

## ARTICLE 14 TEMPORARY ZONING

### Temporary Zoning regarding Permitting for Certain Uses during the COVID-19 Emergency and its Aftermath

For the purpose of encouraging and facilitating the re-opening of existing businesses and the opening of new businesses and to stimulate economic activity in the aftermath of the COVID-19 emergency, the following temporary zoning shall apply until December 31, 2021.

#### Affected Uses:

For new and existing uses in the B-G, B-L, B-VC, B-N, COM, OP, and PRP zoning districts that are currently permitted by Site Plan Review or Special Permit, and for pre-existing nonconforming uses in any zoning district, this section shall apply to the following:

- Section 3.350 Retail Establishments
- Section 3.351 Personal Care Establishments
- Section 3.352 Food and Drink Establishments
- Section 3.360 Medical Uses

For Accessory Uses proposed to collocate with any of the uses listed above that are currently permitted by Site Plan Review, Special Permit, or proposed to collocate with pre-existing nonconforming uses in any zoning district, this section shall apply to the following:

- Section 5.00 General
- Section 5.041 Outdoor Dining
- Section 5.042 Live Entertainment
- Section 5.043 Drive-Through Facilities

For Temporary Use or changes in response to COVID-19 issues, including the placement of temporary structures, in any zoning district for the following uses:

- Section 3.312 Class I and Class II Farm Stand
- Section 3.330.0 Non-profit educational institution
- Section 3.333 Church or other place of worship, parish house, rectory or convent
- Section 3.334 Not for profit library or museum
- Section 3.336 Medical or residential institutions
- Section 3.342 Governmental Administration building, fire or police station
- Section 3.344 Other governmental use not specifically listed herein

Temporary Use: A use or alteration established for a fixed period of time with the intent to discontinue and return to the original condition upon expiration of the time period.

#### Waivers and Modifications:

The Building Commissioner, acting in place of the Permit Granting Board or Special Permit Granting Authority, may grant waivers and modifications in accordance with Sections 7.90 and 8.5.

#### Design Review Board:

The requirement for review by the Design Review Board under Section 3.20 shall be suspended during this temporary period for any signage, lighting, placement of outdoor furnishings and any other nonpermanent building or site alteration. The Building Commissioner in consultation with the Planning Director shall be authorized to review applications and apply any design review criteria normally reviewed by the Design Review Board.

#### Application Process:

The requirement for land use permits (i.e., SPR and SP) and their application and submission requirements of Section 10 and 11, by the Planning Board and the Zoning Board of Appeals, shall be temporarily suspended. Applications shall be filed with the Conservation and Development Department. The Conservation and Development Department will establish application submittal requirements which will include specific standards and criteria for the various types of requests. At the time of application and for no less than 10 days, applicant shall prominently place notice of its application, with contact information for the Building Inspector and Planning Director, at the main entrance of the building on a front window, door or siding.

The Building Commissioner, in consultation with the Planning Director, shall be authorized to review all applications under this section and may issue an administrative approval in lieu of the required land use permits for these establishments based on criteria listed in Sections 10.38 and 11.24 of the Zoning Bylaw. Prior to granting any approval, the Building Commissioner will solicit comments from the other applicable public officials and staff including the Fire Chief, Police Chief, Public Health Director, Superintendent of Public Works, or Town Manager.

Decision:

The Building Commissioner shall approve, approve with conditions, or deny any request within 10 business days of receipt of a complete application. Decisions shall be made in writing, filed with the Town Clerk and kept on record with the Conservation and Development Department. Any such decision issued under this section shall be deemed to satisfy the Zoning Bylaw requirements for Special Permit or Site Plan Review.

Appeals:

Any decision made by the Building Commissioner may be appealed to the Board of Appeals by any aggrieved person in accordance with Section 10.1.