

Connery Associates



Memorandum

November 16, 2004

To: Chatham Planning Board
Fr: Connery Associates
Re: South Chatham Zoning

It is very clear from the months of discussion regarding the current Small Business District in South Chatham that the neighborhood association prefers that the entire current Small Business District be rezoned to R-20.

We are proceeding with this recommendation. An associated handout or matrix is provided with this memo. It indicates the uses proposed for each existing business district. The current version indicates the uses for the proposed West Chatham Neighborhood Business District, and it assumes that for South Chatham the R-20 district will replace the Small Business District.

As we proceed in the coming months additional columns will be inserted addressing Crowell Road, the Downtown and North Chatham. The objective, as has been discussed, is to generate a first pass at the commercial zoning along Rt. 28 and then review the initial recommendations as a whole.

Please note there are certain issues regarding the commercial zoning and the residential proposal for South Chatham that will need further discussion. An obvious item is the definition of "fishing use" and another is the current use term "group housing" which is an archaic term for "congregate housing". These issues are important but they need not and should not delay our initial review of commercial uses along the Rt. 28 corridor. However, we need to discuss said issues in a separate forum since they have town wide applicability.

Finally, while we are assuming that R-20 will be the zoning district replacing the current Small Business District in South Chatham we need to stress that residential districts have not as yet been discussed in any organized manner, the objective has been to make initial recommendations for the commercial corridor of Rt. 28. Therefore, there may be uses by right or by special permit in existing R-20 districts that may change given the upcoming review of residential districts. Residents of South Chatham should certainly make note of any issues they have with R-20 but hold the comments until we commence the residential review since again said review will impact many areas of the community and any recommendations need to reflect that reality.

DEFINITIONS

Where the following words or phrases appear in this Bylaw, they shall have the meanings defined below.

Word or Phrase	Definition
ACCESSORY USE:	An activity incidental to and located on the same premises as a principal use conducted by the same person or his agent. No use shall be considered "accessory" unless functionally dependent on and occupying less land area than the principal use to which it is related and occupying less than one quarter as much habitable floor area as that of the principal use.
AGRICULTURE:	Agriculture shall be as defined in G.L. c.128, Section 1A, including agriculture, aquaculture, floriculture or horticulture.
ASSISTED LIVING FACILITY:	One or more dwellings structurally configured to serve the elderly or persons with disabilities, having no units containing more than two bedrooms, and for which there is contract assurance of support services, such as meals, housekeeping, social services, health services or transportation.
BUS STOP/SHELTER:	A structure located at a legally permitted bus stop designed for the assembly of bus passengers.
BUS TERMINAL:	A structure that serves bus passengers upon departure and arrival, including waiting areas, drop-off/pick-up zones, and the storage and repair of buses as an accessory use.
CHILD CARE FACILITY:	A licensed public or private non-residential program that provides for the care of school-age children when not attending school or pre-school children by someone other than members of the child's own family, including full-day day care centers, part-day preschool programs and nursery schools, private kindergartens and before and after school programs.
COMMERCIAL RECREATION:	A business establishment engaged in providing recreation facilities to the general public for a fee. INDOOR COMMERCIAL RECREATION is limited to athletic clubs, tennis clubs, squash clubs, health and fitness clubs, swim clubs, and similar recreation and fitness activities.
COMMERCIAL STORAGE:	A building used for private storage of household, business or personal property for a fee.
CONGREGATE RESIDENCE	Any building or portion thereof for occupancy by other than a family or by more than one family, containing facilities for living, sleeping and sanitation, and shared or common facilities for eating and cooking. A congregate residence may be a shelter, a convent, monastery or dormitory, but does not include jails, hospitals, nursing homes, hotels or rooming houses.
CONTINUING CARE RETIREMENT COMMUNITY:	A managed development that provides housing, services and nursing care to persons over 55 years of age; and which includes independent living units, assisted living units, nursing home accommodations, and accessory medical, support

Word or Phrase	Definition
	services, food services, and recreational uses; and for which there is a legal agreement that assures life care to residents and support services appropriate to each type of housing.
FOOD SERVICE ESTABLISHMENT:	RESTAURANT: A food service establishment where food is prepared, served and consumed on the premises, including seating accommodations for all patrons to be served at any one time. It may include a bar or lounge area that is accessory to the primary restaurant use. "Restaurant" does not include an establishment that operates exclusively or principally as a caterer, a food processing establishment, a retail food store, or a take-out food service establishment, nor does it include drive-through service.
	TAKE-OUT FOOD SERVICE: A food service establishment where food is prepared and sold at retail but not consumed on the premises, such as a deli or sandwich shop, but does not include drive-through service.
HOSPITAL:	An acute-care medical facility providing in-patient and ambulatory care services, licensed by the Massachusetts Department of Health under G.L. c.111, Section 51.
INDEPENDENT ELDERLY HOUSING:	An attached or detached dwelling that is restricted for occupancy by persons over 55 years of age.
KENNEL:	Premises used for the harboring and/or care of more than three dogs or other domestic non-farm animals three months old or over. Use shall be so classified regardless of the purpose for which the animals are maintained or whether fees are charged.
LUMBER AND CONSTRUCTION SUPPLY SALES:	A business establishment engaged in the sale of lumber and related construction products inside a building, including the sale and storage of products outside the building as an accessory use.
MARINA (OR BOATYARD):	A facility, located on or partially on water, providing for the storage, servicing, fueling, berthing and securing of ten or boats and marine supplies.
MEDICAL CLINIC:	An institution or place providing medical, surgical, dental, restorative or mental hygiene services to persons not residing therein, licensed as a clinic by the Massachusetts Department of Public Health under G.L. c. 111, Section 51.
MOTOR VEHICLE SERVICE STATION:	A business establishment engaged primarily in retail sale of fuels and lubricants and/or washing of motor vehicles, including repair services or other sales or services except for the sale or new or used cars or auto body repair.
NURSING HOME:	Premises for the care of three or more persons, licensed by the Massachusetts Department of Public Health under G.L. c.111, Section 71.

Word or Phrase	Definition
PHILANTHROPIC USE:	An endowed or charitably supported non-profit religious or non-sectarian activity maintained for a public or semi-public use.
PRIVATE NON-PROFIT CLUB OR ORGANIZATION:	Premises or buildings of a non-profit organization exclusively serving members and their guests for recreational, athletic, or civic purposes, but not including any vending stands, merchandising, or commercial activities except as required generally for the membership and purposes of such club.
RESTAURANT:	See FOOD SERVICE ESTABLISHMENT: RESTAURANT.
ROADSIDE STAND:	Premises for the sale of agricultural products.
TAKE-OUT FOOD SERVICE:	See FOOD SERVICE ESTABLISHMENT: TAKE-OUT FOOD SERVICE.
VETERINARY CLINIC:	A licensed establishment providing primarily out-patient medical treatment for animals, including operating facilities, recovery and laboratory facilities incidental thereto.

USES	Zoning District			
	WCNB	R20 ¹	...	Reference
Barn, boathouse, tennis court, swimming pool, other structures clearly accessory and incidental to the principal residential use		Y		
Guest house		SP		
Tent, trailer, camping vehicle or motor home		SP		
Commercial Uses				
Accessory uses	SP			
Adult entertainment	N			
Arts and crafts production	SP			
Auto body repair shop				
Auto sales, new or used	N			
Bank	Y			
Bus stop/shelter (1)	SP			
Child care facility	Y			
Cinema or theatre				
Commercial entertainment	N			
Commercial parking lot or parking garage	N			
Commercial recreation: indoor	SP			
Commercial recreation: outdoor	N			
Commercial storage	N			
Feed store	N			
Kennel	N	SP		
Lumber or construction supply sales	N			
Marina or boatyard	N	SP		
Medical office or medical clinic	SP			
Motel, hotel or inn	SP			
Motor vehicle service station	SP			
Outdoor vending machine	N			
Personal or household service	Y			
Professional office	Y			
Restaurant	SP			
Retail sales and services	Y			
Roadside stand (2)	SP	Y		
Take-out food service	SP			
Veterinary clinic	SP			
Wholesale trade establishment	N			
Industrial Uses				
Light industry or manufacturing				
Contractor's yard				

C. Table Footnotes

- 1) A bus stop/shelter shall consist of a covered structure with a footprint that does not exceed 5 feet by 12 feet and a height of not more than ten feet. The structure shall be open on at least one of its longest sides.
- 2) When associated with agriculture on more than five acres of land, a roadside stand shall be a permitted use. Otherwise, a roadside stand shall be permitted where agriculture on less than five acres is a permitted use, or special permitted where agriculture on less than five acres is a special permitted use.

DENSITY, INTENSITY AND DIMENSIONAL REQUIREMENTS

A. General Requirements

[RESERVED]

B. Table of Density, Use Intensity and Dimensional Requirements

REQUIREMENT	Zoning District			Reference
	WCNB	R-20	...	
Minimum Lot Area (Square Feet)	20,000	20,000		
Minimum Frontage (Feet)	100	100		
Yard Setbacks (Feet)				
Minimum Front Yard	40	25		
Maximum Front Yard	60			
Minimum Side Yard	15	15		
Minimum Rear Yard	20	15		
Maximum Lot Coverage	60	N/A		
Minimum Open Space % Lot Area	40	N/A		
Buildings				
Maximum Height (Feet)	30	30		
Maximum Height (Stories)	2.5	2.5		
Maximum Building Coverage*	N/A	10%		

*For lots smaller than 30,000 sq. ft., the current zoning bylaw establishes a sliding scale of maximum building coverage ratios. These additional requirements will be reviewed with the Planning Board when residential development regulations are discussed later in the project schedule.