



# City of Leominster

## Office of the City Clerk

25 West Street, Room 5  
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LEOMINSTER CITY CLERK  
2020 NOV 18 PM 2:07

**To the Honorable City Council:  
The Undersigned Petition your Honorable Body to**

Amend the zoning ordinance pertaining to Home Occupations.
See attached letter.



<b>PETITIONER'S NAME (PRINTED):</b>	Elizabeth Wood (On Behalf of Planning Board)
<b>PETITIONER'S SIGNATURE:</b>	
<b>ADDRESS:</b>	25 West Street
<b>MAILING ADDRESS, IF DIFFERENT:</b>	Leominster, MA 01453
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John Souza, Chair

Carol Vittoriosio, Vice Chair

Elizabeth Wood, Director

*Office of The Planning Board*

City of Leominster, Massachusetts

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November 18, 2020

Katelyn Huffman  
City Clerk  
25 West Street  
Leominster, MA 01453

**RE: Amend Article I Definitions RE: Home Occupations and Amend Article VI Section 22-16 Generally Permitted Uses**

The Leominster Planning Board wishes petition to amend the Zoning Ordinance, specifically to amend Article I Definitions Re: Home Occupations.

Edits are shown as tracked changes with deletions ~~striketrough~~ and additions underlined.

Amend Article I Definitions accordingly:

Definitions

Home occupation/office. A business use conducted within a dwelling unit that is incidental and secondary to the primary residential use, carried on by the inhabitants of the dwelling, and does not alter the residential character of the property, unless otherwise specified in the table of uses and further complies with the criteria set forth under the general use regulations for Generally Permitted Uses.

The reason for this requested change originally stems from a request by the Mayor's office for the Planning Board to examine the City's regulations regarding Home Occupations. The intention of residential zones is for uses that fit "the character" of a residential neighborhood. As the ordinance stands, there have been home occupied businesses that are "not in the character" of a residential use. As a result neighbors have complained about business use in their residential neighborhoods. In order to prevent further unintended business use that is out of character of a residential neighborhood, the recommended change is necessary. The table of uses that is referenced, clearly spells out specific uses that are not permitted in residential zones.

For your reference, I am including Article II Section 22-16 which describes Generally Permitted Uses. When used alone, without the proposed amendment to the definitions section, it can be interpreted that a

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business such as a hair salon or tattoo parlor is a permitted use in any residential zone, which is not the desired intent.

Section 22-16. Generally Permitted Uses

For the purposes of this section, the following uses of buildings, structures and land are permitted in all portions of the City subject to the provisions described below and in the **Error! Reference source not found.**

16.1 Any building or structure which conforms to the provisions of this section and with the Building Code of the City.

Home occupations/offices are allowed as an accessory use by right in residential zoning districts, provided that all of the following criteria are met:

16.2.1 No changes to the exterior of the property may be made that will alter the residential appearance or character of the building.

16.2.2 The principal operator of the business is a resident of the property with only two (2) additional nonresident employees allowed.

16.2.3 Not more than 25% or four hundred (400) square feet of the total floor area of the building, whichever is less, may be used for the business.

16.2.4 The business does not create a nuisance to others in the area by reason of noise, odors, vibration, unsightly conditions, significantly increased traffic, improper disposal of wastes, or other reason.

16.2.5 One (1) vehicle or piece of heavy equipment with gross vehicle weight exceeding 10,000 pounds may be stored or parked out of doors on a lot provided that such storage or parking area is substantially screened.

16.2.6 No outdoor storage of equipment or materials may be used in the home occupation.

16.2.7 No operation of the use may occur between 10:00 p.m. and 7:00 a.m.

16.2.8 Home occupations/offices are not permitted to generate nonresidential traffic or vehicle parking above and beyond what is normal for the typical residential occupancy for the area. A residential building may have not more than two (2) parking spaces to serve the in-home business. Parking on the street without causing an inconvenience may also be allowed.

16.2.9 One (1) display sign (non-illuminated not to exceed a total area of four (4) square feet) may be allowed that will indicate from the exterior of the dwelling that the building is being utilized in part for purposes other than that of a dwelling.

16.3 Governmental buildings, parks, playgrounds, parking facilities, and housing for the elderly under the jurisdiction of any governmental agency.

16.4 Tight board, concrete block, or any solid material fences four (4) feet or more in height, provided that such fences may not be erected beyond the front building line established for the building of houses.

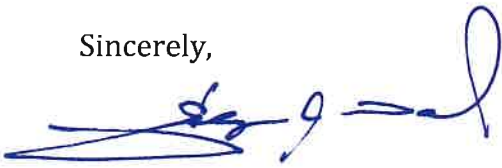
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- 16.5 A use which is incidental or accessory to the foregoing and which is the use of an owner or occupant, provided that:
- 16.5.1 For residences, such uses are limited to:
- 16.5.1.1 Tool sheds, playhouses, tennis courts, boat houses, or other buildings or structures for domestic use, storage of boats and boat trailers and private garages for motor vehicles, but not including more than one (1) commercial vehicle other than farm vehicles or more than one (1) vehicle owned by a nonresident of the premises.
- 16.5.1.2 No more than four (4) lodgers or boarders except in RB and RC districts.
- 16.5.1.3 Accessory Apartments authorized in accordance with the Special Permit requirements in **Error! Reference source not found.** of this Ordinance.

In preparation of making this petition, I reached out to the Building Commissioner to get his thoughts on this proposal. His comments dated 10/28/2020 are attached.

When the Council or Council Committee is scheduled to discuss this petition, I will be in attendance so that I can further clarify the request and be available to answer any questions. In the interim, please don't hesitate to reach out to me for more information.

Sincerely,



Elizabeth Wood, AICP  
Planning & Development Director

Attachments: 10/28/2020 Comments from Building Commissioner

cc: Mayor Dean Mazarella  
John Souza, Planning Board Chair  
Carol Vittorioso, Planning Board Vice Chair  
Peter Niall, Building Commissioner  
File

Handwritten scribbles and marks, possibly including the number '10'.

City of Leominster  
Department of Inspections

Peter Niall  
Building Commissioner



Gary Williams  
Plumbing Inspector

William Charpentier  
Building Inspector

October 28, 2020

To Whom It May Concern:

It is my opinion that the following Articles be rewritten as stated below. By updating these sections, it will help to clarify any misinterpretations or grey areas.

Article II Section 22-16.2:

“Home occupations are allowed as an accessory use by right in zoning districts where the use is allowed in the table of uses for that zone, and they meet the following criteria. Home offices are allowed as an accessory use by right in residential zoning districts, provided all of the following criteria are met.”

Article XVI Section 22-104.3.2:

“On site ground mounted solar energy systems are allowed by right in the RB, RC, BA, BB and C zones. Zones RA and I require Site Plan Approval and Zones RR, MU1 and MU2 require a Special Permit and Site Plan Approval from the Planning Board.”

If you have any further questions regarding these matters, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in blue ink that reads "Peter Niall".

Peter Niall  
Building Commissioner

PN/mfp

