

DEC 31 1975

## ZONING

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## BELLINGHAM, MASSACHUSETTS

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This pamphlet is a reprint of Appendix A, Zoning, of the Code of By-Laws of the Town of Bellingham, Massachusetts, published by order of the Selectmen.

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MUNICIPAL CODE CORPORATION

TALLAHASSEE, FLORIDA

1970

## APPENDIX A

### ZONING\*

- Art. I. Administration and Procedure, §§ 1100—1300
- Art. II. Use and Intensity Regulations, §§ 2100—2600
- Art. III. General Regulations, §§ 3100—3300
- Art. IV. Special Regulations, §§ 4100—4600
- Art. V. Definitions

#### ARTICLE I. ADMINISTRATION AND PROCEDURE†

##### Sec. 1100. Purpose.

The purpose of this by-law 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. (By-Laws, 3-21-75, Art. 10)

##### Sec. 1200. Administration.

*1210. Permits.* This by-law shall be administered by the Selectmen through the Zoning Agent appointed by them. No building permit or certificate of use and occupancy shall be issued and no new use of land not requiring a building permit shall be begun unless the Zoning Agent has indicated in writing his determination that the requirements of the Zoning by-law have been met by the proposal.

Applications for building permits shall be accompanied by three (3) prints of a plan of the lot, drawn to scale, showing the actual boundaries and dimensions of the lot, showing the exact location, use and size of any existing or proposed build-

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\*Editor's note—This appendix contains the zoning by-law of the town, as compiled through January 1, 1969, by the town planning board. Amendments subsequent to January 1, 1969 have been worked into their proper place, and are indicated by history notes. The absence of such a note indicates that the section was derived unchanged from the January 1, 1969 town compilation.

The original format, numbering system, and article and section catchlines have been retained. Explanatory words and catchlines added by the editor are indicated by brackets.

†Editor's note—By-Laws, 3-21-75, Art. 10, deleted former Art. I, §§ 1100—1700 and added a new Art. I, §§ 1100—1700 as herein set out. Former Art. I, §§ 1100—1700 had been contained in the zoning by-law of the town as compiled through Jan. 1, 1969.

ings, and showing existing or proposed streets and ways within or adjacent to the lot. (By-Laws, 3-21-75, Art. 10)

*1220. Site plan review.* Applications for permits for construction, if requiring twenty (20) or more parking spaces, shall be accompanied by a fourth print of the plan of the lot, and be referred to the Planning Board within seven (7) days of filing with the Building Inspector for the Planning Board's review and written advisory report; and no building permit shall be issued prior to receipt of such report unless twenty-eight (28) days lapse from the date of referral.

Plans subject to this section shall show existing and proposed topography, water, sanitary sewerage, storm drainage, parking and circulation pattern, in addition to the information required in Section 1210.

Plans subject to this section shall be designed so as to assure safety of internal circulation and egress, provide adequate access to each structure for fire and service equipment, and provide adequate utility service and drainage, consistent with the design standards of the subdivision regulations of the Bellingham Planning Board, as in effect at the date of adoption of this by-law. (By-Laws, 3-21-75, Art. 10)

*1230. Enforcement.* The Zoning Agent 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 by-law and of permits and variances issued thereunder, including notification of noncompliance and request for legal action through the Selectmen to the Town Counsel. (By-Laws, 3-21-75, Art. 10)

*1240. Penalty.* Anyone violating any provision of this by-law, any of the conditions under which a permit is issued, or any decision rendered by the Board of Appeals, may be fined not more than fifty dollars (\$50.00) for each offense. Each day that such violation continues shall constitute a separate offense. (By-Laws, 3-21-75, Art. 10)

## **Sec. 1300. Board of Appeals.**

*1310. Establishment.* There is hereby established a Board of Appeals which shall consist of five members and three as-Supp. No. 6

sociate members, who shall be appointed and act in all matters under this by-law in the manner prescribed by Chapters 40A and 41 of the General Laws. (By-Laws, 3-21-75, Art. 10)

*1320. Powers.* The Board of Appeals shall have and exercise all the powers granted to it by Chapters 40A and 41 of the General Laws and by this by-law. The Board's powers are as follows:

*1321. To hear and decide Special Permits as authorized within this by-law.* Special permits shall be granted by the Board of Appeals only upon its written determination that the proposed use will not have adverse effects which overbalance its beneficial effects on either the neighborhood or the town, in view of the particular characteristics of the site and of the proposal in relation to that site. The determination shall indicate consideration of each of the following:

- (a) Social, economic or community needs which are served by the proposal;
- (b) Traffic flow and safety;
- (c) Adequacy of utilities and other public services;
- (d) Neighborhood character and social structure;
- (e) Qualities of the natural environment;
- (f) Potential fiscal impact. (By-Laws, 3-21-75, Art. 10)

*1322. To authorize variances.* Variances from the terms of this by-law may be authorized by the Board of Appeals with respect to a particular parcel of land or with respect to an existing building on such land, but only in cases where the Board finds all of the following:

- (a) A literal enforcement of the provisions of this by-law would involve a substantial hardship, financial or otherwise, to the appellant.
- (b) The hardship is owing to conditions specifically affecting such parcel or such building but not affecting generally the zoning district in which it is located.
- (c) Desirable relief may be granted without either:
  - (1) Substantial detriment to the public good; or
  - (2) Substantial derogation from the intent or purpose of this by-law. (By-Laws, 3-21-75, Art. 10)



*1323. To hear and decide other appeals.* Other appeals will also be heard and decided by the Board of Appeals when taken by:

- (a) Any person aggrieved by reason of his inability to obtain a permit from any administrative official under the provisions of Ch. 40A, G.L.; or by
- (b) Any officer or board of the town; or by
- (c) Any person aggrieved by any order or decision of the inspector of buildings or other administrative official in violation of any provision of Ch. 40A, G.L., or this by-law. (By-Laws, 3-21-75, Art. 10)

*1324. To issue Comprehensive Permits.* Comprehensive permits for construction may be issued by the Board of Appeals for construction of low or moderate income housing by a public agency or limited dividend or nonprofit corporation, upon the Board's determination that such construction would be consistent with local needs, whether or not consistent with local zoning, building, health or subdivision requirements, as authorized by Sec. 20-23, Ch. 40B, G.L. (By-Laws, 3-21-75, Art. 10)

*1325. To issue withheld building permits.* Building permits withheld by the Building Inspector acting under Sec. 81Y, Ch. 41, G.L., as a means of enforcing the Subdivision Control Law may be issued by the Board of Appeals where the Board finds practical difficulty or unnecessary hardship, and if the circumstances of the case do not require that the building be related to a way shown on the subdivision plan in question. (By-Laws, 3-21-75, Art. 10)

*1330. Public hearings.* The Board of Appeals shall hold public meetings in accordance with the provisions of Chapters 40A and 41 of the General Laws on all appeals and petitions brought before it. (By-Laws, 3-21-75, Art. 10)

*1340.* 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. (By-Laws, 3-21-75, Art. 10)

1350. 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. (By-Laws, 3-21-75, Art. 10)

#### Sec. 1400. Amendments.

This by-law may from time to time be changed by amendment, addition or repeal by the Town Meeting in the manner provided in Section 6 of Chapter 40A of the General Laws, and any amendments therein. (By-Laws, 3-21-75, Art. 10)

#### Sec. 1500. Validity.

The invalidity of any section or provision of this by-law shall not invalidate any other section or provision thereof. (By-Laws, 3-21-75, Art. 10)

#### Sec. 1600. Applicability.

Where the application of this by-law imposes greater restrictions than those imposed by any other regulations, permits, restrictions, easements, covenants or agreements, the provisions of this by-law shall control. (By-Laws, 3-21-75, Art. 10)

#### Sec. 1700. Effective date.

This by-law or any amendment to it 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. (By-Laws, 3-21-75, Art. 10)

### ARTICLE II. USE AND INTENSITY REGULATIONS

#### Sec. 2100. Establishment of districts.

2110. [*Districts designated.*] For purposes of this Bylaw, the Town of Bellingham is hereby divided into the following types of districts:

Agricultural District	_____	A
Residence District	_____	R

Business Districts .....	B-1, B-2
Industrial District .....	I
Multifamily Dwelling District .....	M

The boundaries of these districts are defined and bounded on the map entitled "Zoning Map, Bellingham, Mass.", on file with the Town Clerk. That map and all explanatory matters thereon is hereby made a part of this Bylaw. (By-Laws 3-21-69; By-Laws, 3-21-75, Art. 12, § 2)

*2120. [Boundary or dimension lines.]* 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. (By-Laws, 1960, P. 58, Art. 2 as amended)

*2130. [Boundary lines dividing lots.]* 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 (30) feet into the other district. (By-Laws, 1960, P. 58, Art. 2 as amended)

*2140. [Lots lying within and without town.]* 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.

## **Sec. 2200. Use regulations.**

*2210. [Generally.]* 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. [Activity falling under multiple classes.]* 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.

#### **Sec. 2300. Nonconforming 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 (2) 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 nonuse 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 fifty per cent (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 fifty per cent (50%) increase in the nonconforming floor area of land used at the time the use became nonconforming.



**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 nonconformity with Section 2400 is not permitted, even where such replacement does not increase the extent of nonconformity.

#### Sec. 2400. Use Regulations Schedule.\*

ACTIVITY OR USE	DISTRICT				
	A	R	M	B-1, B-2	I
<i>Agricultural Uses</i>					
Livestock raising <sup>1</sup>	Yes	No	No	No	No
Other farm	Yes	Yes	Yes	Yes	Yes
Greenhouse with retail sales <sup>2</sup>	Yes	Yes	Yes	Yes	Yes
wholesale only	Yes	Yes	Yes	Yes	Yes
Roadside stand <sup>2</sup>	Yes	Yes	Yes	Yes	Yes

<sup>1</sup> No building to house livestock shall be within 60 feet of the street line or 40 feet of any other property line.

<sup>2</sup> 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.

\*Editor's note—The use regulations schedule as set forth in § 2400 has been amended from time to time by the following By-Laws. Due to the nature of the subject matter involved editorial analysis of amendatory By-Laws is omitted.

By-Laws, 1969, P. 32, Art. 7, § (B)

By-Laws, 1970, P. 29, Art. 17, § 2

By-Laws, 1971, Art. 2.

ACTIVITY OR USE	DISTRICT				
	A	R	M	B-1, B-2	I
<i>Commercial Uses</i>					
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
Major Commercial Complex <sup>1</sup>	No	No	No	SP <sup>2</sup>	No

<sup>1</sup> See Section 4700.

<sup>2</sup> No in B-1 Districts.

#### *Industrial Uses*

Light manufacturing for on-site sales <sup>1</sup>	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 <sup>2</sup>	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

#### *Institutional Uses*

Municipal use	Yes	Yes	Yes	Yes	Yes
Religious use	Yes	Yes	Yes	Yes	Yes

ACTIVITY OR USE	DISTRICT				
	A	R	M	B-1, B-2	I
Nursery schools	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 <sup>3</sup>	SP <sup>3</sup>	SP <sup>3</sup>	Yes	Yes

<sup>1</sup> More than half the volume sold as retail on the premises.

<sup>2</sup> See Section 3900.

<sup>3</sup> Except those whose chief activity is one customarily carried on as a business.

#### *Recreational Uses*

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
Sportman'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

#### *Residential Uses*

##### **Dwelling**

Single family	Yes	Yes	Yes	Yes	No <sup>1</sup>
Two-family	Yes	Yes	Yes <sup>3,4</sup>	Yes	No
Multi-family	No <sup>2</sup>	No <sup>2</sup>	SP	No <sup>2</sup>	No <sup>2</sup>

ACTIVITY OR USE	DISTRICT				
	A	R	M B-1, B-2	I	
Boarding or rooming	No <sup>2</sup>	No <sup>2</sup>	SP	No <sup>2</sup>	No <sup>2</sup>
Motel, hotel	No	No	No	SP	Yes
Mobile home	No	No	No	No	No
Public housing	Yes	Yes	Yes	Yes	No
<i>Other Principal Uses</i>					
Temporary structures	SP	SP	SP	SP	SP
Airport, heliport	No	No	No	Yes	Yes
<sup>1</sup> Except single-family dwelling for personnel required to reside on the premises for the safe operation of a permitted use. <sup>2</sup> 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. <sup>3</sup> Except that multi-family shall not include public housing. <sup>4</sup> See Section 3700.					
<i>Accessory Uses</i>					
<i>Parking of</i>					
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 <sup>1</sup>	Yes <sup>1</sup>	Yes <sup>1</sup>	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

\*See Section 3100.  
Supp. No. 6



ACTIVITY OR USE	DISTRICT				
	A	R	M	B-1, B-2	I
Private stable	Yes	SP	No	Yes	Yes
Swimming pool	Yes	Yes	Yes	Yes	Yes
Other customary accessory uses	Yes	Yes	Yes	Yes	Yes

- <sup>1</sup> But none in excess of the number parked on the effective date of this amendment. (By-Laws, 3-21-75, Art. 12, §§ 2, 6)

### Sec. 2500. Intensity of use regulations.

2510. [*Generally.*] 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 By-law or by General Law.

2520. [*Changes in lot size, shape.*] 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. [*Lots statutorily exempt.*] 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. [*Assuming location of street line.*] Where no street line has been established or can be readily determined, such line shall be assumed to be twenty-five (25) feet from the center of the travelled roadway for the purposes of applying these regulations.

2550. [*Public housing exempt from section 2600.*] Public housing shall be exempt from the minimum requirements of Intensity of Use as set forth in Sec. 2600.

2560. [*Number of dwellings on lot.*] Not more than one single-family or two-family dwelling shall be erected on a lot. (By-Laws, 1973, pp. 9, 10, Art. 29, § 1)

2570. [*Requirements where more than one principal building on lot.*] More than one principal building other than a single-family or two-family dwelling may be erected on a lot provided that access, drainage, and utilities serving each structure are functionally equivalent to that required for separate lots by the Planning Board Rules and Regulations, as certified to the Zoning Agent by the Highway Department regarding access and drainage and by the Water Department and Fire Department regarding water; and further provided that lot area and yard requirements are met for each building and use without counting any lot area or yard twice. (By-Laws, 1973, pp. 9, 10, Art. 29, § 1)

## Sec. 2600. Intensity of use schedule.

	DISTRICT					
	A	R	M	B-1 <sup>f</sup>	B-2	I
Minimum lot area (sq. ft.)						
Two-family dwelling	60,000	30,000	60,000	30,000	60,000	
Other uses	40,000	20,000	40,000 <sup>e</sup>	20,000	40,000	20,000
Minimum lot frontage (ft.)	150	125	150	125	150	125
Minimum front yard <sup>a, d</sup> (ft.)	30	20	30	20	30	20 <sup>c</sup>
Minimum side yard (ft.)	15	10	15	10 <sup>b</sup>	15	10 <sup>b</sup>
Minimum rear yard (ft.)	20	20	20	20	20	20 <sup>c</sup>
Minimum landscaped open space (sq. ft.) dwelling unit			2,000			
Maximum building height (ft.)	35	35	35	35	45	45

- a. No building other than a multi-family dwelling need provide a yard greater than the average of adjoining yards. Corner and through lots shall maintain front yard requirements for both frontages. For multi-family dwellings, the front yard is to be not less than twice building height and to contain no parking. Corner and through lots shall maintain front yard requirements for both frontages. (By-Laws, 1973, Art. 29, § 2)
- b. Provided that access to rear areas via drives not less than sixteen (16) feet wide can be assured, and except that yards must equal those required in a residence district where abutting a residential use or abutting a residence or agricultural district.
- c. Increase to one hundred (100) feet for industrial buildings facing or adjoining a residential or agricultural district.
- d. No obstruction to vision between three (3) and eight (8) feet above the plane through the curb grades shall be permitted within the area formed by the lines of intersection streets and a line joining points twenty (20) feet from the point of intersection of street lines or street lines extended.
- e. For multi-family dwellings, twenty (20) acres minimum lot area, but not less than three thousand (3,000) sq. ft. lot area per dwelling unit inclusive of landscaped open space. (By-Laws 3-21-69; By-Laws 10-19-72, Art. 6, § 2; By-Laws, 1973, pp. 9, 10, Art. 29, § 3; By-Laws, 3-21-75, Art. 12, § 3)
- f. Residential uses must comply with requirements for the residence district.

## ARTICLE III. GENERAL REGULATIONS\*

### Sec. 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. (By-Laws, 3-21-75, Art. 8)

**Cross references**—Buildings and building regulations, Ch. 4; streets and sidewalks, Ch. 8.

*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.; By-Laws, 3-21-75, Art. 8)

*3113.* No nonaccessory sign or billboard shall be erected except as allowed under section 3533. (By-Laws, 1970, P. 31, Art. 19; By-Laws, 3-21-75, Art. 8)

*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. (By-Laws, 3-21-75, Art. 8)

#### *3120. Permitted temporary signs in all districts.*

*3121.* Any sign if in accordance with limitations set for permanent signs. (By-Laws, 3-21-75, Art. 8)

*3122.* An unlighted sign of up to twenty (20) square feet indicating parties involved in construction on the premises. (By-Laws, 3-21-75, Art. 8)

*3123.* An unlighted sign of up to six (6) square feet pertaining to lease or sale of the premises. (By-Laws, 3-21-75, Art. 8)

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\***Editor's note**—By-Laws, March 21, 1975, Art. 8, amended the Code by:

- (1) Restructuring Art. III to include §§ 3100—3300 as herein set out. Sec. 3100 had formerly been designated as § 3500; sec. 3200 had formerly been designated as § 3400; sec. 3300 remains unchanged by By-Laws, 3-21-75.
- (2) Adding a new Art. IV, §§ 4100—4600 as hereinafter set out. Said sections constitute the redesignated former §§ 3100, 3200, 3600—3900.
- (3) Redesignating former Art. IV as Art. V.



3124. A sign of up to ten (10) square feet pertaining to a subdivision while under development, only with permission of the Planning Board. (By-Laws, 3-21-75, Art. 8)

3125. Signs inside display windows covering not more than thirty per cent (30%) of window area, illuminated by building illumination only. (By-Laws, 3-21-75, Art. 8)

*3130. Permitted permanent signs in agriculture and residence 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 foot in area. (By-Laws, 1970, P. 29, Art. 17, § 4; By-Laws, 3-21-75, Art. 8)

3132. One sign not over nine (9) square feet in area pertaining to permitted buildings and uses of the premises other than dwellings and their accessory uses. (By-Laws 3-21-75, Art. 8)

3133. A nonaccessory 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. (By-Laws, 3-21-75, Art. 8)

*3140. Permitted permanent signs in other districts:*

3141. Any signs permitted in Agricultural and Residence districts. (By-Laws, 3-21-75, Art. 8)

3142. Accessory signs attached to a building, provided that they aggregate not more than twenty per cent (20%) of the wall area they are viewed with. (By-Laws, 3-21-75, Art. 8)

3143. Free-standing accessory signs, provided that they aggregate not more than one hundred (100) square feet in area. (By-Laws, 3-21-75, Art. 8)

3144. The total area of all signs, either attached to a building or free-standing, shall aggregate not more than three (3) square feet per foot of lot frontage on the street towards which they are oriented. (By-Laws, 3-21-75, Art. 8)

**Sec. 3200. Noise, litter and smoke standards.**

3210. [*General standards.*] 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:

3220. [*Noise, sound, etc.*] No noise, sound from public address or other amplification systems, vibration, odor, or flashing shall be normally perceptible more than four hundred (400) feet from the premises if in the Industrial district, more than two hundred (200) feet from the premises if in a Business district, and more than twenty (20) feet from the premises if in a Residence or Agricultural district. Interference originating in Business or Industrial districts shall not normally be perceptible more than one hundred (100) feet within a Residential district. (By-Laws, 3-21-75, Art. 8)

3230. [*Cinders, dust, fumes, etc.*] Cinders, dust, fumes, gases, radiation, or trash or other waste shall be effectively confined to the premises or disposed of. (By-Laws, 3-21-75, Art. 8)

3240. [*Smoke density.*] Smoke density shall not exceed #2 of the Ringelmann scale for more than ten per cent (10%) of the time, and at no time shall exceed #3 on that scale. (By-Laws, 3-21-75, Art. 8)

3250. [*Interference with radio, television reception.*] No process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuations in line voltage off the premises. (By-Laws, 3-21-75, Art. 8)

3260. [*Violation.*] 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. (By-Laws, 3-21-75, Art. 8)

**Sec. 3300. Parking and loading requirements.**

*3310. Parking requirements.*

- (a) It is the intent of this section that 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 through additions to existing ones, or by change of use creating higher parking demand.
- (b) Buildings, structures and land uses in existence on the effective date of these provisions are not subject to these off-street parking requirements and may be rebuilt, altered or repaired, but not enlarged or changed in use without becoming subject to these requirements.
- (c) In applying for building or occupancy permits, the applicant must demonstrate that the minimum parking requirements set forth in Section 3320 will be met for the new demand without counting existing parking necessary for existing uses to meet these requirements.
- (d) The minimums of Section 3320 may be reduced on special permit for an exception from the Board of Appeals, upon their determination that special circumstances render a lesser provision adequate for all parking needs. Examples of special circumstances include:
  - (1) Use of a common parking lot for separate uses having peak demands occurring at different times;
  - (2) Age or other characteristics of occupants which reduce their auto usage;
  - (3) Peculiarities of the use which render usual measures of demand invalid. (By-Laws, 3-21-75, Art. 12, § 4)

*3320. Parking schedule.*

**RESIDENTIAL**

Dwelling unit having 2 or more bedrooms .....	2	spaces
Dwelling units having fewer than 2 bedrooms .....	1	space

Guesthouse, lodging house, other group  
 accommodation, per 2 occupants \_\_\_\_\_ 1 space  
 Hotel, motel, per guest unit \_\_\_\_\_ 1½ spaces

### NONRESIDENTIAL BUILDINGS

Gross floor area is measured to the outside of the building with no deductions for hallways, stairs, closets, thickness of walls, columns, or other features.

Industrial buildings: 1 space/300 s.f. gross floor area

Retailing: 1 space/200 s.f. gross leasable floor area  
 plus 1 space per separate enterprise

Offices, banks: 1 space/200 s.f. gross floor area

Restaurant, theater, assembly hall: 1 space/2.5 seats.

If seats not fixed, 1 space/60 s.f. gross floor area.

Recreation facility: 0.8 spaces/occupant at design capacity.

### OTHER FACILITIES

As determined by the Zoning Agent upon advice of the Planning Board, based on usual industrial standards, if any. (By-Laws, 3-21-75, Art. 12, § 4)

#### *3330. Parking area design and location.*

- (a) No off-street parking area for five (5) or more cars shall be located within twenty (20) feet of a street right-of-way line.
- (b) All required parking areas except those serving single-family residences shall be paved, unless exempted on special permit from the Board of Appeals for cases such as seasonal or periodic use where unpaved surfaces will not cause dust, erosion, hazard, or unsightly conditions.
- (c) Parking areas for five (5) or more cars shall not require backing onto a public way.
- (d) All open storage, loading or service areas, and parking areas for five (5) or more cars shall be screened from any residential use or district which is abutting or separated from it only by a street. Screening shall be by



a four (4) foot planting strip maintained with densely planted shrubs or trees, or by a solid wall or fence of not less than four (4) feet in height.

- (e) Parking lots for twenty (20) or more cars shall contain or be bordered within five (5) feet by at least one tree per ten (10) cars, to be of two (2) inch caliper or larger. Trees located within the parking area shall be planted in curbed soil plots allowing not less than forty (40) square feet of unpaved soil area per tree.
- (f) Parking spaces more than three hundred (300) feet from the building entrance they serve may not be counted towards fulfillment of parking requirements unless the Board of Appeals determines that circumstances justify a greater separation of parking from use.
- (g) The following shall apply to entrances or exits to all parking areas having twenty (20) or more spaces, except if located in the B-1 district which is exempted.
  - (1) Entrance or exit centerline shall not fall within fifty (50) feet of an intersection of street side lines or within two hundred fifty (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 twenty (20) or more spaces. Uses shall arrange for shared egress if necessary to meet these requirements.
  - (2) Egressing vehicles shall have four hundred (400) feet visibility in each travel direction. (By-Laws, 3-21-75, Art. 12, § 4)

*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, or be parked on a public way while loading, unloading, or waiting to do so. (By-Laws, 3-21-75, Art. 12, § 4)

**Editor's note**—By-Laws, 3-21-75, Art. 12, § 4, deleted former § 3300 and added a new § 3300 as herein set out. Former § 3300 had been contained in the zoning by-law of the town as compiled through Jan. 1, 1969.

#### ARTICLE IV. SPECIAL REGULATIONS\*

##### Sec. 4100. Home occupations.

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

*4110. [Floor space; maximum number of nonhousehold employees; exterior use of space; noise, vibration, dust, etc.; traffic generation; parking.]*

- (a) No more than twenty-five per cent (25%) 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 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 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 3200).
- (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 thirty-five per cent (35%) of lot area. (By-Laws, 3-21-75, Art. 8)

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\*Editor's note—See editor's note to Art. III.  
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4120. [*Occupations permitted without special permit.*] The following home occupations are permitted without necessity of special permit:

The professions of medicine, dentistry, law, architecture, accountant and engineering; machine, woodworking, 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. (By-Laws, 3-21-75, Art. 8)

4130. [*Occupations requiring special permit.*] Home occupations other than the above but having similar attributes may be allowed on special permit from the board of appeals. (By-Laws, 3-21-75, Art. 8)

4140. [*Certain activities not allowed as home occupations.*] Commercial stables or kennels or sale of articles not produced on the premises shall not be allowed as home occupations. (By-Laws, 1970, P. 29, Art. 17, § 3; By-Laws, 3-21-75, Art. 8)

#### Sec. 4200. Mobile homes, trailers, and campers.

4210. [*Use as permanent residence.*] No mobile home, trailer, or camper shall be used for permanent residence. (By-Laws, 3-21-75, Art. 8)

Cross reference—Dwelling in trailer coach park, § 6-4.

4220. [*Occupancy limit.*] 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 (30) days in any twelve-month period, provided it is so placed on the lot as to meet minimum yard requirements. (By-Laws, 3-21-75, Art. 8)

4230. [*Storage of trailer or camper.*] 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. (By-Laws, 3-21-75, Art. 8)

4240. [*Replacement of nonconforming mobile homes.*] Replacement of mobile homes parking in nonconformity with Supp. No. 6

Section 2400 is not permitted, even where such replacement does not increase the extent of nonconformity. (By-Laws, 3-21-75, Art. 9, § 2)

**Sec. 4300. Cluster development.**

Parcels in excess of ten (10) 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:

*4310. [Generally.]* The proposed development shall be, in the judgment 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. (By-Laws, 3-21-75, Art. 8)

*4320. [Total lots used.]* 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 4300, to be estimated in the absence of an alternative conventional plan as being equal to eighty-five per cent (85%) of the overall parcel area divided by the lot area requirements for the Agricultural (A) District as provided in Section 2600. (By-Laws, 3-21-75, Art. 8)

*4330. [Intensity of use.]* The intensity of use requirements of Section 2600 for the Residence District (R) shall be conformed to for each lot. (By-Laws, 3-21-75, Art. 8)

*4340. [Lots to be contiguous.]* The lots for building purposes shall be grouped in a cluster or in clusters, and within each cluster the lots shall be contiguous. (By-Laws, 3-21-75, Art. 8)

*4350. [Remaining land to be contiguous; exception.]* 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 (2) acres in each



area, having not less than forty (40) feet of frontage on a street, and of such shape and condition as to be usable for recreation. (By-Laws, 3-21-75, Art. 8)

4360. [*Standards for remaining land.*] All such remaining land shall be either:

4361. Acceptable to and deeded to the Bellingham Conservative Commission, or

4362. 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 five per cent (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 arrangements satisfactory to the Planning Board. (By-Laws, 3-21-75, Art. 8)

4370. [*Materials to accompany special permit application.*] 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. Copies of the plan and of the application shall be transmitted by the Zoning Board to the Water Board and to the Planning Board, and no decision on a special permit for Cluster Development shall be made within sixty (60) days of application without receipt of reports thereon by both above boards. (By-Laws 10-15-71, Art. 5, § 2; By-Laws, 3-21-75, Art. 8)

4380. [*Conformity with cluster development plan after approval.*] 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 nonconformity with the provisions of Section 2600 of this By-Law. (By-Laws 3-21-69; By-Laws, 3-21-75, Art. 8)

**Sec. 4400. Multi-family dwellings.**

4410. [*Creation of new districts.*] New multi-family Districts ("M") shall each be created only by vote of the Town Meeting amending the Zoning Map. Each such district shall front for at least five hundred (500) feet on an arterial street, and at the time of rezoning shall contain at least one undivided parcel with lot area of at least twenty acres, and shall contain not less than seventy per cent (70%) vacant and agricultural land. (By-Laws 10-19-72, Art. 6, § 1; By-Laws, 3-21-75, Art. 8)

4420. [*Special permits.*] Special Permits for Multi-family dwellings shall be granted only in conformance with the following:

4421. Not more than ten per cent (10%) of all dwelling units allowed under the Permit shall have three per cent (3%) or more bedrooms.

4422. The application for a special permit shall be accompanied by six (6) copies of a proposed site plan prepared by a registered engineer or architect, showing location and boundaries of the site; use and zoning of adjacent parcels, existing and proposed topography, major trees, and retained vegetation; existing and proposed structures; dimensions of yards at their minimum point; drives, parking, required landscaping and screening; water service, sanitary disposal system, and storm drainage; and proposed staging plan, if building permits are not to be immediately sought for all units; and by six (6) copies of a ground floor plan and architectural elevation of all proposed buildings, prepared by a registered architect. Within two (2) working days of their receipt, one copy of each of the required plans shall be transmitted by the Board of Appeals to the Planning Board, Highway Department, Water Department, and Fire Department. No permit shall be decided upon within forty-five (45) days of such transmittal without receipt of advisory reports from each of those agencies regarding compliance of

the proposal to local rules, regulations, and by-laws as well as good practice within their area of concern. (By-Laws 3-21-67; By-Laws 10-15-71, Art. 5, § 3; By-Laws, 1973, pp. 9, 10, Art. 29, § 5; By-Laws, 3-21-75, Art. 8)

4423. The special permit shall expire upon transfer of ownership prior to initiation of substantial construction on the ground, or if no substantial construction takes place within twelve (12) months of special permit approval. (By-Laws, 1973, pp. 9, 10, Art. 29, § 6; By-Laws, 3-21-75, Art. 8)

#### Sec. 4500. Flood plan requirements.

4510. [*Descriptions.*] All land lying below the following elevations (USGS datum) shall be considered flood plains, deemed to be subject to seasonal or periodic flooding:

4511. [*Charles River.*] 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.H. & H. RR.—235' elevation.

N.Y., N.H.&H. RR. to town line—240' elevation. (By-Laws, 3-21-75, Art. 8)

4512. [*Peters River.*] Along the Peters River and its tributaries:

City line to Paine St.—185' elevation.

Paine St. to Pulaski Blvd.—190' elevation.

Pulaski Blvd. to N.Y., N.H. & H. RR.—200' elevation.

N.Y., N.H.&H. RR. to Cross St.—210' elevation. (By-Laws, 3-21-75, Art. 8)

4520. [*Other restrictions.*] Any use otherwise permitted by this By-Law shall be permitted within such flood plains, subject to the following restrictions. (By-Laws, 3-21-75, Art. 8)

4521. 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. (By-Laws, 3-21-75, Art. 8)

4522. 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. (By-Laws, 3-21-75, Art. 8)

4523. Without limiting the generality of the foregoing, the following are presumed to be hazardous to health or safety within Flood Plains:

- a. Flood 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. (By-Law 3-21-69; By-Laws, 3-21-75, Art. 8)

4530. [*Leaching basins; retention basins.*] Any development which will result in creation of forty thousand (40,000) square feet or more of building coverage and paved surfaces which either lie within one thousand (1,000) feet of or have piped discharge into the Charles River or the Peters River or any of their tributaries having year-round flows shall employ storm water leaching basins, retention basins, or other devices as necessary in order that peak flows in a twenty (20) year storm through existing drainage structures or channels off the premises are not increased.

Drainage calculations by a registered professional engineer shall be submitted in each such case. (By-Laws, 3-21-75, Art. 11)

#### **Sec. 4600. Earth removal regulations.**

4610. *General.* The removal from any premises of topsoil, borrow, rock, sod, loam, peat, humus, clay, sand or gravel  
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shall be done only in accordance with Sections 4620 through 4670, except that the following shall be exempted from these provisions:

- (a) The removal of less than fifty (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 by-laws, 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 4600 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 4600 and the necessity for granting additional time to complete the surveys and requirements of Section 4621, said exceptions to be issued subject to petitions supplying reasonable evidence of attempted compliance or undue hardship satisfactory to the said board;
- (d) The removal on land owned by the Town for municipal purposes. (By-Laws 10-15-71, Art. 6; By-Laws, 3-21-75, Art. 8)

*4620. 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:

*4621.* The application shall be accompanied by a plan showing all manmade 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. (By-Laws, 3-21-75, Art. 8)

4622. 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 this by-law [section] and such other conditions as the board of appeals may impose as conditions to the issuance of its permit. (By-Laws, 3-21-75, Art. 8)

4623. 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. (By-Laws, 3-21-75, Art. 8)

4630. *Removal.*

4631. 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. (By-Laws, 3-21-75, Art. 8)

4632. Provision shall be made for safe drainage of water, and for prevention of wind or water erosion carrying material onto adjoining properties. (By-Laws, 3-21-75, Art. 8)

4633. A one hundred (100) foot buffer strip shall be maintained at all boundaries, and not excavated below boundary grades except at a slope of not greater than three (3) feet horizontal to one (1) foot vertical if such will enhance overall grading. (By-Laws, 3-21-75, Art. 8)

4634. 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. (By-Laws, 3-21-75, Art. 8)

4635. Dust shall be controlled through oiling or chemical treatment of roads. (By-Laws, 3-21-75, Art. 8)

4640. *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 (Section 4622), that entire area shall be restored as follows:

4641. All land shall be so graded that no slope exceeds one (1) foot vertical rise in three (3) feet horizontal distance and shall be so graded as to safely provide for drainage without erosion. (By-Laws, 3-21-75, Art. 8)

4642. All boulders larger than one-half ( $1\frac{1}{2}$ ) cubic yard and stumps shall be removed or buried. (By-Laws, 3-21-75, Art. 8)

4643. 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. (By-Laws, 3-21-75, Art. 8)

4644. 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. (By-Laws, 3-21-75, Art. 8)

4650. *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. (By-Laws, 3-21-75, Art. 8)

4660. *Renewal or revocation of permit.* No permit shall be issued under the provisions of Section 4600 for a period of more than two (2) 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 by-law are being complied with. The board of appeals, after hearing and proof of violation of this by-law shall withdraw the permit, after which the operation shall be discontinued and the area restored in accordance with Section 4640. (By-Laws, 1971, Art. 2; By-Laws, 3-21-75, Art. 8)

**Sec. 4700. Major commercial complex.**

*4710. Applicability.* Major commercial complexes shall be granted special permits only in B-2 districts, and only in accordance with the following. The applicant shall submit adequate documentation, including plans, calculations and narrative, to allow determination of compliance by the Board of Appeals without need for extensive further analysis. (By-Laws, 3-21-75, Art. 12, § 7)

*4720. Eligible locations.* Major commercial complexes shall be so located that average daily traffic will not be increased on any servicing road by twenty-five (25) per cent or more above levels at the time of application. (By-Laws, 3-21-75, Art. 12, § 7)

*4730. Site design.* Major commercial complexes shall be so designed that each of the following is complied with:

- (a) Outdoor lighting fixtures shall be not higher than twenty (20) feet. No light overspill shall be bright enough to create discernable shadows off the premises.
  - (b) All banks exceeding fifteen (15) degrees in slope resulting from site grading shall be retained with vegetative cover reasonably sufficient to prevent erosion.
- (By-Laws, 3-21-75, Art. 12, § 7)

**State law reference**—Authority to prohibit removal of soil, loam, sand or gravel from land not in public use, G.L. c. 40, § 21(17).

**ARTICLE V. DEFINITIONS\***

In this Bylaw the following terms unless a contrary meaning is required by the context or is specifically prescribed,

**\*Editor's note**—The words, terms and phrases defined in Art. V have been amended from time to time by the By-Laws indicated in the history note following the particular word or words affected. Editorial analysis of By-Laws amending the article by adding, deleting or revising definitions is omitted. See also the editor's note to Art. III.



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 incident 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 (3) dogs that are more than six (6) months old, whether commercially operated or not.

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

Blackstone St.

Center St.

Cross St.

Depot St.

Elm St.

Hartford Ave.

High St.

Lake St.

Maple St.

Paine St.

Pulaski Blvd.

Wrentham Rd.

South Maple St. (By-Law 3-21-69)

*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. (By-Law 3-21-69)

*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. (By-Laws, 1969, P. 32, Art. 7, §(A))

*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 nonprofit 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 subassemblies, and parking of wheeled equipment.

*Detached structure.* One having no common or party walls.

*Dwelling, multifamily.* Three (3) or more dwelling units on a single lot, irrespective of structure, type, ownership or tenure. (By-Laws 3-21-69)

*Dwelling unit.* Living quarters for a single family.

*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 (2) 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 eighty (80) yards.

*Home occupation.* A business or profession engaged in within a dwelling by a resident thereof as a use accessory thereto. (By-Laws, 1970, P. 29, Art. 17, § 1)

*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. (By-Laws 3-21-69)

*Light manufacturing.* Fabrication, processing or assembly such that the provisions of Section 3400 are complied with.

*Livestock raising.* The keeping or raising of livestock in excess of three (3) horses or cows, or ten (10) poultry.

*Lot.* An area of land in one ownership with definite boundaries ascertainable by recorded deed or plan and used or set

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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 ten per cent (10%) of the lot area required for zoning compliance shall be area underwater nine (9) months or more in a normal year.

*Lot, corner.* A lot which has an interior angle of less than one hundred thirty-five (135) degrees at the intersection of two (2) 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 one hundred thirty-five (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.

*Major commercial complex.* Retail business, entertainment or consumer service establishment or an aggregation of such establishments, having more than twenty thousand (20,000) square feet of gross floor area and providing more than one hundred (100) off-street parking spaces. (By-Laws, 3-21-75, Art. 12, § 5)

*Mobile home.* A dwelling built on a chassis, containing complete electrical, plumbing and sanitary facilities, and designed without necessity of a permanent foundation for year-round living irrespective of whether actually attached to a foundation or otherwise permanently located. (By-Laws, 3-21-75, Art. 9, § 1)



*Municipal use.* Premises used for any operation by the town government except as elsewhere more specifically defined.

*Nonconforming 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 (3) 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 three hundred fifty (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 nonprofit religious or nonsectarian activity maintained for a public or semipublic use.

*Public housing.* Housing operated by a public body created pursuant to section 26K of Ch. 121, G.L., or corresponding provisions of earlier laws.

*Public stable.* Premises where two (2) 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 one hundred eighty (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 (2) feet or more and having a

capacity of two hundred (200) 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 ten (10) passengers; or a truck with GVW rating not exceeding fourteen thousand (14,000) pounds and enclosed cargo area not exceeding four hundred (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 noncovered 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.

**This pamphlet index is set up to conform to the index in the Code of Ordinances for future amendatory purposes.**



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