

ZONING BY-LAWS FOR THE TOWN OF BELLINGHAM, MASS.

Adopted At A Meeting On Dec. 2, 1960

Attorney General Received On Feb. 20, 1961

SECTION 1—PURPOSE

A. It shall be the intent of this by-law to promote the health, safety, convenience and welfare of the inhabitants of the Town of Bellingham by regulating and restricting the size and width of lots, the size of yards, courts and other open spaces, and the percentage of lot that may be occupied.

B. The Town of Bellingham is hereby divided into classes of districts as shown on the Zoning Map of the Town of Bellingham, Massachusetts, prepared under the direction of the Planning Board, and said map, together with all the boundary lines and designations thereon, is hereby declared to be part of this By-Law.

SECTION 2—VALIDITY

A. The invalidity of any section or provision of this by-law shall not invalidate any other section or provision.

SECTION 3—OTHER REGULATIONS

A. This by-law shall not interfere with or annul any other by-law, rule, regulation or permit; provided that this by-law shall control when it is more stringent.

SECTION 4—PENALTY

A. Any person violating any of the provisions of this by-law shall be subject to penalty of not more than twenty dollars for each offense.

B. Each day that a violation continues shall constitute a separate offense.

SECTION 5—ENFORCEMENT

A. This by-law shall be enforced by the Selectmen or through an inspector appointed by them.

B. If the enforcing agency be informed or have reason to believe that any provision of this by-law has been, is being, or is about to be violated, it shall make or cause to be made an investigation of the facts, including the inspection of the premises where the violation may exist, and if any violation is found, shall give immediate notice in writing, to the owner or his duly authorized agent and to the occupant of the premises.

C. If, after such notice is given, said violation continues, the enforcing agency shall revoke any authorization issued in connection with the premises and shall take such other action as is necessary to enforce the provision of this by-law.

SECTION 6—BOARD OF APPEALS

A. There shall be a Board of Appeals of three members and one associate member appointed as provided in Section 14 of Chapter 40A of the General Laws, as amended, which shall act on all matters within its jurisdiction under this by-law in the manner prescribed in said chapter, and subject always to the rule that it shall give due consideration to promoting the public health, safety, convenience, and welfare and to conserving property values, that it shall permit no building or use injurious, noxious, offensive or detrimental to a neighborhood and that it shall prescribe appropriate conditions and safeguards in each case.

B. The Board of Appeals so appointed shall act as the Board of Appeals for the Planning Board under the provisions of Section 81A through Section 81Y of Chapter 41 of the General Laws as amended.

SECTION 7—AREA REGULATIONS

A. Nothing contained in this section shall be construed to prevent the erection, restoration, or placing of a building on a lot of less than minimum requirements subject to the following provisions:

1. Such lot is separately owned and was established by the recording of an instrument or plan in the Registry of Deeds for Norfolk County prior to the adoption of this by-law, or such lot is part of a subdivision plan which received the approval of the Planning Board prior to the adoption of this by-law.

2. Such building complies with setback and coverage requirements whenever possible.

B. Minimum lot requirements shall be dependent on use.

1. No dwelling shall be erected or placed in a residential district on a lot containing less than twenty thousand square feet and having a frontage on a public or private street or way of less than one hundred and twenty-five feet.

2. No dwelling shall be erected or placed in an agricultural district on a lot containing less than thirty thousand square feet and having a frontage on a public or private street or way of less than one hundred and twenty-five feet.

3. For any other use the minimum lot size shall be determined by compliance with setback and coverage requirements.

C. No building, excepting eaves, steps and uncovered porches, shall be built within twenty feet of the street line, provided that no building need be set back more than the average of the setbacks of the dwellings of the lots next thereto on either side.

D. No building or structure shall be built within ten feet of any side lot line unless there is a party wall, and excepting accessory buildings which shall not be built within five feet of any side lot line.

E. No building or structure shall be built within twenty feet of the rear lot line, excepting accessory buildings which shall not be built within five feet of the rear lot line.

F. Within the area formed by the lines of intersecting streets and a line joining points on such lines twenty feet distant from their point of intersection, or in the case of a rounded corner the point of intersection of their tangents, no structure and no foliage shall be maintained between a height of three and one-half and a height eight feet above the plane through their curb grades.

G. There shall be in front of every building not fronting on a street, a yard not less than twenty feet deep.

H. No building or addition to any building shall hereafter be placed on any lot of land which will result in the covering by the building, or buildings, of more than forty percent of the area of such lot.

I. There shall be provided and maintained for every building, hereafter constructed or placed, designed or intended to be used for any business, institutional, or commercial purpose, including a hotel or other building designed or intended to be used for more than one family, but not including garages or other buildings principally used for the storage and parking of motor vehicles, either on the same lot with the building or within a walking distance of six hundred feet of such lot, facilities for the parking of motor vehicles as follows:

1. For each dwelling house, including an apartment hotel an area of four hundred square feet for each family unit contained in the building.

2. For a hotel, inn, or lodging house or a restaurant or other eating place, either an area of one hundred fifty square feet for each guest room or two square feet for each square foot of area in which food is served, whichever is greater.

3. For any other building used for any business, industrial, institutional or commercial purpose, an area of at least two square feet for each square foot of ground area occupied by the building.

The area prescribed above includes space for maneuvering within the parking facilities, which facilities may be located in, on, under, or outside a building, shall have adequate means of access, be otherwise adapted to the parking of vehicles, and shall be kept available therefor. Areas required to be kept open and unoccupied by buildings under paragraphs C, D, E, and G, may be used for such parking, but no buildings or other structures shall be placed in such areas, except as permitted in said paragraphs. Nothing herein shall be construed to prohibit the owner of such area from restricting the use thereof to his customers, employees and other invitees, nor from charging a reasonable fee for the use thereof. Owners or others in control of stores or other buildings or uses requiring off-street parking facilities as prescribed herein may join in establishing group parking lots with adequate capacity for all buildings and uses participating in such group parking lots. Parking facilities on any lot in excess of those required for any building on such lot may be permitted by the owner or occupant to be used for buildings on other lots.

SECTION 8—AUTHORIZATIONS

A. Building Permits.

1. No building or structure shall be erected, externally altered, altered for a change in use, or moved in location unless a building permit for such be issued by the Selectmen or an agent appointed by them.

2. All applications for building permits shall be in writing to the Selectmen and shall be accompanied by the proper fee and a plot plan drawn to scale showing the size, location and square footage of floor area of buildings to be erected or altered. Applications shall set forth the use or uses proposed or intended and such other information as may be requested.

B. Occupancy Certificates.

1. No building or structure shall be occupied or used unless the Selectmen or an inspector appointed by them shall indicate on the building permit that buildings or structures have been inspected and apparently conform to the provisions of this by-law.

C. Exceptions.

1. All applications for exceptions shall be in writing to the Board of Appeals and shall be accompanied by the required fee to cover the cost of advertising a public hearing, and a plot plan drawn to scale, showing the size and location of buildings to be erected or altered. Applications shall set forth reasons that an exception is desired and such other information as may be requested.

D. Variances.

1. All petitions for variances shall be in writing to the Board of Appeals and shall be accompanied by the required fee and a plot plan drawn to scale showing conditions affecting such parcel of land or building as is involved. Applications shall state the reasons that a variance is desirable and such other information as may be requested.

E. Appeals.

1. An appeal may be taken to the Board of Appeals by any person aggrieved by reason of his inability to obtain an authorization from any administrative body under the provision of this by-law, or by any person aggrieved by any order or decision of such body believed to be in violation of any provision of this by-law or of Chapter 40A of the General Laws.

2. Within thirty-one days after the date of the order or decision upon which an appeal is based, a notice of Appeal specifying the grounds thereof shall be filed with the Town Clerk, who shall then act in accordance with Section 16 of Chapter 40A of the General Laws.

SECTION 9—NON-CONFORMITIES

A. No building or structure may be constructed, altered or used for any purpose that would be injurious, obnoxious, or offensive to a neighborhood by reason of noise, vibration, smoke, odor, gas, fumes, dust, cinders, chemicals, or other objectionable features, or that may be dangerous to a neighborhood through fire, explosion or other cause.

B. Any non-conforming building or structure in existence at the time of adoption of this by-law or any amendment thereto, may be reconstructed on the old foundations if destroyed by fire or other accidental or natural cause.

C. Parking of trailers, buses and mobile units, or use of trailers, buses or mobile units for residence in excess of thirty days is prohibited unless an exception is granted by the Board of Appeals.

D. A fifty percent increase in the extent of the non-conforming use of a structure or land may be made.

E. The Board of Appeals after holding a public hearing may grant a special exception to permit further expansion of non-conforming buildings or structures in the best interest of the town.

SECTION 10—DEFINITIONS OF DISTRICTS

A. The classes of districts are:

Residential Districts
Agricultural Districts
Business Districts
Industrial Districts

B. District Boundaries. The location of boundaries shall be shown on the zoning map and shall be determined as follows:

1. Where the boundary lines are shown on the map within the street lines of public or private streets or ways, the center lines of such streets or ways shall be the boundary lines.

2. Where the boundary lines are shown approximately on the location of existing property or lot lines, and the exact location of the zoning boundaries is not indicated by figures, distant or otherwise, then the property or lot lines shall be the zoning boundary lines.

3. Where the boundary lines are shown on the map outside of street lines and approximately parallel thereto, they shall be considered to be parallel to such street lines. Figures placed on the map between the zoning boundary lines and the street lines indicate distances in feet measured at right angles to street lines unless otherwise indicated.

4. In cases not covered by the above paragraphs, the boundary lines shall be determined by the distances in feet, when given on the map from the center lines on the map, or when distances are not given, by the scale.

5. Whenever the exact location of a boundary line cannot be determined under the above provisions, the location of such line shall be determined by the enforcing authority.

SECTION 11—RESIDENTIAL DISTRICT

In the residential districts no buildings, structures or premises shall be constructed, altered or used for:

A. Any industry, trade, manufacturing or commercial purpose unless so provided under paragraph 7, or;

B. Any purpose except one or more of the following specified uses:

1. Single family detached house.

2. Two family detached house if located on a lot having an area at least fifty per cent greater than required for a single family dwelling.

3. Church

4. Public school or other public use.

5. Farm, market garden, nursery or green house, including the sale, packaging and processing of natural products, 75% of which must be raised by property owner, but not including a farm, the principal activity of which is the raising or sale of poultry, horses or other livestock or their products.

6. Such accessory uses as are customary in connection with the uses enumerated above and are incidental thereto, including a private garage or private stable, in connection with residential use, including the office of a professional man or woman in his or her own residence, and also including the use of a room or rooms in a dwelling or accessory building for a customary home occupation conducted by a resident of the premises provided there is no external evidence of any business other than an identifying sign or emblem, the total area of which shall not exceed five square feet.

7. Any of the following uses, if permission is in each case obtained as provided for in Section 6.

a. Residence for not more than four families, boarding or lodging house; provided however, that the building so used was in existence on the same premises at the time this by-law took effect, and provided further that the Board of Appeals make a written finding together with the reasons thereof, that the original building no longer can be reasonably used or adapted for a use regularly allowed or permitted in the district.

b. Private school, college, academy or other use of an education character.

c. Public or semi-public institutions of a philanthropic or charitable character.

d. Hospital or other medical institution, but not including veterinary or medical institutions or activities for the care of animals.

e. Telephone exchange provided there is no service yard.

f. Maintenance of a shop in existing residences, machine, woodworking, metals, art or photo studio and other similar pursuits normally classified as artisan in nature, provided that employees are limited to one other than the immediate family and further provided that no display, advertisement, etc., relative thereto shall be permitted other than an identifying sign or emblem, the total area of which shall not exceed five square feet.

SECTION 12—AGRICULTURAL DISTRICTS

In the agricultural districts, no buildings, structures or premises shall be constructed, altered or used for any purpose except one or more of the following specified uses:

1. Any purpose authorized in the residential districts however, the fifty per cent greater area requirement for a two family dwelling shall be fifty per cent greater than what is required in Section 7, subsection B (2).

2. Raising or sale of poultry, horses or other livestock and their products providing the building to house livestock is at least 60 feet from the street lines and 40 feet from adjacent property lines.

3. Veterinary or medical institutions or activities for the care of animals, including public stable.

SECTION 13—BUSINESS DISTRICTS

In the business districts no buildings, structures or premises shall be constructed, altered or used for any purpose except one or more of the following specified uses:

1. Any purpose authorized in the residential districts, however the dwelling must conform to the residential district area requirement.

2. Restaurant or other eating establishment.

3. Retail shop or store, salesroom or showroom.

4. Undertaking or funeral establishment, including embalming and accessory uses.

5. Theater, hall, club or other places of amusement or assembly.

6. Office, bank or other monetary establishment.

7. Public or semi-public establishment.

8. Public garage, gasoline filling or service station, automobile repairing establishment, printing plant, telephone exchange including service yard and garage.

9. Light manufacturing of products, the major portion of which is sold on the premises by the manufacturer to the consumer, provided that no trade or manufacturing shall be carried on which is:

a. Prohibited or not authorized in the industrial districts, or would be:

b. Injurious, offensive or obnoxious to a neighborhood by reason of noise, vibration, odor, smoke, gas, fumes, chemicals, cinders, dust or other objectionable features or would be:

c. Dangerous to a neighborhood through fire, explosion or any other cause.

10. Such accessory uses as are customary with the above uses.

11. Any additional uses for which permission may be granted in a specific case, as hereinafter provided in Section 6, if it has been determined that the proposed use is similar to one or more uses specifically authorized by this section.

SECTION 14—INDUSTRIAL DISTRICTS

In the industrial districts no buildings, structures or premises shall be constructed, altered or used for any purpose except one or more of the following specified uses:

1. Any purpose or accessory use authorized in the business districts without requiring any permission except as is required under the provisions of the town regulations, or otherwise required by law, but no residential purpose shall be permitted, except single family dwelling for personnel required for the safe operation of a permitted use to reside on the premises thereof.

2. Any industry, trade, light manufacturing, commercial or other purpose not prohibited by this section or by law or town regulation.

3. But no buildings, structures or premises may be constructed, altered or used for any purpose that would be injurious, objectionable, obnoxious or offensive to a neighborhood by reason of noise, vibration, smoke, odor, gas, fumes, dust, cinders, chemicals, or other objectionable features, or that may be dangerous to a neighborhood through fire, explosion or other cause.

4. No industrial buildings shall be erected closer than 100 feet from abutting residential districts.

TOWN PLANNING BOARD

R. Bernard Biron, Chairman

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