised text indicated in **Underline** and removed text is indicated in ~~Strikethrough~~; or take any other action relative thereto.

Section 5: Any dwelling hereafter erected shall not be located within sixty (60) feet of any street or highway line; **or closer than thirty (30) feet from the side or rear lines of any lot, nor shall any existing lot be divided so as to leave any building closer than thirty (30) feet from the side or rear lines of any lot.**

Reason: Section 5 and Section 8 contain setback information relevant to single family principal dwellings. To facilitate bylaw interpretation and future bylaw adoption the planning board proposes merging the text from section 8 into section 5.

ARTICLE ##. AMEND SECTION 6 DWELLING UNITS

To see if the Town will vote to amend Article VII, Section 6 as follows, with revised text indicated in **Underline** and removed text is indicated in ~~Strikethrough~~; or take any other action relative thereto.

Section 6: Dwelling Units

Except as provided under Section 2(B) I (d) of this Article, no more than one (1) Principal Dwelling unit shall be constructed on any dwelling lot and no existing structure shall be converted for use as a Principal Dwelling unit unless a dwelling lot is created in accordance with Section 7 of this Article. ~~Except as provided under Section 2(B) I (b) of this Article, no more than one (1) dwelling unit shall be constructed on any dwelling lot and no existing structure shall be converted for use as a dwelling unit unless a dwelling lot is created in accordance with Section 7 of this Article. A dwelling unit shall be defined as a single unit providing complete, independent living facilities for one or more persons.~~

Accessory Dwelling Units (ADUs) defined by state regulations and allowed under Section 2(B)I shall be subject to the following provisions set forth to ensure the safety and well-being of residents, preserve the character of the town, and align with goals set forth in the Open Space and Recreation Plan.

A. Siting Requirements

- a. **Vehicle access and parking for ADUs shall be from the same driveway used to access the Principal Dwelling. The use of an ADU shall not obstruct or in any way hinder emergency vehicle response to dwellings on the property.**
- b. **Dimensional setbacks for an ADU are to be consistent with setback requirements of Section 5.**
- c. **ADU setbacks from waste disposal systems and private wells shall conform with Board of Health regulations.**
- d. **ADUs shall be subject to Site Plan Review outlined in Section 22. The Open Space and Recreation Committee will be asked to provide input as part of the review process.**

B. Structure Requirements

- a. **ADU-L: ADU-L Gross Floor Area may exceed 50% of the Principal Dwelling Gross Floor Area upon approval of a special permit. An ADU-L shall be considered an ADU with respect to all other bylaws and subject to such provisions.**
- b. **Under no circumstances will the Gross Floor Area of an ADU exceed 900sf.**
- c. **ADUs shall be limited in height not to exceed twenty (20) feet from the structure's surrounding average finish grade to the highest roof element.**

- d. ADUs shall be constructed in a manner that is consistent with the appearance of the Principal Dwelling.

C. Uses

- a. Short Term Rental use of ADU(s) shall be prohibited
- b. ADU(s) shall not be allowed on lots with condemned Principal Dwellings unless use is in conjunction with an active construction permit for Principal Dwelling.
- c. Pre-existing, non-conforming structures used for an ADU are subject to requirements of Section 17.

Reason: Section 6 needs to be updated to comply with definitions used under new state laws and regulations. In addition to state laws and regulations the Planning Board is proposing some additional local regulations regarding Accessory Dwelling Units.

ARTICLE ##. AMEND SECTION 8

To see if the Town will vote to amend Article VII, Section 8 as follows, with revised text indicated in **Bold Underline** and removed text is indicated in ~~Strikethrough~~; or take any other action relative thereto.

Reserved for future use. ~~No dwelling or other structure shall be constructed closer than thirty (30) feet from the side or rear lines of any lot, nor shall any existing lot be divided so as to leave any building closer than thirty (30) feet from the side or rear lines of any lot.~~

Reason: Text merged with Section 5 setback requirements.

ARTICLE ##. AMEND SECTION 9

To see if the Town will vote to amend Article VII, Section 9 as follows, with revised text indicated in **Bold Underline** and removed text is indicated in ~~Strikethrough~~; or take any other action relative thereto.

Section 9: In the Residential-Agricultural District, no area shall be occupied or used by a camping trailer, mobile home, **or manufactured home** for a total time in excess of thirty (30) days during any one calendar year except that camping trailers owned by the occupants of the premises and their immediate family may be stored in the rear or side of the yard when not in use. For the purposes of these By-Laws, a mobile home shall mean a dwelling unit built on a chassis, whether on wheels or on a temporary or permanent foundation.

Reason: Update text to align with language used in state laws and regulations.

ARTICLE ##. AMEND SECTION 22(B) PROJECTS REQUIRING SITE PLAN REVIEW

To see if the Town will vote to amend Article VII, Section 22(B) to add additional uses to be subject to site plan review as follows, with revised text indicated in **Bold Underline** and removed text is indicated in ~~Strikethrough~~; or take any other action relative thereto.

(2) Uses Requiring a Special Permit

(3) Accessory Dwelling Unit(s)

Reason: Currently, only uses related to Large Ground Mount Solar are required to undergo a site plan review process. The Planning Board is proposing to add uses requiring a special permit and accessory dwelling unit(s) to also undergo a site plan review process.