



Town of Peru Planning Board

Posted 6-9-2026
Kim Leach, Town Clerk

Memorandum

To: Peru Residents
From: Planning Board
Subject: Proposed Zoning Changes
Date: June 1, 2026

Over the past year, the Planning Board worked with Berkshire Regional Planning Commission (BRPC) to review and evaluate the town's zoning bylaw. This effort identified multiple areas where the zoning bylaw could benefit from basic cleanup and reorganization of text, as well as missing components that would improve administration of the bylaw and clarify permitting steps. The purpose of this memorandum is to highlight this work and raise awareness of specific draft zoning amendments, ensuring residents have a chance to review them in advance of finalizing these drafts and starting the process for formal adoption.

This work has resulted in multiple specific proposals:

- 1) Accessory Dwelling Units – this proposal will create a clear process for permitting accessory dwelling units, in compliance with state legislation passed in 2024. This process allows for one "by-right" accessory dwelling unit, provided it meets basic requirements, including compliant water/septic service. The bylaw and the state legislation do not override the need for adequate water/septic service.
- 2) Temporary Occupancy – this proposal creates a clear process for allowing seasonal temporary occupancy in a camper, travel trailer, or motor home. This section also includes a provision for situations where temporary occupancy is needed due to the construction of a new residence or the rehabilitation or reconstruction of a residence destroyed by a fire or natural disaster.
- 3) Manufactured Housing – this proposal provides clear language that a manufactured home (previously referred to as a mobile home) is an allowable use in town, as well as language that clearly allows the replacement of an aging manufactured home and the placement of new manufactured homes.
- 4) Residential-scale Battery Storage – this proposal allows for accessory battery storage systems to serve a residential property. This proposal does not relate to commercial-scale battery storage systems.
- 5) Zoning Board of Appeals – This proposed section merges the two existing Sections 11 and 12 of the zoning bylaw, with enhanced language that clarifies expectations for application submissions, how projects should be evaluated, and authorizes the use of zoning variances with basic criteria for evaluating such requests.
- 6) Short-term Rentals – this change will be relatively minor in the zoning bylaw, clearly making this use allowable in town, with registration and requirements largely administered through a general bylaw by the Town Clerk and Select Board.

Following this memorandum are copies of each of these draft proposals in their entirety.



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In addition to these proposed amendments, the Planning Board also proposes a cleanup of the overall zoning bylaw document. This document is not included with this package (largely because of the size of the document), but it features no text changes. This effort is a reorganization and renumbering of the existing document.

Once the Planning Board completes this process, it will finalize the draft zoning amendments and schedule a public hearing to formally present each of these amendments to the public. Following a public hearing and recommendation from the Planning Board, these amendments must be approved at a future Town Meeting by a two-thirds supermajority vote.



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1) Accessory Dwelling Units

This section will be inserted under the new Section 5, "Special Regulations"

5.X Accessory Dwelling Units

A. Purpose:

- i. Create more housing options for town residents.
- ii. Provide homeowners with a separate space for family, companionship, security, or service providers.
- iii. Maintain the single-family character of the town.
- iv. Create options for those residents who wish to downsize and remain comfortably on their property.
- v. Provide homeowners with an opportunity to create supplemental income.

B. Applicability:

Notwithstanding any restrictions contained in Section 8:

- i. The creation of one ADU shall be authorized as of right, provided that the requirements listed in Section 5.X.B.ii are met. Additional ADUs on a single lot are prohibited.
- ii. Accessory Dwelling Unit Requirements:
 1. ADUs may not be in separate ownership from the principal dwelling.
 2. Maintain 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 state building code for safe egress.
 3. No ADU may be constructed without prior approvals of the Building Inspector and the Board of Health. The construction of the Accessory Dwelling Unit shall conform to all applicable standards in the State Sanitary, Building, and other applicable codes required for a residential dwelling.
 4. The gross floor area of an ADU shall be no larger in floor area than 1/2 of the floor area of the principal dwelling or 900 square feet, whichever is smaller (stairwell access, porches, patios, shall not be included in the computation).
 5. The siting of an ADU in an existing nonconforming primary or secondary structure shall be subject to a special permit under Sections 5.X.B.ii and 9.
 6. ADUs will follow the rules for residential structures for setbacks, lot coverage, etc. conforming to Section 8.
 7. Short-term rentals are prohibited within an ADU.



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DEFINITIONS – These are related to this section but will be inserted into an overall definitions chapter.

- 1) Accessory Dwelling Unit (or “ADU”): a residential living unit on the same parcel as a principal dwelling. The ADU provides complete independent living facilities for one or more persons. It may take various forms: a detached unit; a unit that is part of an accessory structure, or a unit that is part of an expanded or remodeled principal dwelling.
- 2) Principal Dwelling: a structure that contains at least one dwelling unit.
- 3) Short-term rental: 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. Short-term rentals are rentals of 31 consecutive days or less duration.



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2) Temporary Occupancy

This section will be inserted under the new Section 5, "Special Regulations"

Purpose.

To regulate the use of campers, travel trailers, and motor homes throughout the town of Peru. The specific intent, consistent with the general purpose of the Zoning Bylaw, is to maintain the appropriate use of camper, travel trailers, and motor homes by ensuring all necessary safety, environmental, sanitary and building code protections. This shall not include campers or trailers located in a licensed campground, mobile home or trailer park.

Camper/Travel Trailer Regulations.

1. Camper, travel trailers, and motor homes are considered dwellings for temporary occupancy and are prohibited from year-round occupancy use or for business purposes. Occupancy shall only be permitted between June 1 to September 15, except for situations outlined in number 6 below. A Temporary Occupancy Permit shall be required for occupancy in accordance with the Peru Board of Health Regulations.
2. All camper, travel trailers, and motor homes must meet state and local health and sanitary regulations.
3. All camper, travel trailers, and motor homes, whether stored or used for living purposes, must maintain mobility and be immediately movable. Camper, travel trailers, and motor homes are allowed to be stored on blocks as long as the wheels and tires remain immediately available and mountable.
4. All camper, travel trailers, and motor homes must meet the minimum setbacks established for all structures in Section 8, Intensity Regulations, whether occupied or stored.
5. The number of camper, travel trailers, and motor homes that can be stored or used as temporary dwellings by the property owner is limited to one (1).
6. Temporary Occupancy of campers, travel trailers, and motor homes, whether replacing a permanent residence that has been destroyed by fire or other natural disaster or constructing a new residence, is allowed as long as a proper building permit has been issued, the set-back requirements are met and the camper/trailer complies with the state sanitary code and Board of Health regulations. The owner of the residence in this situation may place a camper/trailer on the site and reside in such dwelling for a period not to exceed twelve (12) months or as otherwise determined by the Board of Health as long as sanitary codes are met. The Owner is required to obtain a Temporary Occupancy Permit.
7. Camper, travel trailers, and motor homes are prohibited from being used as a storage facility or for purposes not originally intended in their manufacture.
8. Any violations of this section are enforceable by the Board of Health and/or the Building Inspector.



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DEFINITIONS – These are related to this section but will be inserted into an overall definitions chapter.

Camping Trailers, Travel Trailers, and Motor Homes: A self-contained mobile unit supported on its own wheels or those of another vehicle designed to be used for travel, recreational and vacation uses, but not for permanent residence. Herein referred to as Camper/Trailers. Camper/Trailers shall not be considered permanent structures. This definition does not include Mobile Homes defined herein.

Camper/Trailer Occupancy Permit: Permit issued by the Town of Heath through the Board of Health pursuant to Heath Board of Health Regulations.



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3) Manufactured Housing

This section will be inserted under the new Section 5, “Special Regulations”

5.X MANUFACTURED HOUSING

(a) Replacement of Pre-existing Manufactured Homes

Residents of pre-existing manufactured or mobile homes who intend to replace their dwelling with another manufactured home, shall meet the following criteria:

- i. If the existing footprint is not in conformity with the setbacks set forth in Section 8, then the owner has the option to relocate on the existing footprint or move the location to meet the setback requirements.
- ii. The manufactured home shall not be more than 25% larger than the original dwelling.
- ii. Replacement manufactured homes must meet the location and performance requirements of (b) and obtain the necessary septic, water and building permits.

(b) Location and Performance Requirements

- i. Manufactured Homes must be fixed to the ground on a concrete slab or footing.
- ii. The Manufactured Home must be no more than 10 years old from the date of manufacture. This restriction may be waived by the Building Inspector if the applicant can demonstrate that the mobile home is in sound condition and meets current HUD requirements for safety and habitability.
- iii. Shared septic systems with abutters are not allowed.

(c) Application Procedures

A site plan must be submitted to the Building Inspector that is prepared to scale, illustrating the location of the proposed Manufactured Home, distances to all property lines, existing and proposed structures, public and private roads and any other significant features.

DEFINITION – This replaces the current “Mobile Home” definition in the zoning bylaw and will be inserted into an overall definitions chapter.

Manufactured Home – A dwelling unit intended for full-time occupancy built on a chassis that contains complete electrical, plumbing and sanitary facilities and issued a HUD (U.S. Department of Housing and Urban Development) certification. This definition does not include dwellings known as Modular Homes, Panelized Homes or Pre-Cut Homes which must meet state and local building codes.



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4) Residential-scale Battery Storage

This section will be inserted under the new Section 5, “Special Regulations”

Residential-scale battery energy storage systems

- A. Residential-scale battery energy storage systems (or “ residential BESS”) that are used to capture and store electricity for private residential use in conjunction with but not limited to ground-mounted solar, rooftop solar, electrical substations, other future sources of renewable energy, or directly from the grid are permitted by-right as an accessory use in accordance with the intensity and setback requirements of the zoning bylaw.
 - a. Electric vehicles for the purposes of this ordinance are not considered battery energy storage systems and are not subject to the remediation plan requirement.
 - b. Residential BESS shall have an aggregate energy capacity less than or equal to 30 kWh and, if in a room or enclosed area, consist of only a single energy storage system technology.
 - c. No residential BESS shall be altered, added to, installed, constructed or permitted unless the applicant has obtained a building permit from the Building Department (which includes the Electrical Inspector) and is in compliance with the requirements and conditions of the Fire Department and any other relevant departments as necessary to deem the structure safe and ready for use.
 - d. Accessways shall be designed as to allow emergency vehicle access, public safety and convenience so as not to cause congestion within and about the site.
- B. Such systems may be wall-mounted or housed within an attached garage or other dedicated-use building. If constructing a new structure to house a residential BESS, the dedicated-use building shall meet the minimum setback requirements for buildings, the Siting and Design Guidelines and any additional requirements set forth by the Building Department and the Fire Department where applicable.
 - a. Residential BESS may be housed within a garage or other dedicated-use building so long as the garage or other dedicated-use building meets the minimum setback requirements as outlined in Section 8 of the zoning bylaw.
- C. Commercial/industrial-scale battery energy storage systems and/or facilities shall not be permitted as an accessory use to a residential dwelling.
- D. Enforcement of these standards and regulations is under the jurisdiction of the Building Department.



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5) Zoning Board of Appeals

Replacement of current "SECTION 11 Zoning Board of Appeals"

There shall be a Zoning Board of Appeals as provided in M.G.L., Chapter 40A, Section 12. This Board shall consist of Five (5) members and two (2) associate members appointed by the Board of Selectmen as provided by M.G.L., Chapter 40A. It shall hear and decide appeals as provided in M.G.L., Chapter 40A, Section 8.

SECTION 11.1 SPECIAL PERMITS (existing language appears as "Section 12")

The Zoning Board of Appeals may hear and decide applications for special permits upon which such board is specifically authorized to act under the By-Law and M.G.L., Chapter 40A. Sections 9 and 10, and only for uses which are in harmony with the general intent of this By-Law subject to such conditions, safeguards and limitations necessary for the protection of neighborhood uses.

- A. All application for special permits shall be reviewed by the Conservation Commission and the Board of Health. If these board do not respond within 30 days their approval is deemed to be granted.
- B. Special permits shall only be issued following public hearing held in accordance with M.G.L., Chapter 40A.
- C. A special permit shall lapse in two (2) years if a substantial use or construction has not begun under the permit by such date except for good cause.
- D. Any application for a special permit shall be accompanied by such plans and information as may be reasonably required by the Zoning Board of Appeals or the Building Inspector in order that the proposal of the applicant may be clearly understood and compliance with the provisions, intent and purpose of this ordinance be established.

A site plan or any portion thereof, involving engineering, architecture or land surveying, shall be prepared by a duly authorized engineer, architect, landscape architect or land surveyor. A site plan may be prepared on one or more sheets to show clearly the information required herein and to facilitate the review and approval of the plan. Every site plan shall include the name of the development, the name and address of the record owner or developer, north point, scale, date, all easements or rights-of-way provided for public services or utilities. It shall reserve a blank space in the upper right corner three (3) inches wide and five (5) inches high for the use of the approving authority. Site Plans shall be prepared to a scale of not smaller than one (1) inch equal one hundred (100) feet.

Site plan submissions shall include the following materials, unless otherwise waived by the Zoning Board of Appeals:



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- i. A key map at a scale of not less than one (1) inch to eight hundred (800) feet showing the relation of the subject property to adjoining properties, existing streets, roads and railroad rights-of-way within one thousand (1,000) feet of any part of the property.
 - ii. A map indicating the uses of all property within two hundred (200) feet of the proposed site, including any subdivided lands, parks, or other open space or uses, residences, business, industries, or other buildings or structures, such uses to be shown on a drawing to scale.
 - iii. Topographic map of the property at two (2) foot contour intervals, showing the existing and proposed grades and the location of natural features, such as streams, swamps, rock outcrops and major trees six (6) inches or more in diameter at a point four (4) feet above ground level.
 - iv. A site plan, indicating but not limited to the following:
 - a. The proposed use or uses of land and buildings, and the proposed location, size and height of the building, including preliminary architectural drawings;
 - b. The location and design of off-street parking and loading areas;
 - c. All means of vehicular ingress and egress to and from the site onto public streets and the relationship to street circulation;
 - d. Location and type of recreational facilities, if any;
 - e. Location of all existing or proposed site improvements, including drains, culverts, retaining walls and fences; description of methods of water supply and sewage disposal, and location of such facilities; location of all proposed water lines, valves and hydrants;
 - f. The proposed outdoor lighting, signs, screening and landscaping.
 - v. A detailed computation of total lot area, of building floor area for each type of proposed use, and lot coverage by all buildings.
 - vi. The proposed accessory use or uses of buildings, structures or land.
- E. Special permits shall be granted only upon the Special Permit Granting Authority's written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this bylaw, the special permit granting authority shall make the following findings:
- i. The proposal is in compliance with all provisions and requirements of this bylaw, and in harmony with its general intent and purpose.
 - ii. The proposal shall not impede traffic flow and safety, including parking and loading.
 - iii. The proposal will not be detrimental to adjacent uses, the natural environment, or neighborhood character.
 - iv. The proposal will not adversely alter stormwater drainage patterns or rates of flow on adjacent properties, or pose any risk of hazard to the public health, safety, or general welfare of adjacent properties or elsewhere in town.



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SECTION 11.2 VARIANCES

The Zoning Board of Appeals shall the power and duty to authorize upon appeal of petition in specific areas such variance from the terms of this ordinance where the Board specifically finds that owing to circumstances relating to the soil conditions, shape or topography of such land or structure and especially affecting such land or structure but not affecting generally the zoning district in which it is located, literal enforcement of the provisions of the zoning ordinance would involve substantial hardship, financial desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this ordinance.

SECTION 11.3 APPLICATION REQUIREMENTS

It is recommended that every appeal, variance, and special permit application be supported by a brief or written memorandum setting forth in detail all facts relied upon by the parties. This is particularly desirable in the case of a variance when the following points should be clearly identified and factually supported:

- A. The particular use proposed for the land or building.
- B. The conditions especially affecting the property for which a variance is sought that do not generally affect the zoning district in which it is located.
- C. The facts that make up the substantial hardship.
- D. The facts relied upon to support a finding that the relief sought will be desirable and without substantial detriment to the public good.
- E. The facts relied upon to support a finding that the relief sought may be given without nullifying or substantially derogating from the intent or purpose of the zoning bylaw.
- F. The facts relied upon to support a finding that the special conditions and circumstances do not result from the actions of the applicant.



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6) Short-term Rentals

This use will be listed as allowable in the zoning bylaw, with bulk of regulatory process laid out in this general bylaw

1. Purpose. Short-term rentals (STRs) are allowed for residential properties in conformance with regulations that aim to balance private, neighborhood, and municipal interests by ensuring compliance with applicable Massachusetts General Law regarding Short Term Rentals and ensure observance of residential health and safety regulations.

2. Definition "Short-term rental", 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, or inn, 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. Short-term rentals are rentals of 31 consecutive days or less duration.

3. Registration and Regulations

3.1. Registration – All short-term rentals must register annually with the Peru Town Clerk. A registration fee may be required as determined by the Select Board. The following information must be provided:

a. Owner Name;

i. If owned by a Trust, Trustee and Beneficiary name and contact information in addition to a copy of the Trust;

ii. If owned by an LLC, the members of the LLC, contact information and a copy of the Articles of Organization and Bylaws.

b. Primary Manager name - the name and contact information of the local responsible party (required) who would respond in the event of any problem, complaint or emergency reported by a guest, Peru residents or Town government.

c. Booking Agent, if any (such as a Realtor).

d. Copy of Certificate of Registration with the Massachusetts Department of Revenue (DOR)

e. Applicants shall attest under the penalties of perjury that a dwelling unit or bedroom offered for short-term rentals shall comply with all state and local requirements for health and 67 safety and the Standards of Fitness for Human Habitation as stated in Massachusetts State Sanitary Code-Chapter II-105 CMR 410.000 by including at a minimum the following:

i. Compliance with residential smoke and CO detector law pursuant to M.G.L. c 148 s. 26F



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ii. A fire extinguisher shall be mounted in (or near) kitchens used for the STR in a clearly visible location or if the unit offers no kitchen a fire extinguisher will be mounted in a location easily accessible to occupants.

f. Information regarding a septic system:

i. number of bedrooms rated under permit

ii. A private wastewater system pumping record within the past three years must be on record in the Peru Board of Health.

iii. A valid maintenance agreement on file if served by an Innovative/Alternative system.

g. Information regarding a well:

i. specify if a flow meter is in place.

ii. Well water used for drinking or cooking (potable) purposes must be tested prior to initial registration and every subsequent 5 years for attachment to the registration form to ensure that it is safe to use for personal consumption.

h. Number of off-street parking spaces provided.

4. Regulations

4.1 The following residential property is prohibited from being offered as a short-term rental:

a. Residential property owned by a corporation (other than an LLC);

b. residential premises designated as affordable or otherwise income-restricted, which are subject to affordability covenants or are otherwise subject to housing or rental assistance under local, state, or federal programs or law, may not engage in short term rentals;

c. units that meet the definition of "Professionally Managed Units" under M.G.L. Chapter 64G, Section 1.

4.2 A short-term rental is not allowed on any property with outstanding violations of the Building Code, Fire Code, Board of Health, Town General Bylaws, Zoning Bylaws, Planning Board regulations, or Conservation Commission regulations.

4.3 A short-term rental is required to have a local manager or responsible party who will respond with two (2) hours to any problem or complaint and within 30 minutes in an emergency; failure to do so may result in imposed fines.

4.4 Off-street parking on the property adequate to house all guest occupant vehicles for overnight parking is required.

4.5 Events that include tents or amplified music or which would customarily require a license or permit are not allowed.



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4.6 Occupancy is limited to total legal occupancy per dwelling; if total occupancy is exceeded, fines may be applied on a daily basis until brought into compliance.

4.7 No advertising in any media shall exceed legal occupancy total; non-compliance shall result in fines levied on a daily basis until brought into compliance.

4.8 No commercial trash receptacle such as a dumpster may be maintained on the property to be used for regular trash pickup; trash removal must be limited to regular, weekly (or more frequent as needed) residential trash removal services or regular weekly trips to the Town transfer station. Trash removal shall be the responsibility of the owner/operator.

4.9 STRs may be subject to inspection by the Peru Board of Health, Fire Department, and/or Building Inspector.

4.9.1 Inspections may be scheduled in response to complaints by renters or by owners or tenants of neighboring properties. A complaint process shall be made available on the Town of Peru website.

4.9.2 Failure to provide updated contact information will be a failure to comply with this bylaw and may result in the refusal to allow registration renewal if there is a failure to respond after a reasonable attempt is made to contact the Operator/Owner, Booking Agent or Trustee.

4.9.3 Failure to provide access to properties for inspection or failure to comply with orders to correct deficiencies may result in fines or in the refusal to allow registration renewal. Appeals of these penalties may be made within ten business days to the Select Board.

4.10 In the event that there are three or more violations within a twelve-month period, the right to renew registration may be denied by vote of the Select Board.

5. Additional Requirements

5.1 The maximum occupancy shall be set at one (1) more than twice the number of bedrooms (e.g., five (5) for a two (2) bedroom unit). In addition to the dwelling's bedroom count as noted in the assessors' records, a space that meets the Title 5 definition of a bedroom may be used for occupants in the STR; provided, however, that in the case of STR properties serviced by a septic system, the maximum occupancy shall not exceed the capacity of the system. All septic systems must be Title 5 compliant and must be inspected and serviced as required by M.G.L. 310 CMR 15.000, with pumping at least once every three years. Evidence of Title 5 pumping within the past three years must be on file in the Peru Board of Health and filed with the application for a permit.

5.2 A dwelling unit or bedroom offered for STR use shall comply with all standards and regulations promulgated by the Peru Board of Health.

5.3 Commercial meetings and uses are prohibited in short-term rentals.

5.4 The Operator or booking agent of an STR shall keep either paper or electronic records that include the number of occupants present during each rental period. The records must be produced upon demand by the Peru Board of Health, the Select Board, or either Board's designee and such records must be maintained for two (2) years after the date of the rental.



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6. Marketing Information

Each Town registration of a Short-Term Rental shall include a registration number. Any listing offering the STR for rent shall include the Town-issued registration number and the maximum occupancy allowed.

7. Adoption of Regulations

The Select Board and the Board of Health may adopt and amend regulations in furtherance of the implementation of this bylaw.

8. Penalties

If any Occupant, Operator or Owner violates any provision of this bylaw, the Owner or Operator may be subject to a civil penalty in accordance with the following:

- \$100 1st Offense
- \$200 2nd Offense
- \$300 3rd Offense – and each subsequent offense

Each day that a violation exists constitutes a separate offense.

