

Town of Sheffield Zoning By-Law Review Committee
10/14/19 Meeting Minutes

The meeting was opened at 5:10pm by Rene Wood with the following members present: Eric Carlson and Rene Wood. Ken Smith joined the meeting at 5.20pm.

The committee reviewed and made changes to the Committee's work done at its 10/31/19 meeting. Specific changes made were:

- To correct several strike-throughs
- To change D.24 in the Rural District from N to Ref. Sec 3.1.4
- To note removal of Section 3.1.6 when the ZBL were recently updated to reflect actions taken at Town Meeting May 2019. Section 3.1.6, Temporary Moratorium on Aviation Landing Facilities, expired on June 30, 2018.

Committee members agree with the changes and discussed need to add or clarify definitions for several terms used in the Table of Use Regulations, Section 3.1.3. It was decided R. Wood would work with Town Administrator LaBombard to request technical assistance on such definitions from BRPC under their no-charge technical assistance program. Committee members were each to review the definitions, both those in Section 10 as well as those missing from use terms in Section 3.1.3 and email those to Administrator LaBombard for compilation. (With a three person board, any communication between members could be a violation of open meeting laws.) Cited definitions included: clear definitions of Agricultural use, exempt and non-exempt; Commercial greenhouse, exempt; craftsperson's shop versus home occupation versus retail or business or professional office; motor vehicle general repair versus motor vehicle light repair; public transportation terminal; service establishment, general versus service establishment, personal; and the various different retail definitions. This compiled list will be submitted to BRPC if free technical assistance is secure in a timely fashion.

Discussion also focused on condensing Uses G.3, 4, and 5 into a single line item with the addition of a Accessory single-family dwelling unit in the Rural District, which will require further work into the Use's space requirements in each District, if any, and whether it will be clearer with one Use line or best left as several.

Lastly each Committee member was asked to give thought as to how to present any final agreed upon changes to the Planning Board and ultimately Town voters and submit their suggestions to Administrator LaBombard. Questions such as "How to organize these changes?" and "One or two warrant articles?" were discussed and a possible split into 2 warrant articles – ZBL definitions and ZBL Use changes – was reviewed.

The next meeting was tentatively set for either Monday December 2 at 3 and 5pm or Thursday 12/5 at the same times. Members were to check their calendars and respond back to R. Wood on this administrative matter.

Respectfully submitted by Rene Wood



Meeting Materials:

ZBL Review Committee Add'l changes at meeting of 10-31-19

Article __: To see if the Town will vote to amend the Zoning Bylaws as follows, or take any other action relative thereto:

1. Amend Sections 2.3.3 and 2.3.4 to add language in *bold*, as follows:

2.3.3 Commercial District. The Commercial District is intended to be used for commercial *and general business* activities.

2.3.4 General Business District. The General Business District is intended to be used for light manufacturing, *general business, commercial* and agricultural purposes.

2. Amend Section 3.1.3 Table of Use Regulations to delete the strike through language and add language in *bold*, as follows:

Principal Use	District				Notes
	R	VC	C	GB	
A. Residential Uses					
5. Boarding House	N PB	PB	N PB	N PB	Refer to Sections 3.2.6.2, 4.2.2.3, 4.3.2.5 and 7.3
C. Institutional Uses					
2. Government building or facility	Y	Y	Y	N Y	
4. Library	Y	Y	Y	N Y	
D. Commercial Uses					
1. Agricultural use, non-exempt	Y	Y	Y	Y	Refer to Section 10, <u>definitions</u> .
3. Bed and breakfast establishment; guest house, inn	Y	Y	PB Y	PB Y	Refer to Section 10, definitions. <i>Refer to Section 9.4 for Special permit requirements.</i>
4. Business or professional office, individual	Ref. Sec 3.1.4	Y	Y	PB Y	For the Rural District, refer to Section 3.1.4 for determination if a by right use or by Special Permit. Refer to sections 3.1.4 and 3.1.5 for size conditions. Refer to Section 9.4 for Special Permit requirements.
5. Craftsperson's shop	PB	PB	PB	PB	Refer to Section 10, definitions. Refer to Section 9.4 for Special Permit <u>requirements</u> .

Comment [RCW1]: All of these notes will be reviewed once the committee settles on the other columns.

Comment [RCW2]: See comment for D9. Does this mean 5 acres in each of the districts for this use? What does state law now say about size for exempt?

Comment [RCW3]: Square this with home occupation. See that comment.

6. Commercial Greenhouse	PB	Y PB	Y PB	Y PB	Note: need to review definition: KS suggests PB for all; how does this vary from exempt agric usage?
7. Commercial radio and television tower	PB	N	PB	N PB	Refer to Section 9.4 for Special Permit requirements.
9. Farm stand, non-exempt	Y	Y	N Y	PB Y	Refer to Section 10, definitions. Refer to Section 9.4 for Special permit requirements.
10. Farm Supply Store	Y <u>Ref. Sec. 3.1.4</u>	N	PB	PB	Refer to Section 10, definitions. Refer to Section 9.4 for Special Permit requirements.
12. Golf Course; country club; tennis club; riding stable	PB	PB	PB	N PB	Refer to Section 9.4 for Special Permit requirements.
17. Motor vehicle body repair	N	Y	PB	N PB	Refer to Section 10, definitions. Refer to Section 9.4 for Special Permit requirements.
18. Motor vehicle general repair	N	Y	PB	N PB	Refer to Section 10, definitions. Refer to Section 9.4 for Special Permit requirements.
19. Motor vehicle light service	N	Y	PB	N PB	Refer to Section 10, definitions. Refer to Section 9.4 for Special Permit requirements.
20. Motor vehicle sales	N	Y	PB	N PB	Refer to Section 10, definitions. Refer to Section 9.4 for Special Permit requirements.
21. Museum, public and private	Y	N Y	N Y	Y	
22. Nursing, convalescent and rest home	PB	PB	PB	N PB	Refer to Section 10, definitions. Refer to Section 9.4 for Special Permit requirements.
24. Political campaign office	N <u>Ref. Sec. 3.1.4-</u>	Y	Y	N Y	
25. Public transportation terminal	N	Y PB	Y	N Y	
30. Retail establishment for the sale of produce, wine and dairy products	N	Y	N Y	N Y	
31. Retail store, individual	Ref. Sec. 3.1.4	Y	Y	N Y	For the Rural District, refer to Section 3.1.4 for determination if a by right use or by Special Permit. Refer to sections 3.1.4 and 3.1.5 for size conditions. Refer to Section 9.4 for Special Permit requirements.
32. Retail store,	N	N	N	Y	

Comment [RCW4]: Definitions of 1 & 9. Need to be clearer?

Comment [RCW5]: Per EC, #17 has different requirements/regulations than 18 or 19.

Comment [RCW6]: Refine definitions and see if possible to combine 18 & 19 into a single use? Advantage or disadvantage to do so?

Comment [RCW7]: Is it legal to regulate this or is this an exempt use and should be in that section of the use table?

Comment [RCW8]: Need definition

Comment [RCW9]: Review required of 30 & 31. Does 30 make any sense anymore. Need definition for retail store? Will that cover all retail uses?

<i>provided all items for sale are manufactured on-site.</i>					
33. Service establishment, <u>general</u>	Ref. Sec. 3.1.4	Y	Y	N Y	For the Rural District, refer to Section 3.1.4 for determination if a by right use or by Special Permit. Refer to sections 3.1.4 and 3.1.5 for size conditions.
34. Service establishment, personal	Ref. Sec. 3.1.4	Y	Y	N Y	For the Rural District, refer to Section 3.1.4 for determination if a by right use or by Special Permit. Refer to sections 3.1.4 and 3.1.5 for size conditions.
E. General Business Uses					
7. Research laboratory	N	N	N PB	PB	Refer to Section 9.4 for Special Permit requirements.
8. Wholesale business & storage in an enclosed structure	N	N	N PB	PB	Refer to Section 9.4 for Special Permit requirements.
G. Accessory Uses					
3. Accessory single-family dwelling unit					Need to look at 3-5 carefully as no single family dwelling unit listed for R. Y for VC, but PB for both C and GB
6. Craftperson's shop	PB	PB	PB	PB	Refer to Section 10, definitions. Refer to Section 9.4 for Special Permit requirements. Refer to Section 3.2.4
8. Family day care, small	N PB	PB	PB	N PB	Refer to Section 10, definitions. Refer to Section 3.2.4
9. Family day care, large	N PB	PB	PB	N PB	Refer to Section 10, definitions. Refer to Section 3.2.4
10. Home occupation	Y	Y	PB Y	N Y	Refer to Section 9.4 for Special Permit requirements. Refer to Section 3.2.1 for Special Permit conditions in the Commercial District. <i>Refer to Section 3.2.1.</i>
11. Mobile home as temporary living quarters	Y	N Y	N Y	N Y	Refer to Section 10, definitions. Refer to Section 3.2.3

Comment [RCW10]: Need definition for 33 & 34. Possibility of 1 use for service establishment? Does this refer to an electrician, plumber?

Comment [RCW11]: Look at combining # 3,4,5 into a single use line like this

Comment [RCW12]: Need to resolve #6 & #10. Differences? Does 6 fall into home occupation if no sales on site? If sales on site, is it retail?

Comment [RCW13]: Should this usage be limited to only the primary residence and not an accessory single - family dwelling unit? Or to be applicable to an accessory single family dwelling unit?

3. Amend Section 3.1.4 and Section 3.1.5 to delete the strike through language and add language in *bold*, as follows:

3.1.4 Commercial Uses in the Rural District. The following commercial uses in the Rural District: retail store, individual; service establishment, personal and general (~~not to include new or used automobile sales~~); business or professional office, individual; *farm supply store*, market; and restaurant (~~not including restaurant, drive-in~~) - are allowed by right provided each such commercial use conforms to the following criteria:

1. occupies not more than 3,000 square feet in gross floor area;
2. is located on an individual lot of not less than ~~5~~ *4* acres;
3. all parking is located to the rear of such structure;
4. is operated completely within a structure having a façade, size and scale typical of residential structures as determined by the Building Inspector after consultation with the Planning Board and Board of Selectmen.

Commercial uses not allowed in the Rural District, as detailed in Section 3.1.3 remain in force. For these same commercial uses which do not meet these criteria of Section 3.1.4, a Special Permit from the Planning Board is required, which shall require the use to conform to the criteria specified in Section 3.1.4.4.

3.1.5 Commercial Uses *and General Business Uses* in the Village Center District, and Commercial District *and General Business Districts*.

1. The following commercial uses in the Village Center District—retail store, individual; service; service establishment, personal and general (~~not to include new or used automobile sales~~); market; and restaurant—are allowed by right provided each such establishment occupies a single structure of not more than 10,000 square feet of gross floor area on an individual lot.
2. The following commercial uses in the Commercial District—retail store, individual; service; service establishment, personal and general; market; and restaurant—are allowed by right provided each such establishment occupies a single structure of not more than 10,000 square feet of gross floor area on an individual lot.

1. All commercial and general business uses allowed by right or by Special Permit, as defined in Section 3.1.3., shall—may occupy a single or more structures the total of which may not be of not more than 10,000 square feet of gross floor area on an individual lot.

Comment [RCW14]: Examples cited for 10K sq feet to be multiple buildings: Big Elm & Rock Solid. Unsettled on how to count in or whether to allow accessory structures after 10k built out

4. Amend Section 3.2.1 through Section 3.2.5 to delete the strike through language and add language in *bold*, as follows and renumber:

3.2.1 Home Occupation. A home occupation shall be allowed as an accessory use of a single or two-family residential structure, involving provision or sale of goods and services (including members of the building trades such as carpenters, electricians, plumbers, etc.) and the creation of handicrafts and artwork by right in *all Districts, provided that the home occupation:*

| CAdd'l changes at made at 11/1/4/19 meetings of 10-31-19

1. by right in the Rural District and Village Center District; and;
2. by Special Permit in the Commercial District if residences in existence on or before May 23, 1994;

3.2.2 Craftsperson's Shop. In the Rural and Village Center Districts, a craftsperson's shop may be permitted by Special Permit (Refer to Section 10, Definitions.)

3.2.4 Family Day Care. Small and large family day care may be permitted by Special Permit in the Village Center and Commercial Districts. (Refer to Section 10, Definitions.)

3.2.5 Accessory Structures. Accessory structures on the same lot, such as garages, stables, barns, tool sheds, farm buildings and enclosures are permitted by right in all districts. Tennis courts and swimming pools are allowed by right in the Rural District, the Village Center District and the Commercial District. *all Districts.*

Consider changing 3.2.6 to allow up to 4 single family dwelling units above a building, such as the 2 buildings in the Sheffield VC. See also 4.0 but make clear these can be apartments not stand alone structures.

4.2 Dimensional Regulations

4.2.1 Table of Dimensional Regulations. The Table of Dimensional Regulations describes the minimum lot area requirements, minimum frontage requirements, minimum front setback requirements, minimum rear and side setback requirements, maximum lot coverage requirements and maximum building height requirements in each of the zoning districts.

Table of Dimensional Regulations

DISTRICT	Minimum Lot Area	Minimum Frontage	Minimum Front Setback	Minimum Rear & Side Setback	Maximum Lot Coverage	Maximum Building Height
Rural	one acre	100 feet	40 feet	20 feet	25%	35 feet
Rural with public water	one-half acre	100 feet	40 feet	20 feet	25%	35 feet
Village Center	one-half acre	50 feet	20 feet	10 feet	75%	35 feet
Commercial	one acre	100 feet	40 feet	20 feet	50%	35 feet
General Business	four acres	200 feet	100-40 feet	75-20 feet	50%	35 feet

Field Code Changed