

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

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

MAURA HEALEY
ATTORNEY GENERAL

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September 15, 2021

Tracy K. Kenney, Town Clerk
Town of Canton
801 Washington Street
Canton, MA 02021

Re: **Canton Annual Town Meeting of May 22, 2021 -- Case # 10208**
Warrant Articles # 35, 36, 37, 38, 39, 40, and 41 (Zoning)
Warrant Articles # 10, 25, and 32 (General)

Dear Ms. Kenney:

Articles 10, 32, 35, 36, 37, 38, 39, 40, and 41 - We approve Articles 10, 32, 35, 36, 37, 38, 39, 40, and 41 from the May 22, 2021 Canton Annual Town Meeting.

Article 25 - The Attorney General's deadline for a decision on Article 25 is extended for an additional sixty days under the authority conferred by G.L. c. 40, § 32, as amended by Chapter 299 of the Acts of 2000. The agreement with Town Counsel for the sixty-day extension is attached hereto. We will issue our decision on Article 25 on or before **November 14, 2021**.

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
Municipal Law Unit
10 Mechanic Street, Suite 301
Worcester, MA 01608

cc: Town Counsel Paul R. DeRensis

Any claim of invalidity by reason of any defect in the procedure of adoption or amendment to the Zoning By-Law must be made with 90 days following the second publication of this notice. Copies of article votes and maps are available for examination by the public in the office of the Town Clerk in Town Hall, 801 Washington Street; at the Canton Public Library, 786 Washington Street; and on the Town website at town.canton.ma.us

ANNUAL TOWN MEETING
TOWN OF CANTON
MAY 22, 2021
ARTICLE 10

ARTICLE 10

AUTHORIZE CERTAIN REVOLVING FUNDS

Article 10 To see what new or additional revolving funds, pursuant to c. 44, section 53E ½ of the General Laws of the Commonwealth, the Town may establish by amendment to Article VII ("Financial Regulations"), Section 16 ("Departmental Revolving Funds") of the General Bylaws of the Town and to see what amendments if any the town may vote to existing revolving funds contained in the Town's Bylaw, and to determine the limit on total amount that may be expended from the Town's revolving accounts, for various boards, commissions or departments of the town, for the fiscal year beginning July 1, 2021 and ending June 30, 2022; or to take any other action related thereto.

Select Board

MOTION 1:

MOVED: That Article VII, "Financial Regulations", Section 16 "Departmental Revolving Funds" of the General Bylaws of the Town, be hereby amended by striking in Revolving Fund 152 "Paul Revere Heritage Committee" and replace with "Revere & Son Heritage Trust Corporation".

FINANCE COMMITTEE VOTE: 8-0-0

Tim McKenna, Chair of the Finance Committee moved Article 10, Motion 1 as printed in the warrant.

ADOPTED UNANIMOUS SHOW OF HANDS

MOTION 2:

MOVED: That the spending limits for the revolving funds established pursuant to General By-Laws Article VIII, Section 16 pursuant to the provisions of MGL chapter 44, section 53 E ½ for the 2022 fiscal year beginning July 1, 2021 through June 30, 2022, and that each Revolving Fund shall be credited with the balance remaining in such fund at the end of the FY 2021 as set forth below:

Revolving Fund #	Name of Revolving Fund	FY21 Spending Limit
110	Veteran's Services Special Revenues	\$100,000
119	Library Revolving Fund	\$75,000
130	Recreation Revolving Fund	\$500,000
132	Student Parking Fees	\$100,000
134	Pequitside Farm Rentals	\$50,000
135	Greenlodge Street Parking Fees	\$100,000
136	Beautification Fund	\$10,000
137	Animal Control Special Revenues	\$50,000
138	Library Building Rentals	\$50,000
140	COA Revolving Fund	\$50,000
141	Board of Health Special Revenue	\$50,000
142	Paul Revere Heritage Site Rolling Mill and Open Space Fund	\$120,000
145	Traffic Mitigation Fund	\$50,000
152	Paul Revere Heritage Site Museum Fund	\$100,000

FINANCE COMMITTEE VOTE: 8-0-0

Tim McKenna, Chair of the Finance Committee moved Article 10, Motion 2 as printed in the warrant.

ADOPTED UNANIMOUS SHOW OF HANDS

Attest:


Tracy K. Kenney, Canton Town Clerk

ANNUAL TOWN MEETING

TOWN OF CANTON

MAY 22, 2021

ARTICLE 32

ARTICLE 32

GENERAL BYLAW – ESTABLISHMENT OF MUNICIPAL AFFORDABLE HOUSING TRUST

Article 32 To see if the Town will vote to accept M.G.L. c.44, §55C, and establish a Municipal Affordable Housing Trust Fund to be known as the Canton Affordable Housing Trust Fund ("the Trust"), whose purpose shall be to provide for the creation and preservation of affordable and community housing for the benefit of low- and moderate-income households, and further to amend the Town of Canton General Bylaws by inserting a new bylaw or take any action related thereto, to be entitled "Article X, Section 6. Canton Affordable Housing Trust Fund," as follows:

Section 6. Canton Affordable Housing Trust Fund

(a) Authority; establishment

Pursuant to the authority of MGL c. 44, § 55C, there is hereby created a local municipal affordable housing Trust fund to be known as the "Canton Affordable Housing Trust" (hereinafter "the Trust").

(b) Purpose

The purpose of the Trust shall be to provide for the preservation and creation of affordable and community housing in the Town of Canton for the benefit of low- and moderate-income households and for the funding of community housing, as defined in and in accordance with the provisions of chapter 44B.

(c) Board of Trustees

There shall be a Board of Trustees of the Canton Affordable Housing Trust Fund, composed of seven voting members. The members shall include: The Town Administrator, the Finance Director, the Town Planner, one member of the Select Board (chosen by the Select Board), a member of the Housing Authority (chosen by the Housing Authority), a member of the Community Preservation Committee (chosen by the Community Preservation Committee), and one citizen-at-large (appointed by the Select Board). The Select Board shall appoint the Trustees for terms not to exceed two years, except that three of the initial Trustee appointments shall be for a term of one year, so as to allow staggered terms. Said Trustees may be re-appointed at the discretion of the Select Board. Vacancies shall be filled by the Select Board for the remainder of the unexpired term. Any member of the Board of Trustees may be removed by the Select Board for cause after the opportunity of a hearing.

(d) Declaration of Trust

The Trustees are hereby authorized to execute a Declaration of Trust and Certificate of Trust for the Canton Affordable Housing Trust Fund, to be recorded with the Norfolk County Registry of Deeds and filed with the Norfolk Registry District of the Land Court.

(e) Powers of Trustees

The powers of the Board of Trustees, all of which shall be carried on in furtherance of the purposes set forth in MGL c. 44, § 55C, and inclusive of any future amendments to that section, and shall include the following:

1. With Select Board approval, to purchase and retain real or personal property, including, without restriction, investments that yield a high rate of income or no income;
2. With Select Board approval, to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to Trust property as the Board of Trustees deems advisable notwithstanding the length of any such lease or contract;

3. With Select Board approval, to borrow money on such terms and conditions and from such sources as the Board of Trustees deems advisable, to mortgage and pledge Trust assets as collateral;
4. With Select Board approval, to employ lawyers and full-time or part-time staff, as the Board of Trustees deems necessary;
5. With Select Board approval, to compromise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the Board of Trustees may deem appropriate;
6. To employ advisors and agents, such as consultants, accountants, and appraisers and to contract for administrative and support goods and services, as the Board of Trustees deems necessary;
7. To accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the Trust in connection with any ordinance or Bylaw or any general or special law or any other source, including money from MGL c. 44B; provided, however, that any such money received from MGL c. 44B shall be used exclusively for community housing and shall remain subject to all the rules, regulations and limitations of that chapter when expended by the Trust, and such funds shall be accounted for separately by the Trust; and provided further, that at the end of each fiscal year, the Trust shall ensure that all expenditures of funds received from said MGL c. 44B are reported to the community preservation committee of the city or town for inclusion in the community preservation initiatives report, form CP-3, to the department of revenue;
8. To execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases, grant agreements, and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Board of Trustees engages for the accomplishment of the purposes of the Trust;
9. To pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Board of Trustees deems advisable;
10. To apportion receipts and charges between incomes and principal as the Board of Trustees deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation, depletion or otherwise;
11. To participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;
12. To deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Board of Trustees may deem proper and to pay, out of Trust property, such portion of expenses and compensation of such committee as the Board of Trustees may deem necessary and appropriate;
13. To carry property for accounting purposes other than acquisition date values;
14. To make distributions or divisions of principal in kind;
15. To manage or improve real property; and to abandon any property which the Board of Trustees determined not to be worth retaining;
16. To hold all or part of the Trust property uninvested for such purposes and for such time as the Board of Trustees may deem appropriate; and
17. To extend the time for payment of any obligation to the Trust.

(f) Acts of Trustees

A majority of Trustees may exercise any or all of the powers of the Trustees hereunder, unless otherwise provided, and may execute on behalf of the Trustees any and all instruments with the same effect as though executed by all the Trustees. No Trustee shall be required to give bond. No license of court shall be required to confirm the validity of any transaction entered into by the Trustees with respect to the Trust Estate.

Notwithstanding anything contrary herein, Select Board approval shall be required for any of the following actions:

1. To purchase real or personal property;
2. To sell, lease, exchange, transfer or convey any personal, mixed, or real property; and
3. To borrow money, or mortgage or pledge Trust assets as collateral to the extent of the Trust's assets.
4. To employ lawyers and full-time or part-time staff
5. To compromise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust (see Section (e), number 5).

(g) Funds paid to Trust

Notwithstanding any general or special law to the contrary, all monies paid to the Trust in accordance with any zoning Bylaw, exaction fee, or private contributions shall be paid directly into the Trust and need not be appropriated or accepted and approved into the Trust. General revenues appropriated into the Trust become Trust property and to be expended these funds need not be further appropriated. All moneys remaining in the Trust at the end of the fiscal year, whether or not expended by the Board of Trustees within one year of the date they were appropriated into the Trust, remain Trust property.

(h) Meetings; quorum

Meetings of the Board of Trustees shall be held on a regular basis. Special meetings may be called by the Chairperson or two Trustees. A Trust is a governmental body for purposes of MGL c. 30A, §§ 18 through 25, the Open Meeting Law; notice of any meeting of the Trust Fund shall be filed with the Town Clerk and posted in accordance with the Open Meeting Law. A majority of the number of authorized Trustees shall constitute a quorum and shall also be required to approve any motion. The Chairperson may establish sub-committees and/or ad hoc task related committees to carry out the purposes of the Trust. Chairpersons of the sub-committees may be selected by the member of the sub-committees. If any Trustee is absent from five (5) consecutive regularly scheduled meetings of the Trust, except in the case of illness, his/her position shall be deemed vacant and shall be filled with a new appointment as set forth above.

(i) Custodian of funds

The Treasurer/Collector shall be the custodian of the Trust Fund's funds and shall maintain separate accounts and records for such funds. Any income or proceeds received from the investment of funds shall be credited to and become part of the Trust Fund. In accordance with MGL c. 44, § 55C, the books and records of the Trust shall be audited annually by an independent auditor in accordance with accepted accounting practices or take any other action relative thereto. Upon receipt of the audit by the Board of Trustees, a copy shall be provided forthwith to the Select Board.

(j) Liability

Neither the Trustees nor any agent or officer of the Trust shall have the authority to bind the Town, except in the manner specifically authorized herein. The Trust is a public employer and the members of the Board of Trustees are public employees for the purposes of MGL c. 268A. The Trust shall be deemed a municipal agency and the Trustees special municipal employees for purposes of MGL c. 268A.

(k) Taxes

The Trust is exempt from MGL c. 59 and c. 62, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the Commonwealth of Massachusetts or any political subdivision thereof.

(l) Governmental body

The trust is a public employer and the members of the board of trustees are public employees for purposes of chapter 258. The Trust is a governmental body for purposes of 23A, 23B and 23c of Chapter 39 and the Open Meeting Law, MGL c.30A, § 18-25.

(m) Board of Town

The Trust is a board of the Town of Canton for the purposes of MGL c. 30B and MGL c. 40, § 15A, but agreements and conveyances between the Trust and agencies, boards, commissions, authorities, departments and public instrumentalities of the Town shall be exempt from said MGL c. 30B.

(n) Compensation of Trustees

Trustees may be compensated for reasonable out-of-pocket expenses for travel and other Trust-related expenses. All such out-of-pocket expenses shall be fully documented with receipts for expenses prior to payment by the Trust.

(o) Amendments

The provisions of this Trust can only be amended by a vote of the Canton Town Meeting.

(p) Duration of Trust

This Trust shall be of indefinite duration until terminated by a vote of the Canton Town Meeting. Upon termination of the Trust, subject to the payment of or making provisions for the payment of all obligations and liabilities of the Trust and the Trustees, the net assets of the Trust shall be transferred to the Town of Canton and held by the Select Board for affordable or community housing purposes. In making any such distribution, the Trustees may, subject to the approval of the Select Board, sell all or any portion of the Trust property and distribute the net proceeds thereof to the Town of Canton. The powers of the Trustees shall continue until the affairs of the Trust are concluded. Once the Canton Town Meeting has voted to terminate the Trust, the Select Board shall have the power to approve all financial transactions made on behalf of the Trust.

Select Board

MOVED: That the Town accept M.G.L. c.44, §55C, to establish a Municipal Affordable Housing Trust Fund to be known as the Canton Affordable Housing Trust Fund as written in the warrant.

FINANCE COMMITTEE VOTE: 8-0-0

Tim McKenna, Chair of the Finance Committee, moved Article 32 as printed in the warrant.

ADOPTED BY A SUPERMAJORITY SHOW OF HANDS

Attest:


Tracy K. Kenney, Canton Town Clerk

**ANNUAL TOWN MEETING
TOWN OF CANTON
MAY 22, 2021
ARTICLE 35**

ARTICLE 35

AMEND ZONING BY-LAW SECTION 10.7 CANTON CENTER DESIGN REVIEW

Article 35 To see if the Town will vote to amend Zoning By-law Section 10.7 as follows:

1. Replace all references in Section 10.7 (and all subsections) to the "Canton Center Design Review Board" or "Design Review Board" or "CCDRB" with the Planning Board.
2. Remove the language of Section 10.7.14 "Canton Center Design Review Board; Composition", and replace it with the words "Not Used"
3. Remove the language of Section 10.7.15 "CCDRB; Method of Appointment" and replace it with the words "Not Used"
4. Remove the language of Section 10.7.16 "CCDRB; Organization" and replace it with the words "Not Used"
5. Amend Section 10.7.17 CCDRB; Administrative Procedures as follows:

10.7.17' Canton Center Design Review Administrative Procedures. It is the responsibility of the applicant to distribute copies of plan that require design review to the members of the Planning Board. The applicant shall provide six (6) copies of plans and related materials required for design review. The original copy of the dated Planning Board application (requesting Canton Center Design Review) shall be filed with the Board of Appeals.

1. It is the responsibility of the applicant to distribute the study model (if applicable) to the Planning Board office at the time of distribution of copies of plans that require design review.
2. The Planning Board shall within thirty (30) days following the date such distribution is made, file a Canton Center Design Review findings and recommendations report with the Board of Appeals. Failure to file within the time designated shall be deemed to be a recommendation the plan be approved, unless the Chairman of the Planning Board submits to the Board of Appeals within the initial thirty (30) day period and with the consent of the applicant, a request to extend the time of filing for an additional thirty (30) days.
3. Although the Zoning Board of Appeals (ZBA) shall carefully consider the findings and recommendations of the Planning Board's design review, the ZBA shall not be bound by any specific findings or recommendations.

or to take any other action related thereto.

Select Board for Planning Board

PLANNING BOARD MOTION:

MOVED: That Zoning By-Law Section 10.7 be amended as written in the warrant.

PLANNING BOARD VOTE: 4-0

FINANCE COMMITTEE RECOMMENDATION:

The Finance Committee recommends that the motion by the Planning Board to Town Meeting for Article 35 as written in the warrant be adopted.

FINANCE COMMITTEE VOTE: 8-0-0

David McCarthy, Chair of the Planning Board, moved Article 35 as printed in the warrant.

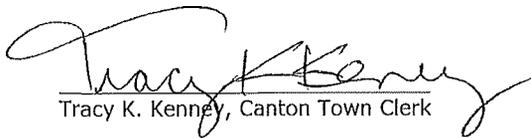
Mr. McCarthy gave the following oral report:

On February 17th, 2021, the Planning Board voted unanimously with four (4) members in favor and none opposed, to recommend that this Article be adopted at Town Meeting with no changes in the motion, that the applicable language be added directly into this section of the by-laws. A legal notice was published in a newspaper of general circulation on January 28th and February 4th, 2021.

The Canton Center Design Review Board was created to be appointed by and serve at the pleasure of the Planning Board. While the Planning Board recognizes the value of design review within the Canton Center, they believe design review will be more effective and efficient if that responsibility falls to the Planning Board itself, in part because the Planning Board meets more often. A legal notice was published in a newspaper of general circulation on January 28th and February 4th, 2021.

ADOPTED UNANIMOUS SHOW OF HANDS

Attest:


Tracy K. Kenney, Canton Town Clerk

ANNUAL TOWN MEETING
TOWN OF CANTON
MAY 22, 2021
ARTICLE 36

ARTICLE 36

AMEND ZONING BY-LAW SECTION 3.1.4 TABLE OF USE DEFINITIONS, SECTION J ACCESSORY USES RELATED TO THE KEEPING OVERNIGHT OF MOTOR VEHICLES

Article 36 To see if the Town will vote to amend the Zoning By-laws Section 3.1.4, Table of Use Regulations, Section J Accessory Uses to remove the first use of the word "not" in the use description for "The keeping overnight of not more than five motor vehicles..." so that the revised use description reads as follows,

"The keeping overnight of more than five motor vehicles, one of which may be a commercial vehicle. Such commercial vehicle shall not exceed a gross vehicle weight of twelve thousand, five hundred (12,500) pounds, or measure more than seven feet, six inches (7'6") from the ground to the top of the roof, or measure more than twenty-one feet (21') from the front bumper to the rear bumper. For the purpose of this section no, so-called, pickup truck shall be deemed to be a 'commercial' vehicle. Nothing in this section shall be construed to prevent any person from bringing a commercial vehicle otherwise prohibited by this section into a residential neighborhood for the purpose of making a delivery, or performing work, or during lunchtime, or on an irregular basis"

Select Board for Planning Board

PLANNING BOARD MOTION:

MOVED: That Zoning By-Law Section 3.1.4 Table of Use Regulations, Section J Accessory Uses be amended as written in the warrant.

PLANNING BOARD VOTE: 4-0

FINANCE COMMITTEE RECOMMENDATION:

The Finance Committee recommends that the motion by the Planning Board to Town Meeting for Article 36 as written in the warrant be adopted.

FINANCE COMMITTEE VOTE: 8-0-0

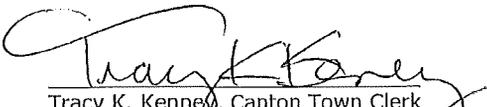
David McCarthy, Chair of the Planning Board, moved Article 36 as printed in the warrant.

Mr. McCarthy gave the following oral report:

On February 17th, 2021, the Planning Board voted unanimously with four (4) members in favor and none opposed, to recommend that this Article be adopted at Town Meeting with no changes in the motion, that the applicable language be added directly into this section of the by-laws. This bylaw change corrects an error in the Table of Use, Section J Accessory Uses. A legal notice was published in a newspaper of general circulation on January 28th and February 4th, 2021.

ADOPTED BY A SUPERMAJORITY SHOW OF HANDS

Attest:


Tracy K. Kenney, Canton Town Clerk

ANNUAL TOWN MEETING
TOWN OF CANTON
MAY 22, 2021
ARTICLE 37

ARTICLE 37

AMEND ZONING BY-LAWS SECTION 3.1.4 TABLE OF USE REGULATIONS RELATED TO SHORT-TERM RENTALS

Article 37 To see if the Town will vote to amend Zoning By-laws Section 3.1.4 Table of Use Regulations as follows or take any other action related thereto.

1. *By amending the Zoning By-laws Section 3.1.4, Table of Use Regulations, Section J Accessory Uses by adding the accessory use zones for "Short term rentals" by allowing their use by right in all residential zones and the Business and Central Business Districts. The use would not be allowed in the Limited Industrial Districts, Industrial District, and Parkland and Open Space.*

J. Accessory Uses	SR	GR	B	CB	LI	LI(B)	LI(C)	I	POS
Short-term rental ¹	Y	Y	Y	Y	N	N	N	N	N

¹ Subject to applicable State and Town registration, administrative regulations, and inspection requirements

2. *By amending the Zoning By-laws Section 3.1.4, Table of Use Regulations, Section A Residential Uses by adding the principle use zones for "Short term rentals" by allowing their use by right in all residential zones and the Business and Central Business Districts. The use would not be allowed in the Limited Industrial Districts, Industrial District, and Parkland and Open Space.*

A. Residential Uses	SR	GR	B	CB	LI	LI(B)	LI(C)	I	POS
Short-term rental ³	Y	Y	Y	Y	N	N	N	N	N

³ Subject to applicable State and Town registration, regulations, and inspection requirements

Select Board for Planning Board

PLANNING BOARD MOTION:

MOVED: That Zoning By-Law Section 3.1.4 Table of Use Regulations Related to Short-Term Rentals be amended as written in the warrant.

PLANNING BOARD VOTE: 4-0

FINANCE COMMITTEE RECOMMENDATION:

The Finance Committee recommends that the motion by the Planning Board to Town Meeting for Article 37 as written in the warrant be adopted.

FINANCE COMMITTEE VOTE: 8-0-0

David McCarthy, Chair of the Planning Board, moved Article 37 as printed in the warrant.

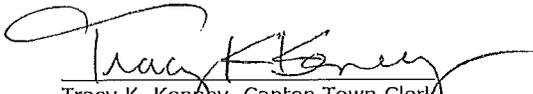
Mr. McCarthy gave the following oral report:

On February 17th, 2021, the Planning Board voted unanimously with four (4) members in favor and none opposed, to recommend that this Article be adopted at Town Meeting with no changes in the motion, that the applicable language be added directly into this section of the by-laws. A legal notice was published in a newspaper of general circulation on January 28th and February 4th, 2021.

The goal of this and related zoning articles is to modernize Canton's zoning regulations around short-term rental of residential property made through internet hosting platforms such as, but not limited to, AirBnB. A short-term rental (as defined by the Commonwealth of Massachusetts in Chapter 337 "An Act Regulating and Insuring Short-term Rentals") is a rental that is not for more than 31 consecutive calendar days per occupant, and does not include long-term rentals such as leases. Any short-term rentals would be subject to the applicable State and Town registration, administrative regulations, and inspection requirements. Canton adopted Chapter 337 as a local option in 2019, which allows the Town of Canton to tax, zone, and otherwise regulate short-term rentals.

ADOPTED UNANIMOUS SHOW OF HANDS

Attest:


Tracy K. Kenney, Canton Town Clerk

ANNUAL TOWN MEETING
TOWN OF CANTON
MAY 22, 2021
ARTICLE 38

ARTICLE 38

AMEND ZONING BY-LAWS SECTION 11.0 DEFINITIONS RELATING TO SHORT TERM RENTALS

Article 38 To see if the Town will vote to amend Zoning By-Laws Section 11.0 as follows, with new word definitions being incorporated into the existing text in order alphabetically with the existing word definitions:
By adding the definition of "Short-term rental" as follows:

Short-term rental: an owner-occupied, tenant-occupied or non-owner occupied property including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment, where: (i) at least 1 room or unit is rented to an occupant or sub-occupant; and (ii) all accommodations are reserved in advance; provided, however, that a private owner-occupied property shall be considered a single unit if leased or rented as such. It does not include property that is rented out through tenancies at will or month-to-month leases. It also does not include time-share property. A short-term rental is a rental that is for not more than 31 consecutive calendar days.

Or to take any other action related thereto.

Select Board for the Planning Board

PLANNING BOARD MOTION:

That Zoning By-Laws Section 11.0 be amended by adding new word definitions for Short-term rental as written in the warrant.

PLANNING BOARD VOTE: 4-0

FINANCE COMMITTEE RECOMMENDATION:

The Finance Committee recommends that the motion by the Planning Board to Town Meeting for Article 38 as written in the warrant be adopted.

FINANCE COMMITTEE VOTE: 8-0-0

David McCarthy, Chair of the Planning Board, moved Article 38 as printed in the warrant.

Mr. McCarthy gave the following oral report:

On February 17th, 2021, the Planning Board voted unanimously with four (4) members in favor and none opposed, to recommend that this Article be adopted at Town Meeting with no changes in the motion, that the applicable language be added directly into this section of the by-laws. A legal notice was published in a newspaper of general circulation on January 28th and February 4th, 2021.

The goal of this and related zoning articles is to modernize Canton's zoning regulations around short-term rental of residential property made through internet hosting platforms such as, but not limited to, AirBnB, as per Chapter 337 an "Act Regulating and Insuring Short-term Rentals" (2018).

ADOPTED UNANIMOUS SHOW OF HANDS

Attest:


Tracy K. Kenney, Canton Town Clerk

ANNUAL TOWN MEETING
TOWN OF CANTON
MAY 22, 2021
ARTICLE 39

ARTICLE 39

AMEND ZONING BY-LAW SECTION 4.1.4 TABLE OF DIMENSIONAL REQUIREMENTS – RESIDENCE DISTRICTS

Article 39 To see if the Town will vote to amend Zoning By-law Section 4.1.4 Table of Dimensional Requirements – Residence Districts to remove footnote references for the accessory structure rear yard setbacks.

Select Board for Planning Board

PLANNING BOARD MOTION:

MOVED: That Zoning By-Law Section 4.1.4 Table of Dimensional Requirements – Residence Districts be amended by removing footnote references for the accessory structure rear yard setbacks.

PLANNING BOARD VOTE: 4-0

FINANCE COMMITTEE RECOMMENDATION:

The Finance Committee recommends that the motion by the Planning Board to Town Meeting for Article 39 as written in the warrant be adopted.

FINANCE COMMITTEE VOTE: 8-0-0

David McCarthy, Chair of the Planning Board, moved Article 39 as printed in the warrant.

Mr. McCarthy gave the following oral report:

On February 17th, 2021 the Planning Board discussed the proposed article to amend Section 4.1.4 Table of Dimensional Requirements. A legal notice was published in a newspaper of general circulation on January 28th and February 4th, 2021.

The Planning Board would like to allow more flexibility to homeowners for rear yard setbacks for accessory structures, as most homes in Canton could not meet the required 100-200-foot setback requirements. Those larger setbacks are still required for the accessory structures in the side yards.

ADOPTED UNANIMOUS SHOW OF HANDS

Attest:


Tracy K. Kenney, Canton Town Clerk

ANNUAL TOWN MEETING
TOWN OF CANTON
MAY 22, 2021
ARTICLE 40

ARTICLE 40

Add Zoning By-Law Section 4.2.9 Retaining Walls along Scenic Ways

Article 40 To see if the Town will vote to add Zoning By-law Section 4.2.9 Retaining Walls Along Scenic Ways to the Special Regulations as follows:

4.2.9 Retaining Walls Along Scenic Ways. Retaining walls along frontage facing a scenic way (in any district) shall be constructed to a maximum height of six (6) feet. If site conditions require elevation changes of greater than six (6) feet, retaining walls along frontage facing a scenic way (in any district) shall be terraced and landscaped. Retaining walls along frontage facing a scenic way (In any district) shall be solid fieldstone or fieldstone veneer or other similar material or appearance, and vertical cast in place concrete or concrete blocks shall not be permitted.

Select Board for Planning Board

PLANNING BOARD MOTION:

MOVED: That Zoning By-Law Section 4.2.9 Retaining Walls Along Scenic Ways be added to the Special Regulations as written in the warrant be adopted.

PLANNING BOARD VOTE: 4-0

FINANCE COMMITTEE RECOMMENDATION:

The Finance Committee recommends that the motion by the Planning Board to Town Meeting for Article 40 as written in the warrant be adopted.

FINANCE COMMITTEE VOTE: 8-0-0

David McCarthy, Chair of the Planning Board, moved Article 40 as printed in the warrant.

Mr. McCarthy gave the following oral report:

On February 17th, 2021, the Planning Board voted unanimously with four (4) members in favor and none opposed, to recommend that this Article be adopted at Town Meeting with no changes in the motion, that the applicable language be added directly into this section of the by-laws.

The Planning Board would like to expand design requirements for retaining walls to include those installed facing scenic ways. Section 6.4.6 requires retaining walls to be constructed to a maximum height of 6 feet. If above six feet, retaining walls are required to be terraced and landscaped. Retaining walls would be required to be of solid fieldstone or fieldstone veneer. Unless in an Industrial District, vertical cast in place concrete or concrete blocks would not be permitted. This bylaw change would require these same standards (as normally only apply to the landscaping and screening requirements for non-residential parking areas which face residential districts) to apply to any parcels installing a retaining wall facing a scenic way. The streets designated as Scenic Ways within the Town of Canton include Chapman Street, Elm Street, Farm Street, Green Street, Green Lodge Street, Hemenway Drive, High Street, Indian Lane, Pleasant Street, Sherman Street (from Washington Street eastward to Pleasant Street), Walpole Street, Washington Street, and York Street.

ADOPTED UNANIMOUS SHOW OF HANDS

Attest:


Tracy K. Kenney, Canton Town Clerk

ANNUAL TOWN MEETING
TOWN OF CANTON
MAY 22, 2021
ARTICLE 41

ARTICLE 41

AMEND ZONING BY-LAW SECTION 7.8 TO REMOVE THE EXPIRED TEMPORARY MORATORIUM ON THE SALE AND DISTRIBUTION OF RECREATIONAL MARIJUANA

Article 41 To see if the Town will vote to amend Zoning By-law Section 7.8 by deleting Section 7.8 for "Temporary Moratorium on the Sale and Distribution of Recreational Marijuana".

Select Board for Planning Board

PLANNING BOARD MOTION:

MOVED: That the Zoning By-Laws be amended by deleting Section 7.8 for Temporary Moratorium on the Sale and Distribution of Recreational Marijuana.

PLANNING BOARD VOTE: 4-0

FINANCE COMMITTEE RECOMMENDATION:

The Finance Committee recommends that the motion by the Planning Board to Town Meeting for Article 41 as written in the warrant be adopted.

FINANCE COMMITTEE VOTE: 8-0-0

David McCarthy, Chair of the Planning Board, moved Article 41 as printed in the warrant.

Mr. McCarthy gave the following oral report:

On February 17th, 2021, the Planning Board voted unanimously with four (4) members in favor and none opposed, to recommend that this Article be adopted at Town Meeting with no changes in the motion, that the applicable language be added directly into this section of the by-laws. A legal notice was published in a newspaper of general circulation on January 28th and February 4th, 2021.

The Planning Board discussed the proposed article to amend Section 7.8. The temporary moratorium on the sale and distribution of recreational marijuana was put in place at the 2018 Annual Town meeting to give the town time to consider whether it wanted to allow or prohibit the use and draft zoning accordingly. The temporary moratorium has expired, and the sale and distribution of recreational marijuana in Canton was banned at the 2019 Annual Town Meeting. This is a housekeeping article to keep the zoning bylaws up to date and accurate.

ADOPTED UNANIMOUS SHOW OF HANDS

Attest:


Tracy K. Kenney, Canton Town Clerk