

## 7.1 BED AND BREAKFASTS USES.

A) **Purpose.** Under the authority conferred by MGL c. 40A, as amended, and every other power and authority thereto pertaining, the Town of Lee adopts this section for the regulation of bed-and-breakfast uses in districts zoned as residential and to achieve the following purposes:

- (1) To encourage the utilization of oversized homes in residential zoning districts which, because of their size or functional obsolescence, are costly and/or difficult to maintain as private residences and to further provide an economic incentive to maintain and to rehabilitate older, larger, uneconomic or obsolete structures.
- (2) To maintain and preserve the residential character, integrity and neighborhood attributes of residentially zoned districts.
- (3) To regulate bed-and-breakfast uses to ensure sensitivity and compatibility with the surrounding neighborhoods in residentially zoned districts through minimizing adverse impacts on neighboring residential uses.
- (4) To strengthen the economic base of the Town of Lee by allowing bed-and-breakfast establishments and bed-and-breakfast inns and to reinforce residential neighborhood viability without reducing residential characteristics.

B) **Definitions.** As used in this section, the following terms shall have the meanings indicated:

**BED-AND-BREAKFAST COUNTRY INN:** A recognized commercial entity located in a nonresidential zone where its functions are permitted by right as defined by the provisions of this section in regard to the zoning district. Full food service may be provided as part of the amenities available.

**BED-AND-BREAKFAST ESTABLISHMENT:** A dwelling having a mixed use as a home for the residential owner and as guest lodging, with the lodging function often if not always superseding the home use. The home is to be the primary and legal residence of the owner. These dwellings would not be characterized as oversized or costly to maintain. The maximum number of guests that would be permitted at any one time is six. The maximum number of rooms for rent is three. **Full food service may be provided for registered guests only.**

**BED-AND-BREAKFAST INN:** A dwelling having a primary use as guest lodging with a home function for the owner **or property manager** clearly secondary to the business of renting rooms. **The premises or premises immediately adjacent thereto** is to be the primary and legal residence of the owner. These dwellings would be characterized as oversized homes as noted in Section 9.3 (A)(1) of this section. **The maximum number of guests that would be permitted at any one time is 25. The maximum number of rooms for rent is 12. Full food service may be provided to registered guests only.**

**HOMESTAY:** A dwelling the primary use of which is the private home for the residential owner, with lodging as a secondary use on an occasional basis. The home is to be the primary and legal residence of the owner. The maximum number of guests permitted at any one time is three. See

Section 4.2 (A)(1)(d) of this chapter. The only food service for registered guests will be breakfast and high tea. High tea to be defined as an afternoon snack offered at no charge to guests.

C) **Applicability.** The provisions of this section shall apply to the alteration or construction or conversion of an existing structure to one of the facilities above defined in Section 9.3 (B) of this section for the purpose of operating guest rooms for overnight transient guests with the service of food as hereafter defined in a residential setting in residentially zoned districts.

D) **General Regulations.**

- (1) The Planning Board may grant a special permit in accordance with Section 13.4 of this chapter and in compliance with all other applicable provisions of this chapter for conversion of an existing residential structure to a bed-and-breakfast use in residentially zoned districts only (R-20, R-30, RA-40, RM and CR Districts) upon the conditions set forth hereafter.
- (2) Each special permit issued in accordance with the provisions of this section shall show due consideration of the purposes set forth above and shall contain the following conditions:
  - (a) Any bed-and-breakfast use shall require one off-street parking space for each guest room available for rent, one for the resident owner and one for each employee regularly employed.
  - (b) The size, location and screening of such parking spaces shall be approved by the Planning Board during the permitting process, giving due consideration to the residential neighborhood characteristic and emphasizing the need to concentrate parking in as unobtrusive a location on the property as possible. Surfacing of the drives and parking areas shall be all-weather surface. The parking area in a given property shall not exceed 50% of the area of the property not covered by buildings. No parking may be permitted within the setbacks as defined in the Table of Dimensional Requirements.
  - (c) Parking areas and exterior recreational facilities, such as swimming pools and tennis courts, if not located so as to be unobtrusive, shall be screened from view by plantings, fences or other suitable method approved by the Planning Board.
  - (d) All bed-and-breakfast facilities as defined above in Section 9.3 (B) may have one freestanding sign, the top of which may not exceed six feet in height above ground level. Signs for home stay uses shall not exceed four square feet in area. Signs for bed-and-breakfast establishments and bed-and-breakfast inns may not exceed six square feet in area. All sign areas are to be determined in accordance with Section 7.4 (E) of this chapter. Signage may include such accessory and directory signs as approved by the Planning Board. Illumination for all signs described shall be external and positioned so as not to pose a nuisance to traffic or neighboring properties. Signage for bed-and-breakfast country inns shall be regulated by the provisions of Section 7.

- (e) To the extent practicable, fire escapes or other outside stairways shall be located on the rear or side of the building and shall not be located on the side of the building that faces a street.
- (f) Two structures may be utilized as the bed-and-breakfast inn facility as long as an outbuilding is used for housing at the time of the special permit application.
- (g) **One kitchen facility per structure** will be permitted to serve both the resident owners and the guests.
- (h) No special permit shall be granted to expand or increase in size the footprint of the building to provide for guestrooms. No significant change in the outward appearance of the home is permitted without review and endorsement of the Planning Board during a special permitting process.
- (i) No bed-and-breakfast facility as described above shall offer public restaurant service or service of alcoholic beverages.
- (j) No other in-home business shall be permitted in a facility that houses a permitted bed-and-breakfast operation.
- (k) The maximum stay for the transient guests is to be for two weeks. However, for 10% of the guests, averaged over a three-month period, three months will be permitted.
- (l) Exterior lighting shall be so directed or shaded as to prevent direct illumination of off-premises property. All external lighting, except for demonstrated security needs, shall be extinguished by 1:00 A.M. The lighting shall be shielded from casting illumination onto abutting properties.
- (m) There shall be no activity permitted that creates excessive noise or other disturbance to the neighborhood at any time and especially after 9:00 p.m. or before 7:00 a.m.
- (n) Applicants for special permits under the provisions of this section shall provide such sketches, drawings or plans necessary to illustrate beyond a doubt conformance to the requirements of this chapter. The Planning Board may, at its discretion, require plans to be prepared by registered land surveyors, architects or engineers to illustrate the special permit application for the benefit of the Board and other town entities, such as the Building Inspector and the Board of Health. Illustration required may include, but not be limited to, parking and driveway plan, room layout, sanitary facilities, kitchen facilities, percentage of parking as to open space, etc.
- (o) All bed-and-breakfast facilities described in Section 9.3 (B) above shall be connected to the water systems of the Town of Lee. All bed-and-breakfast facilities described in Section 9.3 (B) above shall either be connected to the sewer systems of the Town of Lee or be served by a septic system. New bed-and-breakfast operations served by an existing septic system or existing bed-and-breakfast establishments proposing to expand facilities shall not be granted approval for operation until the Health Department confirms compliance with inspection and/or design requirements as set forth in 310 CMR 15.301, 302, 303, 352 and 414, State Environmental Code Title V, Minimum Requirements for the Subsurface Disposal of Sanitary Sewage.

- (p) Any complaint of noncompliance with the conditions set forth in the special permit must be submitted to the Building Inspector, in writing, as soon as possible.
- (q) All bed-and-breakfast facilities shall conform to the applicable state standards in regard to building and health codes. Information on these codes is available from the Lee Town Building Inspector and/or the Tri-Town Board of Health.