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**BY LAW
NUMBER**

**LAND USE
CLASSIFICATION**

STANDARDS & CONDITIONS

R AR B I

3.0.7

BUSINESS

Open-Air Movie Theater

Office

Bank

Newspaper or Job Printing
Establishment

Hotel, Motel

Bed and Breakfast Home

The owner must submit an approved Title V inspection to the Board of Health for review to ensure that the existing sewage disposal system is adequate for the proposed alteration to the existing building.

A Bed and Breakfast use must comply with the following standards:

a. The rooming units shall not include individual kitchens.

b. The use must not change the single-family character of the dwelling.

c. Transient occupants are prohibited from staying more than 60 days in a one-year period.

d. The exterior appearance of the structure shall not be altered from its single-family character.

e. violations of the standards are subject to penalties as set forth in the town's bylaws

<u>BY LAW NUMBER</u>	<u>LAND USE CLASSIFICATION</u>	<u>STANDARDS & CONDITIONS</u>	<u>R</u>	<u>AR</u>	<u>B</u>	<u>I</u>
3.0.7	<u>BUSINESS (CON'T)</u>					
	Bed and Breakfast Establishment	Must comply with the Standards & Conditions Requirements for a Bed and Breakfast Home	Y	Y	Y	Y
	Bed and Breakfast Establishment With modifications	If modifications are made to the dwelling, such as an addition to the dwelling or detached or temporary structures (tents, outbuildings, cabins, etc.), a special permit is required as well as meeting the Standards & Conditions Requirements for a Bed and Breakfast Home Above, with the exception of item e.	SP	SP	SP	SP
	Short Term Rentals	The dwelling cannot be connected to another dwelling, or share well or septic systems with another dwelling. No additions or external modifications may be made to the property for lodging use. Short Term Rentals must comply with the requirements of Section 3.5, Short Term Rentals	Y	Y	Y	Y
	Short Term Rentals With modifications	The dwelling cannot be part be connected to another dwelling, or share well or septic systems with another dwelling. If additions or external modifications are to be made to the property for lodging use, a special permit is required. Short Term Rentals must comply with the requirements of Section 3.5, Short Term Rentals	SP	SP	SP	SP
	Glamping	Permitted with or without a primary residence. Minimum ten acres, maximum three sites, anything over will require special permit. Any less than ten acres will require a special permit.	SP	SP	SP	SP

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	Glamping	Permitted with or without a primary residence. Minimum ten acres, maximum three sites, anything over will require special permit. Any less than ten acres will require a special permit.	Y	Y	Y	Y

3.5 SHORT TERM RENTALS

3.5.1 General

A homeowner or lease holder may rent all or a portion of their dwelling(s) to overnight guests on a short-term basis.

3.5.2 Registration and Taxes

The homeowner or leaseholder must register annually with the Board of Health. The homeowner or lease holder must register as a short-term rental business with the Commonwealth of Massachusetts and collect and remit all short-term room taxes required by the Commonwealth of Massachusetts and the Town of Chester.

3.5.3 Public Health and Safety

An annual inspection and/or approval from the Board of Health is required.

3.5.4 Location of Rental Rooms

Rental rooms must be within the homeowner's or leaseholder's dwelling.

3.5.5 Meals

The rental may, or may not, include breakfast.

3.5.6 Glamping

See section 7.1 Term Definitions for "Glamping" for requirements and section 3.0.7 under "Business" for zoning requirements.

SECTION VII - DEFINITIONS

In construing this Bylaw, the following work shall have the meaning herein given unless a contrary intention clearly appears:

7.0 WORD DEFINITIONS

The plural number includes the singular; the word "lot" includes "plot;" the word "building" includes "structure;" the word "occupied" includes "designed, arranged or intended to be occupied;" and the word "used" includes "designed, arranged or intended to be used".

7.1 TERM DEFINITIONS

Accessory Building: A subordinate building, the use of which is incidental to that of a principal building.

Accessory Use: The use of a building or premises for a purpose customarily incidental to the main or principal use permitted in the district. Violations of the permitted use standard are subject to penalties as set forth in the town's bylaws.

Agriculture: The production, keeping or maintenance, for sale, lease or personal use of plants and animals useful to man, including but not limited to: forages and sod crops, grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids hereof, including the breeding and grazing of any or all of such animals, bees and apiary products; fur animals, trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables, nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program.

Alteration: A change in or addition to a structure.

Attached: Connected to or united with.

Attic: The space between the ceiling of the top story of a building and its roof and not used for living, sleeping or eating quarters.

Bed and Breakfast Home: An owner-occupied single-family dwelling which may rent up to a maximum of three (3) rooming units for transient occupancy and where breakfast is included in the rent and all accommodations are reserved in advance.

Bed and Breakfast Establishment: An owner-occupied single-family dwelling which may rent four (4) or more rooming units for transient occupancy and where a breakfast is included in the rent and all accommodations are reserved in advance.

Building: A combination of any materials, whether portable or fixed having a roof, to form a structure for the shelter of persons, animals or property. The word "building" shall be construed, where the context requires, as though followed by the words "or part or parts thereof". A porch is to be considered as part of a building when considering setbacks.

Building, Accessory: See definition of Accessory Building in this section.

Building, Principal: See definition of Principal Building in this section.

Building Lot: See definition of Lot, Building in this section.

Business: The transacting or carrying on of a trade or commercial enterprise, not manufacturing, with a view to profit, or for livelihood.

Child Care Facility: Centers that serve children under seven years of age or sixteen if the children have special needs, or school-age children (under fourteen years of age or sixteen if they have special needs) in programs that are held before or after school hours or during vacation.

Convalescent or Nursing Home: A convalescent or nursing home is defined as any institution, however named, whether conducted for charity or profit which is advertised, announced or maintained for the express or implied purpose of caring for three or more persons admitted thereto for the purpose of nursing or convalescent care.

Corner Lot: A lot bounded on two (2) or more sides by streets. In any corner lot, the street line setback must be maintained from all street lines forming boundaries of a lot.
Detached: Separated from.

Dwelling: A building occupied as a residence for one or more families.

Dwelling, One-Family: A detached building containing one (1) dwelling unit and having no party wall, or walls, in common with an adjacent dwelling.

Dwelling, Semi-Detached: See definition of Semi-Detached Dwelling in this section

Family: (1) A person or a group of persons of immediate kindred who live together as a single housekeeping unit under one head; and (2) a group of non-related individuals not to exceed four residing cooperatively in one dwelling unit. This section, however, does not apply to non-related disabled persons as defined by any applicable Federal and/or State law and/or regulations.

Family Day Care Home: Any private residence which on a regular basis, receives for temporary custody and care during part or all of the day, children under seven years of age or children under sixteen years of age if such children have special needs; provided, however, in neither case, that the total number of children shall not exceed six, including participating children living in the residence. Family day care home shall not mean a private residence used for an informal cooperative arrangement among neighbors or relatives, or the occasional care of children with or without compensation therefor.

Frontage: The linear distance of a lot fronting on a street measured continuously along one line between its side lot lines and their intersection with the street line. (Diagram 1.)

Front Lot Line: See definition of Lot Line, Front in this section.

Front Yard: See definition of Yard, Front in this section.

Glamping: Permitted with or without a primary residence. Must have bathhouse or dedicated sanitary facility with domestic hot and cold water which will include shower, toilet and at least one kitchen sink separate from hand washing sinks. Maximum of three glamping sites on any parcel, based on current zoning requirements (see section 3.0.7), more would require special permit. Follow same set back requirements as current zoning regulations. Property manager would have rules and regulations for their specific property subject to annual review per Board of Health. Liability insurance required of property owner for facility. Provide off street parking for all vehicles. Permit to be issued by Board of Health annually (July to June). Types of structures allowed are to be made of high-quality, durable materials: a. Tents with platforms b. Cabins c. Yurts or similar with platform d. Anything other by Special Permit.

Habitable Area: Shall be the area of that portion of the principal building exclusive of porches, breezeways, garages, cellars, basements, and any other unfinished area, as measured by the normal dimensions of the structure and commonly used by the occupants of the structure.

Half Story: The space between the ceiling of the top story of a structure and the roof, where the area and height are sufficient for sleeping and living quarters.

Height: In reference to a building, the vertical distance between the highest point of the roof and the average grade of land on which the building is located.

Home Occupation: A room or rooms in a dwelling used for customary home occupations by resident occupants, such as dress making, candy making or for a practice, by a resident, or a recognized profession.

Home Trade: Premises or building used in connection with this trade by a resident carpenter, electrician, painter, plumber, or other artisan, provided that no manufacturing or business requiring substantially continuous employment of other person(s) will be carried on.

Horticulture: The cultivation of a garden or orchard.

Hospital or Sanitarium: A Hospital or Sanitarium is defined as any institution, however named, whether conducted for charity or for profit, which is advertised, conducted or maintained for the purpose or implied purpose of caring for persons admitted thereto for the purpose of diagnosis or medical or surgical treatment which is rendered within said institution.

Hotel: A building operated by a duly licensed inn-holder where lodging is furnished or

food is served to transient or permanent guests, and which has a public dining room and a general kitchen.

Junk: Articles such as old iron, brass, copper, tin, lead or other base metals, cordage, old bags, rags, waste paper, paper clippings, scraps, clips, rubber glass, empty bottles, empty cans and all other articles or property discarded or abandoned.

Lot: A parcel of land. In order to be used for building purposes, it must meet the criteria of a building lot.

Lot, Building: A parcel of land in one ownership meeting the dimensional requirements of this bylaw in which such land is situated and if occupied by a principal building and its accessory buildings, meeting the minimum yard requirements of that district, and defined on a plan or a deed recorded in the Registry of Deeds.

Lot Line, Front: The lot line separating a lot from a street right-of-way (see Diagram 1).

Lot Line, Rear: The lot line opposite the street line, except that in case of a corner lot, the rear lot line shall be the line opposite the street line of the street on which the building is numbered or would be numbered. (see Diagram 1.)

Lot Line, Side: The line dividing one lot from another. (see Diagram 1.)

Mobile Home: A vehicle having no motive power of its own. originally designed or permanently altered and equipped for human habitation which is not used to transport property other than property used for human habitation or camping purposes.

Parking Area: Any open space used for parking motor vehicles exclusively, and in which no gasoline nor motor vehicle accessories are sold, or no other business conducted.

Principal Building: The main or most important building on a lot.

Principal Use: The primary or predominant use of any lot.

Professional Engineer: A person employed in a practice of engineering as defined in General Laws, Tercentenary Edition, Chapter one hundred twelve (112), Section eight-one D (81D), and acts amendatory thereto.

Rear Lot Line: See definition of Lot line, Rear in this section.

Rear Yard: See definition of Yard, Rear in this section.

Riding School: An establishment where horses are boarded and cared for and where instruction in riding, jumping and showing is offered and the general public may, for a fee, hire horses for riding.

Riding Stable, Commercial: An accessory building in which horses are bred, sheltered and fed for a fee.

Riding Stable, Private: An accessory building in which horses are sheltered and fed, for private use.

School: A building devoted to the instruction or education in primary, secondary, or high school grade.

Secondhand Material: Materials, articles or machinery which have been used or owned by some person other than the dealer offering the same for sale, and which may again be used without alteration.

Service: The performance of any act for the benefit of another with a view to profit, or for a livelihood. The act of conducting a service enterprise. The performance of any act for the convenience, service, or benefit of an ultimate customer or patron.

Side Lot Line: See definition for Lot Line, Side in this section.

Side Yard: See definition for Yard, Side in this section.

Sign: Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

Special Permit: Special permit is a process which allows the Town to conduct a more detailed review of certain uses and structures which may have a significant impact on their surroundings.

Special Permit Granting Authority: The Planning Board, unless otherwise specified, shall be the body responsible for granting special permits.

Story: The horizontal portion through a building between floor and ceiling. The word "story" shall not include the portion of the basement or cellar of a building above grade. The word "story" shall not include "attic" as defined in this Section.

Street: A public way, a private way shown on a plan approved under the Subdivision Control Law, or a way in existence when the Subdivision Control Law became effective in Chester having in the opinion of the Planning Board sufficient width, suitable grade, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the abutting land.

Street Line: The dividing line between a street and a lot including street lines established by the public authority laying out the street upon which the lot abuts.

Structure: A combination of materials assembled at a fixed location to give support or shelter, such as a building, framework, retaining wall, tent, reviewing stand, platform, bin, fence, sign, flagpole, mast for radio antenna, or the like. The word "structure" shall be construed, where the context allows, as though followed by the words "or part or parts thereof."

Use: The purpose or activity for which land or buildings are occupied or maintained.

Variance: A departure from the provisions of a zoning bylaw relating to setbacks, side yards, frontage requirements and lot size, but not involving the actual use of structure. A variance is granted because strict enforcement of the zoning bylaw as it applies to a specific lot would cause undue hardship and present site-specific practical difficulties that are not relevant to other lots in the district.

Variance, Use: A variance granted for a use or structure that is not permitted in the district use variances are prohibited in Chester.

Viticulture: The cultivation of grapes.

Yard: A required open space, unoccupied except as herein permitted, between a principal building and a street or lot line.

Yard, Front: The minimum required unoccupied space or area between the street line and the part of the building nearest such street line, such unoccupied space or area extending the entire width or distance across the lot.

Yard, Rear: The required unoccupied space or area within the lot between the rear lot line and the part of the principal building nearest such rear lot line.

Yard, Side: The required unoccupied space or area within the lot between the side lot line and the parts of the building nearest such side lot line.