



MONTAGUE PLANNING AND CONSERVATION

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Montague Proposed Zoning Overview

Special Town Meeting February 19, 2019

Zoning Bylaw re-write goals

The Planning Board's goal for this zoning re-write is to have Bylaws that are:

- Clear and concise
- User friendly
- Streamlined , where appropriate
- Reflect current law
- Guided by Town Plans to encourage sustainable land use patterns, including the following general aspirations:
 - Remove barriers to farmland and scenic resource protections
 - Guide development to areas with existing infrastructure
 - Remove barriers to retention of diverse housing stock
 - Enable growth of commercial/industrial base in targeted areas

Summary of administrative changes

- Adopt a new official zoning map
- New Section: Special Permit Process and Procedures
- Organization: Reorganize Chapters and headings for readability and formatting consistency
- Definitions: remove unnecessary definitions, add/ amend definitions as necessary
- Update "Purpose and Administration" section

- Bolster “Enforcement and Penalty” section
- Establish a practical division of responsibility for Special Permit Granting Authorities
- Establish a “purpose” for each zoning district and special regulation
- Allow setback and height relief by special permit (currently by variance)
- Other housekeeping items throughout

Summary of Substantive Changes

- Increase Agricultural-Forestry District minimum lot area from ½ acre to 1 acre to discourage subdivision of farmland into small lots
- Rezone long- established, residential neighborhoods with sewer service from Agriculture-Forestry to Residential to reflect actual land use patterns
- Split Residential District into RS-1(Sewered=smaller lot size) and RS-2 (not sewered=larger lot size) to maintain historical patterns of denser development in areas serviced by municipal sewer.
- Discontinue “Public-Semi Public” and “Unrestricted” zoning districts to reflect current law and best practices. Rezone these areas to be consistent with surrounding neighborhood.
- Change zoning district for several locations zoned to mixed-use or commercial development , as supported by municipal plans
- Ease restrictions on two-family and multi-family dwellings, and accessory apartments, to remove barriers to new housing
- Provide new “tools” for sustainable development: Planned Unit Development (Master Planned mixed-use development) and Open Space Residential Design (AKA cluster subdivision)
- Update regulations for signage, parking, trailers, solar, and keeping of animals to meet modern standards and current municipal priorities

Montague Zoning Rewrite FAQ

Why is the Planning Board undertaking a re-write of the Zoning Bylaws?

Montague adopted zoning regulations in 1973 and the bylaws have since been amended and adjusted on a limited and incremental basis. As a result, the current Zoning Bylaw is outdated and not entirely consistent with the state's Zoning Act, as well as contemporary planning principles. Town officials agree that the current zoning document is poorly organized and is difficult to administer, which could leave the town open to possible legal challenges. Montague's Planning Board and Planning Department have long recognized the zoning document is in need of an update, and have prepared an updated Zoning Bylaw to replace the current Bylaws. The general core of the bylaws remain the same through the proposed version.

How does zoning impact my property and my neighborhood?

Zoning regulates what you and your neighbors can do with your properties. It regulates the size of new building lots, the types of land uses, and it dictates how much space is required between buildings and property lines. It also regulates things like parking spaces and signage.

Will non-conforming situations be grandfathered?

As a rule, new non-conformities created by these bylaw and map changes will become grandfathered (allowed to continue with limitations). Existing businesses and homes will not need to re-apply for something if your property becomes non-conforming through the adoption of these bylaws.

What outreach has been done?

An information session about Open Space Residential Design and Planned Unit Development was held in March 2017. Two public information sessions were held in July 2018. Two public hearings were held in November and December 2018 which included over 5 hours of public testimony. Extensive outreach to affected landowners and stakeholders has been conducted over the course of 2018. Over 35 written stakeholder comments were received and considered.

The Planning Department has met with the Zoning Board of Appeals, Energy Committee, Conservation Commission, and Economic Development and Industrial Corporation, Select Board, and each municipal department involved with land use issues.

Are these bylaws pro-development/ Are they anti-development?

Neither: The 2019 Bylaws advance aspirations identified in the community plans. The Broad vision for development in Montague, as identified in the Comprehensive Plan is simple:

- Improve the health of downtown areas
- Retain and enhance the vitality of the 5 villages
- Guide the future of open space, farmland, and the Montague Plains

The bylaws are designed to encourage and incentivize things that the community wants by making it easier to do those things. The bylaws set clear expectations for how the town intends to develop and removes ambiguity about the development process.

The proposed Bylaws are 17 pages longer than the current bylaws. How is this streamlining?

Streamlining is more than cutting regulations. Being clear about what the bylaws require is part of a more efficient process. This means including specific standards and design guidelines for things like parking and signage in addition to new commercial, residential, and mixed use development options (Like Open Space Residential Development and Planned Unit Developments). When builders, permitting authorities and neighbors can turn to the bylaws for clear guidance and expectations, the entire development process will be more fair, transparent and consistent throughout the community.

I Live in a Residential Zoning District- How will my property be affected?

Residential-1 (RS-1) are established neighborhoods with public water and sewer. Chances are that your lot is one of the 90% of Residentially zoned lots in Montague that are already not in conformance with the current bylaw. The minimum lot size is being reduced from 22,500 (approx. 1/2 acre) to 15,000 square feet (1/3 acre). The minimum lot frontage is being reduced from 150 feet to 100 feet. The minimum front yard setback is reduced from 25 feet to 15 feet and the side yard setback is reduced from 15 to 10 feet. Dwellings with up to 4 units can be allowed by Special Permit. These changes are intended to ensure that any new development better reflects existing and established

land use patterns that already exist in the RS-1 District. To orient oneself to the dimensional requirements of the proposed RS-1 District- look to the Randall Wood Drive neighborhood which has 100 foot frontage lots and a typical lot size of 15,000 square feet. You will not need to make any changes to your property as a result of adopting these bylaws.

I was in a Residential Zoning District, but now my designation is RS-2. What does that mean?

In general, the RS-2 Districts are residential areas that do not have access to both municipal water and sewer and thus require more land area to accommodate a well and/or septic. The minimum lot area in RS-2 is 22,500 square feet (1/2 acre) and the lot frontage requirement is 150 feet. The RS-2 District allows all the same uses permitted in the RS-1 District. You will not need to make any changes to your property as a result of adopting these bylaws.

How does 1 acre minimum lot size requirement in Agriculture-Forestry-1 District (AF-1) protect Montague's Agricultural land?

The Agriculture Forestry-1 district encompasses the majority of prime farmland in Montague. Much of Montague's farmland is flat and is thus easily developable for housing. Current zoning allows a ½ acre minimum lot size. The Board has found that a building lot with septic and well on ½ acre is not typically feasible and thus does not reflect current or desired future land use. The Board is proposing to increase the minimum area to one acre- however the minimum frontage will remain at 150 feet in order to preserve land values. Additionally, the one acre zoning will incentivize use of "Open Space Residential Development" that permits clustered housing in exchange for protecting important open space.

Will Open Space Residential Development (OSRD) encourage development on farmland?

No, it is an optional alternative to a traditional subdivision whereby a parcel can yield the same number of building lots on more compact parcels if 40% or more of the land is protected from development. The Planning Board does not want to see farms converted to housing. However, if a parcel is sold for development, the clustered OSRD is

preferable to lots that sprawl along roadway frontage or require the construction of expensive new roadways.

Why is the Planning Board proposing to regulate chickens and livestock if Montague is a Right to Farm Community?

This bylaw pertains to the keeping of chickens and livestock “as pets or for use by residents of the premises but not for commercial purposes”. Except for the most densely developed areas of town, residents can keep chickens and livestock. The Right to Farm Bylaw, passed in 2011, gives deference to agricultural activities as allowed by the Zoning Bylaws, but the proposed bylaws are intended to promote the spirit of providing everyone with the right to farm or homestead. The bylaws are currently vague on these matters and it has led to confusion for residents and enforcement. The proposed bylaws attempt to liberalize the keeping of chickens and livestock provided that certain performance standards are met to mitigate impacts to the neighborhood. These bylaws will not supersede and any existing Board of Health nuisance regulations. These regulations were requested by the Building Inspector.

Why and how do the Bylaws ease restrictions on two-family and multi-family dwellings?

Montague has set a community goal to encourage a diverse housing stock that serves various types of households. New two-family and multi-family units on sewer currently require dimensional relief in Montague because of unattainable and unsustainable minimum lot size requirements, even if the use is otherwise allowed “by right”. The 2015 Montague Housing Plan cites this as a barrier to the creation of additional housing in Montague and counter to the goal of directing new growth to areas with infrastructure and services. To address this, The Board proposes to reduce the requirement for additional frontage and lot area for projects on sewer, since the lot area standard is based on the presumption that additional land is needed to accommodate septic and well. The intended effect is to enable a variety of housing types that are designed to fit within the scale and character of existing residential and mixed-use neighborhoods in Montague.

	Current minimum lot size (feet)	Proposed minimum lot size (Sq.feet)
Two Family	AF 45,000 RS-1 45,000 RS-2 N/A RB 45,000 NB 15,000	AF 66,060 RS-1 15,000 RS-2 27,500 RB 66,060 NB 10,000
Multi-Family	RS-1 45,000 + 22,500 per unit RS-2 N/A RB 87,120 NB 45,000 CB 45,000	RS-1 15,000 plus 5,000 after second RS-2 22,500 plus 5,000 after first RB 43,560 plus 22,500 after first NB 10,000 CB none

Why do the Bylaws rezone land under churches and cemeteries?

Educational and religious uses, as well as some cemeteries are already allowed by right in all districts, per state law, they do not need their own zoning district. Rezoning the land under these vital community institutions will in no way limit their continued use and expansion. The Proposed Bylaws allows public parks “by right” in all districts and cemeteries in certain areas by special permit. The result is that these institutions are more liberally allowed under the proposed zoning.

Montague has 13 zoning districts which is relatively high among comparable communities. Two of these zoning districts: “Public-Semi-Public” and “Unrestricted” are original to the 1973 zoning and are not considered ‘best land use practices’ because they are either overly restrictive (Public-Semi-Public) or vaguely unrestrictive (anything goes in the Unrestricted district). For example, the myriad churches of Montague are individually zoned for Public-Semi Public which allows only religious, education, or cemetery land uses. Additionally, the Public-Semi Public district is redundant with the Recreation-Education district which allows very similar institutional uses.

Why does the Zoning Map expand the General Commercial Zoning District off Millers Falls Road and at the Thomas Memorial Golf Course?

Community Plans identify the limited supply of commercial land as a barrier to growth and business expansion. The Planning Board has carefully identified two suitable areas for a zoning change that will increase commercial and mixed-use development potential. See page 13 for details.

Why are the Montague Plains being rezoned?

The Board is proposing to amend the zoning map to reflect the current reality that most of the 1000+ acre Montague Plains is owned by the State Fish and Game and is thus permanently protected from development per the MA State Constitution. If the zoning map is a blueprint for how the community will look in the future, it is misleading to have the plains zoned for industrial use. The remaining northern 1/8 of the plains near Millers Falls Road that are in private ownership will remain zoned industrial in accordance with economic development objectives identified in town plans. Since the land is already protected from development the rezoning won't have any effect on the future land use. There is no anticipated change to the tax base or municipal revenues resulting from this change.

Why is Montague Center zoned as Neighborhood Business?

There is a continuity of mixed use and diverse housing types in Montague Center. Historically, Montague Center has had a healthy mix of residences and businesses. However, all current businesses and multi-family uses are "grandfathered". Current zoning (Residential) does not permit the establishment of new businesses and severely limits the ability to existing businesses to alter their services. The proposal is to establish a Neighborhood Business District from the common south on Main to the Village Store and sections of Station Street. The majority of these properties are pre-existing non-conforming either by use or by number of housing units. The area includes approximately 5 properties with commercial use, 3 community buildings, 4 multi-family, 8 two family and 4 single family homes. The "Bookmill" area along Old Greenfield Road will also be rezoned from Industrial to Neighborhood Business to reflect current commercial uses in that area. Neighborhood Business does not permit retail or office uses larger than 1,000 square feet without a Special Permit and will better preserve the character of the area.

What is a Planned Unit Development?

A PUD can minimize sprawling growth by replacing it with mixed uses clusters that meet the town's design guideline and preserve key natural or historic features that are otherwise difficult to achieve using traditional (lot by lot) zoning. A PUD is a useful tool for Canal District and industrial park developments as it encourages master planned development rather than piecemeal special permits. This would allow master planned

developments with mixed uses and a variety of building types and open space, subject to the uses being allowed in the underlying zoning district. Examples include Echo Hill Development in Amherst, Village Commons in S. Hadley, Village Hill in Northampton. These are typically on larger lots and require a special permit from the Planning Board. The uses within a PUD are otherwise allowed under the zoning; so this is an OPTIONAL permitting path that is intended to result in more advantageous development for the community. These are allowed only in very specific areas such as Sandy Lane, Airport Industrial Park, and Canal District.

The Solar bylaws were passed in 2011- Do they need updating?

The solar industry has changed a lot over the last 8 years. Montague's current size thresholds for accessory ground mounts are so small that virtually all systems require a special permit- no matter where in town it is located. The intent of the changes is to remove obstacles for accessory ground-mounted solar in rural areas and to retain special permit protections in densely developed neighborhoods. The volume of special permits has proven burdensome to both the applicants and the Zoning Board of Appeals, and the process and oversight not necessary.

Montague has permitted 5 large-scale commercial solar projects totaling almost 100 acres of land. The Planning Board intends to scale back the amount of developable land and open space that can be converted to large scale commercial solar, and to better buffer these projects from neighbors and preserve natural features.

What changes do the proposed bylaws make regarding accessory apartments?

One of the goals of the 2015 Montague Housing Plan is to increase flexible housing options for households at a variety of stages in their lifecycle. Accessory Apartments are an effective tool to expand moderately priced housing stock while preserving existing neighborhood characteristics. Currently all accessory apartments require a special permit and the permit is assigned to the owner- not to the property. The special permit can be a barrier and the existing bylaw is particularly problematic when property is sold. Accessory apartments will be permitted "by-right" when located within the footprint of a new or existing single family dwelling- if they can meet the standards. Apartments that involve an addition or a separate outbuilding require a special permit.

If approved, when will the Bylaws take effect?

The Bylaws have 90 days to be reviewed and approved by the Attorney General, however the effective date of the bylaw changes is the date adopted by Town Meeting.

Proposed Changes Described

ZONING MAP CHANGES

- **Adopt a new Official Zoning Map**

Intended impact: to have a clear, easy to use, and accessible official zoning map. People will be able to identify the zoning on their own without the need for town staff support. The map will be a clear statement about future land use in Montague

The new official map will be printed in large format and put on file with the Town Clerk, on .pdf of Town Website, and displayed for public use in the Building/ Planning Office. The Town will own the digital file and will be able to easily make amendments in-house and reprint the official zoning map as necessary. The current zoning map is printed on 53 sheets and has not been reprinted since 2001. There is only one copy and it is only available for review at the Building Department during town office hours. The 'official zoning map' does not reflect numerous zoning changes that the town has approved and it is not available for digital use nor is it available at the Town Clerk's Office which is required. The Town's overlay districts will be added to the Official Zoning Map.

- **Eliminate 2 zoning districts: Public-Semi Public and Unrestricted**

Intended Impact: Plan ahead to avoid a case-by-case rezoning every time a parcel in one of these districts changes use and to protect the Town from vague "unrestricted" zoning district along Montague's rivers.

Montague has 13 zoning districts which is relatively high among comparable communities. Two of these zoning districts: "Public-Semi-Public" and "Unrestricted" are original to the 1973 zoning and are not considered 'best land use practices'

because they are either overly restrictive (Public-Semi-Public) or vaguely unrestrictive (anything goes in the Unrestricted district). For example, the myriad churches of Montague are individually zoned for public-semi public use which allows only religious, education, or cemetery land uses. Since 2009 three churches have closed and each time a cumbersome zone change process ensued and delayed an efficient transition to new uses. Additionally, the Public-Semi Public district is redundant with the Recreation-Education district which allows very similar institutional uses.

Most “Unrestricted” zones are located along the bank of the Connecticut River and are utility-owned. The riverbank is an environmentally sensitive place and development should be subject to underlying zoning regulations.

- **Rezone the Montague Plains Wildlife Management Area from Industrial to Agriculture-Forestry**

Intended impact: to have the zoning map reflect the actual land use for this 1000+ acre piece of land. There is no anticipated change to the tax base resulting from this change.

This will amend the zoning to reflect the current reality that most of the Montague Plains is owned by the State Fish and Game and is thus permanently protected from development per the MA State Constitution. If the zoning map is a blueprint for how the community will look in the future, it is misleading to have the plains zoned for industrial use. The remaining northern 1/8 of the plains near Millers Falls Road that are in private ownership will remain zoned industrial.

- **Rezone existing residential neighborhoods currently served by municipal sewer from Agriculture-Forestry to Residential**

Intended impact: To have the zoning map reflect current land use realities, to allow these existing residential neighborhoods to retain realistic dimensional standards (assuming the AF-1 District minimum lot size changes from ½ acre to 1 acre as proposed), to facilitate current patterns of encouraging development in areas where water and sewer are available.

The Zoning bylaws enable denser residential development where water and sewer exist. Over the years agricultural areas adjacent to water/sewer have steadily been converted to residential use. The Planning Board proposes to rezone some of these predominantly residential areas to the Residential zoning district.

Turnpike Road between Sandy Lane and High Street
Randall Road and Randall Wood Drive subdivision
Winthrop Street subdivision
Lake Pleasant area
2-12 Main Street- West side of street

- **Separate Residential Zoning District into two Districts**

Intended impact: Remove the special permit process as a barrier to infill development and redevelopment of Montague’s residential areas that are connected to water and sewer. In order to support development on areas with current sewer service, the town should not require a minimum lot area that is based on the need for a septic system and well.

The proposed RS-1 district has access to town sewer. RS-2 does not. Minimum dimensional requirements are reduced for the RS-1 District: A reduction from 22,500 square feet to 15,000 square feet for minimum lot size and a reduction from 150 feet to 100 feet for minimum lot frontage. No change is proposed for dimensional requirements in the RS-2 District.

Over 90% of the Residential lots on sewer are non-conforming based on current lot size that is smaller than the minimum under current zoning. Virtually all new lots on town sewer require a special permit to reduce dimensional requirements because the 22,500 minimum lot size is based on the capacity typically necessary to carry both septic and well for a single family home. Certain village areas with sewer service like Lake Pleasant and the Patch, have lots that are typically 7,000 square feet or less.

To orient yourself to the dimensional requirements of the proposed RS-1 District- look to the Randall Wood Drive neighborhood which has 100 foot frontage lots and a typical lot size of 15,000 square feet.

- **Re-zone two areas for commercial development**

Intended Impact: Increase the supply of commercial land available for future growth.

Community Plans identify the limited supply of commercial land as a barrier to growth. The Planning Board has identified two areas for zoning change that increase commercial development potential.

-General Business on Millers Falls Road from the Entrance to the Airport Industrial Park to the intersection of Turnpike Road. Town Plans have long identified this area for potential commercial use since it has sewer and is located on a well-traveled road adjacent to the Industrial Park. The portions to be rezoned are currently zoned either industrial or residential. The Board is seeing more demand for commercial uses rather than industrial in this area. The current uses in this corridor include the Franklin County Housing Authority, a recreational marijuana production and retail facility, Turners Falls Water Department, a veterinary clinic, HVAC repair, Auto repair, and multi-family housing.

-Thomas Memorial Golf Course to General Business. The current golf-course use is commercial. To our knowledge there is no indication that the golf course intends to change use of the land, but currently future uses are limited exclusively to recreation and education. While the course is over 36 acres in land area, the development potential of the property is limited due to wetlands and steep slopes. The zoning change will enable transition to a future land use. The Board has identified this area as suitable for some mixed use development that is within walking distance to downtown but also preserves the elements of open space that the community enjoys.

- **Rezone Montague Village Center for mixed use**

Intended Impact: Retain village-oriented small business uses

There is a continuity of mixed use and diverse housing types in Montague Center. Historically, Montague Center has had a healthy mix of residences and businesses. However, all current businesses and multi-family are “grandfathered” uses. Current zoning does not permit the establishment of new businesses and severely limits the ability to existing businesses to alter their services. The proposal is to establish a

Neighborhood Business District from the Library on the common south on Main to the Village Store and sections of Station Street. The majority of these properties are pre-existing non-conforming either by use or by number of housing units. The area includes approximately 5 properties with commercial use, 4 community buildings, 4 multi-family, 8 two family, 4 single family homes.

ADMINISTRATIVE CHANGES

- **New Section: Special Permit process and procedures**

Montague's zoning currently lacks a section on Special Permit process and procedures. Since Montague has two Special Permit Granting Authorities, it is important that the rules for obtaining a special permit be standardized in the zoning bylaws to ensure that all applicants are treated equally under the bylaws. It has the effect of making the process clear for applicants and ensures that the Special Permit Grant Authority covers all of its bases when issuing a special permit. A clear and established permitting process ensures fairness and can help avoid future litigation.

- **Organization: Reorganize chapters and subsections for readability and formatting consistency**

Formatting is currently inconsistent because of over 30 incremental changes since 1970. The three overlay districts that have been added over time will have their own section. Formatting has been changed throughout the document. Most subsections now have an established purpose, applicability, and standards format. Tables have been added where possible to help organize information.

- **Definitions**

Montague needs to revise the existing definitions section of the zoning bylaw. In some cases terms are listed that are not used or referenced in other sections of the bylaws and there are terms that are undefined or need definitions to be strengthened.

For example, Montague does not currently define "frontage", which leaves room for interpretation by the building inspector. The ambiguity has caused confusion and financial hardship in the past. The definition will spell out that if a lot has frontage on more than one street, frontage on only one street shall be used to satisfy minimum lot

frontage requirements. Other important added definitions include : “Special Permit”, “Variance”, and “street right of way”. Definitions specific to particular subsections are included in those sections for easier reference. “Family” has been removed as a definition because state and federal law prohibit it being defined by the number of individuals who live in a home. The bylaws instead regulate dwelling units by “household”.

- Update “purpose and administration sections”

A clearer, updated purpose statement with a reference to the current enabling law will better articulate the public purpose of the bylaws and the Town’s authority to administer them.

- Redefine district boundaries to reference the new zoning map, establish rules for lots in multiple zoning districts

Currently some district boundaries are defined by written parcel or reference individual maps separate from the official zoning map. A single zoning map should be referenced. Rules should be in place for the relatively uncommon instance that a lot is located in multiple zoning districts.

- Add enabling section for the Planning Board

The Zoning Bylaws currently have enabling wording for the ZBA, but lack a similar reference for the Planning Board.

- Bolster enforcement and penalty section

The Building permit section and enforcement sections should reflect current practice, establishes a clear zoning enforcement process, and ensure the town has appropriate enforcement authority.

- Planning Board is the Special Permit Granting Authority (SPGA) and Site Plan Review Authority (SPRA) for in Industrial (ID), Historic-Industrial (HI), and General Business (GB), Zoning Board of Appeals is SPGA and SPRA for all other districts, with several exceptions.

The purpose of expanding the Planning Board’s authority from the ID district to include the HI and GB is that most projects in these three commercial districts are large scale

projects with complex review, often involving engineering and storm water components. The Planning Board has expertise and staff support to review large scale projects, whereas the Zoning Board expertise lies in residential matters. Having a single board responsible for each district will ensure consistency in the development of each district.

DIMENSIONAL CHANGES

- Increase minimum lot size for Agriculture-Forestry-1 district from ½ acre to 1 acre

Intended effect: Limit the number of Subdivision Approval Not Required Lots on prime farmland and incentivize the use of Open Space Residential Development for development that clusters and preserves farmland rather than chopping it up into sprawling lots along road frontage.

The Agriculture Forestry-1 (AF-1) district encompasses the majority of prime farmland in Montague. Much of Montague’s farmland is flat and is thus easily developable for housing. While minimum zoning allows a ½ acre lot, the Planning Board has found that a building lot with septic and well on ½ acre is not typically feasible and thus does not reflect current or future land use. The ability under current zoning to develop small lots on prime farmland incentivizes expansion of water and sewer infrastructure into farmland areas- which is inconsistent with community goals. Frontage requirements (150 feet) will not change.

- Add a dimensional requirements table for user clarity

Intended effect: A dimensional requirement table will allow for a concise reference to minimum lot size, frontage and setback requirements for any given district. Most communities have a dimensional table in their zoning regulations and Montague does not currently have one.

- Reduce dimensional requirements for two family and multi-family dwelling units

Intended Effect: To remove barriers to new two-family and multifamily units that are designed to fit within the scale and character of existing residential and mixed use neighborhoods in Montague. This will truly allow two family “by-right” in

Neighborhood Business where a special permit for dimensional relief would inevitably be required.

Currently, redevelopment projects on sewer involving two and multi-family housing inevitably require special permit relief in Montague because of unattainable minimum lot size requirements, even if the use is allowed “by right”. The Housing Plan cites this as a barrier to the creation of additional housing in Montague. The Board proposes to remove the requirement for additional frontage and lot area for projects on sewer, since the standards is based on the need for additional land to accommodate septic and well.

Current minimum lot size: two family= 45,000 square feet, multi-family= 45,000 square feet plus 22,500 per unit in excess of two.

- Establish minimum area requirement for industrial uses

A 2 acre minimum is required in the Industrial District to encourage development of employment centers that can feasibly accommodate drainage and parking on-site. There currently is not a minimum lot size.

- Reduced rear yard setbacks in CB and HI from 30 to 15 feet

Amended to better reflect existing character of these densely developed areas

- Increased height limits in General Business, Industrial and Historic Industrial District.

Increase height limit from 28 feet to 36 feet in General Business to accommodate possibility of mixed use development and multi-story office space. Increase height limit from 36 feet to 50 feet in Industrial and Historic-Industrial to reflect existing land use patterns and accommodate modern building needs. At least two buildings in the Industrial park and three buildings in the Historic-Industrial District exceed 50 feet. The Turners Falls Fire District already has the capacity to render services to buildings of this height.

- Relaxes setback regulations for accessory shed structures.

Sheds that are 120 square feet in area or less require a minimum 3 foot side and rear yard setback. This will allow a shed to be placed up to 3 feet from a side or rear property

line without the need for a special permit. These sheds have a history of being frequently granted special permits and rarely denied.

- 30' buffer from residential uses for new commercial uses in the General Business and 50' buffer from residential uses for new uses Industrial Districts

Additional protective measure where residential uses abut new business and industrial uses.

- Allows front, side, and rear yard and building height relief by special permit (currently by variance)

Relief by special permit, rather than variance would be consistent with other sections of the bylaws. The town has a history of using the variance in these instances as a de facto special permit, which presents potential legal liability issues for the Town. With so many pre-existing non-conforming properties in Montague this Special Permit is an important tool to allow the community to (re)develop in compatibility with existing neighborhoods.

USE CHANGES

- Provide a “purpose/description” for each zoning district

Some districts currently have detailed descriptions, while some districts do not have a description. Having a written purpose for each district that reflects the community's goals will provide clear guidance to the Special Permit Granting Authority, Building Inspector, and applicant.

- Allow Planned Unit Developments in ID, HI, GB by Special Permit

This would allow master planned developments with mixed uses and variety of building types and open space, subject to the uses being allowed in the underlying zoning district. A PUD will be a useful tool for Canal District and industrial park developments as it encourages master planned development rather than through piecemeal special permits over time.

- Allow Open Space Residential Development by site plan review from Planning Board in AF-4, AF-2, AF, RS-2 and RB

This would allow clustered (reduced frontage and area) subdivisions as an optional alternative to traditional subdivisions when a certain amount of land is set aside as open space. This allows for flexibility when designing subdivisions which would allow for higher quality residential neighborhoods and the preservation of open space. Developments with two-family dwelling will require a special permit.

- Redefine “business or professional office” to “business, professional, or medical office”

Remove ambiguity as to what land use category a medical service provider falls under.

- District Use Changes

	By Right additions (Proposed)	Special Permit additions (Proposed)
Recreation-Education	Seasonal commercial enterprises	cemeteries
Ag-Forestry		Cemeteries, non-exempt educational uses
Residential		*Multi-fam up to 4 units, cemeteries
Rural Business	2 family, ag of forestry products processing <5K sf floor area	cemeteries
N’Hood Business		Hotel, lodging house, farming
General Business	Farming on <5 acres with retail component	Multi-fam, craft workshop, manufacturing, processing, research
Central Business	4 dwelling units above commercial Retail up to 5K SF	Exceeding by-right thresholds
Industrial	Farm/forestry products processing	
Historic-Industrial	Same uses in existing building	Same uses in new building, multi-family, farmin/forestry, open recreational enterprise.

Multi-family is currently not permitted in the RS district. The residential districts are typically connected to water and sewer and are in walkable neighborhoods. The proposed change would reflect actual land use in the Residential District by enabling housing dwellings with up to four units by Special Permit. The intent is to allow a diversity of housing types in the residential district that reflect current land use patterns- as recommended in the 2015 Montague Housing Plan.

- Historic Industrial: permitted uses are allowed by right in existing building without any square footage thresholds. New buildings require a special permit. Multifamily, open recreational enterprise, and farming and forestry on less than 5 acres is allowed by special permit. Demolition of an existing structure requires a special permit from the Planning Board, excepting structures that have been deemed unsafe by the Building Inspector.
- Signs: Articulate that a permit is required from the Building Inspector. Prohibit billboard signs. Establish rules for non-conforming signs, identify exempt signs and re-establish basic standards for signs. Reduce cumulative sign area in Central Business and Neighborhood Business from 32 square feet to 24. Internally lit signs only allowed by Special Permit in Central Business, General Business and Historic Industrial. New rules for illuminated and electronic signs. Establish basic rules for exempt and temporary signs. Towns cannot regulate the content of signs.
- Parking: Update parking space requirements based on modern standards, establish rules for allowing off-site parking arrangements, and incorporate parking area design standards. New landscaping standards for lots with 10 or more spaces. This revamped section will have the effect of ensuring safe, environmentally responsible, and aesthetic parking areas. Montague currently relies on antiquated parking standards that can result in an overabundance of parking at the costs of community character and vitality, an increased heat island effect, loss of recharge to drinking water supplies, less desirable aesthetics, and more polluted runoff.
- Trailer Regulations: Establish a purpose, Campgrounds are no longer expressly forbidden, and are considered an “open recreational enterprise”. Guests in campers are allowed up to 90 days in a calendar year without a permit from the Planning Board. Currently guests in campers need to obtain permit from the Planning Board after 30 days- this is impractical and not being enforced. Sets timeline for removal of temporary office/construction trailers. Establish that all

trailers must meet setbacks for an accessory structure. Establishes procedure for replacement of pre-existing mobile homes.

Campgrounds have been forbidden since zoning was adopted in 1974. This land use is proposed to be categorized into the “open recreational enterprise” land use category. (golf courses, ski facilities, picnic areas, etc). This land use category is allowed by Special Permit in certain districts.

- **Boarding of Animals:** New section that defines rules and standards for livestock, poultry, and kennels. Livestock and poultry for commercial agriculture is exempt. Keeping of Livestock (horses, cows, pigs) for residential purposes allowed only by Special Permit in Residential Districts (By right in Ag-Forestry and Rural Business). Chickens/Poultry allowed by right in all districts with some rules but no roosters are allowed unless in rural areas. Kennels allowed by special permit in Ag-Forestry, Rural Business, and Industrial Districts.

The intended effect is to encourage homesteading and the boarding of animals without causing nuisance to the surrounding neighborhood. The current zoning regulations are unclear as to how to address these issues.

- **Accessory Apartments:** Proposed to be permitted within a single family by right and to allow attached and detached apartments by special permit. Increase maximum floor area from 700 to 900 square feet and refine standards. Currently all accessory apartments require a special permit and the permit runs with the applicant- not with the land. This is problematic when property is sold. The intended effect is to:
 - Develop housing units in owner occupied single-family homes that are appropriate for households at a variety of stages in their life cycle;
 - Provide older homeowners with a means of obtaining rental income, companionship, security, and services, thereby enabling them to stay more comfortably in homes and neighborhoods that they might otherwise have to leave;
 - Add moderately priced rental units to the housing stock to meet the needs of smaller households and make housing units available to low and moderate income households who might otherwise have difficulty finding housing; and
 - Provide housing units for persons with disabilities.

- Solar Installations and facilities: The new purpose is to “encourage solar energy collection on roofs, over parking lots, and on degraded areas and to minimize the environmental impact when that is not otherwise practical”. Under the revisions there would be no limitation on roof mounted or canopy mounted solar installations.

Accessory Installations Thresholds:

Zoning District	Requirement
Neighborhood Business, Central Business, and Recreation-Education	Special Permit Required
RS-1	Special Permit Required if exceeding 150 square feet of panel surface area
All other districts	Special Permit Required if exceeding 500 square feet of panel surface area

The current size thresholds are so low that virtually any ground-mounted accessory system requires a special permit- no matter where they are located. The intent is to make it less burdensome to have accessory ground-mounted solar in rural areas and to still retain special permit protections in densely developed areas. The volume of special permits has been burdensome to the Zoning Board of Appeals and applicants, and in practice not entirely necessary.

Solar Energy Facilities: establish a vegetated buffer strip for large scale solar facilities, retain 50% of vegetation on lot with large scale solar, disallow large scale solar facilities in General Business District. *The intended effect is to limit the amount of developable land and open space that can be converted to large scale solar and to better buffer those projects from neighbors and preserve natural features. Montague has permitted 4 large scale solar projects in the last 2 years totaling over 80 acres of land.*

- Telecommunication facilities: Amend definition to reflect broadband and wireless infrastructure. Will enable the possibility that wireless internet and communications might be more easily located on existing utility poles. Intended effect is to remove potential barriers to broadband and cell phone coverage in Montague.