

provision of this By-Law shall not affect the validity of the remainder of the Rochester Zoning By-Laws.

ARTICLE 14: VISUAL SCREENING OF ALL LARGE-SCALE PHOTOVOLTAIC STRUCTURES

To amend Chapter 22.50 of the Zoning By-Laws, by adding the following language to Section 1.8 Large Scale Solar Photovoltaic:

Screening

The applicant shall visually screen all Large-Scale Photovoltaic structures from abutting properties by either a combination of existing vegetation, landscape plantings, and/or fencing. The height of the screening shall be one foot above the highest point of the solar array. For projects located in or abutting a Residential / Agricultural District, 100% visual screening shall be attained as would be viewed from the first floor of an abutting residential property. The Planning Board may allow for flexibility in these requirements based on topography or existing vegetation.

ARTICLE 15: SHORT-TERM RENTALS

To amend the Town of Rochester’s Zoning By-laws to add a new section relative to short term rentals as follows, or take any other action relative thereto:

Chapter 22.80 Short-Term Rentals

A. Purpose

To provide for the administration and enforcement of Rochester's Short-Term Rentals.

B. Specific Objectives

1. Require registration of short-term rental units.
2. Protect the health, safety, and welfare of both the occupant(s) of those rental housing units and the general public.
3. Provide for the orderly operation of short-term rentals within the Town and mitigate impacts on neighborhood character and housing prices.
4. Preserve the availability of long-term rental units and mitigate impacts on infrastructure services such as sewer, parking, access, fire codes, building code enforcement and snow removal.
5. Assist the Board of Health, the Building Department, and the Fire Department in the enforcement of state and local health and safety laws and regulations.
6. Provide a method for correcting violations when conditions require immediate attention.

C. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BUILDING COMMISSIONER

The Building Commissioner of the Town of Rochester or his designee.

DWELLING

Any building or area in a building used or intended for use for human habitation, including, but not limited to, apartments, condominiums, single family or multi-family residential buildings/dwellings.

OCCUPANCY

The use or possession of or the right to use or possess a short-term rental of not more than 30 consecutive days.

OCCUPANT (GUEST)

Any individual or group of individuals residing overnight in a short-term rental.

OPERATOR (HOST)

Any person or entity operating a short-term rental.

OPERATOR'S AGENT

A person who, on behalf of an operator of a short-term rental: i) manages the operation or upkeep of a property offered for rent; or ii) books reservations at a property offered for rent. An "operator's agent" shall include, but not be limited to, a property manager, property management company, real estate agent or listing service, including online listing services.

OWNER

Any person, as defined immediately below, who alone or severally with others has legal or equitable title or a beneficial interest in any dwelling unit; a mortgagee in possession; or agent, trustee or other person appointed by the courts.

PERSON

An individual, partnership, trust or association, with or without transferable shares, joint stock company, a corporation which is not publicly traded, society, club, firm, organization, institution, estate, receiver, trustee, assignee, referee or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, or any other combination of individuals, directly or indirectly or through any agent, employee, stockholder, officer or other person or any subsidiary whatsoever acting as a unit, including a governmental unit other than the Town of Rochester or any of its agencies.

SHORT-TERM RENTAL

A Dwelling unit or any bedroom within a Dwelling rented out using advanced reservations, for a fee, for a period of not more than 30 consecutive calendar days.

D. Short-term rental registration.

Registration is required for all Short-Term Rentals. Short-Term rentals shall only be allowed in single-family or multi-family dwelling units (excluding accessory buildings).

1. No Owner shall rent, or offer to rent, any Short-Term Rental prior to registering with the Rochester Building Department. No tenant or lessee of an Owner shall let or sublet a Dwelling unit or bedroom in a unit as a Short-Term Rental.
2. Limits on total number of registrations within the Town shall be 30 active units or less.

3. Compliance. A Dwelling used as a Short-Term Rental shall at all times be in compliance with the provisions of all state and local health and safety laws, bylaws and regulations.
4. Application required. The Owner of the Dwelling shall be required to complete a Rochester Short-Term Rental registration application with the Rochester Building Department. The applicant shall also provide proof each short-term rental is registered with the Massachusetts Department of Revenue.
5. Abutter notification. For an initial application to register a Dwelling unit as a Short-term Rental, the applicant is required to send notification informing abutters within 300 feet and provide proof to the Town of the notification using one of the following methods: hand delivery; certified mail, return receipt requested; certified mail. Proof of abutter notification shall be included with the application.
6. The Rochester Building Commissioner shall, in accordance with the above subsections, issue a certificate of registration which shall expire on the following December 31, provided that the certificate may be renewed each year upon payment of a required fee. Failure to renew a registration will result in the Dwelling unit to lose its place on the Town's list of 30 active units. The Building Commissioner will share the list of Short-term Rentals with the Police and Fire Departments.
7. Fees. The fee for a Short-Term Rental registration shall be as established and revised from time to time by the Board of Selectmen.
8. No transferability. Short-Term Rental registrations shall be granted solely to an owner and shall not be transferable or assigned to any other person, legal entity, or address. The registration does not run with the property and may not be recorded; it shall be terminated upon sale or transfer of the property for which the registration has been issued.

E. Publication of registration number.

The Town-issued registration number shall be included on any listing offering the Short-Term Rental for rent.

F. Contact information of Owner (and agent if one).

1. An Owner of a Short-Term Rental shall provide the Rochester Building Department with his/her current residential address and telephone number upon application for a registration as well as a full and complete list of persons (as defined above) who have a direct or indirect interest in any property for which a Short-Term Rental registration in the Town of Rochester has been issued or for which a Short-Term Rental registration application is pending.
2. The name and contact information of the Owner/Operator must be provided, along with the name and contact information of any Owner/Operator's Agent, if different from the Owner/Operator, who is able to respond in person to any issues or emergencies that arise during occupancy within one hour of contact by the Rochester Building Commissioner to complaints regarding the condition or operation of the Short-Term Rental. Contact information must include a telephone number that is available 24 hours per day, seven days a week to Short-Term Rental occupants and the above stated public

safety agencies. This contact information shall be included in the application for a Short-Term Rental registration and shall be posted conspicuously within the rental unit.

G. Posting of notices.

The Town, acting by and through its Select Board or designee thereof, shall provide information to each registered operator summarizing the regulations for Short-Term Rentals. For each Short-Term Rental registration issued, this will include but shall not be limited to; the name and twenty-four-hour contact information of the Owner, Operator or Operator's Agent designated in the application, requirements for trash removal, occupancy requirements, parking, and noise restrictions. The Operator shall:

1. Provide each Occupant a copy of the provided information; and
2. Post the information, along with the Short-Term Rental registration, in a conspicuous location within the Short-Term Rental.

H. Specific standards for Short-Term Rental properties.

1. Trash removal. The Short-Term Rental operator shall be responsible for ensuring that household trash is removed from the premises immediately after occupancy is concluded or once per week, whichever is more frequent.
2. Parking. On-site parking of one space per Short-Term Rental bedroom.
3. Renting for durations of less than 20 consecutive hours shall not be permitted.
4. Commercial meetings and uses are prohibited in Short-Term Rentals.
5. Each Short-Term Rental shall contain functional smoke detectors and carbon monoxide alarms. In addition, the Owner or Operator shall provide and maintain one two-and-one-half-pound multipurpose fire extinguisher on each floor.

I. Occupancy requirements.

The maximum number of Occupants in a Short-Term Rental shall be two per each bedroom.

J. Keeping of register.

The Owner/Operator or Agent shall be responsible for keeping a register containing the name of the occupant who is the leaseholder, total number of occupants, and dates of occupancy. The register shall be retained for a period of two years.

K. Ineligible units.

The following are not eligible to be rented or offered to rent as short-term rentals:

1. Dwellings restricted as affordable units under any deed rider or zoning approval or units that are otherwise subject to housing or rental assistance under local, state, or federal law.
2. Accessory Dwelling Units, as such units are defined in the Rochester Zoning Bylaws.
3. Dwellings subject to any requirement of local, state, or federal law that prohibits the leasing or subleasing of the unit or use of the unit as a Short-Term Rental.
4. Dwellings that are the subject of any outstanding building, sanitary, zoning, or fire code violations, orders of abatement, stop-work orders, unsafe orders, or cease-and-desist orders.

L. Failure to pay municipal taxes, fees, assessments, and charges.

The privilege of receiving or holding a Short-Term Rental registration is contingent upon the timely payment of municipal and district taxes, fees, assessments, and charges. Failure of a person to comply with this requirement shall be cause, after notice and hearing pursuant to the requirements of MGL c. 40, § 57 and Rochester Bylaws, for denial, suspension, amendment, or revocation of a Short-Term Rental registration for any and all property in which the person holds a direct or indirect ownership interest, as above defined.

M. Inspections.

Short-Term Rentals shall be subject to a mandatory initial inspection and thereafter inspections every two years by the Rochester Building Commissioner, Fire Department, Health Department or other duly authorized authority from the Town.

N. Enforcement.

1. The Building Commissioner may enforce this Bylaw in the manner set forth under G.L. c.40A, § 7.
2. Additionally, or in the alternative, for any violations of this bylaw, the Building Commissioner may issue fines of \$300 per day. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation. Fines hereunder may be assessed in accordance with G.L. c.40, §21D.
3. The Commissioner or a designee may also seek an injunction from a court of competent jurisdiction prohibiting the offering of the unit as a Short-Term Rental.

O. Adoption of regulations.

The Rochester Building Commissioner may propose, per the Rochester Housing Opportunity Partnership, regulations, policies and procedures for the implementation of this chapter.

P. Room occupancy excise and community fees.

Short-term rentals subject to the provisions of this bylaw may be subject to the room occupancy excise under MGL c. 64G and short-term rental community impact surcharge established by the Rochester Select Board.

Q. Applicable Provisions.

All applicable provisions of the building, health and safety codes, as determined by the Building Commissioner and Board of Health shall be met.

ARTICLE 16: ACCESSORY DWELLING UNIT

To see if the Town will vote to amend the Town's Zoning By-laws by adding a new section 20.40 E.16 and renumbering the underlying subsection 16 and remainder of the section as follows, and take any other action relative thereto:

20.40 E.16

An Accessory Dwelling Unit ("ADU") as defined in accordance with the provisions of M.G.L. c. 40A, Section 1A, as may be amended, is allowed by right in the Agricultural/Residential District, provided it meets the following criteria:

1. It is not larger in floor area than 1/2 the gross floor area of the principal dwelling or 900 square feet, whichever is smaller.
2. ADUs in the Historic District must receive a certificate of appropriateness.
3. The ADU meets all other dimensional and parking requirements set forth herein.
4. The Building Inspector may allow reasonable deviation from the requirements of this section where necessary to install features that facilitate access and mobility for disabled persons.
5. The Permit shall be issued to the owner of record of the property and shall specify that short-term rentals are not permitted, as defined in the Zoning Bylaws.
6. The ADU shall remain accessory to the primary dwelling and cannot be further expanded.
7. Only one ADU per single family dwelling shall be permitted by right.
8. The ADU incorporated into an existing house shall be designed so that the appearance of the existing structure remains that of a single-family dwelling, subject to the following conditions:
 - 8.1 Any additional exterior stairway shall be consistent with the appearance of the existing structure.
 - 8.2 Any new entrance shall be located on the side or in the rear of the structure.
9. An ADU that is a separate structure shall be subject to the following additional requirements:
 - 9.1 A Certified Plot Plan is required. The plan shall demonstrate adequate parking and maximize convenience and safety for vehicular and pedestrian movement within the property and in relation to adjacent ways;
 - 9.2 The appearance matches the style of the principal structure;
 - 9.3 The ADU shall be behind the front face of the principal structure (not in the front yard); and
10. All parking is to be on-site with at least one non-tandem space available to the occupants of the ADU.
11. All ADUs shall have their own means of access and egress. Two are required.
12. Proof is provided that the septic system is, or will be, sized for any additional building occupancy.
13. All dimensional and setback requirements must be maintained.
14. All applicable provisions of the building, health, and safety codes, as determined by the Building Commissioner and Board of Health shall be met.

15. Applications for Variances under other sections of the by-laws are not excluded by this section.

Existing sections 20.40 E.16 and 20.40 E.17 shall be re-designated as 20.40 E.17 and 20.40 E.18 accordingly.

ARTICLE 17: USE VARIANCE AMMENDMENT

To see if the Town will vote to amend the Town's Zoning By-laws by deleting the words "or use variance" from Section 20.40 F.6 and by deleting and replacing the language of Section 18.10 B.

3. Variance or Use Variance with the following new Section:

3. Variance To hear and decide petitions for variances, in accordance with G.L. c. 40A, § 10, after a public hearing for which notice has been given in accordance with G.L. c. 40A, § 11, provided that:

(a) No variance may authorize a use or activity not otherwise permitted in the District in which the land or structure is located.

(b) The Board shall require evidence be heard and specifically find that owing to circumstances relating to soil conditions, shape, or topography of such land or structure and especially affecting such land or structures but not affecting generally the zoning district in which it is located, that a literal enforcement of the provisions of the Bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and the desired relief may be granted without substantial detriment to the public good and without nullifying or substantially detracting or deviating from the intent of this Bylaw.

(c) The Board may impose conditions, safeguards, and limitation of time and for use, including the continued existence of any particular structures but excluding any particular condition, safeguards, or limitation based upon the continued ownership of the land or structures to which the variance pertains by the applicant, petitioner, or any owner.

(d) If rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse; provided, however, that the Board in its discretion and upon written application by the grantee of the variance may extend the time for exercise of such rights for a period not to exceed six months; and provided, further, that the application for such extension is filed with the Board prior to the expiration of such one year period. If the Board does not grant such extension within 30 days of the date of application therefor, and upon the expiration of the original one-year period, such rights may be reestablished only after notice and a new public hearing.

And to take any other action relative thereto.

Given under our hands this 16 day of December 2024.

Rochester Select Board: