

**TOWN of ROCKPORT
WARRANT for
ANNUAL TOWN MEETING**

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Saturday, April 5, 2025
The Commonwealth of Massachusetts

Essex, ss. To: One of the Constables of the Town of Rockport, Massachusetts in
said County of Essex in the Commonwealth of Massachusetts.

GREETINGS: In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in Town affairs to meet and assemble at the Rockport High School campus at 24 Jerden's Lane in said Rockport on Saturday, the fifth day of April, 2025 A.D., at 8:30 in the morning, then and there to act on the following articles, to wit:

ARTICLES: Fiscal Year 2025

ARTICLE I. To see if the Town will vote to appropriate by transfer from available funds sums of money to be expended by various Town Departments to balance the FY25 budget; or act on anything relative thereto. *(Town Accountant) (requires majority vote)*

ARTICLE II. To see if the Town will vote to raise and appropriate a sum of money to pay unpaid bills and/or payroll of previous years; or act on anything relative thereto. *(Town Accountant) (requires 4/5 vote)*

ARTICLE III. To see if the Town will vote to appropriate a sum of money for a replacement HVAC system and associated electrical upgrades for the Police Station, including incidental and related expenses, provided by borrowing, or act on anything relative thereto. *(DPW Commissioners) (requires 2/3 vote)*

ARTICLE IV. To see if the Town will vote to appropriate a sum of money for the repair and replacement of the Middle/High School Roof, including all incidental and related expenses, provided by borrowing, or act on anything relative thereto. *(Select Board & School Committee) (requires 2/3 vote)*

ARTICLES: Fiscal Year 2026

ARTICLE 1. To choose an agent for the various trust funds of the Town and to choose all other necessary Town Officers in such a manner as the Town may direct; or act on anything relative thereto. *(Select Board) (requires majority vote)*

ARTICLE 2. To see if the Town will vote to raise and appropriate a sum of money to pay unpaid bills and/or payroll of previous years; or act on anything relative thereto. *(Town Accountant) (requires 4/5 vote)*

- ARTICLE 3. To see if the Town will vote to rescind, amend, or revise any one or more of the authorizations previously given to borrow funds for municipal purposes, excluding always, any and all authorizations that have been executed by a borrowing; or act on anything relative thereto. *(Town Treasurer) (requires majority vote)*
- ARTICLE 4. To see if the Town will vote to amend or revise certain compensation schedules as recommended by the Select Board and on file in the Town Clerk's Office, which are incorporated herein by reference, namely:
- A. Compensation Schedules A, B, D and H for salaried employees; and
 - B. Compensation Schedule C for elected officials;
- or act on anything relative thereto. *(Select Board) (requires majority vote)*
- ARTICLE 5. To see if the Town will vote to raise and appropriate, or transfer from available funds, sums of money for any or all Town expenses and purposes, including, without limiting the foregoing, debt and interest, out-of-state travel, wages and salaries, operation of the Town's departments and offices, and provide for a reserve fund, all for the Fiscal Year beginning on July 1, 2025 through June 30, 2026, inclusive; or act on anything relative thereto. *(Finance Committee) (requires majority vote)*
- 5A. To see if the Town will vote to raise and appropriate, or transfer from available funds, sums of money for any and all Town expenses and purposes including, without limiting the foregoing, debt and interest, out-of-state travel, wages and salaries, operation of the Town's Water Enterprise and provide for a reserve fund, all for the Fiscal Year beginning on July 1, 2025 through June 30, 2026, inclusive; or act on anything relative thereto. *(Finance Committee) (requires majority vote)*
 - 5B. To see if the Town will vote to raise and appropriate, or transfer from available funds, sums of money for any and all Town expenses and purposes including, without limiting the foregoing, debt and interest, out-of-state travel, wages and salaries, operation of the Town's Sewer Enterprise and provide for a reserve fund, all for the Fiscal Year beginning on July 1, 2025 through June 30, 2026, inclusive; or act on anything relative thereto. *(Finance Committee) (requires majority vote)*
 - 5C. To see if the Town will vote to appropriate and transfer from the FY2026 Estimated Annual Revenue of the Community Preservation Fund a sum of money for any and all necessary and proper expenses of the Community Preservation Committee, all for the Fiscal Year beginning on July 1, 2025 through June 30, 2026,

inclusive; or act on anything relative thereto. *(Finance Committee)*
(requires majority vote)

ARTICLE 6. To see if the Town will vote to appropriate for Capital Outlay Items, such sums of money as set forth in the schedule prepared by the Finance Committee, or any other sum or sums, a copy of which schedule is on file with the Town Clerk and incorporated herein by reference, and to determine whether such sums will be raised by fees, taxation, transferred from available funds, provided by borrowing, or by any combination of the foregoing; or act on anything relative thereto. *(Finance Committee)* *(requires 2/3 vote if funded with borrowing)*

6A. To see if the Town will vote to appropriate for Capital Outlay Items for the Water Enterprise, sums of money as set forth in the schedule prepared by the Finance Committee, or any other sum or sums, a copy of which schedule is on file with the Town Clerk and incorporated herein by reference, and to determine whether such sums will be raised by fees, taxation, transferred from available funds, provided by borrowing, or by any combination of the foregoing; or act on anything relative thereto. *(Finance Committee)*
(requires 2/3 vote if funded with borrowing)

6B. To see if the Town will vote to appropriate for Capital Outlay Items for the Sewer Enterprise, sums of money as set forth in the schedule prepared by the Finance Committee, or any other sum or sums, a copy of which schedule is on file with the Town Clerk and incorporated herein by reference, and to determine whether such sums will be raised by fees, taxation, transferred from available funds, provided by borrowing, or by any combination of the foregoing; or act on anything relative thereto. *(Finance Committee)* *(requires 2/3 vote if funded with borrowing)*

ARTICLES: Lottery System

ARTICLE A. To see if the Town will vote to accept the reports of its officers, boards, departments, committees and commissions, as printed in the 2024 Annual Town Report or as otherwise submitted to Town Meeting; or act on anything relative thereto. *(Town Moderator)*
(requires majority vote)

ARTICLE B. To see if the Town will vote to expend a sum of money allocated to the Town under the provisions of M.G.L. Ch. 90 or otherwise, so-called "Chapter 90 monies"; or act on anything relative thereto. *(DPW Commissioners)* *(requires majority vote)*

ARTICLE C. To see if the Town will vote to raise and appropriate or appropriate and transfer from available funds, including Free Cash, the following sums, or any other sum, as a grant to the following charitable organizations

Action, Inc.	\$4,000
HAWC	\$3,000
Senior Care	\$3,100
Open Door	\$5,000

; or act on anything relative thereto. *(Select Board) (requires majority vote)*

ARTICLE D. To see if the Town will vote to raise and appropriate or appropriate by transfer from available funds, including Free Cash, the following sums of money to the following Stabilization Funds and Trusts to pay for future expenditures:

General Stabilization Fund	\$150,000
SPED Stabilization Fund	\$200,000
Capital Reserve Stabilization Fund	\$150,000
OPEB Trust Fund	\$100,000

; or act on anything relative thereto. *(Select Board) (requires majority vote)*

ARTICLE E. To see if the Town will vote to raise and appropriate or appropriate by transfer from available funds, including Free Cash, a sum of money for Assessor Revaluation Expenses; or act on anything relative thereto. *(Select Board) (requires majority vote)*

ARTICLE F. To see if the Town will vote to accept, for the Select Board, Board of Health, Planning Board, Conservation Commission, Zoning Board of Appeals, and Historical Commission, the provisions of G.L. c.39, §23D, which provide that a member of a board, committee, or commission included in this article holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to the member's absence from one session of such hearing, provided that certain conditions are met, or take any action relative thereto. *(Select Board) (requires majority vote)*

ARTICLE G. To amend the Code of By-Laws, Chapter 14, ENVIRONMENTAL PROTECTION AND PUBLIC HEALTH, by adding a new subsection G., entitled Short Term Paying Guests in Homes, as follows, with bold font indicating additions and strike throughs indicating wording proposed for removal:

Section 1. Rentals to Short Term Paying Guests. The rental of residential premises to short term paying guests is allowed in owner-occupied residential premises pursuant to being licensed in accordance with this by-law and consistent with the Town's Code of By-Laws and the Zoning By-Laws. Short term paying guests are those who are staying in a dwelling unit for less than seven (7) consecutive nights. The Select Board may allow short term paying guests provided suitable

accommodations exist as determined by the Select Board in accordance with this by-law.

Section 2. License Required.

a. **License.** Every owner of residential premises who offers rentals to short term paying guests must first obtain a license to do so from the Select Board. Licenses are valid for a calendar year and must be renewed annually. Application for a license can be made at any time but the license shall expire December 31 of the subject year.

b. **Applications:**

Application shall be made on a form promulgated by the Select Board and shall contain sufficient information to determine the scope of the proposed short-term rental operation, including but not limited to: location, number of rooms to be rented and whether meals prepared at the house will be served.

By completing the application form, applicants shall be confirming the following:

i. The property complies with applicable Board of Health regulations and Fire Department safety measures and that the property shall be made available for inspections by the Health, Fire, and Inspectional Services departments at intervals determined by the Select Board through regulations.

ii. Name of a local authorized agent who can act on behalf of the owner in the absence of the owner in the case of problems, violations, or emergencies should they arise while the owner is not present. A name, address, functioning phone number, and email address shall be required.

iii. Agreement to maintain a guest registry showing the name of each guest and the night(s) of their stay. The registry shall be made available for review at any time at the request of the Enforcement Agent and/or Select Board.

c. **Application Fee:** The Select Board shall annually determine the license fee. Further, once the fee is determined, the Select Board shall determine which percentage of the license fee shall be deposited into the Affordable Housing Trust Fund.

d. **Compliance with Applicable Laws and Regulations.** A license issued under this by-law shall not be deemed to supersede the application of any other lawful requirements applicable to the use authorized therein, including the necessity of obtaining other licenses or permits.

- e. **Regulations.** Owners shall be required to adhere to regulations for the short-term rental of homes that the Select Board shall promulgate from time to time.

Section 3. Complaints and Enforcement

a. **Enforcing Agent.** The Select Board may designate such Town officials as they deem appropriate to carry out the enforcement duties under this by-law. The Town Administrator shall supervise enforcement actions.

b. **First Notice of Violation.** If the Enforcement Agent, as designated by the Select Board, concludes that there has been a violation of this by-law or of the conditions of any license issued hereunder, the agent shall send notice ordering cessation of the improper activities to the license holder, by registered mail to the address stated on the initial Application.

c. **Enforcement Pursuant to Chapter 16 of the Code of By-Laws.** If a license holder persists in such violation, the Enforcement Agent may seek enforcement of this bylaw and the penalty for violations of this by-law shall be as promulgated in Chapter 16 of the Code of By-Laws for each day an offense occurs. Fines shall continue to accrue throughout all subsequent enforcement phases until such time as violations cease or the license is revoked, whichever is later.

d. **Enforcement Show Cause Hearing.** In the event that a license holder persists in such violations, the Board may notify the license holder by mail, as above, of a hearing to be held not less than four (4) days thereafter to show cause why said license should not be revoked, and following said hearing, may in its discretion, modify, revoke or amend the license.

e. **Other Hearings.** Upon petition of the property owner and/or license holder, abutters, or upon its own initiative, the Select Board may hold a hearing to determine whether or not the terms of this by-law, any other applicable state, federal or local law, or the license itself are being complied with, and/or whether or not activities conducted pursuant to a license issued under this bylaw constitute a nuisance or adversely impact the public health, safety, or welfare.

f. **Remedies.** The Select Board may, after hearing, mandate licensure, or modify, revoke or suspend a license issued hereunder. In addition, should the Select Board, after conducting a hearing, determine that a violation has occurred; it may direct the Enforcement Agent to seek enforcement of this by-law as set forth in the above paragraphs.

This bylaw shall go into effect January 1, 2026 or upon approval of the by-law by the Attorney General's Office, whichever is later.

(Select Board) (requires majority vote)

ARTICLE H. To see if the Town will vote to approve the following non-binding citizen petition:

To see if the Town will request that the Select Board vote pursuant to MGL c. 59 § 5C, the residential tax exemption, the upcoming tax rate at a maximum 35% for the assessed value of all Class One residential parcels within Rockport, provided that such an exemption shall be applied only to (1) the principal residence of the taxpayer as used by the taxpayer for income tax purposes or (2) a residential parcel occupied by a resident of the Town of Rockport, other than the taxpayer, occupied on a year-round basis and used as his or her principal residence for income tax purposes.
(Non-Binding Citizen Petition) (requires majority vote)

ARTICLE I To amend Chapter 14, ENVIRONMENTAL PROTECTION AND PUBLIC HEALTH, Section E(5), Historic District, by inserting the following new sub-section:

- i. Solar Panel Review Exemption. Solar panel arrays that have all of the following four (4) characteristics are exempt from review by the Commission: (1) Panels are low profile and mounted no higher than six (6) inches above the roof surface; (2) Panels are set back from the edge of the roof; (3) The array is parallel to the edges of the roof, and is aligned in a regular and rectangular pattern with no missing panels; (4) The panel frames and cells, pipes, and wires match the surrounding roof in color. Solar panel arrays that do not have all four components listed above shall require a Certificate of Appropriateness for installation. *(Binding Citizen Petition) (requires majority vote)*

ARTICLE J To see if the Town will vote to authorize the Select Board to enter into a lease for a period of up to 35 years for the building known as the Old Firehouse, located at 3 Dock Square, Rockport, upon such terms and conditions as the Board may determine are in the best interests of the Town, and, further, to take any action that may be necessary or appropriate to effectuate the purposes of the vote taken hereunder, or act on anything

relative thereto.

(Select Board) (requires majority vote)

ARTICLE K To see if the Town will vote to amend the Code of By-Laws Chapter 7, Finances and Fiscal Procedures, Section A 10, Establishment of Revolving Accounts to create a revolving fund and set fiscal year spending limits for School Department Community Engagement and Communications, and authorize the Superintendent of Schools to make expenditures without appropriation; or act on anything relative thereto. *(School Committee) (requires majority vote)*

ARTICLE L To see if the Town will vote to appropriate a sum of money for Capital Outlay Items for the Water Enterprise, provided by borrowing, or act on anything relative thereto. *(DPW Commissioners) (requires 2/3 vote)*

ARTICLE M To see if the Town will vote to appropriate a sum of money for Capital Outlay Items for the Sewer Enterprise, provided by borrowing, or act on anything relative thereto. *(DPW Commissioners) (requires 2/3 vote)*

ARTICLE N To see if the Town will vote to amend Section IX of the Town's Zoning By-Laws, Coastal Flood Plain District, by deleting the text and title of said section and inserting a new Section IX, entitled, Coastal Flood Plain District Overlay District, as set forth below, specific only to the amendments indicated with strikethrough text to be deleted and new text to be inserted shown as bolded:

~~“SECTION IX. COASTAL FLOOD PLAIN DISTRICT~~

~~A. PURPOSES The purposes of this district are:~~

~~1. To provide that land in the Town of Rockport subject to seasonal or periodic flooding as described hereinafter shall not be used in such a manner as to endanger the health or safety of the occupants thereof, or of the public generally, or as to burden the public with cost resulting from unwise individual choices of land use.~~

~~2. To assure the continuation of the natural flow pattern of the of the water courses within the Town and to minimize the impact of coastal storms in order to protect persons and property against the hazards of flood inundation.~~

~~B. DISTRICT DELINEATIONS:~~

~~1. “The Coastal Flood Plain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Rockport designated as Zone AE, AO, or VE on the Essex County Flood Insurance Rate Map (“FIRM” or “Map”) issued by the Federal Emergency Management Agency (FEMA)~~

~~for the administration of the National Flood Insurance Program. The map panels of the Essex County FIRM that are wholly or partially within the Town of Rockport are panel numbers 25009C0309G, 25009C0317G, 25009C0319G, 25009C0328G, 25009C0336G, 25009C0337G, 25009C0338G, 25009C0339G, 25009C0476G and 25009C0500G dated July 16, 2014. The exact boundaries of the District are defined by the 100-year base flood elevations shown on the FIRM and further defined by the Essex County Flood Insurance Study (FIS) report dated July 16, 2014. The FIRM and Flood Insurance Study report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Inspector and Conservation Commission." (amended ATM 4/9/2012 & 4/5/2014)~~

~~2. Notwithstanding the foregoing, areas determined by the Federal Insurance Administration to be out of the Flood Plain District or areas determined by the Building Inspector in accordance with the following subsection 3 to be not in fact, at or below Base Flood Elevation as shown on the "Map" shall be exempt from the Flood Plain District regulations:~~

~~3. In order that the Building Inspector may determine that the above-mentioned conditions are met, for new construction of buildings, substantial improvements to or relocation of existing buildings, a site plan at a scale of 1" = 10' prepared by a registered land surveyor or registered professional civil engineer, shall be submitted in quadruplicate to the Building Inspector by the applicant. The site plan shall show at least the following:~~

~~a. The locations, boundaries, and dimensions of each lot.~~

~~b. Two-foot contours of the existing and proposed land structure.~~

~~c. Location of existing and proposed structures, watercourses and drainage easements, means of access, drainage, and sewer disposal facilities.~~

~~d. The area and location of existing or proposed leaching fields, if any.~~

~~e. Show base flood elevation for the 100-year flood plain level as identified on the Flood Insurance Rate Map (FIRM) for Essex County. (Amended ATM 4/9/2012)~~

~~The Building Inspector shall, within 5 days after receipt of said site plan, transmit one copy of said plan to the Planning Board, Board of Health and Conservation Commission. Said boards and commissions may, at their discretion, investigate the case and report in writing their recommendation to the Building Inspector. The Building Inspector shall not take final action on such plans until it has received a report thereon from said boards and commissions, or until said boards and commissions have allowed twenty (20) days to elapse after receipt of such plan without a submission or report thereon.~~

~~C. USE REGULATIONS~~

~~1. The Coastal Flood Plain District shall be considered as overlying all other districts.~~

~~2. In the Coastal Flood Plain District land and structures thereon may be used in accordance with the provisions of this section for any purposes otherwise allowed for the underlying district in which such land or structure is situated.~~

~~3. In the Floodplain District no new construction of buildings, nor substantial improvements to or relocation of existing buildings shall be undertaken except as provided in Subsection 4 hereof. "Substantial improvements" as used in this Section VIII is any repair, reconstruction or improvement of a main structure on the property, the cost of which equals or exceeds 50% of the actual cash value of the structure either before the improvement is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition substantial improvements are considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure. The term does not, however, include either: (Amended FTM 9-17-2018)~~

~~a. Any alteration to comply with existing state or local health sanitary building or safety codes or regulations or;~~

~~b. Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.~~

~~4. The following uses of low flood damage potential and causing no obstructions to flood flows are encouraged, provided they are permitted in the underlying district and they do not require structures, fill or storage of materials or equipment.~~

~~a. Public rights of way may be filled for the purpose of maintenance or improvement of an existing roadway or right of way.~~

~~b. When public buildings and structures belonging to the Town of Rockport are to be improved or rebuilt, fill may be utilized to the extent allowed by the safety standards set by the Federal Insurance Administration.~~

~~c. Outdoor recreation, including play areas, nature study, boating, fishing and golf courses where otherwise legally permitted.~~

~~d. Foot, bicycle, and/or horse paths and bridges, provided such uses do not affect the natural flow pattern of any water course. e. Uses such as farming, gardening, bathing beaches or picnic areas.~~

~~f. Boat docks and launching ramps, subject to the approval of state and/or federal agencies, if required.~~

~~g. Construction of a public roadway approved by Town Meeting vote.~~

~~h. Wildlife management areas and conservation of water, plants and wildlife.~~

~~i. Garages within the "A" zone as shown on the Map and driveways accessory to dwellings.~~

~~j. Any repair, reconstruction or improvements to buildings lawfully existing prior to the adoption of these provisions, which repair, reconstruction or improvements do not constitute substantial improvements as defined herein.~~

~~D. DEVELOPMENT REGULATIONS~~

~~1. COMPLIANCE WITH STATE REGULATIONS (Amended ATM 4/9/2012) All development in the district including structural and nonstructural activities whether permitted by right or by special permit must be in compliance with the following regulations as may be amended from time to time:~~

~~a. Sections of the Massachusetts Building Code (780 CMR) which address flood plain and coastal high hazard areas~~

~~b. Wetlands Protection Regulations, Department of Environment Protection (DEP) (currently 310 CMR 10.00)~~

~~c. Inland Wetland Restriction, DEP (currently 310 CMR 13.00)~~

~~d. Coastal Wetland Restriction, DEP (currently 310 CMR 12.00)~~

~~e. Minimum requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5)~~

~~f. All development, including structural and nonstructural activities, whether permitted by right or by special permit must be in compliance with M.G.L. Chapter 131 Section 40. Any variances from the provisions of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations and 44CFR 60.6.~~

~~OTHER USE REGULATIONS (amended ATM 4/9/2012)~~

~~a. Within zone AO on the FIRM, require adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.~~

~~b. Prohibit man-made alteration of sand dunes within Zone VE which would increase potential flood damage.~~

~~a. Provide that all new construction within Zone VE be located landward of the reach of mean high tide.~~

~~d. Review all subdivision proposals to assure that:~~

~~a) such proposals minimize flood damage;~~

~~b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and~~

~~e) adequate drainage is provided to reduce exposure to flood hazards.~~

E. BOARD OF APPEALS

1. In the coastal Flood Plain District, the Board of Appeals may grant a special permit for new construction or substantial improvements to structures to be erected on a lot of one-half acre or less in size, contiguous to and surrounded on all sides by lots with existing structures constructed below the Base Flood Elevation in accordance with variance requirements set forth in 44 CFR 60.6

2. The Town shall include, within its Annual Report submitted to the flood Insurance Administration, the number of permits issued hereunder, and shall maintain a record of all permits granted, including justification for their issuance.

3. The granting of a special permit hereunder shall not affect or grant relief from the provisions of this zoning by-law relating to the underlying district in which the land lies."

SECTION IX. FLOOD PLAIN OVERLAY DISTRICT

9.1.A. Flood Plain District: The purposes of the Flood Plain District are to:

- (a) Ensure public safety through reducing the threats to life and personal injury;**
- (b) Eliminate new hazards to emergency response officials;**
- (c) Prevent the occurrence of public emergencies resulting from loss of water quality, contamination, and pollution due to flooding;**
- (d) Avoid the loss of utility services which, if damaged by flooding, would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;**
- (e) Eliminate costs associated with the response and cleanup of flooding conditions;**
- (f) Reduce damage to public and private property resulting from flooding waters;**
- (g) Minimize potential loss of life, destruction of property, and environmental damage resulting from storms, flooding, erosion, and relative sea level rise.**

9.1.B. Flood Plain District Boundaries, Definitions. Base Flood Elevation and Floodway Data

- 9.1.B.1. The Floodplain District is herein established as an overlay district. The Floodplain Overlay District consists of the Federal Floodplain District. The Flood Plain District includes all special flood hazard areas within the Town of Rockport designated as Zone A, AE, AH, AO, or VE on the Essex County Flood Insurance Rate Map (FIRM), dated July 8, 2025, and issued by the Federal**

Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program The exact boundaries of the District shall be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Essex County Flood Insurance Study (FIS) report dated July 8, 2025, as those documents were updated by FEMA

The FIRM, FIS booklet, and LOMR are incorporated herein by reference and are on file with the Town Clerk, Planning Board, and Director of Public Works. These maps indicate the 1%-chance regulatory floodplain. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the Essex County FIRM and further defined by the Essex County Flood Insurance Study (FIS) report dated July 8, 2025.

9.1.B.2 Definitions.

The following definitions shall apply when using the Floodplain Overlay District bylaw:

- a. **“Area of Special Flood Hazard.” Land in a floodplain that is subject to a one percent or greater chance of flooding in any given year, and which is designated on a FIRM as Zone A, AO, AH, AE, A99, VE, or V;**
- b. **“Base Flood”. The flood having a one-percent chance of being equaled or exceeded in any given year;**
- c. **“Coastal High Hazard Area”:** An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high-velocity wave action from storms or seismic sources and designated on a FIRM as Zone V or VE;
- d. **“Development” means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59];**
- e. **Federal Emergency Management Agency (FEMA) The federal agency which administers the National Flood Insurance Program and provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas;**
- f. **Five Hundred Year Flood is a general and temporary condition of partial or complete inundation of two or more acres of normally dry land areas or of**

two or more properties that have a 0.2% annual chance of flooding, and which are located outside of special flood hazard areas;

- g. “Flood Boundary and Floodway Map” means an official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500-year floods and the 100-year floodway. (For maps done in 1987 and later, the floodway designation is included on the FIRM.);**
- h. “Flood Hazard Boundary Map (FIRM)” is an official map of a community issued by the Federal Insurance Administrator, where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E. [US Code of Federal Regulations, Title 44, Part 59];**
- i. “Flood Plain Administrator”: In the Town of Rockport, the flood plain administrator shall be the Building Inspector;**
- j. Flood or Flooding is a general and temporary condition of partial or complete inundation of normally dry land areas or of two or more lots. This inundation can result from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source or from mudflow;**
- k. “Floodway” is the channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202];**
- l. “Functionally Dependent Use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14];**
- m. “Highest Adjacent Grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59];**
- n. “Historic Structure” means any structure that is:**

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - i. By an approved state program as determined by the Secretary of the Interior or
 - ii. Directly by the Secretary of the Interior in states without approved programs.
[US Code of Federal Regulations, Title 44, Part 59];
- o. “New Construction” refers to structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. *New construction includes work determined to be substantial improvement.*
[Referenced Standard ASCE 24-14];
- p. “Recreational Vehicle” means a vehicle which is:
 - (i) Built on a single chassis;
 - (ii) 400 square feet or less when measured at the largest horizontal projection;
 - (iii) Designed to be self-propelled or permanently towable by a light duty truck; and
 - (iv) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. [US Code of Federal Regulations, Title 44, Part 59];
- q. “Regulatory Floodway” – see Floodway;
- r. “Special Flood Hazard Area” is the land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30. [Base Code, Chapter 2, Section 202];

- s. **Start of Construction** is the date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202];

- t. **Structure** means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59];
- u. **Substantial Repair of Foundation:** When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]
- v. **Substantial Improvement:** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC];
- w. **Variance** means a grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59];

- x. **Violation means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3 is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59];**
- y. **ZONE A is the one-hundred-year floodplain area where the base flood elevation (BFE) has not been determined. To determine the BFE, use the best available federal, state and local or other data;**
- z. **ZONE AE is that portion of the one-hundred-year floodplain where the base flood elevation has been determined. (Note that Zone AE replaces Zones A1-A-30 on maps created in and prior to 1987.);**
- aa. **ZONE AH and ZONE AO is that portion of the one-hundred-year floodplain with flood depths of one foot to three feet;**
- bb. **ZONE VE is the area or areas in Rockport that have been identified by a FEMA-conducted Flood Insurance Study as special flood hazard areas along a coast subject to inundation by a one-hundred-year flood with additional hazards due to velocity (wave action) for which base flood elevations have been determined;**
- cc. **ZONE X are areas in Rockport identified by a FEMA-conducted Flood Insurance Study as those of moderate or minimal flood hazard. (Note that Zone X replaces Zones B and C on maps created in and prior to 1987.)**

9.1.B.3. Base Flood Elevation and Floodway Data

- (a) **Base Flood Elevation Data is required for subdivision proposals or other developments greater than 50 lots or 2 acres, whichever is the lesser, within unnumbered A zones.**
- (b) **In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.**

9.1.B.4 Notification of Watercourse Alteration. In a riverine situation, the Building Inspector shall must be notified and shall notify the following parties of any alteration or relocation of a watercourse:

- 1. Adjacent communities, especially upstream and downstream;**
- 2. Bordering States, if affected;**

3. NFIP State Coordinator
Massachusetts Department of Conservation and Recreation

4 NFIP Program Specialist
Federal Emergency Management Agency Region I

9.1.B.5 Requirement to Submit New Technical Data.

If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will use its best efforts, within 6 months, to notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:

- 1. NFIP State Coordinator**
Massachusetts Department of Conservation and Recreation
- 2. NFIP Program Specialist**
Federal Emergency Management Agency, Region I

9.2. Designation of Floodplain Administrator
The Town of Rockport hereby designates the position of Building Inspector to be the official floodplain administrator for the Town.

9.3.1 Floodway Encroachment

- . In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Town's FIRM, encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.**

9.3.2 Unnumbered A Zones

In A Zones, in the absence of FEMA Base Flood Elevation (BFE) data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

9.3.3 AO and AH zones drainage requirements

Within Zones AO and AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

9.3.4 Subdivision proposals

All subdivision proposals and development proposals in the floodplain overlay district shall be reviewed to assure that:

- a. Such proposals minimize flood damage;**
- b. Public utilities and facilities are located & constructed so as to minimize flood damage;**
- c. Adequate drainage is provided.**

9.3.5 Recreational vehicles

In A, AE, AO and VE Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

9.3.6 Protection of dunes

Alteration of sand dunes is prohibited when the alteration would increase potential flood damage.

9.4 Permit Requirements

- 1. The Town of Rockport requires a permit for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.**
- 2. Rockport's permit review process includes the requirement that the applicant obtain all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The applicant must acquire all necessary permits and must demonstrate that all necessary permits have been acquired.**
- 3. In order that the Building Inspector may determine that the above-mentioned conditions are met, for new construction of buildings, substantial improvements to or relocation of existing buildings, a site plan**

at a scale of 1" = 10' prepared by a registered land surveyor or registered professional civil engineer, shall be submitted in quadruplicate to the Building Inspector by the applicant. The site plan shall show at least the following:

- a. The locations, boundaries, and dimensions of each lot.
- b. Two-foot contours of the existing and proposed land structure.
- c. Location of existing and proposed structures, watercourses and drainage
- d. Easements, means of access, drainage, and sewer disposal facilities.
- e. The area and location of existing or proposed leaching fields, if any.
- f. Show base flood elevation for the 100-year flood plain level as identified on the Flood Insurance Rate Map (FIRM) for Essex County, dated July 8, 2025.

The Building Inspector shall, within 5 days after receipt of said site plan, transmit one copy of said plan to the Planning Board, Board of Health and Conservation Commission. Said boards and commissions may, at their discretion, investigate the case and report in writing their recommendation to the Building Inspector. The Building Inspector shall not take final action on such plans until it has received a report thereon from said boards and commissions, or until said boards and commissions have allowed twenty (20) days to elapse after receipt of such plan without a submission or report thereon.

9.5 Variances to building code floodplain standards.

1. The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance and will maintain this record in the community's files.

The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

9.6 Variances to local Zoning Ordinances related to community compliance with the National Flood Insurance Program (NFIP)

a. A variance in the Federal Floodplain District from these floodplain ordinances must meet the requirements set out by State law and may only be granted if:

- 1) Good and sufficient cause and exceptional non-financial hardship exist;
- 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud of the public; and
- 3) the variance is the minimum action necessary to afford relief.

9.7 Abrogation and Greater Restriction

The floodplain management regulations found in this Floodplain Overlay District shall take precedence over any less restrictive conflicting Zoning Ordinance provision.

9.8 Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable but does not imply total flood protection.

9.9 Severability

If any section, provision, or portion of this ordinance is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.

(Planning Board) (requires 2/3 vote)

ARTICLE O To see if the Town will vote to amend the Town's Zoning By-Laws as set forth below, specific only to the amendments indicated with strikethrough text to be deleted and new text to be inserted shown as bolded:

Add the following definitions to Section II. Definitions, and reorder the definitions alphabetically:

AFFORDABLE UNIT. A multi-family housing unit that is subject to a use restriction recorded in its chain of title limiting the sale price or rent or limiting occupancy to an individual or household of a specified income, or both, and eligible for listing on the Commonwealth of Massachusetts Subsidized Housing Inventory.

AFFORDABLE HOUSING. Housing that contains Affordable Units as defined by this Section VIII J. Affordable Housing Bylaw.

AREA MEDIAN INCOME (AMI). The median family income for the metropolitan statistical region that includes the Town of Rockport, as defined by the U.S. Department of Housing and Urban Development (HUD).

EOHLC. Massachusetts Executive Office of Housing and Livable Communities

LOCAL ACTION. For purposes of this section of the Bylaw, a “Local Action” requires Affordable Housing Units to be created in any development approved as of right which contains a minimum number of Affordable Housing Units.

LOCAL ACTION UNITS (LAU). For purposes of this section of the Bylaw, Local Action Units (“LAUs”) are affordable housing units created because of an intentional action taken by a community, such as the approval of a site plan, which housing units meet the requirements for inclusion on the Subsidized Housing Inventory (“SHI”).

LAU APPLICATION. The application for one or more units to be included in the state’s Subsidized Housing Inventory.

LOCAL INITIATIVE PROGRAM (LIP). A state program that encourages the creation of affordable housing by providing technical assistance to communities and developers who are working together to create affordable rental opportunities. LIP regulations and guidelines address those program components that must be reviewed and approved by the Executive Office of Housing and Livable Communities (EOHLC).

LIP COORDINATOR. A staff member of EOHLC under the LIP Program.

SUBSIDIZED HOUSING INVENTORY (SHI): A list of qualified Affordable Housing Units maintained by the Executive Office of Housing and Livable Communities (EOHLC) used to measure a community's stock of low- or moderate-income housing for the purposes of M.G.L. Chapter 40B, the Comprehensive Permit Law.

Modify the Table of Contents as shown below:

SECTION VIII. SPECIAL REGULATIONS

J. ~~Housing Balance~~ Affordable Housing

Modify SECTION XII. TRANSIT-ORIENTED VILLAGE OVERLAY – DISTRICT, by deleting the following footnote as shown below:

~~† All Building Types shall, for applications that are for 10 units or more, provide a minimum of 10 percent of the units as affordable units as determined by the EOHLC (Executive Office of Affordable and Living Communities) prior to completing Site Plan Review (all fractional units being rounded down). The income of families and/or individuals who are eligible to occupy these units shall qualify for the units under the HUD (Housing and Urban Development) 80% AMI (Area Median Income) Low Income limits, as maintained annually by the U.S. Department of Housing and Urban Development (HUD).~~

Modify SECTION XIII. MBTA COMMUNITIES MULTI-FAMILY OVERLAY DISTRICT, by deleting the following footnote as shown below:

~~†All Building Types shall, for applications that are for 10 units or more, provide a minimum of 10 percent of the units as affordable units as determined by the EOHLA (Executive Office of Affordable and Living Communities) prior to completing Site Plan Review (all fractional requirements of 0.5 or more shall be rounded to the next higher number). The income of families and/or individuals who are eligible to occupy these units shall qualify for the units under the HUD (Housing and Urban Development) 80% AMI (Area Median Income) Low Income limits, as maintained annually by the U.S. Department of Housing and Urban Development (HUD).~~

Remove SECTION VIII J. Housing Balance in its entirety and replace with SECTION VIII J. AFFORDABLE HOUSING, as shown below:

J. HOUSING BALANCE

~~In order to assure that new residential development being granted special consideration under the Zoning By-law will, at minimum, meet its own share of providing for the diversity and balance of housing in Rockport, the following shall be complied with by all housing developments of six or more residential units authorized by Special Permits:~~

- ~~1. _____ At least 10% of the housing units shall be affordable to households having annual incomes that do not exceed the maximum levels for Low or Moderate Income Housing as established by the Department of Housing and Community Development, and as may be revised from time to time. Fractional requirements of 0.5 or more shall be rounded to the next higher number, others being rounded downward. (Amended ATM 4-9-12)~~
- ~~2. _____ An alternative effort approved by the Board of Appeals shall be made, determined by that authority to make not less contribution than the above toward meeting the goal of economically balanced development.~~
- ~~3. _____ Continuing affordability shall be assured for at least 30 years through means enforceable by the Town. Applicants shall be required to submit income information sufficient to prove to the local housing trust, housing authority or other agency as established by the Town that the Applicant's or Applicant's family's annual income level does not exceed the maximum levels for Low or Moderate Income Housing as established by the Department of Housing and Community Development, and as may be revised from time to time. (Amended ATM 4-9-12)~~
- ~~4. _____ The Board of Appeals, upon its approval of units as being affordable, shall notify the Department of Housing and Community Development, of that action together with plans, and shall seek reflection of those units in Department of Housing and Community Development, determination of local housing need under MGL c.40B.~~

J. AFFORDABLE HOUSING

1. Applicability.

The requirements of this Section J. shall apply to any application for multifamily development, mixed-use development, or use variance for the addition of one or more residential units that results in a development with four (4) or more dwelling units on any parcel or contiguous parcels comprising a proposed development site in any zoning or overlay district:

- a. Development shall not be segmented to avoid compliance with this article. Segmentation shall mean one or more development applications for the addition of one or more residential units that results in four (4) or more lots or dwelling units above the

number existing 36 months prior to an application to develop any parcel or set of contiguous parcels held in common ownership or under common control on or after the effective date of this Section J.

- b. **Exemptions.** This Section J. shall not apply to the rehabilitation of a building or structure, all of, or substantially all of, which is destroyed or damaged by fire or other casualty. However, any rehabilitation or repair that increases the number of units, bulk, or size of such building or structure above that which existed prior to the damage or destruction thereof shall comply with this article.

2. Affordability requirements.

- a. All units created under this section shall be eligible for listing on EOHLC's Subsidized Housing Inventory.
- b. Affordable units provided under this section shall be subject to an affordable housing restriction that contains limitations on use, occupancy, resale, and rents, and provides for periodic monitoring to verify compliance with and enforce said restriction. The affordable housing restriction shall run with the land and be in force in perpetuity or for the maximum period allowed by law and be enforceable under the provisions of MGL c. 184, §26 or §§31 and 32.

3. Provision of Affordable Housing.

The following table states the minimum affordable percentage of units based on the number of units in a development project subject to this section.

# of Units in the Development	% of units that shall be affordable	Maximum AMI
4-13	10%	80%
14+	10%	60%

For purposes of calculating the number of Affordable Housing units required within a development project, a fractional unit shall be subject to the fee-in-lieu requirement in Section J.4 below. The Affordable Units shall be available to households earning income up to either sixty percent (60%) or eighty percent (80%) of the AMI as shown in Table J.1.

4. Fee-in-Lieu for Fractional Unit

- a. The developer or property owner shall contribute a fee to the Town of Rockport's Affordable Housing Trust Fund for the fractional unit within the proposed development. For example:

Calculated affordable units	# of Units to be Provided on the development site	# of units required for the Fee-in-Lieu
1.0	1	None
1.7	1	0.7

- b. In its discretion, the Select Board shall approve the dollar amount of the payment in lieu of for the fractional unit, with a recommendation from the Rockport Affordable Housing Trust. This approval shall be obtained prior to application and submitted with the initial Application for Site Plan Review.
- c. The payment shall be an amount equal to the fractional share multiplied by the median sales price of a Rockport market-rate dwelling unit comparable in type, size, and number of bedrooms proposed for the market rate units reported for a minimum of three (3) sales of comparable dwelling units over a period of twenty-four (24) months prior to the date of application submission, if available. The median dwelling unit cost used in the formula shall be approved by the Rockport Affordable Housing Trust, or designee. The applicant shall calculate the proposed sum based on an appraisal of the comparable dwelling unit sales and submit documentation of the relevant data source(s) as part of the application.
- d. If no such sales exist, the Planning Board and the Rockport Affordable Housing Trust or their designees may contact EOHLC for their most recent guidance on calculating 40B affordable sales prices and rents.
- e. Any payment to the Rockport Affordable Housing Trust Fund as an in-lieu contribution for Affordable Housing Units shall be made as follows: at least 50 percent of the total owed prior to the issuance of a building permit and the remaining total owed prior to the issuance of an occupancy permit.

5. Development Standards.

- a. Affordable Units shall be:
 - i. Integrated with the rest of the development and shall be compatible in design, appearance, construction, and quality of exterior and interior materials with the other units and/or lots;
 - ii. Dispersed throughout the development;
 - iii. Located such that the units have equal access to shared amenities, including light and air, and utilities (including any bicycle storage and/or Electric Vehicle charging stations) within the development;
 - iv. Located such that the units have the same exposure to undesirable features such as noise or traffic as do market rate units;
 - v. Distributed proportionately among unit sizes; and
 - vi. Distributed proportionately across each phase of a phased development.
- b. Occupancy permits may be issued for market-rate units prior to the end of construction of the entire development, provided that occupancy permits for Affordable Units are issued consistent with the requirements of Section J.8.c

6. Administration.

- a. **The Building Inspector or designee shall be responsible for administering and enforcing the requirements in this Section J.**
- b. **The Planning Board may adopt and may periodically amend rules and regulations by a majority vote of the Board, to administer this Section J. and file the same with the Town Clerk.**

7. Submission Requirements and Procedures

- a. **Prior to applying for a building permit, Site Plan Review, or Special Permit, the applicant shall submit the following to the Rockport Affordable Housing Trust and Planning Board:**
 - i. **A Project Information Sheet in the form provided by the Planning Board; and**
 - ii. **A completed LAU Application for the affordable units. The Planning Board and the Rockport Affordable Housing Trust shall jointly review and approve the LAU prior to the issuance of Site Plan Approval, Special Permit, or building permit.**
- b. **The Rockport Affordable Housing Trust and the Planning Board or their designees shall work in concert with EOHLIC's local LIP coordinator with the EOHLIC to review all proposed affordable units prior to the issuance of Site Plan Approval, Special Permit, or building permit. The initial contact with the LIP coordinator should be made as soon as the prospective LAU projects have been identified.**
- c. **The Applicant is also required to complete the LAU Application and all supporting documents for submittal to EOHLIC as part of the formal approval process as described in 760 CMR 56.00 and any accompanying guidance documents for the LIP Program from EOHLIC, as may be amended.**

8. Permit and Occupancy Conditions of Compliance

- a. **The Building Inspector shall not issue a building permit for an as-of-right use, nor shall the Planning Board issue a Special Permit or issue a decision on a Site Plan Review Application for any unit in a development that is subject to this Section J. unless and until the Rockport Affordable Housing Trust and the Planning Board has verified that all requirements of this Section have been met, and are binding upon the Applicant.**
- b. **No certificate of occupancy shall be issued for any affordable unit in a development that is subject to this article until an affordable housing restriction has been executed and recorded with the Essex Registry of Deeds.**
- c. **Timing of affordable unit production. Affordable housing units shall be provided in proportion to market-rate units in the development, but in no event shall the construction of affordable onsite units be delayed beyond the following schedule:**

Table J.3	
Building Permits for Market Rate Units (%)	Building Permits for Affordable Housing Units (%)
Up to 30%	None Required
30%-50%	At least 10%

Over 50% to 75%	At least 40%
Over 75% to 89%	At least 70%
At 90%	100%

(Planning Board) (requires 2/3 vote)

ARTICLE P To see if the Town will vote to amend the Town’s Zoning By-Laws as set forth below, specific only to the amendments indicated with strikethrough text to be deleted and new text to be inserted shown as bolded:

Section V.C. ACCESSORY DWELLING UNITS

~~1. **Intent:** Accessory dwelling units (“ADUs”) are an allowed accessory use, which meet the requirements of this section. This section applies to newly constructed accessory dwelling units. Accessory dwelling units are intended to advance the following:~~

- ~~a. Diversify housing choices in the Town, while respecting the residential character and scale of existing neighborhoods;~~
- ~~b. Provide a non-subsidized form of housing that is generally less expensive than similar rental units in multi-family buildings;~~
- ~~e. Create more housing units with minimal adverse effects on Rockport’s neighborhoods; and~~
- ~~d. Provide flexibility for families as their needs change over time and, in particular, provide options for seniors to be able to stay in their homes and for households with disabled persons.~~

~~2. **Accessory Dwelling Unit Types.** An accessory dwelling unit may be located within a single or two family dwelling or may be located in a separate, detached accessory building. For purposes of this By-law, accessory dwelling units are excluded from the unit count for determining a multi-family building.~~

~~3. **Rules for All Accessory Dwelling Units**~~

- ~~a. No accessory dwelling unit shall be held in separate ownership from the principal structure/ dwelling unit;~~
- ~~b. No more than 1 accessory dwelling unit shall be allowed per lot;~~
- ~~e. The property owner must have as their principal residence either the principal dwelling unit or the accessory dwelling unit. In cases where ownership of the property is held in a trust, corporation, partnership, or similar financial arrangement, the occupant must have an ownership interest in the financial arrangement;~~

d. Before a Certificate of Occupancy is issued the property owner of any accessory dwelling unit shall register such property with the Building Inspector and provide written certification attesting that the accessory dwelling unit shall not be used for short term rentals, as defined in Section II.

e. Where an ADU is constructed, the minimum lease, whether the lessee occupies the ADU or the principal dwelling unit, shall be six contiguous months.

f. In addition to the minimum of one parking space required for single and two family dwellings, one parking space shall be provided for an accessory dwelling unit. This parking space may be tandem with an existing space.

g. Short term rentals, as defined in Section II are prohibited in the accessory dwelling unit and may not be advertised or promoted on any internet platforms typically associated with short term rentals.

h. To ensure continued compliance with the requirements of this section by the current as well as by any subsequent owners, prior to using or obtaining a Certificate of Occupancy for any ADU, a Notice in the form provided by the Inspector of Buildings shall be recorded at the Essex South District Registry of Deeds. The Notice must contain the Lot address, Assessor's Map and Lot number, that an ADU has been allowed on the Lot and that the continued use of the ADU requires compliance with this By-law including, without limitation that no ADU may be used for short term rental.

4. Rules for Internal Accessory Dwelling Units

a. An Internal Accessory Dwelling Unit shall be a minimum of 250 square feet and a maximum of 900 square feet or 33 percent of the total gross floor area in the principal dwelling, whichever is less. In cases of two family homes with dwelling units of different sizes, the percentage of total gross floor area shall be based on the smaller of the two principal dwelling units.

b. Exterior alterations are permitted provided they are in keeping with the architectural integrity of the structure, and the look, character and scale of the surrounding neighborhood as viewed from the street, including, but not limited to, the following considerations:

i. The exterior finish material should be the same or visually consistent in type, size, and placement, as the exterior finish material of the remainder of the building;

ii. The roof pitch should be consistent with the predominant roof pitch of the remainder of the building;

iii. Trim should be consistent in type, size, and location as the trim used on the remainder of the building;

iv. Windows should be consistent with those of the remainder of the building in proportion and orientation; and

v. Exterior staircases should be designed to minimize visual intrusion and be complementary to the existing building.

5. Rules for Detached Accessory Dwelling Units

a. A Detached Accessory Dwelling Unit shall be a minimum of 250 square feet and a maximum of 900 square feet or 40% of the total gross floor area of the principal dwelling, whichever is less. In cases of two family homes with dwelling units of different sizes, the percentage of total gross floor area shall be based on the smaller of the two principal dwelling units.

b. Exterior alterations are permitted provided they are in keeping with the architectural integrity of the structure, and the look, character and scale of the surrounding neighborhood as viewed from the street, including, but not limited to, the following considerations:

i. The exterior finish material should be the same or visually consistent in type, size, and placement, as the exterior finish material of the remainder of the building;

ii. The roof pitch should be consistent with the predominant roof pitch of the remainder of the building;

iii. Trim should be consistent in type, size, and location as the trim used on the remainder of the building;

iv. Windows should be consistent with those of the remainder of the building in proportion and orientation; and

v. Exterior staircases should be designed to minimize visual intrusion and be complementary to the existing building.

e. The Detached Accessory Dwelling Unit must be at least 10 feet from the principal dwelling unit on the site.

d. The Detached Accessory Dwelling Unit must meet the setback requirements of the principal dwelling unit, as well as other applicable dimensional controls, except by Special Permit from the Planning Board.

6. Termination

a. The accessory dwelling unit use shall terminate immediately upon any violation of any term or condition of this By-law that the owner fails to cure, upon thirty (30) days written notice mailed to the owner and to the occupants at the dwelling address by certified mail, return receipt requested.

b. Duty of Owner Upon Termination include:

i. The owner shall discontinue the use of the accessory dwelling unit as a separate dwelling unit.

~~ii. The kitchen facilities of the accessory dwelling unit shall be removed unless determined by the Building Inspector to be incidental and subordinate as an accessory use of the principal dwelling.~~

~~iii. Any additional exterior entrance constructed to provide access to the accessory dwelling unit shall be permanently closed, unless the Building Inspector provides a waiver.~~

SECTION V

C. PROTECTED USE ACCESSORY DWELLING UNIT (ADU)

1. Definitions

Protected Use Accessory Dwelling Unit (ADU). A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same Lot as a Principal Dwelling, subject to otherwise applicable dimensional and parking requirements, that:

- (a) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the Principal Dwelling sufficient to meet the requirements of the Building Code for safe egress;
- (b) is not larger in Gross Floor Area than $\frac{1}{2}$ the Gross Floor Area of the Principal Dwelling or 900 square feet, whichever is smaller; and
- (c) is subject to such additional restrictions as may be imposed by a municipality including, but not limited to, additional size restrictions, and restrictions or prohibitions on Short-term Rental as defined in M.G.L. c. 64G, § 1; provided, however, that no Municipality shall unreasonably restrict the creation or rental of an ADU that is not a Short-term Rental.

Building Code. The Massachusetts state building code, 780 CMR.

Commuter Rail Station. Any commuter rail station operated by a Transit Authority with year-round service with trains departing at regular time intervals, rather than intermittent, seasonal, or event-based service.

Design Standards. Clear, measurable and objective provisions of Zoning, or general ordinances or by-laws, which are made applicable to the exterior design of, and use of materials for an ADU.

Dwelling Unit. A single housing unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EOHLC. The Executive Office of Housing and Livable Communities.

Fire Code. The Massachusetts state fire code, 527 CMR 1.00: Massachusetts Comprehensive Fire Safety Code. **Gross Floor Area (GFA).** The sum of the areas of all stories of the building of compliant ceiling height pursuant to the Building Code, including basements, lofts, and intermediate floored tiers, measured from

the interior faces of exterior walls or from the centerline of walls separating buildings or dwelling units but excluding crawl spaces, garage parking areas, attics, enclosed porches and similar spaces. Where there are multiple Principal Dwellings on the Lot, the GFA of the largest Principal Dwelling shall be used for determining the maximum size of a Protected Use ADU.

Historic District. A district in a Municipality established pursuant to M.G.L. c. 40C or other state law that is characterized by the historic or architectural significance of buildings, structures, and sites, and in which exterior changes to and the construction of buildings and structures are subject to regulations adopted by the Municipality pursuant to M.G.L. c. 40C or other state law.

Lot. An area of land with definite boundaries that is used, or available for use, as the site of a structure, or structures, regardless of whether the site conforms to requirements of Zoning.

Modular Dwelling Unit. A pre-designed Dwelling Unit assembled and equipped with internal plumbing, electrical or similar systems prior to movement to the site where such Dwelling Unit is affixed to a foundation and connected to external utilities; or any portable structure with walls, a floor, and a roof, designed or used as a Dwelling Unit, transportable in one or more sections and affixed to a foundation and connected to external utilities.

Municipality. Any city or town subject to the provisions of M.G.L. c. 40A.

Principal Dwelling. A structure, regardless of whether it, or the Lot it is situated on, conforms to Zoning, including use requirements and dimensional requirements, such as setbacks, bulk, and height, that contains at least one Dwelling Unit and is, or will be, located on the same Lot as a Protected Use ADU.

Prohibited Regulation. Zoning or general ordinances or by-laws, or Municipal regulations that are prohibited pursuant to 760 CMR 71.03(2).

Protected Use ADU. An attached or detached ADU that is located, or is proposed to be located, on a Lot in a Single-family Residential Zoning District and is protected by M.G.L. c. 40A, § 3, provided that only one ADU on a lot may qualify as a Protected Use ADU. An ADU that is nonconforming to Zoning shall still qualify as a Protected Use ADU if it otherwise meets this definition.

Short-term Rental. As defined in M.G.L. c. 64G, § 1, 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

Single-family Residential Dwelling. A structure on a Lot containing not more than one Dwelling Unit.

Single-family Residential Zoning District. Any Zoning District where Single-family Residential Dwellings are a permitted or an allowable use, including any Zoning District where Single family Residential Dwellings are allowed as-of-right or by Special Permit.

Site Plan Review. A review process, as outlined in the Town of Rockport Zoning Bylaw, SECTION XIV, which involves review and imposition of terms and conditions on the appearance and layout of a proposed use of land or structures prior to the issuance of a building permit.

Special Permit. A permit issued by a Municipality's special permit granting authority pursuant to M.G.L. c. 40A, § 9.

Transit Authority. The Massachusetts Bay Transportation Authority established by M.G.L. c. 161A, § 2 or other local or regional transit authority established pursuant to M.G.L. c. 161B, § 3 or M.G.L. c. 161B, § 14.

Transit Station. A Commuter Rail Station.

Unreasonable Regulation. Zoning or general ordinances or by-laws, or Municipal regulations that are unreasonable pursuant to 760 CMR 71.03(3).

Zoning Ordinances and by laws, including base, underlying, and overlay zoning, adopted by cities and towns to regulate the use of land, buildings and structures to the full extent of the independent constitutional powers of cities and towns to protect the health, safety and general welfare of their present and future inhabitants.

Zoning District. A geographic area within a Municipality which, pursuant to Zoning, is subject to use and structure requirements that are uniform within the area.

2. Regulation of Protected Use ADUs in Single-family Residential Zoning Districts

(1) Protected Use ADUs Applicability:

- (a) Protected Use ADUs are deemed to be either within or detached from an existing or new single-family, duplex or multi-family dwelling.**
- (b) Protected Use ADUs within an existing or new single-family, duplex or multi-family dwelling may be authorized by the Building Inspector with the issuance of a building permit when the conditions and requirements have been met. If the proposed ADU**

is to be included within a non-conforming property or structure or requires expansion of a non-conformity, it shall require as special permit from the Planning Board.

- (c) Protected Use ADUs in an accessory structure detached from an existing or new single-family, duplex or multi-family dwelling may be authorized by the Building Inspector with the issuance of a building permit when the conditions and requirements have been met. If the proposed ADU is to be on a non-conforming property or within a nonconforming structure or requires expansion of a non-conformity, it shall require as special permit from the Planning Board.

(2) **General Requirements:**

- (a) The Protected Use ADU shall be a complete, separate dwelling unit that contains both permanent kitchen and bathroom and has its own means of egress.

- (b) The gross interior floor area of the Protected Use ADU may be one half of the square footage of the primary dwelling (excluding unfinished attic and basement, garage, and porch) or 900 square feet, whichever is less.

- (c) No more than one Protected Use ADU may be created on a lot. There shall be no more than two dwelling units in a structure, and no more than two dwelling units on a single-family lot.

- (d) The total number of bedrooms in the primary dwelling and the Protected Use ADU combined may not exceed the capacity of the permitted septic system, per Title V requirements.

- (e) The existing house and the Protected Use ADU shall comply with all applicable health, safety, building and other applicable codes in effect at the time of the granting of the Building Permit, and of any Special Permit where applicable.

- (f) An attached or detached Protected Use ADU Unit shall meet the setback requirements of the principal dwelling unit, as well as other applicable dimensional controls, except by Special Permit from the Planning Board.

(g) Utilities such as water, electric and gas necessary for the Protected Use ADU shall be extensions of the existing utilities serving the principal single-family dwelling.

(h) Attached or detached Protected Use ADUs to be located within an historic district within the Town of Rockport shall be subject to the local Historical Commission design standards for the district for a single-family residential dwelling. Permissions shall not be unreasonably withheld.

(i) A minimum of one parking space shall be required for the Protected Use ADU shall be required where the property is more than one half mile from the train station, with no parking requirement for a property being within one half mile of the train station. Required parking spaces shall be located so that both the principal dwelling unit and the Protected Use ADU shall have at least one parking space with direct and unimpeded access to the street without passing through a parking space designated to serve the other dwelling unit.

(j) Short-term rentals shall be not be allowed for Protected Use ADUs, with the following provisions to be applied:

1. Short-term rentals are prohibited in Protected Use ADUs and may not be advertised or promoted on any internet platforms typically associated with short term rentals;

2. Where a Protected Use ADU is constructed, the minimum lease shall be six contiguous months;

3. Before a Certificate of Occupancy is issued the property owner of any Protected Use ADU shall register such property with the Building Inspector and provide written certification attesting that the Protected ADU shall not be used for short-term rentals;

4. To ensure continued compliance with the requirements of this section by the current as well as by any subsequent owners, prior to using or obtaining a Certificate of Occupancy for any Protected Use ADU, a Notice in the form provided by the Building Inspector shall be recorded at the Essex South District Registry of Deeds. The Notice shall contain the Lot address, Assessor's Map and Lot number that a Protected Use ADU has been allowed on the Lot and that a continued use of the Protected Use ADU requires compliance with this By-law including without limitation that no Protected Use ADU may be used for short-term rental.

(3) Design Standards for attached Protected Use ADUs

(a) An attached Protected Use ADU shall not change the single-family appearance and purpose of the principal dwelling, except for the provision of an additional access or egress.

(b) An attached Protected Use ADU added to a single-family residence shall be within the dwelling unit or have a common wall and may have a common interior door with the dwelling unit.

(c.) Prior to issuance of a building permit, a floor plan and elevations, drawn to scale, shall be submitted showing the proposed interior and exterior changes to the building to demonstrate that the Protected Use ADU will not significantly alter the appearance of the single-family dwelling.

(4) Design Standards for detached Protected Use ADUs

(a) All detached Protected Use ADUs shall meet the General Requirements set forth above.

(b) Any new structure where a Protected Use ADU is to be located shall meet the setback requirements of the principal dwelling unit within the zoning district in which it is located.

(c) Where a detached Protected Use ADU is permitted in existing detached accessory structures, any exterior modifications to the accessory structure shall be consistent with the appearance and purpose for which the structure was originally built. If the detached Protected Use ADU is incorporated into a new accessory structure, the new structure shall be compatible in style with the principal dwelling on the same lot.

(d) The proposed building scale shall be consistent with the single-family residential character of the lot and of the surrounding neighborhood.

(e) All stairways to second or third stories shall be enclosed within exterior walls.

3. Enforceability of Restrictions and Regulations on Pre-existing ADUs

A Municipality shall not enforce any Prohibited Regulation or Unreasonable Regulation that was imposed as a condition for the approval of the use of land or structures for a Protected Use ADU prior to the effective date of 760

CMR 71.00, regardless of whether such Protected Use ADU complies with the Municipality's Zoning, including, but not limited to, use requirements and dimensional requirements, such as setbacks, bulk, and height.

4. Address Assignment.

All ADUs shall be assigned an address consistent with the most current Address Standard published by MassGIS. ADU addresses shall be reported to MassGIS and EOHLC after assignment.

To replace the words "Accessory Dwelling Unit" in the Index (Section V. Permitted Uses in Zoning Districts) and Section VII (Transit Oriented Village Overlay District) C. Permitted Uses, with the words "Protected Use Accessory Dwelling Unit"

5. To see if the Town will vote to amend the Town of Rockport Protective Zoning Bylaw by amending SECTION V. PERMITTED USES IN ZONING DISTRICTS *1 B. TABLE OF PERMITTED USES by:

(a) Adding a footnote to all residential use categories to reference the new SECTION V. ALLOWED USES IN ZONING DISTRICTS, C. PROTECTED USE ACCESSORY DWELLING UNITS, which allows Protected Use ADUs in all residential Zoning Districts;

(b) By deleting SECTION V. PERMITTED USES IN ZONING DISTRICTS *1 B. line E, TABLE OF PERMITTED USES and replacing it with the following:

	SRA & SR	RA	R	SMR	G	D
E. "One accessory dwelling unit per lot"	N	Y	Y	Y	Y	Y
"E. One Protected Use ADU per lot.	Y	Y	Y	Y	Y	Y

Or to take any other action relative thereto.

.....

SECTION II: DEFINITIONS, by eliminating the definition for "~~Accessory Dwelling Unit~~": ~~ACCESSORY DWELLING UNIT: A second dwelling unit subordinate in size to the principal dwelling unit on a lot, located in either the principal dwelling or an accessory structure.~~

(Planning Board) (requires majority vote)

ARTICLE Q

To see if the Town will hear, receive and act upon the report of the Ad Hoc Committee on Town Water Supply appointed pursuant to the vote of the 1980 Annual Town Meeting under Warrant Article 16 and extended by votes of successive Annual Town Meetings and extend the term of the Committee; or act on anything relative thereto. *(Town Moderator) (requires majority vote)*

And you are directed to serve this Warrant by posting attested copies of the same at each of the Post Offices, and in other public places in each village of the Town, seven days at least before the day of the holding of said ANNUAL TOWN MEETING.

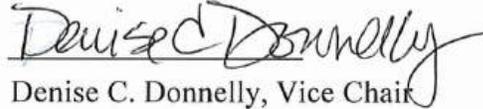
Hereof fail not and make due return of this Warrant, with your doings thereon, to the Town Clerk, three days at least before Saturday, April 5, 2025.

Given under our hands and seal of the Town this 20th day of March, 2025, A.D.

SELECT BOARD
TOWN OF ROCKPORT



Ross C. Brackett, Chair



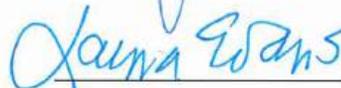
Denise C. Donnelly, Vice Chair



Paul F. Murphy, Selectperson

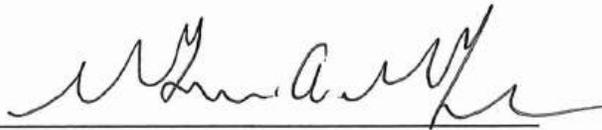


Donald J. Southard, Selectperson



Laura F. Evans, Selectperson

A TRUE COPY ATTEST:



Constable for the Town of Rockport