

ARTICLE III. GENERAL REGULATIONS

3100. Sign Regulations

3110. General Sign Prohibitions

3111. Signs, any part of which moves or flashes, or signs of the traveling light or animated type, and all beacons and flashing devices whether a part of, attached to, or apart from a sign, are prohibited.

3112. No signs shall be placed within or projecting over a public way or on public property except with a permit from the Board of Selectmen. Signs placed on shade trees are subject to approval by the Tree Warden. (Sec.9, Ch.87, G.L.).

3113. No non-accessory sign or billboard shall be erected except as allowed under Section 3133.

3114. No illumination shall be permitted which casts glare onto any residential premises, or onto any portion of a way so as to create a traffic hazard.

3115. No signs shall be located so as to create an obstruction to vision between three and eight feet above the plane through the curb grades within the area formed by the curb lines of intersecting streets (or by street curb lines and the sidelines of driveways) and by a line joining points 20 feet from the point of intersecting of those lines or those lines extended.

3116. No sign shall be located within ten feet of the street line unless allowing essentially clear vision to at least six (6) feet above grade, or unless authorized upon special permit from the Board of Appeals, upon the Board finding that safety of vehicular and pedestrian movement would not be significantly reduced by such sign, despite its obstruction of vision.

3120. Permitted Temporary Signs in all Districts.

3121. Any sign if in accordance with limitations set for permanent signs.

3122. An unlighted sign of up to 20 sq. ft. indicating parties involved in construction on the premises.

3123. An unlighted sign of up to six square feet pertaining to lease or sale of the premises.

3124. A sign of up to ten square feet pertaining to a subdivision while under development, only with permission of the Planning Board.

3125. Signs inside display windows covering not more than 30% of window area, illuminated by building illumination only.

3126. Political signs may be located subject to the consent of property owners. They may be displayed for Annual or Special Town Elections, State, County and Federal Elections to include Primary Elections, for a period of four weeks prior to election day and shall be removed within seven days after election day. In the case of a Primary election the winning candidate may leave signs on display until seven days following the final election. The property owner shall be responsible for removal of all signs within

the prescribed seven days after an election. No political sign may be placed on utility poles or other utility devices. No signs may be displayed within 150 feet from the entrance of the polling place on primary or election day.

No political sign may have a total area greater than 16 square feet. No sign lot may have more than three signs total. No sign may be placed so as to obstruct any intersecting roads or driveways.

3127. Except as elsewhere more specifically provided, temporary signs shall be erected no earlier than fourteen (14) days prior to the event to which they pertain (e.g. the commencement of construction), and shall be removed within seven (7) days after the conclusion of that event, but in any event not to remain in place in excess of six (6) months.

3130. Permitted Permanent Signs in Agriculture, Suburban and Residential Districts.

3131. One sign for each family residing on the premises indicating the owner or occupant or pertaining to a permitted accessory use, provided that no sign shall exceed one square feet in area.

3132. One sign not over nine sq. ft. in area pertaining to permitted buildings and uses of the premises other than dwellings and their accessory uses.

3133. A non-accessory directional sign, designating the route to an establishment not on a State Highway, may be erected and maintained in any district on Special Permit from the Board of Appeals, subject to their finding that such sign will promote the public interest, will not endanger the public safety, and will be of such size, location and design as will not be detrimental to the neighborhood.

3140. Permitted Permanent Signs in Other Districts.

3141. Any signs permitted in Agriculture, Suburban and Residential Districts.

3142. Accessory signs attached to a building, provided that they aggregate not more than 20% of the wall area they are viewed with.

3143. Freestanding accessory signs, provided that they aggregate not more than 100 square feet in area.

3144. The total area of all signs, either attached to a building or free standing, shall aggregate not more than three square feet per foot of lot frontage on the street towards which they are oriented.

3200. Environmental Controls.

3210. Permitted Activity. No activity shall be permitted in any district unless the following requirements are met. Applicants may be required to provide evidence of probable compliance, whether by example of similar facilities or by engineering analysis. Issuance of a permit on the basis of that evidence shall certify the Town's acceptance of the conformity of the basic structure and equipment, but future equipment changes and operating procedures must be such as to also comply with these requirements.

3220. Noise

3221. Noise Receiving Zones are defined as follows:

RECEIVING ZONE A: Business and Industrial districts.

RECEIVING ZONE B: Locations in any other district, but within 200 feet of a Business or Industrial district, or within 200 feet of an arterial street.

RECEIVING ZONE C: All other locations.

3222. Applicability. No development shall be allowed unless it is demonstrated that the following standards will not be exceeded at any location outside the property line of the premises which location includes any contiguous land committed to be conveyed to the Town as open space. The numerical standards of Section 3224 shall not be exceeded by more than 20 dB(A) at any time, or by more than 10 dB(A) for more than ten minutes in an hour, or at all for more than 30 minutes in an hour. Nothing in this Section shall be construed to permit noise in excess of that allowed by any state or federal regulation.

3223. Exceptions. This regulation shall not apply to the following:

- (a) Any noise produced by equipment used exclusively in the maintenance or repair of buildings or grounds, provided such equipment is rated at not more than 15 horsepower.
- (b) Human or animal noises unless mechanically or electronically amplified.
- (c) Farm equipment.
- (d) Construction equipment between the hours of 7:00 AM and 9:00 PM, or at other hours upon determination of reasonable necessity by the Building Inspector. Such determination and authorization shall be valid for not more than any one 24 hours period per determination.
- (e) Snow plowing; emergency repair due to flood, fire or other catastrophe if such work is necessary for the general welfare or to avoid further catastrophe.
- (f) Parades, fairs or outdoor entertainment, provided that a permit for such activity has been granted by the Board of Selectmen and that said permit is for not more than 10 days in any calendar year.
- (g) (This section, subsection (g), disapproved by Attorney General on 9/29/99).

- (h) Activities authorized on special permit under Section 3290, where peculiarities of the location or activity assure that there will be no unreasonable adverse disturbance to use and enjoyment of nearby premises.

3224. Standards.

The following standards must be met, with the applicable standard being based upon the Receiving Zone where noise is potentially heard, not the Zone where noise is generated. "Daytime" shall be from 7:00 AM until 9:00 PM on all days except Sundays and legal holidays, when it shall be from 12:00 noon until 9:00 PM. All sound measurements made pursuant to this Section shall be made with a Type 1 A-weighted Sound Level Meter as specified under American National Standards Institute (ANSI) S1.4-1983.

MAXIMUM ALLOWABLE EXTERIOR NOISE LEVEL

RECEIVING ZONE	DAYTIME	NIGHTTIME
A	65 dB(A)	60 dB(A)
B	55 dB(A)	50 dB(A)
C	50 dB(A)	45 dB(A)

3230. Light and Glare

3231. Lighting fixture types are defined as follows:

Type 1. No light cutoff.

Type 2. Luminaire shielded such that peak candlepower is at an angle of 75 degrees or less from vertical, and essentially no light is emitted above the horizontal.

Type 3. Luminaire shielded such that total cutoff is at less than 90 degrees from vertical, and no light source is in direct view of an observer 5 feet above the ground at any point off the premises.

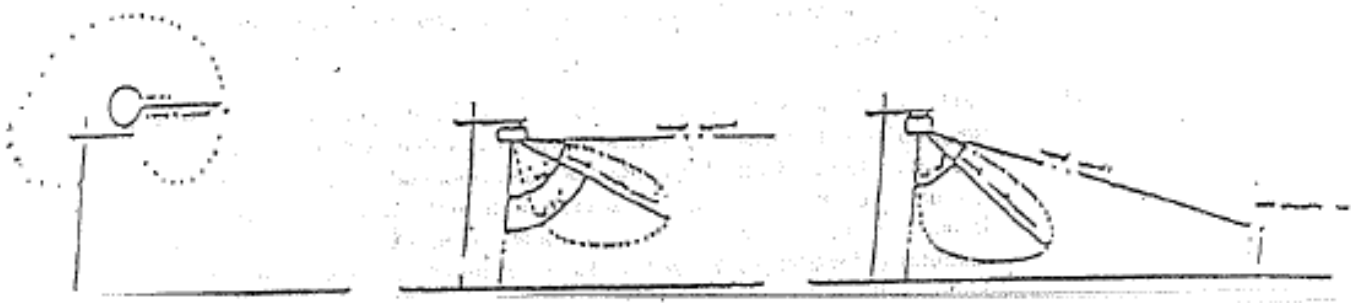
3232. Lighting Limitations. The following limitations shall be observed by all uses, unless granted a special permit under Section 3290, upon determination by the SPGA that it is inherently infeasible for that use (e.g. public outdoor recreation) to meet these standards, and that all reasonable efforts have been made to avoid glare or light over spill onto residential premises.

LIGHTING LIMITATIONS

DISTRICTS

B - 1, B - 2, I Other

Maximum luminaire mounting height (feet)		
Fixture Type 1	20	10
Fixture Type 2	30	15
Fixture Type 3	40	20
Maximum off-site over spill (foot-candles)		
Fixture Type 1	0.3	0.2
Fixture Type 2	1.0	0.3
Fixture Type 3	3.0	0.5



Type 1: No Cutoff Luminaire Type 2: 90 degrees Cutoff Luminaire Type 3: Luminaire with less than 90 degree cutoff

3233. No flickering or flashing lights shall be permitted. Processes, such as arc welding, which create light flashes shall be confined within buildings or shielded to prevent either direct glare or flashing reflected from the sky.

3234. An exterior lighting plan may be required where compliance with these requirements is not apparent, to include indication of location, mounting height, and orientation of luminaires, and sufficient technical information on the fixtures to determine their type and resulting illumination levels.

3240. Air Quality

3241. Any use whose emissions are such as to cause it to be classified as a major new stationary source of air pollution, as defined by the EPA under the Clean Air Act, and any use required to apply to DEQE under 310 CMR 7.00 or to EPA under Section 112 of the Clean Air Act for permission to emit asbestos, benzene, beryllium, mercury, vinyl chloride or radio nuclides shall be permitted only if granted a special permit under Section 3290.

3242. No emission of odorous gases or odoriferous matter in such quantities as to be offensive shall be permitted. Any process which involves the creation and/or emission of any odors shall be provided with a secondary safeguard system.

3250. Hazardous Materials

Use of premises involving one or more of the following may be permitted only if granted a special permit under Section 3290.

- (a) manufacturing as the principal use of the premises, if the products manufacture are either:
 - (i) when wastes, regulated as hazardous under Ch. 21C., G.L.; or
 - (ii) substances listed on the Massachusetts Substance List contained in 105 CMR 670.000, Appendix A;
- (b) keeping of flammable fluids, solids or gasses in quantities exceeding four times that requiring licensure under 527 CMR 14.00, except for storage of fuel for consumption on the premises or by vehicles operated incidental to the principal use of the premises;
- (c) any use for which licensure is required under 310 CMR 30.800 to transport, use, treat, store or dispose of hazardous waste (but not those excluded under 310 CMR 30.801).
- (d) No building, facility or premises or parts thereof shall be constructed or used for the purpose of processing, storing or staging Hazardous Wastes or Infectious Wastes as defined by the Department of Environmental Protection of the Commonwealth of Massachusetts as defined in 105CMR480, 00. Department of Public Health, State Sanitary Code and includes: blood and blood products; pathological waste; cultures and stocks of infections agents and associated biologicals; contaminated animal carcasses, body parts and bedding; sharps; and biotechnological bi-product effluents.

3260. Vibration

No use shall be allowed which produces vibration which is discernible to the human sense of feeling (except as sound) at or beyond the boundaries of the premises for three (3) minutes or more in any hour between 7:00 AM and 9:00 PM or for thirty (30) seconds or more in any one hour between 9:00 PM and 7:00 AM. Vibrations exceeding two-thirds the frequency/amplitude limitations established by the Board of Fire Prevention Regulations at 527 CMR 13.11(18) shall, except for activities exclusively within the jurisdiction of that Board, be deemed to be discernible without instruments.

3270. Electrical Disturbances

No electrical disturbance shall be permitted which adversely affects the operation of any equipment other than that of the creator of such disturbance.

3280. Stormwater Management

3281. Foundation Grade. Finished grade shall slope continuously downward for at least 10 feet in all directions from the foundation of any dwelling having a basement or cellar, at a slope of 1% or more on paved surfaces and 2% or more on other surfaces.

Drainage facilities, including detention basins, shall be designed consistent with the standards of the “Rules and Regulations Governing the Subdivision of Land” of the Bellingham Planning Board, as most recently amended. Basin fencing materials shall be subject to approval by the Planning Board in conducting Development Plan Review, and shall be selected to prevent accidental entry into the detention area, but still allowing visibility into it.

3282. Stormwater Management.

All development requiring in excess of ten (10) parking spaces or undertake a construction activity, including clearing, grading and excavation that results in a land disturbance that will disturb an area equal to or greater than one acre of land, or will disturb less than one acre of land but is part of a larger common plan of development or redevelopment that will ultimately disturb an area equal to or greater than one acre of land, shall conform to the drainage requirements specified in the Rules and Regulations Governing the Subdivision of Land and obtain a Stormwater Management Permit per Section 7.0 with related Stormwater Management Plan and Operation and Maintenance Plan of the Planning Board Procedural Rules. Drainage design (hydrology) shall address, at a minimum, 2, 10, and 100-year 24-hour rainfall storms, using TR-55 methods. Additionally, the drainage piping system (hydraulics) shall be designed for the 25-year design storm, except that detention facilities shall be based on a one-hundred-year storm. Increases to peak rates of runoff shall not be allowed. Any increase in runoff volume shall be analyzed to ensure no increased flooding impacts offsite. Pretreatment is required with any recharge facilities unless receiving flows are from rooftop areas only. Drainage calculations by a registered Professional Engineer shall be submitted to the reviewing body.

Drainage facilities, including detention basins, shall be designed consistent with the standards of the “Rules and Regulations Governing the Subdivision of Land” of the Bellingham Planning Board, as most recently amended. Basin fencing materials shall be subject to approval by the Planning Board in conducting Development Plan Review, and shall be selected to prevent accidental entry into the detention area, but still allowing visibility into it.

3290. Special Permits

3291. Special Permit Granting Authority. The Special Permit Granting Authority (SPGA) for applications authorized under Section 3200 shall be the Board of Appeals, except that if another agency is designated under other provisions of this Bylaw as SPGA for the use being applied for, that agency shall also act as SPGA under this Section.

3292. Submittals. Applicants shall submit such material, including technical analyses, as is reasonably necessary for the SPGA to make the determinations under 3293 below. That may include, as germane, an acoustic analysis, a lighting plan, documentation of air quality modeling, identification of any toxic or hazardous materials involved and substances to be emitted, a description of precautions, handling practices, monitoring, and recovery systems proposed, and if appropriate, a hazard prevention and contingency response plan.

3293. Decision Criteria. Special Permits shall be granted if the SPGA finds that the proposed use will not cause harm or adverse disturbance to the environment or to other premises, will not jeopardize health or safety either on or off-premises, and that either any control or safety systems being relied upon are fail-safe or redundant, or it has been demonstrated that there would be no adverse health or safety consequences beyond the boundaries of the premises in the event of system failure, in light of on-site decay, dilution or dispersion.

3300. Parking and Loading Requirements.

3310. Number of Spaces

3311. Basic requirements. Off-street parking must be provided to service all increases in parking demand resulting from new construction, additions or change of use to one requiring more parking, without counting any existing spaces needed to meet requirements for any retained building or use. The number of spaces indicated in Section 3320 shall be the basis for determining adequacy of provisions. Any existing spaces removed shall be replaced in kind unless they are either in excess of the number required or removed at the request of the Town. Parking spaces also serving as loading areas shall not be credited.

3312. Allowed reduction. The number of spaces may be reduced to less than that stipulated below if, in acting on the Plan under Section 1420, the Planning Board determines that a smaller number would be adequate for all parking needs because of such special circumstances as shared parking for uses having peak parking demands at different times, unusual age or other characteristics of site users or user-sponsored demand reduction devices such as carpooling. Such a reduction is contingent upon evidence being provided to the Planning Board that the site has sufficient reserve area, suitable for conversion to graded, surfaced and drained paving areas, to meet the requirements of Section 3320.

3313. For the purpose of computing the parking requirements of different uses, the number of spaces required shall be the largest whole number obtained after increasing all fractions upwards to one. Employees shall include the largest number of owners, managers, full and part time workers, and volunteers that may normally be expected to be employed on the premises during any single shift or portion thereof. The number of seats in benches, pews, or other continuous seating arrangements shall be calculated at twenty (20) inches per seat.

3320. Schedule of Requirements

(a) Dwellings:

Single- and two-family having no boarders or lodgers: two spaces per dwelling unit;

Assisted elderly housing: one space per bedroom;

Other dwellings: two and one-half spaces per dwelling unit, plus one space per bedroom used for boarding and rooming.

- (b) Places of Public Assembly:

One parking space for each three persons capacity based on the Massachusetts State Building Code.
- (c) Hotels, Motels, Room and Board, Other Commercial Accommodations:

One parking space for each guest unit, plus one parking space for each eight units or fraction thereof.
- (d) Restaurant:

One parking space per 2 seats based on the legal seating capacity of the facility (including seasonal outdoor seating), plus one space for each employee on the largest shift, plus one space per 100 square feet of function space not designed for eating, plus one space for each 6 square feet of waiting area. Waiting area is defined as the area likely to be used by patrons waiting to be seated or served, particularly during peak times. Waiting areas do not have to have seats to be considered waiting area space. For those uses with high demand periods, outside waiting areas may also be included. Waiting areas shall be labeled on floor plans to be submitted to the Planning Board. The Planning Board shall review the proposed waiting area designation to determine if they believe it is adequate based on the proposed restaurant.
- (e) Commercial Recreation:

One parking space per two persons participant capacity, plus one space per three persons spectator capacity.
- (f) Auto Service/Fuel Station:

One space per pump, plus one space per employee, plus three spaces per service bay. For service/fuel stations with a retail store: The requirements above plus one space per 50 square feet of gross floor area of retail space.
- (g) Retail Businesses, Printing Shop/Copy Center, Other Service Establishments:

One parking space per 150 square feet of gross floor area, but not fewer than three spaces per separate enterprise.
- (h) Offices:

One parking space per 200 square feet of gross floor area.
- (i) Wholesale and Industrial Establishments:

One parking space per 250 square feet of office area plus one space per 500 square feet of production area plus one space per 2,000 square feet of storage area, but capable of expansion to not less than one space per 500 square feet gross floor area.

(j) Convalescent, Nursing or Rest Home, Hospital or Sanitarium

One space per three beds, plus one space per employee on the largest shift, plus one space per two visiting staff (i.e., attending physician, specialists, etc.)

(k) Other Uses:

A number of spaces to be determined by the Building Inspector (or the Planning Board in cases referred to it under Section 1420) based upon evidence from similar uses under similar circumstances.

(l) Mixed Uses:

Requirements for each use are added, unless it is determined that a smaller number is adequate because of staggered hours.

3330. Parking Area Design and Location

3331. Surfacing. All required parking areas and their access driveways except those facilities serving single-family residences shall be paved, unless exempted by the Planning Board in acting under Section 1420, for cases such as seasonal or periodic use where unpaved surfaces will not cause dust, erosion, hazard or unsightly conditions.

3332. Setback. No off-street parking area for five or more cars shall be located within 20 feet of a street right-of-way. When shopping cart corrals are proposed, the location of such corrals shall be next to handicap parking spaces,”

3333. Backing. Parking areas for five or more cars shall not require backing into a public way.

3334. Proximity. Parking spaces more than 300 feet from the building entrance they serve may not be counted towards fulfillment of parking requirements unless in acting under Section 1420 the Planning Board determines that circumstances justify a greater separation of parking from use.

3335. Egress spacing. The following shall apply to entrances or exits to all parking areas having 20 or more spaces, except those located in the B-1 District, which are exempted.

- (a) Entrance or exit centerlines shall not fall within 50 feet of an intersection of street sidelines or within 250 feet of the centerline of any other parking area entrance or exit on the same side of the street, whether on the same parcel or not, if serving 20 or more parking spaces. Users shall arrange for shared egress if necessary to meet the requirements.

3336. Regulations. The Planning Board shall adopt and from time to time may amend dimensional and other regulations for the administration of these design and location requirements.

3337. Driveways. All required parking spaces shall be provided with unobstructed access to and from a street and shall be properly maintained so as to permit them to be used at all times.

- (a) A shared driveway shall be considered to provide adequate access to more than two lots or more than four dwelling units only if the Planning board, in acting on a definitive subdivision plan or Development Plan, or if the Board of

Appeals or other Special Permit Granting Authority, in acting on a special permit, determines that such shared access provides some community benefit, such as environmental protection or improvement of egress safety, and does not circumvent the intent of the Subdivision Regulations, as well as meeting the requirements of paragraph (b).

- (b) Driveways, whether shared or not, must meet the following standards if more than 200 feet in length or serving five (5) or more parking spaces.
 - (1) The traveled way shall be paved (unless paving is waived by the Planning Board as provided at Section 3331) at least ten (10) feet wide, and tree and shrub branches less than 13 feet above driveway grade must be cleared or trimmed to provide 12 feet wide for unobstructed travel.
 - (2) Centerline radius shall be at least 80 feet, and grade shall not exceed 12%.
- (c) Driveways serving corner lots shall gain access from that street designated by the Planning Board in performing Development Plan Review, if applicable. In cases where Development Plan Review is not required, corner lot driveways shall gain access from that street determined by the Building Inspector to have the lower daily traffic volume, unless, following consultation with the Planning Board and the Police Safety Officer, the Building Inspector determines that allowing egress onto the busier street would be no less safe.
- (d) Driveways/egresses serving 10 or more parking spaces shall provide stopping and intersection sight distances based on the recommendations provided in AASHTO - Geometric Design of Highways and Streets, as most recently amended. Stopping sight distance is defined as the minimum sight distance required for a driver on the major roadway to perceive an obstruction in the roadway and to react by braking. Intersection sight distance is defined as the minimum sight distance for a driver on the stopped approach to perceive a vehicle approaching and to react by turning onto the major roadway and accelerate to the 85th percentile speed of the major roadway. In the event intersection sight distance cannot be achieved, then the proponent must provide documentation that safe sight distance is achieved. The Planning Board shall consult with the Bellingham Police Department and, if necessary, a traffic consultant, to make a determination as to whether a reduced intersection sight distance is acceptable. Such a reduction of intersection sight distance shall be at the sole discretion of the Planning Board. Stopping sight distance is not waivable.

3340. Loading Requirements

Adequate off-street loading facilities and space must be provided to service all needs created by new construction, whether through new structures or additions to old ones, and by change of use of existing structures. Facilities shall be so sized and arranged that no trucks need back onto or off of a public way, travel against one-way traffic, obstruct drive-thru traffic or be parked on a public way while loading, unloading or waiting to do so.

(Section 3400 Removed by Town Meeting Vote 5.26.10)

3500. Landscaping Requirements

3510. Applicability. Street, sideline, parking area and district boundary plantings shall be provided as specified below when any new building, addition or change of use requires a parking increase of ten or more spaces. The Planning Board in acting under Section 1420 may authorize alternatives to the following specifications, taking into consideration existing vegetation, topography, soils and other site conditions, provided that equivalent screening, shading and articulation are achieved.

3520. Plantings

3521. Plant Materials. Required plantings shall include both trees and shrubs, and may include ones existing on the site. To be credited towards meeting these requirements, trees must be at least 2 1/2" caliper four feet above grade, be of a species common in the area, and be ones which reach an ultimate height of at least 30 feet. To be credited towards meeting these requirements, shrubs must be at least 24" in height at the time of building occupancy, reach an ultimate height of at least 36", and be of a species common in the area.

3522. Number of Plants. The number of trees in the planting areas must equal not less than the planting area length in feet divided by 30, and the number of shrubs must equal not less than the planting area length in feet divided by three. Plantings preferably will be grouped, not evenly spaced, and shall be located or trimmed to avoid blocking egress visibility. The planting area shall be unpaved except for access drives and walks essentially perpendicular in the area.

3530. Planting Areas

3531. Street Planting Area. Street planting is required for premises abutting any street. Required street planting shall be provided within 15 feet of the street property line along the entire street frontage except at drives.

3532. Sideline Planting Area. Sideline planting is required for premises abutting any arterial street. Required sideline planting shall be provided within five feet of the side lot line between the front lot line and the building setback (as built, not as required).

3533. Parking Area Plantings. A minimum of 5% of the interior area of parking lots containing 30 or more spaces must be planted, to contain a minimum of one tree and four shrubs exclusive of perimeter plantings must be planted for every 1,500 square feet of parking lot. Planting areas must each contain not less than 40 square feet of unpaved soil area. Trees and soil plots shall be so located as to provide visual relief and wind interruption within the parking area, and to assure safe patterns of internal circulation.

3534. District Boundary Planting Area. District Boundary planting is required on any premises along the full length of any boundary abutting or extending into a Residential, Suburban or Agricultural District and being developed for a use not allowed in that District, unless abutting property is determined by the Building Inspector to be un-buildable or visually separated by topographic features. Required planting shall be located within ten feet of the boundary.

3540. Additional Screening. Any outdoor service or storage areas not effectively screened by the above requirements shall be separated from any abutting street or residentially used or zoned premises by a planting area meeting the requirements for a sideline planting area.

3550. Existing Vegetation. Wherever possible, the above requirements shall be met by retention of existing plants. If located within 25 feet of a street, no existing tree of 6" trunk diameter or greater (measured four feet about grade), dense hedgerow of four or more feet in both depth and height, or existing earth berm providing similar visual screening shall be removed or have grade changed more than one foot unless dictated by plant health, access safety or identification of the premises.

3560. Exceptions. Where plant materials as required would harmfully obstruct a scenic view, substitution of additional low level plantings which will visually define the street edge or property line may be authorized by the Planning Board in acting under Section 1420, provided that proposed buildings are also designed and located to preserve that scenic view.

3570. Maintenance. All plant materials required by this bylaw shall be maintained in a healthful condition. Dead limbs shall be promptly removed, and dead plants shall be replaced at the earliest appropriated season.