

LYNN M. SIBLEY
TOWN CLERK

PHYSICAL ADDRESS:
4 SANDY LANE
WHATELY, MA 01093

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TOWN OF WHATELY MASSACHUSETTS

OFFICE OF THE TOWN CLERK

TOWN BULLETIN

Town of Whately
Zoning Bylaw Approvals

On August 27, 2019 the Attorney General of Massachusetts approved the following changes to the Zoning Bylaw adopted at Annual Town Meeting on April 30, 2019 under Articles 33, 34, 35 and 36. See full changes attached.

Article 33: Added section on Converted historic municipal, religious and commercial buildings.

Article 34: Updated Table of Use Regulations to accommodate Converted historic, municipal, religious and commercial buildings.

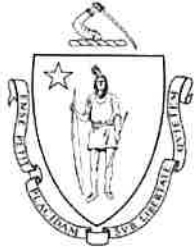
Article 35: Replace section 171-22 with a new 171-22 including short-term rentals

Article 36: Updated Table of Use Regulations to accommodate Lodging houses or boarding houses.

Pursuant to G.L. c. 40 § 32, neither general nor zoning by-laws take effect unless the town has first satisfied the posting/publishing requirements of the statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by Town Meeting, unless a later effective date is prescribed in the by-law.

Lynn M. Sibley, CMMC, MMC
Town Clerk of Whately

Posted August 30, 2019 at the Whately Town Offices, Post Office, Library and Transfer Station as well as on the town website www.whately.org.



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION
10 MECHANIC STREET, SUITE 301
WORCESTER, MA 01608

MAURA HEALEY
ATTORNEY GENERAL

(508) 792-7600
(508) 795-1991 fax
www.mass.gov/ago

August 27, 2019

Lynn M. Sibley, Town Clerk
Town of Whately
4 Sandy Lane
Whately, MA 01373

**Re: Whately Annual Town Meeting of April 30, 2019 -- Case # 9472
Warrant Articles # 33, 34, 35, and 36 (Zoning)**

Dear Ms. Sibley:

Articles 33, 34, 35, and 36 - We approve Articles 33, 34, 35, and 36 from the April 30, 2019 Whately Annual Town Meeting.

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,
MAURA HEALEY
ATTORNEY GENERAL

Kelli E. Gunagan

By: Kelli E. Gunagan
Assistant Attorney General
Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608
(508) 792-7600

cc: Town Counsel David J. Doneski, Esq.

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TOWN OF WHATELY MASSACHUSETTS

OFFICE OF THE TOWN CLERK

Final Version of Bylaw

Article 33. As voted by Town Meeting

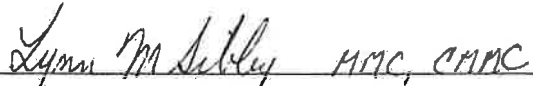
~ 171-21.2. Converted historic municipal, religious and commercial buildings

The purpose of this section is to facilitate the preservation of historically important municipal, religious, and commercial buildings and to allow for their adaptive reuse. All of the following conditions apply:

- A. Buildings may be publicly or privately owned;
- B. Buildings shall have served the general public and been in existence for at least 50 years, and shall be deemed historically significant by the Whately Historical Commission;
- C. Potential Uses are listed in ~171-8. Table of Use Regulations;
- D. Site Plan Review is required;
- E. The dimensional requirements of §171-9.C., 171.10, ~171-20 and ~171-28.4F may be waived if there is no feasible alternative, although increases in lot density ratio in Aquifer Overlay Districts are discouraged;
- F. Parking and loading shall meet the requirements of §171-13 to the extent feasible;
- G. Septic systems must be adequate for the proposed use;
- H. More than 3 dwelling units may be allowed in a converted historic building if there is sufficient off-street parking and adequate water supply and wastewater treatment;
- I. No additions to the existing structure shall be allowed except for required egress and access; and
- J. Uses must have all the necessary state and local licenses and approvals for the use.

A true copy,

Attest:


Lynn M. Sibley, MMC, CMMC
Town Clerk, Town of Whately

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TOWN OF WHATELY MASSACHUSETTS

OFFICE OF THE TOWN CLERK


Final Bylaw

Article 34 as Voted by Town Meeting – Addition to section 171-8 Table of Use Regulations

Commercial Uses	Agriculture/ Residential (1)	Agriculture/ Residential (2)	Commercial	Commercial – Industrial	Industrial
Conversion of an Historic (50 years or older) Municipal, Religious or Commercial Structure(s) on one lot to one or more of the following uses: Municipal Uses, Retail Stores (no greater than 2,000 square feet of floor space) except those primarily selling alcoholic beverages, marijuana products, firearms, or vape products. Business or Professional Offices, Eat-in Restaurants, Artisan Studios, or Residential Uses within the existing building footprint (see § 171-21.2)	SP	N	SP	SP	N

A true copy,

Attest:


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Town Clerk, Town of Whately

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TOWN OF WHATELY MASSACHUSETTS

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Article 35. As voted by Town Meeting – Replace section 171-22 with a new 171-22

~171-22. Short-term rentals in Accessory Apartments, and Single-family, Two-family & Multifamily dwellings

The purpose of this section is to allow for short-term rentals while ensuring public safety, preventing possible nuisances for abutters, and preserving the rural character of the town. Rentals for a period of less than 30 days may be allowed in residential units under a Special Permit from the Zoning Board of Appeals subject to the conditions outlined below. All such rentals must comply with all applicable Board of Health regulations. This section does not apply to property that is rented out through monthly tenancies at will or leases or to time share agreements.

A. Short-term rentals in Dwellings that are owner-occupied.

- (1) No more than three bedrooms may be rented for transient occupancy.
- (2) Rooms rented for transient occupancy shall not have independent kitchen facilities and may have either private or shared bathroom facilities.
- (3) All bedrooms within the dwelling itself shall share a common entrance.
- (4) The portion of the dwelling devoted to transient occupancy shall be secondary to the use of the dwelling as a Single-family dwelling and shall not change the external character of the building.
- (5) The Special Permit shall establish a limit on the number of occupants permitted under the rental agreement and establish the number of required parking spaces.
- (6) One off-street parking space shall be provided for each room to be rented.
- (7) No loud noise or music, excessive traffic or other disturbances shall be allowed.
- (8) The rental may, or may not, include breakfast. No meals other than breakfast may be served, and breakfast may be served only to overnight guests. The owner or leaseholder must obtain all State and local permits and licenses required to provide food services if breakfast is served on the premises.

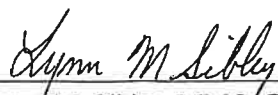
- (9) The owner must have all the necessary state and local licenses and approvals for the short term rental.

B. Short-term rentals in Dwellings that are not owner-occupied.

- (1) The rental may be for a dwelling unit that is an Accessory Apartment or Single-family home or for one or more dwelling units within a Two-family or Multi-family dwelling.
- (2) Tenant(s) may not sublet the property or hold special functions such as weddings or large parties.
- (3) The property shall not be rented under the provisions of this section for more than 120 days per year.
- (4) All bedrooms within the dwelling unit shall share the same entrance and the same kitchen facilities.
- (5) Rooms rented for transient occupancy may be located within a detached structure (Accessory Apartment) on the property which may have a bathroom and separate kitchen facilities.
- (6) Adequate potable water and wastewater treatment shall be provided.
- (7) The bathrooms may be shared or private.
- (8) No changes shall be made to the external character of the building(s).
- (9) The Special Permit shall establish a limit on the number of people to be permitted for overnight occupancy under the rental agreement and establish the number of required parking spaces.
- (10) No meal service is to be provided.
- (11) No loud noise or music, excessive traffic or other disturbances shall be allowed.
- (12) The owner must have all the necessary state and local licenses and approvals for the short term rental.

A true copy,

Attest:

 MMC, CMMC
Lynn M. Sibley, MMC, CMMC
Town Clerk, Town of Whately

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Article 36. Town meeting voted to amend section 171-8, Table of Use Regulations as follows by changing its classification from Residential Uses to Commercial Uses.

<i>Commercial Uses</i>	<i>Agriculture/ Residential (1)</i>	<i>Agriculture/ Residential (2)</i>	<i>Commercial</i>	<i>Commercial – Industrial</i>	<i>Industrial</i>
<i>Lodging houses or boarding houses (not part of a residential dwelling)</i>	<i>SP</i>	<i>N</i>	<i>SP</i>	<i>SP</i>	<i>N</i>

A true copy,

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Lynn M. Sibley MMC, CMMC

Lynn M. Sibley, MMC, CMMC
Town Clerk, Town of Whately