

Article x: Amendment to the Code of the Town of Bolton, Division I, Part III. Zoning Bylaw, Chapter 250. Zoning, to Amend Section 250-21.D. Accessory apartments and Section 250.12. Schedule of permitted uses as well as Add Accessory Apartment to Section 250-28. Terms defined

To see if the Town will vote as follows:

1. To amend the Code of the Town of Bolton, Division I, Part III. Zoning Bylaw, Article V. Special Regulations, Section 250-21.D. Accessory apartments, as follows (deletions in parenthesis and italics) and additions underlined);

D. Accessory apartments.

- (1) No accessory apartment permitted under this section shall be constructed and occupied without building and occupancy permits issued by the Building Inspector.
- (2) All applicable federal, state and local building and health codes must be satisfied, including all bylaws of the Town of Bolton.
- (3) The residence must be owner-occupied, except for bona fide temporary absences. The owner of the property shall occupy either the principal dwelling or the accessory apartment.
- (4) There shall be a maximum of one accessory apartment per residence and it shall have its own complete kitchen and complete bath and toilet facilities.
- (5) Accessory Apartments shall not be used for online home rental services for transient occupancy.
- (6) The outside appearance of the premises shall remain that of a single-family residence.
- (7) Construction of an accessory apartment is allowed as of right, either in or attached to a new or existing principal dwelling, subject to the following requirements:
  - (a) *(The residence must be owner-occupied.)*
  - (b) The size of the accessory apartment is to be limited to no larger than 1/3 of the aggregate heated floor space of living area of the residence.
  - (c) *(The outside appearance of the premises shall remain that of a single-family residence.)*
  - (d) *(All applicable federal, state and local building and health codes must be satisfied, including all bylaws of the Town of Bolton.)*
  - (e) The accessory apartment shall have its own separate entrances from the outside.
  - (f) *(The accessory apartment shall have its own complete kitchen and complete bath and toilet facilities.)*
  - (g) *(There shall be only one accessory apartment per residence.)*
  - (h) A certified drawing showing the above shall be filed with the Board of Selectmen either for new construction or the creation of an accessory apartment in an existing dwelling.

(8) The Planning Board, acting as the special permit granting authority (SPGA), may grant a special permit for a detached accessory apartment within an accessory building subject to the following requirements:

- (a) The detached accessory apartment shall appear incidental to the principal residence.
- (b) The detached accessory apartment shall not be held in, or transferred into separate ownership from the principal residence under a condominium form of ownership, or otherwise.
- (c) The gross heated floor space of living area of the detached accessory apartment shall not exceed the lesser of fifty percent of the gross floor area of the principal dwelling or 1200 square feet.
- (d) Accessory buildings, either grandfathered or constructed with a building permit prior to May 3, 2021, whose gross floor areas exceed the maximum allowed area may be considered at the discretion of the SPGA.
- (e) There shall be not more than one driveway or curb cut providing access to the principal dwelling and detached accessory apartment, except for half circular or horseshoe driveways located in the front of the dwelling units.
- (f) Adequate provision shall be made for ingress and egress to the outside from the detached accessory apartment as required by State Building Code.
- (g) Adequate parking shall be arranged on the premises so as not to disturb abutting properties or be detrimental to the neighborhood.
- (h) Any other conditions, safeguards and limitations on time or use as may be imposed by the SPGA according to MGL c. 40A or regulations pursuant thereto.

2. To amend the Code of the Town of Bolton, Division I, Part III. Zoning Bylaw, Article III. Zoning District Regulations, Section 250-12. Schedule of permitted uses, as follows (deletions in *parenthesis and italics*) and additions underlined);

<b>Types of Uses</b>	<b>Residential</b>	<b>Business</b>	<b>Limited Business</b>	<b>Industrial</b>	<b>Limited Creation Business</b>
Residential					
Accessory Apartment					
<u>Attached</u>	Yes	No	No	No	No
<u>Detached</u>	<u>SP</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>

3. To amend the Code of the Town of Bolton, Division I, Part III. Zoning Bylaw, Chapter 250. Zoning, Article VI. Definitions, Section 250-28. Terms defined, by adding the definition of Accessory Apartment, as follows (deletions in *parenthesis and italics*) and additions underlined);

### **ACCESSORY APARTMENT**

A self-contained housing unit incorporated within a single-family dwelling or accessory building that is clearly subordinate to the principal residence.

and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of Bolton; or take any other action relating thereto.

**Sponsor:** Planning Board

**Summary:** This bylaw amendment adds detached accessory apartments as an allowed use in the Residential Zoning District by Special Permit granted by the Planning Board. Accessory apartments are to appear incidental to the primary residence and not to be offensive or detrimental to the neighborhood. The allowance of detached accessory apartments provides an opportunity for affordable and alternative housing while maintaining the rural and residential character of Bolton.

**Board of Selectmen Recommendation:**

**Advisory Committee Recommendation:**

**Vote Required:** 2/3 Majority

Article x: Amendment to the Code of the Town of Bolton, Division I, Part III. Zoning Bylaw, Chapter 250. Zoning, to Amend Section 250-18.F. Temporary signs
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To see if the Town will vote as follows to amend the Code of the Town of Bolton, Division I, Part III. Zoning Bylaw, Article V. Special Regulations, Section 250-18.F. Temporary signs, as follows (deletions in (parenthesis and italics) and additions underlined);

250-18 Sign regulations.

F. Temporary signs.

- (1) Temporary signs, pertaining only to the lease or sale of land or building on which the sign is located, will be allowed in all zones subject to the following restrictions:
  - (a) The sign shall not exceed six square feet in area.
  - (b) The sign shall not be illuminated.
  - (c) *(The addition of the word "sold" is not allowed.)* The sign shall be removed within 14 days after closing date of sale.
- (2) Signs which do not conform to this section must apply under the general sign bylaws (§ 250-18).

and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of Bolton; or take any other action relating thereto.

**Sponsor:** Planning Board

**Summary:** This bylaw amendment requires temporary signs, pertaining to the lease or sale of land or building, to be removed within 14 days after closing date of sale.

**Board of Selectmen Recommendation:**

**Advisory Committee Recommendation:**

**Vote Required:** 2/3 Majority

Article x: Amendment to the Code of the Town of Bolton, Division I, Part III. Zoning Bylaw, Chapter 250. Zoning, to add Section 250-xx. Outdoor Lighting

To see if the Town will vote as follows to amend the Code of the Town of Bolton, Division I, Part III. Zoning Bylaw, Article V. Special Regulations, Section 250-xx. Outdoor Lighting, as follows (deletions in parenthesis and italics) and additions underlined);

A. Objective. The regulation of outdoor lighting is intended to enhance public safety and welfare by providing for lighting that will complement the character of the Town, preserve the natural environment, enhance the night sky as a natural resource, minimize light trespass, diminish glare, and reduce energy consumption.

B. Applicability.

- (1) The requirements of this section shall apply to outdoor lighting on lots and parcels in all districts.
- (2) Exemptions include the following:
  - (a) Single-family and two-family dwellings.
  - (b) Streetlights, lights that control traffic, or other lighting for public safety on streets and ways.
  - (c) Municipal properties.
  - (d) Athletic fields.
  - (e) Lighting fixtures required by the FAA.
  - (f) Seasonal holiday lighting.
  - (g) Existing outdoor lighting approved through the issuance of a special permit and/or site plan approval as of May 3, 2021.
- (3) Prohibited outdoor lighting include:
  - a. Color changing lights and static color lights.
  - b. Flickering or flashing lights.
  - c. Neon lights, mercury vapor, and search lights.

C. Definitions.

BUG RATING

The Backlight, Uplight, and Glare (BUG) Rating of a luminaire determines how much light trespass that a light fixture produces.

COLOR RENDERING INDEX (CRI)

A quantitative measure of the ability of an artificial light source to reveal the colors of various objects faithfully in comparison with an ideal or natural light source. CRI values generally range from zero to 100. The higher the CRI, the better the artificial light source is at rendering colors accurately.

COLOR TEMPERATURE

Color temperature is a way to describe the light appearance provided by a lamp. It is measured in degrees of Kelvin (K) on a scale from 1,000 to 10,000 and is not an indicator of lamp heat. Kelvin temperatures for commercial and residential lighting applications are typically on a scale from 2000°K to 6500°K. Cool light produces higher contrast than warm light.

### CUTOFF ANGLE

The angle formed by a line drawn from the direction of the direct light rays at the light source with respect to the vertical, beyond which no direct light is emitted.

### FIXTURE

The assembly that houses a lamp or lamps, and which may include a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor, lens or diffuser lens.

### FOOT-CANDLE

A unit of illumination. One foot-candle is equal to one lumen per square foot.

### FULL CUTOFF LUMINAIRE

A lamp and fixture assembly designed with a cutoff angle of 90° so that no direct light is emitted above a horizontal plane.

### GLARE

Light emitted from a luminaire with an intensity great enough to produce annoyance, discomfort, or a reduction in a viewer's ability to see.

### LAMP

The component of a luminaire that produces the actual light.

### LIGHT TRESPASS

The shining of direct light produced by a luminaire beyond the boundaries of the lot or parcel on which it is located. On-site lighting shall produce no more than 0.3 foot-candles horizontal brightness at the property line and 0 foot-candles 10 feet (horizontal) beyond the property line.

### LUMEN

A measure of light energy generated by a light source (i.e., brightness). For purposes of this bylaw, the lumen output shall be the initial lumen output of a lamp, as rated by the manufacturer.

### LUMINAIRE

A complete lighting system, including a lamp or lamps and a fixture.

### D. Requirements.

- (1) Energy efficient lamps are the preferred lamp type for all outdoor lighting applications.
- (2) All luminaires, regardless of lumen rating, shall be full cutoff to eliminate light trespass onto any street or abutting lot or parcel beyond 10 feet and to eliminate glare perceptible to persons on any street or abutting lot or parcel.
- (3) Any luminaire with a lamp or lamps rated at a total of more than 2,000 lumens shall be full cutoff.

- (4) A luminaire attached to the exterior of a building or structure for area lighting shall be full cutoff to control glare. The luminaire shall be mounted no higher than 20 feet above grade or at a height approved by the special permit and/or site plan approval granting authority.
- (5) A luminaire attached to a pole shall be mounted no higher than 20 feet above grade and shall be full cutoff to control glare.
- (6) All outdoor lighting shall be shut off between the hours of 11 p.m. and 6 a.m. with the exception of limited security and safety lighting or alternative hours approved through the issuance of a special permit and/or site plan approval.
- (7) Uses allowed by special permit and/or site plan approval:
  - a. All lamps shall have a minimum color temperature of 2,000°K and a maximum color temperature of 3,250°K.
  - b. Lamp types shall be selected for optimum color rendering as measured by their color rendering index as listed by the lamp manufacturer. Lamps with a color rendering index lower than 70 are not permitted.

E. Photometric Plan. Uses allowed by special permit and/or site plan approval may be required to submit a lighting plan at the discretion of the special permit and/or site plan approval granting authority. This plan shall include:

- (1) The location, quantity and type of any outdoor luminaires, including the height of the luminaire.
- (2) Photometric data showing cutoff angles.
- (3) Demonstration that light trespass does not occur onto any street or abutting lot or parcel beyond 10 feet from the property line.
- (4) Luminaire Label (to match layout label).
- (5) Total Lamp Lumens.
- (6) Total Lamp Wattage.
- (7) Light Loss Factor.
- (8) Illuminating Engineering Society (IES) Classification (as applicable).
- (9) BUG Rating.
- (10) Calculation Summary for Average Illumination.

and further that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of Bolton; or take any other action relating thereto.

**Sponsor:** Planning Board

**Summary:** This proposed bylaw would further regulate outdoor lighting of business, commercial and industrial uses. This bylaw would supplement the lighting requirements established under Bolton's Design Review, Section 250-23.G(10) which currently states "Lighting. Building or area lighting for any business, commercial, industrial or other nonresidential private use shall be so arranged as to direct the light away from any street and from any premises residentially used or zoned. The applicant shall coordinate lighting fixture assembly with the surrounding architecture. Such exterior lights shall be mounted and shielded such that light sources and lenses shall not be visible from any residential district. Luminaires shall be cutoff (downlight) type, with the mounting height not to exceed 20 feet. Light overspill shall not create shadowing discernible without instruments on any residentially zoned premises. With the exception of limited security or safety lighting, all lighting shall be shut off during times outside of business operations. This subsection shall not apply to reasonable seasonal holiday lighting displays that shall be in place for 30 days or less."

**Board of Selectmen Recommendation:**

**Advisory Committee Recommendation:**

**Vote Required:** 2/3 Majority

#### **Article x: Acceptance of Houghton Farm Lane**

To see if the Town will vote pursuant to Massachusetts General Law, Chapter 82, to accept Houghton Farm Lane as a public way as shown on a plan entitled "Houghton Farm Lane – Street Acceptance Plan, Houghton Farm subdivision, Bolton, Massachusetts dated January xx, 2021", a copy of which is on file in the Town Clerk's Office; and to authorize the Board of Selectmen to accept a deed by gift of a fee interest in said way; or do or act relating thereto.

**Sponsor:** Planning Board

**Summary:** Houghton Farm Lane located off of Sugar Road has been constructed in accordance with Bolton's Subdivision Rules and Regulations.

**Board of Selectmen Recommendation:**

**Advisory Committee Recommendation:**

**Vote Required:** Majority

#### **Article x: Acceptance of Mill Pond Road, Cider Circle and Old Stone Estates**

To see if the Town will vote pursuant to Massachusetts General Law, Chapter 82, to accept Mill Pond Road, Cider Circle and Old Stone Circle as public ways as shown on plans entitled "Mill Pond Road – Street Acceptance Plan, Century Mill Estates subdivision, Bolton, Massachusetts dated February xx, 2021", "Cider Circle – Street Acceptance Plan, Century Mill Estates subdivision, Bolton, Massachusetts dated February xx, 2021", and "Old Stone Circle – Street Acceptance Plan, Century Mill Estates subdivision, Bolton, Massachusetts dated February xx, 2021". Copies are on file in the Town Clerk's Office; and to authorize the Board of Selectmen to accept a deed by gift of a fee interest in said way; or do or act relating thereto.

**Sponsor:** Planning Board

**Summary:** Mill Pond Road, Cider Circle and Old Stone Circle are located off of Spectacle Hill Road have been constructed in accordance with Bolton's Subdivision Rules and Regulations.

**Board of Selectmen Recommendation:**

**Advisory Committee Recommendation:**

**Vote Required:** Majority