

Z O N I N G B Y L A W

Bellingham Planning Board

As amended Through May 19, 1971 Special Town Meeting

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ARTICLE I ADMINISTRATION AND PROCEDURE

1100. Purpose - The purpose of this Bylaw is to promote the health, safety, convenience, morals and welfare of the Town of Bellingham as authorized by the General Laws of the Commonwealth of Massachusetts, Chapter 40A, and any amendments thereof.

1200. Administration

1210. This Bylaw shall be administered by the Selectmen through the Zoning Agent appointed by them. No building shall be erected or externally altered, and no use of land or a building shall be begun or changed without a permit having been issued by the Zoning Agent. No premises shall be equipped or used without an occupancy permit signed by the Zoning Agent. No such permits shall be issued for construction or use in violation of any provision of this Bylaw. Permits shall become invalid two years from date of issue.

1220. Applications for zoning permits shall be accompanied by two prints of a plan of a lot, drawn to scale, showing the actual dimensions of the lot and the exact location and size of any existing or proposed buildings, and showing streets and ways adjacent to the lot.

1230. The Zoning Agent may institute appropriate legal proceedings to enforce the provisions of this Bylaw or to restrain by injunction any violation thereof, or both; and shall institute and take any and all such action as may be necessary to enforce full compliance with any and all of the provisions of this Bylaw.

1240. Any person violating any of the provisions of this Bylaw may be fined not more than \$50 for each offense. Each day that such violation continues shall constitute a separate offense.

1300. Board of Appeals

1310. The Board of Appeals shall consist of five members and three associate members, who shall be appointed and act in all matters under this Bylaw in the manner prescribed by Chapter 40A of the General Laws as amended.

1320. The Board of Appeals shall have and exercise all the powers granted to it by said Chapter 40A and this Bylaw. Those powers comprise:

1321. Appeals - To hear and decide appeals taken by any person aggrieved by reason of his inability to obtain a permit from any administrative official under the provisions of Chapter 40A, General Laws, or by any officer or board of the Town, or by any person aggrieved by any order or decision of the Building Inspector or other administrative official in violation of any provision of Chapter 40A, General Laws, or by this Bylaw.

1322. Special Permits - To hear and decide applications for special permits for exceptions as provided in this Bylaw, subject to any general or specific rules therein contained, and subject to appropriate conditions or safeguards imposed by the Board. Special permits shall normally be granted where specific provisions of this bylaw are met, except when conditions peculiar to the particular site or vicinity (and not true generally of land similarly zoned) or peculiar to the particular proposed use (and not inherent in the use) would cause granting of such permit to be to the detriment of the public interest because:

- a) It appears that the intent of the performance standards of Section 3400 or other requirements of this bylaw cannot be or will not be met, or
- b) traffic generated or patterns of access and egress would cause congestion, hazard, or substantial change in established neighborhood character, or
- c) the continued operation of or the development of adjacent uses as permitted in the Zoning Bylaw would be adversely affected by the nature of the proposed use, or
- d) nuisance or hazard would be created or
- e) for other reasons, the specific proposal derogates from the intent and purpose of this bylaw.

1323. Variances - To authorize upon appeal, or upon petition in cases where a particular use is sought for which no permit is required, with respect to a particular parcel of land or to an existing building thereon a variance from the terms of this Bylaw where, owing to conditions specially affecting such parcel or such building but not affecting generally the zoning district in which it is located, a literal enforcement of

the provisions of this Bylaw would involve substantial hardship, financial or otherwise, to the appellant, and where 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 Bylaw, but not otherwise.

1330. Repetitive petitions for exceptions, appeals and petitions for variances, and applications to the Board of Appeals shall be limited as provided in Section 20 of Chapter 40A, General Laws.

1340. Application for Special Permits or Variances shall be accompanied by a plot plan drawn to scale, showing existing and proposed structures, and other relevant conditions.

1400. Amendments - This Bylaw may from time to time be changed by amendment, addition or repeal by the town meeting in the manner provided in Sections six and seven, and repetitive proposals for amendment shall be governed by Section eight of Chapter 40A of the General Laws, and any amendments therein.

1500. Validity - The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision thereof.

1600. Applicability - Where the application of this Bylaw imposes greater restrictions than those imposed by any other regulations, permits, restrictions, easements, covenants or agreements, the provisions of this Bylaw shall control.

1700. Effective Date - This Bylaw shall take effect when, following adoption by the Town, it is approved by the Attorney General of the Commonwealth of Massachusetts, and is published or posted, as provided by law. Upon its effective date, it shall supersede the Zoning Bylaw and all amendments to it previously in effect.

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
 Residence District.....R
 Multi-family Dwelling District..M
 Business District.....B
 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.

2120. Except when labelled 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 line is adopted, the regulations for any district in which the lot has frontage on a street may be extended not more than thirty feet into the other district.

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
 SP - Use authorized under special permit
 as provided for in Section 1322 herein.

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.

2300. Non-Conforming Uses - The use of any structure or land lawfully existing at the time of the enactment or subsequent amendment of this Bylaw may be continued although such structure or use does not conform with provisions of this Bylaw, subject to the following conditions and exceptions:

2310. Abandonment - A nonconforming use which has been abandoned, or discontinued for a period of two years, shall not be re-established and any future use shall conform with the Bylaw, except in the case of land used for agriculture, horticulture, or floriculture where such non-use shall have existed for a period of five (5) consecutive years.

2320. Alterations - A nonconforming structure may not in any twelve-month period be altered, except as ordered by the zoning Agent to make it safe, to the extent that the cost of such alterations exceeds 50% of the market value of the structure as determined by the Zoning Agent at the time of the change.

2330. Extension - An increase in the area or extent of the nonconforming use of a structure or land may be made on Special Permit from the Board of Appeals, up to 50% increase in the non-conforming floor area of land used at the time the use became nonforming.

2340. Restoration - Any nonconforming building or structure in existence at the time of adoption of this Bylaw or any amendment thereto may be reconstructed on the old foundations if destroyed by fire or other accidental or natural cause within a period of two (2) years from the date of the catastrophe or such reconstruction must comply with this Bylaw.

2350.- Changes - Once changed to a more conforming use, no structure or land shall be permitted to revert to a less conforming use. On special permit from the Board of Appeals, the use of premises may be changed from one nonconforming use to another which is no more objectionable to the neighborhood.

2360. Replacement - Replacement of mobile homes or commercial vehicles parked in non-conformity with Section 2400 is not permitted, even where such replacement does not increase the extent of non-conformity.

2400. Use Regulations Schedule

ACTIVITY OR USE	D I S T R I C T				
	A	R	M	B	I
<u>AGRICULTURAL USES</u>					
Livestock raising ¹	Yes	No	No	No	No
Other farm	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
<u>COMMERCIAL USES</u>					
Animal kennel or hospital	Yes	No	No	SP	SP
Business or professional offices	No	No	No	Yes	Yes
Funeral Home	No	No	No	Yes	Yes
Auto, boat, or farm equip. sales, rental, service	No	No	No	Yes	No
Printing shop	No	No	No	Yes	Yes
Bank, financial office	No	No	No	Yes	Yes
Restaurant	No	No	No	Yes	Yes
Retail sales or service	No	No	No	Yes	Yes
Wholesaling without storage	No	No	No	Yes	Yes

1. No building to house livestock shall be within 60 feet of the street line or 40 feet of any other property line.
2. At least three-quarters 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.

ACTIVITY OR USE	D I S T R I C T				
	A	E	M	B	I
<u>INDUSTRIAL USES</u>					
Light manufacturing for on-site sales ¹	No	No	No	Yes	Yes
Other manufacturing, processing, research	No	No	No	No	Yes
Bulk storage	No	No	No	No	Yes
Contractor's yard	No	No	No	No	Yes
Earth removal ²	SP	SP	SP	SP	SP
Junk yard, second-hand auto parts	No	No	No	No	Yes
Transportation terminal	No	No	No	No	Yes
Warehouses	No	No	No	No	Yes
Commercial radio transmission	No	No	No	Yes	Yes
Laundry or dry cleaning plant	No	No	No	Yes	Yes
<u>INSTITUTIONAL USES</u>					
Municipal use	Yes	Yes	Yes	Yes	Yes
Religious use	Yes	Yes	Yes	Yes	Yes
Nursery school	SP	SP	SP	SP	SP
Other commercial schools	SP	SP	SP	SP	SP
Other schools	Yes	Yes	Yes	Yes	Yes
Cemetery	Yes	Yes	Yes	Yes	Yes
Hospital	SP	SP	SP	SP	SP
Nursing, convalescent, or rest home	SP	SP	SP	SP	SP
Philanthropic or charitable institutions	SP	SP	SP	SP	Yes
Public utility with service area	No	No	No	No	Yes
Public utility without service area	SP	SP	SP	SP	Yes
Club or lodge	SP ³	SP ³	SP ³	Yes	Yes

1. More than half the volume sold as retail on the premises.
2. See Section 3900.
3. Except those whose chief activity is one customarily carried on as a business.

ACTIVITY OR USE	D I S T R I C T				
	A	R	M	B	I
<u>RECREATIONAL USES</u>					
Camping, supervised	Yes	SP	SP	Yes	Yes
Camping, commercial	SP	No	No	No	No
Golf course, standard or par three	Yes	Yes	Yes	Yes	Yes
Indoor commercial recreation	No	No	No	Yes	Yes
Outdoor commercial recreation	No	No	No	Yes	Yes
Sportsman's club, game preserve	Yes	No	No	Yes	Yes
Public stables	SP	No	No	SP	SP
Bath houses, commercial beaches	Yes	SP	SP	SP	SP
Commercial picnic, outing areas	SP	SP	SP	Yes	Yes
<u>RESIDENTIAL USES</u>					
Dwelling					
Single family	Yes	Yes	Yes	Yes	No ¹
Two-family	Yes	Yes	Yes ^{3,4}	Yes	No
Multi-family	No ²	No ²	SP	No ²	No ²
Boarding or rooming	No ²	No ²	SP	No ²	No ²
Motel, hotel	No	No	No	SP	Yes
Mobile home	No	No	No	No	No
Public housing	Yes	Yes	Yes	Yes	No
<u>OTHER PRINCIPAL USES</u>					
Temporary structures	SP	SP	SP	SP	SP
Airport, heliport	No	No	No	Yes	Yes

1. Except single-family dwelling for personnel required to reside on the premises for the safe operation of a permitted use.
2. 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
3. Except that multi-family shall not include public housing.
4. See Section 3700.

ACTIVITY OR USE	D I S T R I C T				
	A	E	M	B	I

ACCESSORY USESParking of

Private autos of residents on premises	Yes	Yes	Yes	Yes	Yes
1 light commercial vehicle	Yes	Yes	Yes	Yes	Yes
2 or more light commercial vehicles, or any number of heavy commercial vehicles: accessory to residential use	SP	No	No	Yes	Yes
accessory to non-residential use	Yes ¹	Yes ¹	Yes ¹	Yes	Yes
Farm vehicles & equipment, on an active farm	Yes	Yes	Yes	Yes	Yes
Home occupation	*	*	*	*	*
Signs (See Sec. 3500)	Yes	Yes	Yes	Yes	Yes
Private stable	Yes	SP	No	Yes	Yes
Swimming pool	Yes	Yes	Yes	Yes	Yes
Other customary accessory uses	Yes	Yes	Yes	Yes	Yes

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.

2530. Certain lots are exempted from some of these requirements through Section 5A, Ch. 40A, G.L. These statutory exemptions are hereby extended to apply to all types of construction in all districts. Section 7A of Ch. 40A, G.L., exempts for some time certain lots on approved subdivision plans.

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 travelled roadway for the purposes of applying these regulations.

1. But none in excess of the number parked on the effective date of this amendment.

* See Section 3100.

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

2600. Intensity of Use Schedule

	D I S T R I C T				
	A	R	M	B	I
Min. Lot Area (sq. ft.)					
Two-family dwelling	60,000	30,000	30,000	30,000	-
Other uses	40,000	20,000	20,000 ^e	20,000	20,000
Min. lot frontage (ft.)	150	125	125	125	125
Min. front yard ^{a, d} (ft.)	30	20	20	20	20 ^c
Min. side yard (ft.)	15	10	10	10 ^b	10 ^b
Min. rear yard (ft.)	20	20	20	20	20 ^c
Min. landscaped open space (sq. ft./dwelling unit)	-	-	2,000	-	-
Maximum building height (ft.)	35	35	35	35	45

- a. No building need provide a yard greater than the average of adjoining yards. Corner and through lots shall maintain front yard requirements for both frontages.
- b. May be eliminated where a party wall is to be used.
- c. Increase to 100 feet for industrial buildings facing or adjoining a residential or agricultural district.
- d. No obstruction to vision between 3 and 6 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 twenty feet from the point of intersection of street lines or street lines extended.
- e. For multi-family dwellings, 40,000 sq. ft. for up to 4 dwelling units, and 3,000 sq. ft. additional lot area for each additional family accommodated.

ARTICLE III GENERAL REGULATIONS**3100 HOME OCCUPATIONS**

3110. Home occupations are permitted only if conforming to the following conditions:

- a) No more than twenty-five percent of the floor area of the residence shall be used for the purpose of the home occupation.
- b) Not more than one person not a member of the household shall be employed on the premises in the home occupation.
- c) There shall be no exterior display, no exterior storage of materials, no outside parking of commercial vehicles, and no other exterior indication of the home occupation or other variation from the residential character of the principal building other than an unlighted sign not to exceed one square foot in area.
- d) No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced (See Section 3400).
- e) Traffic generated shall not exceed volumes normally expected in a residential neighborhood.
- f) The parking generated shall be accommodated off-street, other than in a required front yard, and shall not occupy more than 35% of lot area.

3120. The following home occupations are permitted without necessity of Special Permit:

The professions of medicine, dentistry, law, architecture and engineering; machine, wood-working, metals, art or photo shop; domestic work such as dressmaking, millinery, and clothes washing; teaching and exercise of professional skills in music, dramatics, arts and crafts, and academic pursuits; real estate and insurance offices; inside storage of tradesman's materials and equipment; or beauty parlor or barber shop; and accountant.

3130. Home Occupations other than the above but having similar attributes may be allowed on Special Permit from the Board of Appeals.

3140. Commercial stables or kennels or sale of articles not produced on the premises shall not be allowed as home occupations.

3200. Mobile Homes, Trailers, and Campers

3210. No mobile home, trailer, or camper shall be used for permanent residence.

3220. A mobile home may be stored, and following issuance of a zoning permit by the Zoning Agent a mobile home, trailer or camper may be occupied for not more than thirty days in any twelve-month period, provided it is so placed on the lot as to meet minimum yard requirements.

3230. A trailer or camper may be regularly stored accessory to a permitted use, provided that it is so located on the lot as to meet minimum yard requirements.

3300. Parking Requirements

3310. Adequate off-street parking must be provided within a reasonable distance to service all parking demand created by new construction, whether through new structures or additions to old ones. Such parking shall be either on the same premises as the activity it services, or within 300 feet on a separate parcel, which may be jointly used with other premises for this purpose. The following minimums must be met unless these are reduced on special permit from the Zoning Board of Appeals, upon determination that special circumstances render a lesser provision adequate for all parking needs.

3320. Table of requirements

Activity	Unit of Measurement	Parking Spaces Required per unit or fraction thereof
Residential		
Single-family	each	2.0
Two-family	2 dwelling units	3.0
Multi-family	1 dwelling unit	1.5
Motel, rooming, etc.	sleeping room	1.0
Offices, stores	150 s.f. leasable floor area	1.0
Place of Assembly, restaurant, etc.	four seats	1.0
Bowling alley	1 alley	4.0
Nursing home, hosp.	8 beds	1.0
Industrial, whole- sale	1.3 employees per shift	1.0

Others individually determined.

3330. All open off-street parking areas for more than four cars located within or adjacent to a residential district or use shall be screened from all adjoining lots residentially used or zoned by either a strip four feet wide densely planted with shrubs or trees, or a solid wall or fence between 4 and 6 feet high.

3340. No off-street parking area shall be maintained within ten feet of a street line, and if servicing a use not allowed in an Agricultural or Residential District, not within ten feet of said district bounds.

3400. Noise, Litter and Smoke Standards

3410. No activity shall be permitted in any district unless it can be demonstrated that its operation will be so conducted that the following standards will be met:

3420. No noise, sound from public address or other amplification systems, vibration, odor, or flashing shall be normally perceptible more than 400 feet from the premises if in the Industrial district more than 200 feet from the premises if in a Business district, and more than 20 feet from the premises if in a Residence or Agricultural district. Interferences originating in Business or Industrial districts shall not normally be perceptible more than 100 feet within a residential district.

3430. Cinders, dust, fumes, gases, radiation, or trash or other waste shall be effectively confined to the premises or disposed of.

3440. Smoke density shall not exceed #2 of the Ringelmann scale for more than 10% of the time, and at no time shall exceed #3 on that scale.

3450. No process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

3460. Operation at any time such that these standards are violated, subsequent to issuance of a permit on the grounds that they would be met, shall constitute a zoning violation.

3500. Sign Regulations

3510. General Sign Prohibitions:

3511. 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.

3512. 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.).

3513. No non-accessory sign or billboard shall be erected except as allowed under Section 3533.

3514. 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.

3520. Permitted Temporary Signs in all Districts.

3521. Any sign if in accordance with limitations set for permanent signs.

3522. An unlighted sign of up to 20 square feet indicating parties involved in construction on the premises.

3523. An unlighted sign of up to six square feet pertaining to lease or sale of the premises.

3524. A sign of up to ten square feet pertaining to a subdivision while under development, only with permission of the Planning Board.

3525. Signs inside display windows covering not more than 30% of window area, illuminated by building illumination only.

3530. Permitted Permanent Signs in Agriculture and Residence Districts:

3531. 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 foot in area.

3532. One sign not over nine square feet in area pertaining to permitted buildings and uses of the premises other than dwellings and their accessory uses.

3533. 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.

3540. Permitted Permanent Signs in Other Districts:

3541. Any signs permitted in Agricultural and Residence Districts.

3542. Accessory signs attached to a building, provided that they aggregate not more than 20% of the wall area they are viewed with.

3543. Free-standing accessory signs, provided that they aggregate not more than 100 square feet in area.

3544. 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.

3600. Cluster Development

Parcels in excess of ten acres located within the Agricultural District (A) may be subdivided and developed with clustered lots, if approved by the Board of Appeals for a Special Permit for Cluster Development. Such approval shall be granted only subject to the following conditions:

3610. The proposed development shall be, in the judgement of the Board of Appeals, superior to a conventional plan in preserving open space for conservation or recreation, utilizing natural features of the land, and allowing more efficient provision of public services; and at least equal to a conventional plan in other respects.

3620. The total number of lots shall not exceed the number of lots into which the land could legally be subdivided were it not for the provisions of Section 3600, to be estimated in the absence of an alternative conventional plan as being equal to 85% of the overall parcel area divided by the lot area requirements for the Agricultural (A) District as provided in Section 2600.

3630. The intensity of use requirements of Section 2600 for the Residence District (R) shall be conformed to for each lot.

3640. The lots for building purposes shall be grouped in a cluster or in clusters, and within each cluster the lots shall be contiguous.

3650. All remaining land in the tract, not contained in building lots or within road rights of way, shall be contiguous, or if not contiguous, in parcels of not less than two acres in each area, having not less than 40 feet of frontage on a street, and of such shape and condition as to be usable for recreation.

3660. All such remaining land shall be either:

3661. Acceptable to and deeded to the Bellingham Conservation Commission, or

3662. Permanently dedicated, by covenant or comparable legal instrument, to the community use of the owners of the lots within the development tract, for recreational purposes only. Building coverage shall not exceed 5% in such dedicated areas. Maintenance shall be permanently assured through an incorporated homes association, operating under a recorded land agreement through which each lot owner in the development is automatically a member and each lot is subject to a charge for a share of the homes association expenses; or through comparable arrangement satisfactory to the Planning Board.

3670. Application for a special permit for Cluster Development shall be accompanied by a subdivision plan designating streets, lots, parcels to be dedicated, and parcels for community use. A copy of the plan and of the application shall be transmitted by the Zoning Board to the Planning Board, and no decision on a special permit for Cluster Development shall be made within 60 days of application without receipt of a report thereon by the Planning Board.

3680. Subsequent to approval of such Cluster Development, no land therein shall be sold and no lot line shall be changed in such way as to increase the number of lots or the extent of non-conformity with the provisions of section 2600 of this Bylaw.

3700. Multi-family Dwellings

3710. New Multi-family Districts ("M") shall each be created only by vote of the Town Meeting amending the Zoning Map, each such district shall not be less than twenty acres in extent, shall front for at least 500 feet on an arterial street, and shall contain not less than 70% vacant or agricultural land,

3720. Special Permits for Multi-family dwellings shall be granted only in conformance with the following:

3721. Not more than 10% of all dwelling units allowed under the Permit shall have 3 or more bedrooms.

3722. The application for a Special Permit shall be accompanied by three copies of a proposed site plan prepared by a registered engineer or architect showing proposed structures, drives, parking, landscaping, and drainage, and by a ground floor plan and elevations of all proposed buildings prepared by a registered architect. One copy of the plans shall be forwarded to the Planning Board for their review regarding access and drainage, and no Permit shall be issued within 60 days of application without receipt of a report on such review.

3800. Flood Plain Requirements

3810. All land lying below the following elevations (USGS datum) shall be considered flood plains, deemed to be subject to seasonal or periodic flooding:

3811. Along the Charles River and its tributaries:

Pearl St. to Plymouth Road - 190' elevation
 Plymouth Road to Maple St. - 195' elevation
 Maple St. to Route 495 - 205' elevation
 Route 495 to High St. - 210' elevation
 High St. to Fourth Ave. extended - 215' elevation
 Fourth Ave. to No. Main St. - 220' elevation
 No. Main St. to the Box Pond Dam - 225' elevation
 Box Pond Dam to Hartford Ave. - 230' elevation
 Hartford Ave. to N.Y., N.E. & H. RR. - 235' elevation
 N.Y., N.E. & H. RR. to town line - 240' elevation

3812. Along the Peters River and tributaries:

City Line to Paine St. - 185' elevation
Paine St. to Pulaski Blvd. - 190' elevation
Pulaski Blvd. to N.Y., N.H. & H. R.R. - 200'
elevation
N.Y., N.H. & H. R.R. to Cross St. - 210'
elevation

3820. Any use otherwise permitted by this Bylaw shall be permitted within such flood plains, subject to the following restrictions:

3821. No building permit for any building other than an accessory building shall be issued for construction within such flood plain except on approval of a Special Permit for an exception by the Board of Appeals.

3822. Such Special Permit shall be issued only if it is demonstrated by the applicant that the proposed development will pose no hazard to the health or safety of the occupants thereof.

3823. Without limiting the generality of the foregoing, the following are presumed to be hazardous to health or safety within Flood Plains:

a. Floor level of structures for human occupancy established at an elevation lower than the control elevations defining flood plains.

b. Individual sewage disposal systems at an elevation lower than the control elevations defining flood plains.

c. Methods of filling or elevation subject to displacement by flood waters.

3900. Earth Removal Regulations.

3910. General. The removal from any premises of topsoil, borrow, rock, sod, loam, peat, humus, clay, sand or gravel shall be done only in accordance with Sections 3920 through 3970, except that the following shall be exempted from these provisions:

a. The removal of less than 50 cubic yards of such material within any twelve-month period.

b. Removal incidental to construction on the premises, where such removal is explicitly allowed under a currently valid building permit or under agreements governing road construction in an approved subdivision.

c. Removal on a parcel for which removal was authorized under a legal permit issued prior to adoption of these provisions until the expiration date of said permit, provided that all bylaws, permits, and conditions applicable prior to the adoption of this Section shall be complied with. From that expiration date full compliance with all the requirements of Section 3900 must be met, subject to the right of the Zoning Board of Appeals to grant exceptions therefrom due to an undue hardship caused by the condition of the operation existing prior to the adoption of Section 3900 and the necessity for granting additional time to complete the surveys and requirements of Section 3921, said Exceptions to be issued subject to petitioners supplying reasonable evidence of attempted compliance or undue hardship satisfactory to the said Board.

3920. Permit from the Board of Appeals. Removal shall be allowed only under a Special Permit for an exception issued by the Board of Appeals following written application. The following shall be conditions for such issuance:

3921. The Application shall be accompanied by a plan showing all man-made features, property lines, names and addresses of all abutters if available from the Assessors, including those across any street or way. Topography may be determined from most recent U.S. Government Geological Survey Maps. From these maps, material that is to be removed together with the grades at which finish surface shall be established may be determined. A proposed cover of vegetation and/or trees shall be a part of this application.

3922. A performance bond in the amount determined by the Board of Appeals may be posted in the name of the Town assuring satisfactory performance in the fulfillment of the requirements of the bylaw and such other conditions as the Board of Appeals may impose as conditions to the issuance of its permit.

3923. Before granting a permit, the Board of Appeals shall give due consideration to the location of the proposed earth removal, to the general character of the neighborhood surrounding such location, to the protection of water supply, and to the general safety of the public on the public ways in the vicinity.

3930. Removal.

3931. Finish grade shall not lie below a level that would reasonably be considered a desirable grade for the later development of the area, or below the grades specified on the plan accompanying the permit application. The Board of Appeals may specify a base grade below which excavation shall in no event take place.

3932. Provision shall be made for safe drainage of water, and for prevention of wind or water erosion carrying material onto adjoining properties.

3933. A one hundred foot buffer strip shall be maintained at all boundaries, and not excavated below boundary grades except at a slope of not greater than 3 feet horizontal to 1 foot vertical if such will enhance overall grading.

3934. The visibility, sound, and airborne particulates from processing equipment may be screened from adjacent premises through the design and location of such equipment, and through use of natural vegetation planting, overburden piles, and surge piles as screening.

3935. Dust shall be controlled through oiling or chemical treatment of roads.

3940. Restoration. Forthwith following the expiration or withdrawal of a permit, or upon voluntary cessation of operations, or upon completion of removal to the extent covered by the performance bond (Sec. 3922), that entire area shall be restored as follows:

3941. All land shall be so graded that no slope exceed one (1) foot vertical rise in three (3) feet horizontal distance and shall be so graded as to safely provide for drainage without erosion.

3942. All boulders larger than one half cubic yard and stumps shall be removed or buried.

3943. The entire area excepting exposed ledge rock shall be covered with not less than four (4) inches of topsoil, which shall be planted with cover vegetation adequate to prevent soil erosion.

3944. Bond shall not be released until sufficient time has lapsed to ascertain that the vegetation planted has successfully been established and that drainage is satisfactory.

3950. Additional Conditions. The Board of Appeals may set conditions in addition to the above, including but not limited to: duration of the permit, hours of the day during which removal may take place, hours during which vehicles may leave the premises, and trees to be planted.

3960. Renewal or Renovation of Permit. No permit shall be issued under the provisions of Section 3900 for a period of more than two years, but a permit may be renewed upon application without a public hearing. Prior to renewal, inspection of the premises shall be made by the Zoning Agent to determine that the provisions of this bylaw are being complied with. The Board of Appeals, after hearing any proof of violation of this bylaw shall withdraw the permit, after which the operation shall be discontinued and the area restored in accordance with Section 3940.

ARTICLE IV DEFINITIONS

In this Bylaw the following terms unless a contrary meaning is required by the context or is specifically prescribed, shall have the following meanings. Words used in the present tense include the future, and the plural includes the singular; the word "shall" is intended to be mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied". The word "person" includes a corporation as well as an individual.

Accessory Use or Building - A use or building customarily incidental to and located on the same lot with the use or building to which it is accessory and not detrimental to the neighborhood.

Animal Kennel or Hospital - A structure used for the harboring and/or care of more than three dogs that are more than six months old, whether commercially operated or not.

Arterial Street - Any state-numbered highway, any street having a right-of-way width of 60 feet or more, plus the following named streets:

Blackstone Street	Lake Street
Center Street	Maple Street
Cross Street	Paine Street
Depot Street	Pulaski Boulevard
Elm Street	Wrentham Road
Hartford Avenue	South Maple Street
High Street	

Building - A structure enclosing useful space.

Building Height - The vertical distance from the mean finished grade of the ground adjoining the building to the highest point of the roof for flat or shed roofs, to the deck line for mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs. Not included are spires, cupolas, TV antennae, or other parts of structures which do not enclose potentially habitable floor space.

Bulk Storage - Exposed outside storage of sand, lumber, coal, or other bulk materials, and bulk storage of liquids in tanks except underground as an accessory use.

Camper - A vehicle used as a temporary dwelling for travel, recreational and vacation uses.

Camping, Commercial - Premises used for campers, tenting, or temporary overnight facilities of any kind, operated seasonally, where a fee is charged.

Camping, supervised - Facilities operated on a seasonal basis for a continuing supervised recreational, health, educational, religious, and/or athletic program, with persons enrolled for periods of not less than one week.

Club or Lodge - Premises or buildings of a non-profit organization exclusively servicing members and their guests for recreational, athletic, or civic purposes, but not including any vending stands, merchandising, or commercial activities except as required generally for the membership and purposes of such club. Does not include golf clubs or sportsmen's clubs as elsewhere defined, or clubs or organizations whose

chief activity is a service customarily carried on as a business.

Commercial Schools - Schools other than religious, sectarian, denominational, or public ones.

Contractor's Yard - Premises used by a building contractor or sub-contractor for storage of equipment and supplies, fabrication of sub-assemblies, and parking of wheeled equipment.

Detached Structure - One having no common or party walls.

Dwelling Unit - Living quarters for a single family.

Dwelling, Multi-family - Three or more dwelling units on a single lot, irrespective of structure type, ownership or tenure.

Dwelling, Single Family - A detached residential building intended and designed to be occupied exclusively by a single family.

Dwelling, Two Family - A detached residential building intended and designed to be occupied exclusively by two families.

Erected - The word "erected" shall include the words "built," "constructed," "reconstructed," "altered," "enlarged," and "moved."

Family - Any number of individuals living and cooking together in a single housekeeping unit.

Floor Area, Leasable - The sum of the area on the several floors of a building which is or could be leased, including leasable basements.

Golf Course, Standard or Par Three - Course, including customary accessory buildings, where tee to hole distance averages not less than 80 yards.

Home Occupation - A business or profession engaged in within a dwelling by a resident thereof as a use accessory thereto.

Hotel or Motel - A structure providing sleeping rooms for resident or transient guests, and where public eating facilities are provided; but not including buildings or charitable, educational or philanthropic institutions.

Landscaped Open Space - Space not covered by any structure, and not used for drives, parking, utilities or storage; comprising landscaped areas and outdoor recreational facilities, including those on balconies or over structures if so developed.

Light Manufacturing - Fabrication, processing or assembly such that the provisions of Sec. 3400 are complied with.

Livestock Raising - The keeping or raising of livestock in excess of three horses or cows, or 10 poultry.

- Lot - An area of land in one ownership with definite boundaries ascertainable by recorded deed or plan and used or set aside and available for use as the site of one or more buildings or for any other definite purpose.
- Lot Area - The horizontal area of the lot exclusive of any area in a street or way open to public use. No more than 10 percent of the lot area required for zoning compliance shall be area under water nine months or more in a normal year.
- Lot, Corner - A lot which has an interior angle of less than 135 degrees at the intersection of two street lines. A lot abutting a curved street shall be considered a corner lot if the tangents to the curve at the point of intersection of the side lot lines intersect with an interior angle of less than 135 degrees.
- Lot Coverage - Percentage of total lot area covered by structures or roofed.
- Lot Frontage - That portion of the sideline of a street between the sidelines of a lot having access to the street, with the distance measured continuously along one street line between the boundaries of a lot, not including jogs in street width, back-up strips, and other irregularities in street line. On corner lots, frontage shall be measured between one lot sideline and the intersection of street lines extended.
- Mobile Home - A towed structure designed for long-term residential occupancy, which arrives at the site where it is to be occupied as a dwelling complete, except for minor assembly and connection operations.
- Municipal Use - Premises used for any operation by the town government except as elsewhere more specifically defined.
- Non-conforming Use or Building - A lawfully existing use or building which does not conform to the regulations for the district in which such use or building exists.
- Nursing, Convalescent, or Rest Home - Premises for the care of three or more persons, as licensed by the Massachusetts Department of Public Health.
- Parking Space - Space adequate to park an automobile, plus means of access. Where spaces are not marked, each space shall be assumed to require 350 square feet.
- Party Wall - A building wall erected on a lot sideline for shared use of adjoining properties.
- Philanthropic Institution - An endowed or charitably supported non-profit religious or non-sectarian activity maintained for a public or semi-public use.
- Public Housing - Housing operated by a public body created pursuant to section 26E of Ch. 121, G.L., or corresponding provisions of earlier laws.
- Public Stable - Premises where two or more horses are kept for remuneration, hire or sale.
- Roadside Stand - Premises for the sale of agricultural products, the major portion of which were raised on the premises.

Sign - Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided however that the following shall not be included in the application of the regulations herein:

a. Signs not exceeding one square foot in area and bearing only property numbers, names of occupants of premises, or other identification of premises not having commercial connotations;

b. Flags and insignia of any government except when displayed in connection with commercial promotion;

c. Legal notices, identification, informational, or directional signs erected or required by governmental bodies;

d. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter;

e. Temporary signs erected for any charitable or religious cause.

Sign, Area of - The entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. One side only of signs with faces at 180 degrees to each other shall be counted. Frames and structural members not bearing advertising matter shall not be included in computation of sign area.

Sign, Accessory - A sign whose subject matter relates to the premises on which it is located, or to products, accommodations, services, or activities on the premises.

Street - Either (a) a public way or a way which the Town Clerk certifies is maintained and used as a public way, or (b) a way shown on a plan approved in accordance with the subdivision control law, or (c) a way in existence when the subdivision control became effective in Bellingham, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

Structure - Anything constructed or erected, the use of which requires location on the ground, including buildings, mobile homes, billboards, swimming pools, tanks, or the like, or part thereof.

Swimming Pool - Any constructed pool, located above or below the ground, whether portable or fixed, used or capable of being used for swimming, wading or bathing purposes. Pools having a depth of two feet or more and having a capacity of two hundred cubic feet or more in volume shall be considered structures.

Temporary Structure - Tent, construction shanty, or similarly portable or demountable structure intended for continuous use for not longer than one year.

Trailer - A towed vehicle for transportation of goods or animals, but not intended for human occupancy.

Transportation Terminal - Premises for the parking and/or servicing of commercial vehicles.

Vehicle, Heavy Commercial - A bus or truck having capacity in excess of the limits for a light commercial vehicle, or motorized construction equipment other than trucks.

Vehicle, Light Commercial - A taxi; a bus with capacity not exceeding 10 passengers; or a truck with GVW rating not exceeding 14,000 lbs. and enclosed cargo area not exceeding 400 cubic feet.

Yard - A required open space, unoccupied and unobstructed by any structure or portion of a structure, except the following:
(a) fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture;
(b) in front yards only, eaves, steps, and non-covered porches.

Yard, Front - A yard extending between side lot lines across the front of a lot on each street it adjoins. Depth shall be measured perpendicular to a line connecting the foremost points of the side lot lines.

Yard, Side - A yard extending from the rear line of the required front yard to the rear lot line.

Yard, Rear - A yard extending across the rear of the lot between inner side yard lines.