

ARTICLE II. USE AND INTENSITY REGULATIONS

2100. Establishment of Districts

2110. For purposes of this Bylaw, the Town of Bellingham is hereby divided into the following types of districts

- Agricultural District.....A
- Suburban District.....S
- Residential District.....R
- Multifamily Dwelling District.....M
- Business District.....B-1, B-2
- Industrial District.....I

The boundaries of these districts are defined and bounded on the map entitled "Zoning Map, Bellingham, Massachusetts," on file with the Town Clerk. That map and all explanatory matter thereon is hereby made a part of this Bylaw.

In addition, there are five overlay districts: Floodplain District as established Section 4510, Water Resource District as established at Section 4920, Adult Use Districts #1 and #2 as established at Section 5100, and the Mill Reuse Overlay District as established at Section 5200.

2120. Except when labeled to the contrary, boundary or dimension lines shown approximately following or terminating at street, railroad, or utility easement center or layout lines, boundary or lot lines, or the channel of a stream, shall be construed to be actually at those lines; when shown approximately parallel, perpendicular, or radial to such lines shall be construed to be actually parallel, perpendicular, or radial thereto; when appearing to follow shoreline shall coincide with the mean low-water line. When not locatable in any other way, boundaries shall be determined by scale from the map.

2130. Where a district boundary line divides any lot existing at the time such boundary line is adopted, the Zoning regulations shall apply as follows.

- (a) In the case of a use allowed in both districts, the lot shall be considered as a whole, and the dimensional regulations of the district in which the majority of the lot frontage lies shall apply to the entire lot.
- (b) Where a lot is transected by a zoning district boundary line, the regulations of these Zoning By-laws applicable to the lesser restricted district may, at the option of the owner, be deemed to govern in the more restricted district, up to a distance of not more than thirty (30) feet.

2140. When a lot in one ownership is situated in part in the Town of Bellingham and in part in an adjacent municipality, the provisions of this Bylaw shall be applied to that portion of the lot lying in the Town of Bellingham in the same manner as if the entire lot were situated therein.

2200. Use Regulations

2210. No building or structure shall be erected or used and no premises shall be used except as set forth in the "Use Regulations Schedule," or as exempted by Section 2300 or by statute. Symbols employed shall mean the following:

Yes - A permitted use
No - An excluded or prohibited use

Use authorized under Special Permit as provided for in Section 1500:

BA - Acted on by the Board of Appeals
PB - Acted on by the Planning Board
BS - Acted on by the Board of Selectmen

2220. Where an activity might be classified under more than one of the following uses, the more specific classification shall determine permissibility; if equally specific the more restrictive shall govern.

Uses listed nowhere in Section 2400 are prohibited, except that such a use may be allowed on Special Permit if the Board of Appeals determines that it closely resembles in its neighborhood impacts a use allowed or allowed on Special Permit in that district.

2300. Nonconforming Uses and Structures

Legally preexisting nonconforming structures and uses may be continued, subject to the following:

2310. Change, Extension or Alteration. As provided in Section 6, Ch.40A, G.L., a nonconforming single or two-family dwelling may be altered or extended provided that doing so does not increase the nonconforming nature of said structure. Other preexisting nonconforming structures or uses may be extended, altered, or changed in use on Special Permit from the Board of Appeals if the Board of Appeals finds that such extension, alteration, or change will not be substantially more detrimental to the neighborhood than the existing nonconforming use. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.

2320. Restoration. Any legally nonconforming building or structure may be reconstructed if destroyed by fire or other accidental or natural cause if reconstructed within a period of two years from the date of the catastrophe, or else such reconstruction must comply with this Bylaw.

2330. Abandonment. A nonconforming use which has been abandoned, or discontinued for a period of two years, shall not be reestablished. Any future use of the premises shall conform with this Bylaw.

2340. Replacement. Replacement of mobile homes or commercial vehicles parked in nonconformity with Section 2400 is not permitted, even where such replacement does not increase the extent of nonconformity.

2400. Use Regulations Schedule**D I S T R I C T**
ACTIVITY OR USE

A	S,R	M	B-1	I
			B-2	

AGRICULTURAL USES

Livestock raising on parcel under five acres ¹	YES	NO	NO	NO	NO
Other farm ¹	YES	YES	YES	YES	YES
Greenhouse					
with retail sales ²	YES	YES	YES	YES	YES
wholesale only	YES	YES	YES	YES	YES
Roadside stand ²	YES	YES	YES	YES	YES

COMMERCIAL USES

Animal kennel or hospital	NO	NO	NO	BA	BA
Business or professional offices	NO	NO	NO	YES	YES
Medical clinic	NO	NO	NO	YES	YES
Funeral home	NO	NO	NO	YES	YES
Auto, boat, or farm equip. sales, rental, service	NO	NO	NO	YES	YES
Printing shop	NO	NO	NO	YES	YES
Bank, financial office	NO	NO	NO	YES ¹⁵	YES ¹⁵
Restaurant	NO	NO	NO	YES ¹⁵	YES ¹⁵
Retail sales or service	NO	NO	NO	YES ¹⁵	YES ¹⁵
Retail sale of gasoline ⁵	NO	NO	NO	BS	BS
Wholesaling without storage	NO	NO	NO	YES	YES
Major Business Complex ³	NO	NO	NO	PB ⁴	PB

INDUSTRIAL USES

Major Business Complex ³	NO	NO	NO	PB ⁴	PB
Manufacturing for on-site sales ⁶	NO	NO	NO	YES	YES
Other manufacturing, research	NO	NO	NO	NO	YES
Bulk storage	NO	NO	NO	NO	YES
Contractor's yard	NO	NO	NO	NO	YES
Earth removal ⁷	BA	BA	BA	BA	BA
Waste processing or disposal:					
Junk yard, second-hand auto parts	NO	NO	NO	NO	BS
Hazardous or radioactive	NO	NO	NO	NO	NO
Other municipal	NO	NO	NO	NO	BS
Other private	NO	NO	NO	NO	NO
Transportation terminal	NO	NO	NO	NO	YES
Warehouse	NO	NO	NO	NO	YES
Commercial radio transmission	NO	NO	NO	YES	YES
Laundry or dry cleaning plant	NO	NO	NO	YES	YES
Electrical generating Facility (Power Plant)	NO	NO	NO	NO	Not to exceed 3
Large scale ground mounted solar photovoltaic Installation pursuant to Article 5300	NO	NO	NO	NO	YES

2400. Use Regulations Schedule (Continued)

<u>ACTIVITY OR USE</u>	<u>DISTRICT</u>				
	A	S,R	M	B-1 B-2	I
<u>INSTITUTIONAL USES</u>					
Municipal use	YES	YES	YES	YES	YES
Religious use	YES	YES	YES	YES	YES
Educational use exempted from zoning prohibition by Sec 3, Ch40A,G.L.	YES	YES	YES	YES	YES
Other educational use	BA	BA	BA	BA	BA
Cemetery	YES	YES	YES	YES	YES
Hospital	BA	BA	BA	BA	BA
Nursing, convalescent, or rest home	BA	BA	BA	BA	BA
Philanthropic or charitable institutions	BA	BA	BA	BA	BA
Public utility with service area	NO	NO	NO	NO	YES
Public utility without service area	BA	BA	BA	BA	YES
Club or lodge	BA ⁸	BA ⁸	BA ⁸	YES	YES
<u>RECREATIONAL USES</u>					
Camping, supervised	YES	BA	BA	YES	YES
Camping, commercial	BA	NO	NO	NO	NO
Golf course, standard or par three	YES	YES	YES	YES	YES
Conference, training, or meeting facilities					
In conjunction with a standard golf course ¹⁸	PB	PB	PB	PB	PB
Indoor commercial recreation	NO	NO	NO	YES	YES
Outdoor commercial recreation	NO	NO	NO	BA	BA
Sportsman's club, game preserve	YES	NO	NO	YES	YES
Public stables	BA	NO	NO	BA	BA
Bath houses, commercial beaches	BA	BA	BA	YES	YES
Commercial picnic, outing areas	BA	BA	BA	YES	YES
<u>RESIDENTIAL USES</u>					
Dwelling					
Single-family	YES	YES	YES	YES	NO ⁹
Two-family	YES	YES	YES	YES	NO
Townhouse ¹²	PB	PB	PB	PB	NO
Other multifamily	NO ¹⁰	NO ¹⁰	PB ^{11,12}	NO ¹⁰	NO ¹⁰
Assisted elderly housing ¹⁶	PB	PB	PB	PB	NO
Boarding or rooming	NO ¹⁰	NO ¹⁰	BA	NO ¹⁰	NO ¹⁰
Motel, hotel	NO	NO	NO	BA	YES
Mobile home	NO	NO	NO	NO	NO
Public housing	YES	YES	YES	YES	NO

Major Residential Development ¹⁷

PB PB PB PB NO

2400. Use Regulations Schedule (Continued)

DISTRICT

ACTIVITY OR USE

**A S,R M B-1 I
B-2**

OTHER PRINCIPAL USES

Temporary structures	BA	BA	BA	BA	BA
Airport, heliport	NO	NO	NO	YES	YES

ACCESSORY USES

Parking provisions for:

* Private autos of residents on premises	YES	YES	YES	YES	YES
* One light commercial vehicle	YES	YES	YES	YES	YES
* Two or three light commercial vehicles, or one heavy commercial vehicle					
- Accessory to residential use	BA	NO	NO	YES	YES
- Accessory to non residential use	YES ¹³	YES ¹³	YES ¹³	YES	YES
* Farm vehicles and equipment on active farms	YES	YES	YES	YES	YES
* Other parking	NO	NO	NO	BA	BA
* Home occupation	*	*	*	*	*
* Signs (See Sec. 3100)	YES	YES	YES	YES	YES
* Private stable ¹⁴	YES	BA	NO	YES	YES
* Animal kennel ¹⁴	BA	BA	NO	BA	BA
* Livestock raising ¹⁴	YES	BA	NO	NO	NO
* Swimming pool	YES	YES	YES	YES	YES
* Accessory scientific use in accordance with Sec. 4120	BA	BA	BA	BA	BA
* Family Apartment (see Sec. 4310)	BA	BA	BA	BA	NO
Note: should read (see Sec. 4130)					
* Other customary accessory uses	YES	YES	YES	YES	YES

FOOTNOTES FOR SECTION 2400

1. Cattle, horses, sheep, hogs, goats, or similar livestock shall be maintained only on premises having an area of not less than 40,000 square feet plus 15,000 sq. ft. per large animal (25 pounds or heavier at maturity) in excess of one or per ten smaller animals in excess of the first ten. Such animals and their wastes shall be contained at least 50 feet from any abutting lot line of a residentially used lot, and at least 50 feet from any year-round surface water body.
2. At least 3/4 of the retail sales must be of produce raised on land within the Town of Bellingham in the same ownership as the stand or greenhouse.

3. See Section 4700.
4. No in B-1 Districts.
5. See Section 4800.
6. More than half the volume sold as retail on the premises.
7. See Section 4600.
8. Except those whose chief activity is one customarily carried on as a business.
9. Except single-family dwelling for personnel required to reside on the premises for the safe operation of a permitted use.
10. Except that an existing dwelling may, on Special Permit from the Board of Appeals, be altered to house up to four families or for boarding or lodging, provided that the Board of Appeals shall find that the structure could not reasonably be used or altered and used for any permitted purpose.
11. Except that multifamily shall not include public housing.
12. See Sections 3400 and 4420.
13. But none in excess of the number legally parked on the effective date of this amendment.
14. Cattle, horses, sheep, hogs, goats, or similar livestock shall be maintained accessory to a dwelling only on a lot having an area of not less than 40,000 square feet plus 15,000 sq. ft. per large animal (25 pounds or heavier at maturity) in excess of one or per ten smaller animals in excess of the first ten. Such animals and their wastes shall be contained at least 50 feet from any abutting lot line of a residentially used lot, and at least 50 feet from any year-round surface water body.
15. Except 'PB' if service is provided to patrons while in their automobiles, special permits to be approved only upon determination by the Planning Board that traffic projected to be generated will be accommodated without reduction in the traffic level of service on any affected off-premises lane, and without either hazard for vehicular traffic or hazard or inconvenience for pedestrians.
16. See Section 4420.
17. See Section 4300.
18. Provided that the sum of the gross floor areas of all buildings on the site equals not more than 1% of the land area on the premises. If in an A, S or R district no building for this use may be less than 200 feet from the nearest property line.
- * See Section 4110.

2500. Intensity of Use Regulations

2510. All buildings hereafter erected in any district shall be located on a lot such that all of the minimum requirements set forth in the following Table are conformed with except where specifically exempted by this Bylaw or by General Law.

2520. No existing lot shall be changed in size or shape except through a public taking so as to result in violation of the requirements set forth below.

Recording a plan in violation of these requirements, even if endorsed by the Planning Board to the effect that approval under the Subdivision Control Law is not required, constitutes a violation of this Bylaw, subject to enforcement actions under Sections 1220 and 1250. The Planning Board shall inform both the submitter of such a plan and the Inspector of Buildings of any such potential violations of which the Board becomes aware.

2530. Isolated Lots and Subdivisions. Any increase in lot area or frontage requirements of this Bylaw shall not apply to erection, extension, alteration, or moving of a structure on a legally created lot not meeting current requirements provided that either the lot is protected against such increase under the provisions of Section 6, Chapter 40A, G.L., or the applicant documents that:

- (a) at the time such increased requirement became applicable to it, the lot:
 - (1) For single family development - had at least 5,000 sq.ft. of lot area and 50 feet of frontage on a street. For non-residential development in the B-1 and Industrial zoning districts - had at least 20,000 sq.ft. of lot area and 125 feet of frontage on a street; and
 - (2) was not held in common ownership with any adjoining land; and
 - (3) conformed to then-existing dimensional requirements; and
- (b) the lot is to be used in conformance with the uses allowed for such district;
- (c) yards shall be not less than the following, except that footnotes “b”, “c” and “g” of Section 2600 of this Bylaw shall remain in effect for non-residential development:.

Actual Frontage	Required Yard		
	Front	Side	Rear
Less than 125'	20'	8'	16'
125-150'	20'	10'	20'
More than 150'	30'	15'	20'

Such nonconforming lots may be changed in size or shape or their land area recombined without losing this exemption, so long as the change does not increase the actual or potential number of buildable lots.

2540. Where no street line has been established or can be readily determined, such line shall be assumed to be 25 feet from the center of the traveled roadway for the purposes of applying these regulations.

2550. Public Housing shall be exempt from the minimum requirements of Intensity of Use as set forth in Sec. 2600.

2560. Not more than one single-family or two-family dwelling shall be erected on a lot.

2570. More than one principal building or use other than a single- family or two-family dwelling may be erected or maintained on a lot provided that access, drainage, and utilities serving each structure are functionally equivalent to that required for separate lots by the Planning Board Rules and Regulations, as determined by the Zoning Agent following consultation with the Highway Department regarding access and drainage and with the Water Department and Fire Department regarding water; and further provided that lot area and yard requirements are met for each building and use without counting any lot area or yard twice. No increase in lot frontage is required for multiple principal buildings or uses on the same lot. For multifamily construction, the Zoning Agent must also ensure compliance with applicable portions of Section 4400 and all other pertinent sections of the Bylaws.

2580. Back Lot Division. A parcel with no other contiguous land in common ownership may be divided into two or three lots, one of which has less than the normally required frontage, and a single- family dwelling may be built on the reduced frontage lot, provided that such division is authorized on a Special Permit granted by the Planning Board. Such divisions shall be authorized if meeting each of the following, but not otherwise.

2581. The lot having reduced frontage must have frontage of at least 50 feet.

2582. The lot having reduced frontage must contain at least twice the lot area otherwise required, without counting any portion of the lot between the street and the point where lot width equals 100 feet or more.

2583. The lot having reduced frontage must be capable of containing a square with sides equal to the normally required lot frontage.

2584. All other requirements specified in Section 2600, Intensity of Use Schedule, must be met.

2585. Egress from the created lots must create no greater hazard owing to grade and visibility limitations than would be expected for standard land division at that location.

2586. Reduction of privacy, damage to the natural environment, and difficulties of utility provision must be no greater than would be expected for standard land division at that location.

2587. The proposal must be determined by the Planning Board to not circumvent the intent of the Subdivision Control Law.

Any reduced frontage lot created under these provisions shall be shown and identified on a plan endorsed by the Planning Board "Lot_____ approved for reduced lot frontage".

2590. Lot Shape Factor. No lot shall be created so as to be so irregularly shaped or extended that it has a "Shape Factor" in excess of twenty-two (22). Shape Factor equals the square of the lot perimeter divided by the lot area (before deduction for wetlands, etc.). That portion of the lot in excess of the required lot area may be excluded from the computation of Shape Factor using an imaginary lot line, provided that the entire required frontage is included in the portion used for the calculation.

2600. Intensity of Use Schedule

	<u>D I S T R I C T</u>						
	A	S	R	M	B-1	B-2	I
Min. Lot Area (sq.ft.)							
Two-family dwelling	160,000	80,000	80,000	80,000	80,000	80,000	----
Other uses ^f	80,000	40,000	40,000	40,000 ^c	40,000	40,000	60,000
Min. lot frontage (ft.)	200	150	150	150	150	150	200
Min. front yard ^{a,d} (ft.)	30	30	20	30	20	30	20 ^c
Min. side yard (ft.)	15	15	10	15	10 ^b	15 ^g	10 ^g
Min. rear yard (ft.)	20	20	20	20	20	20 ^g	20 ^c
Min. landscaped open space (sq.ft./dwelling unit)	----	----	----	2,000	----	----	----
Maximum building height (ft.)	35	35	35	35	35	45	45

- (a) No building other than a multifamily dwelling need provide a front yard greater than the average of adjoining front yards. For multifamily dwellings, the front yard is to be not less than twice building height, and to contain no parking. Corner and through lots shall maintain front yard requirements for both frontages.
- (b) Side yard may be reduced to zero, except where abutting a residential use or a Residential, Suburban, or Agricultural District, provided that access to rear areas via drives not less than 15 feet wide is assured.
- (c) Increase to 100 feet for industrial buildings facing or adjoining a Residential, Suburban, or Agricultural District.
- (d) No obstruction to vision between three and eight feet above the plane through the curb grades shall be permitted within the area formed by the lines of intersecting streets and a line joining points 20 feet from the point of intersection of street lines or street lines extended.
- (e) For townhouse dwelling, assisted elderly housing, and other multifamily housing see Section 4400 Special Residential Uses.
- (f) (deleted footnote –ATM 5/19/99 –Art.34)
- (g) for industrial or commercial uses, increase to 30 ft. where adjoining an Agricultural, Suburban, Residential, or Multifamily District or residential use.

2610. Height Limitations. No building or portion thereof or other structure of any kind shall exceed the heights permitted buildings under Section 2600 Intensity of Use Schedule, except the following:

- (a) chimneys, towers, spires, cupolas, antennae or other projections of or attachments to a building but not potentially used for human habitation, provided that they do not exceed the height of the building by more than ten (10) feet or twenty (20) percent of building height, whichever is the greater, or
- (b) a structure or projection not used for human habitation and not permitted by the above, provided that it is authorized for that height by special permit from the Board of Appeals, upon determination by the Board that the proposed height is functionally important for the use, and that the structure or projection and its use will not result in threats to health,

safety or visual compatibility with the surroundings and, in the case of antennae for use by a federally licensed amateur radio operator, that any restriction so imposed complies with the provisions of Section 3 of Chapter 40A dealing with such antennae.

[n.b. Sections 2620-2680 not used]

2690. Targeted Housing. On special permit from the Planning Board, dwelling units may be designated as "Targeted", provided that:

- (a) either the development containing the unit qualifies to seek a Comprehensive Permit under Chapter 40B, G.L., or the dwelling unit meets the definition of "Assisted elderly housing" in Section V of this Bylaw.
- (b) the Planning Board finds that the housing is consistent with policy guidelines it has approved for Town-wide housing development.
- (c) the Planning Board finds that the location and design of the housing will not result in hazard, overburdening of public services, or neighborhood or environmental degradation.

The lot area requirements for such targeted units shall equal one-half those provided in Section 2600, Intensity of Use Schedule, and frontage requirements shall equal two-thirds of those requirements. All other intensity of use requirements shall be met.