



Z O N I N G B Y L A W

Bellingham Planning Board

As amended through April 24, 1985 Annual Town Meeting

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ARTICLE I ADMINISTRATION AND PROCEDURE

1100. Purpose. The purpose of this Bylaw is to lessen congestion in the streets; to conserve health; to secure safety from fire, flood, panic, and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to encourage housing for persons of all income levels; to facilitate the adequate provision of transportation, water supply, drainage, schools, parks, open space, and other public requirements; to conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment; to encourage the most appropriate use of land throughout the Town, including consideration of the recommendations of the master plan, if any, adopted by the Bellingham Planning Board and the comprehensive plan, if any, of the Metropolitan Area Planning Council; and to preserve and increase amenities, pursuant to Chapters 40A, 40B, and 41 of the Massachusetts General Laws as amended, and Article 89 of the Amendments to the Constitution.

1200. Administration

1210. Responsibility. This Bylaw shall be enforced by the Inspector of Buildings, who shall take such action as may be necessary to enforce full compliance with the provisions of this Bylaw and of permits and variances issued hereunder, including notification of noncompliance and request for legal action through the Board of Selectmen to the Town Counsel.

1220. Compliance Certification. No "development" shall be undertaken without certification by the Inspector of Buildings that such action is in compliance with then applicable zoning or without review by him regarding whether all necessary permits have been received from those governmental agencies from which approval is required by federal, state, or local law. Issuance of a Building Permit or Certificate of Use and Occupancy, where required under the Commonwealth of Massachusetts State Building Code, may serve as such certification. "Development" for these purposes shall mean erecting, moving, substantially altering or changing the use of a building, sign, or other structure, or changing the principal use of land.

1230. Submittals. In addition to any information which may be required under the Massachusetts State Building Code, the Inspector of Buildings shall require of applicants such information as he deems necessary to determine compliance with this Zoning Bylaw. This may include such things as a Site Plan indicating land and building uses and provisions for vehicular parking and egress, location of flood plain control elevations, and evidence of performance compliance under Section 3200 Environmental Controls.

1240. Expiration. Construction or operations under a Building or Special Permit shall conform to any subsequent amendment of this Bylaw unless the use or construction is commenced within a period of six months after the issuance of the permit and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

1250. Penalty. Any person violating any of the provisions of this Bylaw, any of the conditions under which a permit is issued, or any decision rendered by the Board of Appeals shall be fined not more than \$100 for each offense. Each day that such violation continues shall constitute a separate offense.

1300. Board of Appeals

1310. Establishment. The Board of Appeals shall consist of five members and three associate members, who shall be appointed by the Selectmen and shall act in all matters under this Bylaw in the manner prescribed by Chapters 40A, 40B, and 41 of the General Laws.

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

1321. To hear and decide applications for Special Permits upon which the Board is empowered to act under this Bylaw, in accordance with Section 1500 Special Permits.

1322. To hear and decide appeals or petitions for variances from the terms of this Bylaw, including variances for use, with respect to particular land or structures. Such variance shall be granted only in cases where the Board of Appeals finds all of the following:

- a) A literal enforcement of the provisions of this Bylaw would involve a substantial hardship, financial or otherwise, to the petitioner or appellant.
- b) The hardship is owing to circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures 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) nullifying or substantially derogating from the intent or purpose of this Bylaw.

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 or enforcement action from any administrative officer under the provisions of Ch.40A, G.L.; or by

b) The Metropolitan Area Planning Council; or by

c) Any person including any officer or Board of the Town of Bellingham or of any abutting town, if 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 Bylaw.

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 non-profit 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.

1325. To issue Withheld Building Permits. Building Permits withheld by the Inspector of Buildings 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.

1330. Public Hearings. The Board of Appeals shall hold public hearings in accordance with the provisions of the General Laws on all appeals and petitions brought before it.

1340. Repetitive Petitions. Repetitive petitions for exceptions, appeals and petitions for variances, and applications to the Board of Appeals shall be limited as provided in Sec. 16, Ch.40A, G.L.

1400. Planning Board

1410. Special Permits. In instances where this Bylaw provides for Special Permits to be acted upon by the Planning Board, those actions shall be based upon the considerations of Section 1500 Special Permits, unless specifically designated otherwise.

1420. Site Plan Review

1421. Applications for permits for construction shall be subject to site plan review as outlined in Sections 1421-1424 if proposing creation of, addition to, or substantial alteration of a parking area resulting in 20 or more parking spaces. Applications proposing earth removal incidental to construction shall be subject to site plan review as outlined in Section 1425. Site plan review may be initiated by the applicant either at the time of building permit application or earlier by submitting to the Building Inspector a review application plus seven copies of the site plan and accompanying materials. Those materials shall be distributed by the Building Inspector to the Planning Board, Conservation Commission, Board of Health, Highway Department, Fire Department, and Water Department. At the time of building permit application, the Building Inspector shall notify each of those agencies of the date by which he must take action, and shall not approve any building permit subject to site plan review prior to that date without receipt of the Planning Board's written advisory report.

1422. Plans subject to site plan review shall be prepared by a registered Architect, Landscape Architect, or Professional Engineer. A Site Plan shall be submitted showing:

- a) location and boundaries of the site and of the lots in the proposed development;
- b) existing and proposed land and building uses;
- c) existing topography and proposed grading;
- d) indication of wetlands or other areas potentially subject to the Wetlands Protection Act;
- e) areas included in any Flood Plain District; areas included in any Water Resource District.

- f) location of any proposed structures, streets, ways, retaining walls, hydrants, principal drives, fences, outdoor lighting, open space areas, recreation areas, egresses, service entries, loading facilities, facilities for waste disposal or storage, and parking with individual spaces identified;
- g) location, size, and design of all proposed signs;
- h) landscaping and screening, indicating distinctions between proposed and retained vegetation;
- i) sufficient data to determine compliance with the Rules and Regulations of the Architectural Barriers Board, if applicable.

Accompanying the Site Plan shall be ground floor plans and architectural elevations of any buildings proposed and drawings of any signs proposed.

1423. The Inspector of Buildings shall approve a Site Plan only upon his determination that:

- a) The performance requirements of this Bylaw (e.g. Section 3200 Environmental Controls) have been met.
- b) For the given location and type and extent of land use, the design of building form, building location, egress points, grading, and other elements of the development could not reasonably be altered to:
 - (1) improve pedestrian or vehicular safety within the site and egressing from it;
 - (2) reduce the visual intrusion of parking areas viewed from public ways or abutting premises;
 - (3) reduce the volume of cut or fill;
 - (4) reduce the number of removed tree 4" trunk diameter and larger;
 - (5) reduce the extent of storm water flow increase from the site;
 - (6) reduce soil erosion;
 - (7) reduce hazard or inconvenience to pedestrians from storm water flow and ponding.

- c) Adequate access is provided to each structure for fire and service equipment.
- d) Adequate utility service and drainage is provided, consistent with the Design Standards of the Subdivision Regulations of the Bellingham Planning Board, as in effect at the date of adoption of this Bylaw.
- e) No other zoning violations are observed.

1424. The Planning Board shall seek the advice and assistance of other town agencies in reviewing the Plan, potentially including the Highway Superintendent, Conservation Commission, Fire Department, Board of Health, and Water Department. The Board shall indicate its determinations regarding compliance with Section 1423 in writing to the Inspector of Buildings. The Inspector of Buildings shall explain in writing to the Planning Board any departure in his decision from the Planning Board's determination.

1425. Applications requiring site plan review only for earth removal incidental to construction shall be governed by the following rather than by Section 1421-1424.

- a) Only three copies of the plan need be submitted: one for the Building Inspector and one each to be distributed by the Building Inspector to the Planning Board and the Conservation Commission.
- b) Plans need not be prepared by a professional unless so required elsewhere, and need only indicate items a-d of paragraph 1422.
- c) Site plan approval shall be withheld only if site grading creates more topographic change than is functionally necessary for the use to which the removal is incidental, and if that unnecessary change is damaging in consideration of the criteria of Section 1423 b,c, and d.

1500. Special Permits

1510. Special Permit Granting Authority. Unless specifically designated otherwise, the Board of Appeals shall act as the Special Permit Granting Authority.

1520. Public Hearings. Special Permits shall only be issued following public hearings held within 65 days after filing with the Special Permit Granting Authority an application, a copy of which shall forthwith be given to the Town Clerk by the applicant.

1530. Criteria. Special Permits shall be granted by the Special Permit Granting Authority only upon its written determination that the proposed use will not have adverse effects which over-balance 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 structures;
- e) qualities of the natural environment;
- f) potential fiscal impact

1540. Condition. Special Permits may be granted with such reasonable conditions, safeguards, or limitations on time or use as the Special Permit Granting Authority may deem necessary to serve the purposes of this Bylaw.

1550. Expiration. Special Permits shall lapse within 12 months of Special Permit approval (plus such time required to pursue or await the determination of an appeal referred to in Sec. 17, Ch.40A, G.L., from the grant thereof) if a substantial use thereof or construction has not begun, except for good cause.

1600. Amendments. This Bylaw may from time to time be changed by amendment, addition or repeal by the Town Meeting in the manner provided in Sec. 5, Ch.40A, G.L., and any amendments therein.

1700. 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.

1800. Effective Date. The effective date of any amendment of this Zoning Bylaw shall be the date on which such amendment was voted upon by a Town Meeting, as provided by Sec.5, Ch.40a, G.L.

1900. Separability. The invalidity of any Section or provision of this Bylaw shall not invalidate any other Section or provision hereof.

ARTICLE II USE AND INTENSITY REGULATION

2100. Establishment of Districts

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

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

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

In addition, there are three overlay districts: Flood Plain District as established at Section 4510, and Water Resource I and II Districts as established at Section 4920.

2120. Except when labelled to the contrary, boundary or dimension lines shown approximately following or terminating at street, rail-road, 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 30 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

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

BA - Acted on by the Board of Appeals

PB - Acted on by the Planning Board

BS - Acted on by the Board of Selectmen

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

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

2300. Nonconforming Uses and Structures

Legally pre-existing nonconforming structures and uses may be continued, subject to the following:

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

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

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

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

2400. Use Regulations Schedule

ACTIVITY OR USE	D A	I S,R	T M	R I C B-1 B-2	T I
<u>AGRICULTURAL USES</u>					
Livestock raising on parcel under five acres ¹	YES	NO	NO	NO	NO
Other farm ¹	YES	YES	YES	YES	YES
Greenhouse					
with retail sales ²	YES	YES	YES	YES	YES
wholesale only	YES	YES	YES	YES	YES
Roadside stand ²	YES	YES	YES	YES	YES
<u>COMMERCIAL USES</u>					
Animal kennel or hospital	NO	NO	NO	BA	BA
Business or professional offices	NO	NO	NO	YES	YES
Medical clinic	NO	NO	NO	YES	YES
Funeral home	NO	NO	NO	YES	YES
Auto, boat, or farm equip. sales, rental, service	NO	NO	NO	YES	YES
Printing shop	NO	NO	NO	YES	YES
Bank, financial office	NO	NO	NO	YES	YES
Restaurant	NO	NO	NO	YES	YES
Retail sales or service	NO	NO	NO	YES	YES
Retail sale of gasoline ⁵	NO	NO	NO	BS	BS
Wholesaling without storage	NO	NO	NO	YES	YES
Major commercial complex ³	NO	NO	NO	PB ⁴	NO
<u>INDUSTRIAL USES</u>					
Manufacturing for on-site sales ⁶	NO	NO	NO	YES	YES
Other manufacturing, research	NO	NO	NO	NO	YES
Bulk storage	NO	NO	NO	NO	YES
Contractor's yard	NO	NO	NO	NO	YES
Earth removal ⁷	BA	BA	BA	BA	BA
Waste processing or disposal:					
Junk yard, second-hand auto parts	NO	NO	NO	NO	BS
Hazardous or radioactive	NO	NO	NO	NO	NO
Other municipal	NO	NO	NO	NO	BS
Other private	NO	NO	NO	NO	NO
Transportation terminal	NO	NO	NO	NO	YES

2400. Use Regulations Schedule (Continued)

ACTIVITY OR USE	D A	I S,R	T M	R I C B-1 B-2	T I
<hr/>					
<u>INDUSTRIAL USES Con't.</u>					
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
Educational use exempted from zoning prohibition by Sec. 3, Ch.40A, G.L.	YES	YES	YES	YES	YES
Other educational use	BA	BA	BA	BA	BA
Cemetery	YES	YES	YES	YES	YES
Hospital	BA	BA	BA	BA	BA
Nursing, convalescent, or rest home	BA	BA	BA	BA	BA
Philanthropic or charitable institutions	BA	BA	BA	BA	BA
Public utility with service area	NO	NO	NO	NO	YES
Public utility without service area	BA ⁸	BA ⁸	BA ⁸	BA	YES
Club or lodge	BA ⁸	BA ⁸	BA ⁸	YES	YES
<u>RECREATIONAL USES</u>					
Camping, supervised	YES	BA	BA	YES	YES
Camping, commercial	BA	NO	NO	NO	NO
Golf course, standard or par three	YES	YES	YES	YES	YES
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	BA	NO	NO	BA	BA
Bath houses, commercial beaches	BA	BA	BA	YES	YES
Commercial picnic, outing areas	BA	BA	BA	YES	YES

2400. Use Regulations Schedule (Continued)

ACTIVITY OR USE	D A	I S	T R	I C	T B-1 B-2	I
<u>RESIDENTIAL USES</u>						
Dwelling						
Single-family	YES	YES	YES	YES	NO ⁹	
Two-family	YES	YES	YES	YES	NO	
Townhouse ¹²	PB	PB	PB	PB	NO	
Other multifamily	NO ¹⁰	NO ¹⁰	PB ^{11,12}	NO ¹⁰	NO ¹⁰	
Boarding or rooming	NO ¹⁰	NO ¹⁰	BA	NO ¹⁰	NO ¹⁰	
Motel, hotel	NO	NO	NO	BA	YES	
Mobile home	NO	NO	NO	NO	NO	
Public housing	YES	YES	YES	YES	NO	
<u>OTHER PRINCIPAL USES</u>						
Temporary structures	BA	BA	BA	BA	BA	
Airport, heliport	NO	NO	NO	YES	YES	
<u>ACCESSORY USES</u>						
Parking provisions for:						
Private autos of residents on premises	YES	YES	YES	YES	YES	
One light commercial vehicle	YES	YES	YES	YES	YES	
Two or three light commercial vehicles, or one heavy commercial vehicle						
Accessory to residential use	BA	NO	NO	YES	YES	
Accessory to nonresidential use	YES ¹³	YES ¹³	YES ¹³	YES	YES	
Farm vehicles and equipment on active farms	YES	YES	YES	YES	YES	
Other parking	NO	NO	NO	BA	BA	
Home occupation	*	*	*	*	*	
Signs (See Sec. 3100)	YES	YES	YES	YES	YES	
Private stable ¹⁴	YES	BA	NO	YES	YES	
Animal kennel ¹⁴	BA	BA	NO	BA	BA	
Livestock raising ¹⁴	YES	BA	NO	NO	NO	
Swimming pool	YES	YES	YES	YES	YES	
Accessory scientific use in accordance with Sec. 4120	BA	BA	BA	BA	BA	
Other customary accessory uses	YES	YES	YES	YES	YES	

FOOTNOTES FOR SECTION 2400

1. Cattle, horses, sheep, hogs, goats, or similar livestock shall be maintained only on premises having an area of not less than 40,000 square feet plus 15,000 sq.ft. per large animal (25 pounds or heavier at maturity) in excess of one or per ten smaller animals in excess of the first ten. Such animals and their wastes shall be contained at least 50 feet from any abutting lot line of a residentially used lot, and at least 50 feet from any year-round surface water body.
2. At least 3/4 of the retail sales must be of produce raised on land within the Town of Bellingham in the same ownership as the stand or greenhouse.
3. See Section 4700.
4. No in B-1 Districts.
5. See Section 4800.
6. More than half the volume sold as retail on the premises.
7. See Section 4600.
8. Except those whose chief activity is one customarily carried on as a business.
9. Except single-family dwelling for personnel required to reside on the premises for the safe operation of a permitted use.
10. Except that an existing dwelling may, on Special Permit from the Board of Appeals, be altered to house up to four families or for boarding or lodging, provided that the Board of Appeals shall find that the structure could not reasonably be used or altered and used for any permitted purpose.
11. Except that multifamily shall not include public housing.
12. See Section 4400.
13. But none in excess of the number legally parked on the effective date of this amendment.
14. Cattle, horses, sheep, hogs, goats, or similar livestock shall be maintained accessory to a dwelling only on a lot having an area of not less than 40,000 square feet plus 15,000 sq.ft. per large animal (25 pounds or heavier at maturity) in excess of one or per ten smaller animals in excess of the first ten. Such animals and their wastes shall be contained at least 50 feet from any abutting lot line of a residentially used lot, and at least 50 feet from any year-round surface water body.
- *. See Section 4110.

2500. Intensity of Use Regulations

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

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

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

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

- a) at the time such increased requirement became applicable to it, the lot:
 - (1) had at least 5,000 sq.ft. of lot area and 50 feet of frontage on a street; and
 - (2) was held in ownership separate from all other lots having frontage within 1,000 feet on that same street; and
 - (3) conformed to then-existing dimensional requirements; and
- b) the lot is to be used for a single-family dwelling or for a two-family dwelling; and
- c) yards shall be not less than the following:

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

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

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

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

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

2570. More than one principal building 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.

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

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

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

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

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

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

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

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

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

2600. Intensity of Use Schedule

	A	D	I	S	T	R	I	C	T	M	B-1	B-2	I
Min. Lot Area (sq.ft.)	120,000	60,000	30,000	60,000	30,000	60,000	30,000	60,000	30,000	60,000	30,000	60,000	---
Two-family dwelling	80,000	40,000	20,000	40,000 ^e	20,000	40,000 ^e	20,000	40,000	20,000	40,000	20,000	40,000	20,000
Other uses ^f	200	150	125	150	125	150	125	150	125	150	125	150	125
Min. lot frontage (ft.)	30	30	20	30	20	30	20	30	20	30	20	30	20 ^c
Min. front yard ^{a,d} (ft.)	15	15	10	15	10	15	10	15	10	15	10	15	10 ^g
Min. side yard (ft.)	20	20	20	20	20	20	20	20	20	20	20	20 ^g	20 ^c
Min. rear yard (ft.)													
Min. landscaped open space													
(sq.ft./dwelling unit)	-	-	-	-	-	-	-	-	-	-	-	-	-
Maximum building height (ft.)	35	35	35	35	35	35	35	35	35	35	35	45	45

a. No building other than a multifamily dwelling need provide a front yard greater than the average of adjoining front yards. For multifamily dwellings, the front yard is to be not less than twice building height, and to contain no parking. Corner and through lots shall maintain front yard requirements for both frontages.

b. Side yard may be reduced to zero, except where abutting a residential use or a Residential, Suburban, or Agricultural District, provided that access to rear areas via drives not less than 15 feet wide is assured.

c. Increase to 100 feet for industrial buildings facing or adjoining a Residential, Suburban, or Agricultural District.

d. No obstruction to vision between three and eight feet above the plane through the curb grades shall be permitted within the area formed by the lines of intersecting streets and a line joining points 20 feet from the point of intersection of street lines or street lines extended.

e. For multifamily dwellings other than townhouse dwellings, 40,000 sq.ft. for up to four dwelling units, and 3,000 sq.ft. additional lot area for each additional family accommodated.

f. For townhouse dwellings, minimum lot area shall be 7,000 sq.ft. per bedroom but in no case less than 10 acres and must be met without counting any wetlands as defined in Sec. 40, Ch.131, G.L.

g. For industrial or commercial uses, increase to 30 ft. where adjoining an Agricultural, Suburban, Residential, or Multifamily District or residential use.

ARTICLE III GENERAL REGULATIONS

3100. Sign Regulations

3110. General Sign Prohibitions

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

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

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

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

3120. Permitted Temporary Signs in all Districts

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

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

3123. An unlighted sign of up to six sq.ft. pertaining to lease or sale of the premises.

3134. A sign of up to ten sq.ft. pertaining to a subdivision while under development, only with permission of the Planning Board.

3135. Signs inside display windows covering not more than 30% of window area, illuminated by building illumination only.

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

lowing the final election. The property owner shall be responsible for removal of all signs within the prescribed seven days after an election. No political sign may be placed on utility poles or other utility devices. No signs may be displayed within 150 feet from the entrance of the polling place on primary or election day.

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

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

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

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

3133. A 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.

3140. Permitted Permanent Signs in Other Districts

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

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

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

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

3200. Environmental Controls

3210. Permitted Activity. No activity shall be permitted in any district unless the following are met:

3220. Disturbances. No sound, noise, vibration, odor, or flashing (except for warning devices, temporary construction or maintenance work, parades, agricultural activities or other special circumstances) shall be perceptible without instruments more than 400 feet from the originating premises if in an Industrial District or more than 200 feet from the boundaries of the originating premises if in a Business District or more than 40 feet from the boundaries of the originating premises if in any other district. Interferences originating in Business or Industrial Districts shall not be normally perceptible more than 100 feet within an Agricultural, Suburban, or Residential District.

3230. Evidence of Conformity. Evidence shall be provided that any use of radioactive materials will be in conformance with applicable regulations of the Nuclear Regulatory Commission; any use of flammable or explosive materials will be in conformance with applicable regulations of the Massachusetts Board of Fire Prevention Regulation; discharges into the air will be in conformance with applicable requirements of the Metropolitan Air Pollution Control District; sewage disposal will be in conformance with applicable requirements of the Massachusetts State Sanitary Code; any electromagnetic radiation will be in conformance with the regulations of the Federal Communications Commission.

3240. Performance Compliance. For a facility whose future compliance with performance standards in this Bylaw is questionable, the Zoning Agent may require that the applicant furnish evidence of probable compliance, whether by example of similar facilities or by engineering analysis. Issuance of a permit on the basis of that evidence shall certify the Town's acceptance of the conformity of the basic structure and equipment, but future equipment changes and operating procedures must be such as to also comply with these standards.

3250. Foundation Grade. Finished grade shall slope continuously downward at a slope of 1% or more on paved surfaces and 2% or more elsewhere for at least 10 feet in all directions from any dwelling foundation. Swales, drywells, or other positive means of assuring drainage from all low areas shall be used. Driveway and sidewalk grading shall prevent stormwater from entering the premises from the street.

3260. Stormwater Detention. Any development which will result in creation of 40,000 sq.ft. or more of building coverage and paved

surfaces shall employ stormwater leaching basins, retention basins, or other devices as necessary in order that peak flows through existing drainage structures or channels off the premises are not increased in a 20-year storm. Drainage calculations by a registered Professional Engineer shall be submitted in each such case.

3300. Parking and Loading Requirements

3310. Parking Requirements.

- a) It is the intent of this Section that adequate offstreet 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 offstreet 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 Board of Appeals shall act as the Special Permit Granting Authority under Section 3310 e, 3330 b, and 3330 f, except that the Planning Board shall act as the Special Permit Granting Authority regarding any application subject to Section 1420 Site Plan Review.
- e) The minimums of Sec. 3320 may be reduced on Special Permit for an exception from the appropriate Special Permit Granting Authority (see Section 3310 d), 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.

3320. Parking Schedule

RESIDENTIAL

Dwelling unit having two or
more bedrooms 2 spaces
Dwelling units having fewer
than two bedrooms 1 space
Guesthouse, lodging house,
other group accommodation 1 space per 2 occupants
Hotel, Motel 1-1/8 spaces per guest unit

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 sq.ft. gross floor area
Retailing: 1 space/200 sq.ft. gross leasable floor area plus 1
space per separate enterprise
Offices, banks: 1 space/200 sq.ft. gross floor area
Restaurant, theater, assembly hall: 1 space/2.5 seats. If
seats not fixed, 1 space/60 sq.ft. 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.

3330. Parking Area Design and Location

- a) No off-street parking area for five or more cars shall be located within 20 feet of a street right-of-way.
- b) All required parking areas except those serving single-family residences shall be paved, unless exempted on Special Permit from the appropriate Special Permit Granting Authority (see Section 3310 d) 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 or more cars shall not require backing into a public way.
- d) All open storage, loading or service areas, and parking areas for five 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 foot planting strip

maintained with densely planted shrubs or trees, or by a solid wall or fence of not less than four feet in height.

- e) Parking lots of 20 or more cars shall contain or be bordered within five feet by at least one tree per ten cars, to be of two inch caliper or larger. Trees located within the parking area shall be planted in curbed soil plots allowing not less than 40 sq.ft. of unpaved soil area per tree.
- f) Parking spaces more than 300 feet from the building entrance they serve may not be counted towards fulfillment of parking requirements unless the appropriate Special Permit Granting Authority (see Sec. 3310d) 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 20 or more spaces, except if located in the B-1 District which is exempted.
 - 1) Entrance or exit centerline shall not fall within 50 feet of an intersection of street sidelines or within 250 feet of the centerline of any other parking area entrance or exit on the same side of the street, whether on the same parcel or not, if serving 20 or more spaces. Users shall arrange for shared egress if necessary to meet these requirements.
 - 2) Egressing vehicles shall have 400 feet visibility in each travel direction.

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.

ARTICLE IV SPECIAL REGULATIONS

4100. Accessory Uses

4110. Home Occupations

4111. Home occupations are permitted only if conforming to the following conditions:

- a) No more than 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 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 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 35% of lot area.

4112. The following home occupations are permitted without necessity of Special Permit:

The professions of medicine, dentistry, law, architecture, 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; and accountant, unless specifically designated otherwise in the Water Resource Districts, as set out in Section 4900.

4113. Home occupations other than the above but having similar attributes may be allowed on Special Permit from the Board of Appeals.

4114. Commercial stables or kennels or sale of articles not produced on the premises shall not be allowed as home occupations.

4120. **Scientific Uses.** The Board of Appeals may grant a Special Permit for a use accessory to a scientific research, scientific development, or related production activity, whether or not on the same parcel as such activity. A Special Permit shall be granted where the Board of Appeals finds that the proposed accessory use does not substantially derogate from the public good.

4200. Mobile Homes, Trailers, and Campers

4210. No mobile home, trailer, or camper shall be used for permanent residence.

4220. 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 30 days in any 12 month period, provided it is so placed on the lot as to meet minimum yard requirements.

4230. 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.

4240. Replacement of mobile homes parking in non-conformity with Section 2400 is not permitted, even where such replacement does not increase the extent of non-conformity.

4300. Cluster Development

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

4310. The proposed development shall be, in the judgment of the Planning Board 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.

4320. 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 provision of Section 4300, to be estimated in the absence of an alternative conventional plan as being equal to 85% of the overall parcel area, divided by the normal lot area requirement for the District in which the parcel lies, as provided in Section 2600. However, at least 80% of the lot area employed for zoning compliance shall be exclusive of area under water nine months or more in a normal year; fresh water wetlands as defined in Sec. 40, Ch.131, G.L.; land having slopes in excess of 25%; or land otherwise precluded from development because of easements or local, state, or federal law, regulation, or statute. The number of lots proposed shall be supported by calculations submitted by a Registered Land Surveyor.

4330. The Intensity of Use Requirements of Section 2600 for the Residential (R) District shall be conformed to for each cluster lot created in a Suburban District and the Intensity of Use Requirements for the Suburban District shall be conformed to for each cluster lot created in a Agricultural District.

4340. The lots for building purposes shall be grouped in a cluster or in clusters, and within each cluster the lots shall be contiguous.

4350. 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.

4360. All such remaining land reserved in compliance with Section 4350 shall be designated "Common Open Land", and either be conveyed to the Town and accepted by it for park or open space use, or be conveyed to a nonprofit organization the principal purpose of which is the conservation of open space, or be conveyed to a corporation or trust owned or to be owned by the owners of lots or residential units within the plan. If such a corporation or trust is utilized, ownership thereof shall pass with conveyances of the lots or residential units. 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 subject to a charge for a share of the homes association expenses; or through comparable arrangement satisfactory to the Planning Board.

4370. In any case where such Common Open Land is not conveyed to the Town, a restriction enforceable by the Town shall be recorded providing that such land shall be kept in an open or natural state

and not be built for residential use or developed for accessory uses such as parking or roadway.

4380. Application for a Special Permit for Cluster Development shall be accompanied by a Preliminary Subdivision Plan designating streets, lots, and common open land.

4390. 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.

4400. Multifamily Dwellings

4410. New Multifamily 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 20 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.

4420. Special Permits for Multifamily dwellings shall be granted only in conformance with the following:

4421. Not more than 10% of the cumulative number of dwelling units on the premises having been granted occupancy permits at any point in time may have three bedrooms and none may have more than that number, unless the Special Permit originally allowing the development explicitly authorizes occupancy permits for more or larger units. Said authorization shall be granted only where:

- a) Lot area will equal at least 10,000 square feet per bedroom;
- b) Full compliance has been met as per Section 1321 of these Bylaws.

4422. The application for a Special Permit shall be accompanied by six 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 copies of a ground floor plan and architect-

tural elevations of all proposed buildings, prepared by a registered Architect.

Within two working days of their receipt, one copy of each of the required plans shall be transmitted by the Planning Board to the Highway Department, Water Department, and Fire Department. No permit shall be decided upon within 35 days of such referral without receipt of advisory reports from each of those agencies regarding compliance of the proposal to local rules, regulations, and Bylaws as well as good practice within their area of concern.

4423. The Special Permit shall lapse upon transfer of ownership or within 12 months of Special Permit approval (plus such time required to pursue or await the determination of an appeal referred to in Sec. 17, Ch.40A, G.L., from the grant thereof) if a substantial use thereof or construction has not begun, except for good cause.

4424. Decision. In deciding on a Special Permit for Multi-family or Townhouse dwellings, the following more detailed criteria shall be used rather than those of Section 1530. Such Special Permit shall be granted only if the Planning Board determines that the proposal would serve Town interests better than would single-family development of the same area, considering the following:

- a) Municipal costs and revenues.
- b) Effect on the range of available housing choice.
- c) Service to identified housing needs.
- d) Service to current Bellingham residents.
- e) Support for local business activity and jobs.
- f) Impact on the natural environment, especially on ground and surface water quality and level.
- g) Impacts on traffic safety and congestion, adequacy of water service, and need for school facilities.
- h) Impacts on the visual environment through preservation or displacement of visual assets, and consistency with existing development in area.

4500. Flood Plain Requirements

4510. District Establishment. The Flood Plain District is herein established as an overlay district. The uses in underlying districts are allowed provided that they meet the following additional requirements as well as those of the Massachusetts State Building Code dealing with construction in floodplains. The Flood Plain District includes all special flood hazard areas designated as Zone A, A1-30 on the Bellingham Flood Insurance Rate Maps, (FIRM), and the Flood Boundary and Floodway Map, Community-Panels Numbers 250232 00001-0007, effective Dec. 15, 1982 on file with the Town Clerk and Building Inspector. Those maps as well as the accompanying Bellingham Flood Insurance Study are incorporated herein by reference.

4520. Development Regulations. The following requirements apply in the Flood Plain District:

4521. Within Zone A, where the base flood elevation is not provided on the FIRM, the applicant shall obtain any existing base flood elevation data and it shall be reviewed by the Building Inspector for its reasonable utilization toward meeting the elevation or floodproofing requirements, as appropriate, of the State Building Code.

4522. In the floodway designated on the Flood Boundary and Floodway Map, the following provisions shall apply:

- a) All encroachments, including fill, new construction, substantial improvements to existing structures, and other development, are prohibited unless certification by a registered Professional Engineer is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the 100-year flood.
- b) Any encroachment meeting the above standard shall comply with the floodplain requirements of the State Building Code.

4600. Earth Removal Regulations

4610. 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 Section 4620 through 4670.

4620. Permitted Activities. The following activities do not require a Special Permit and are not subject to subsections 4630 through 4670. However, a permit (for which no fee will be charged), specifying proposed time and estimated volume, must be obtained from the Inspector of Buildings prior to initiation of removal.

Such No-Fee Permit may specify conditions regarding trucking hours, routes, and methods; hours of operation; drainage and erosion control; and exposed face height and slope limits. Unbuilt-on areas shall be restored consistent with the standards of Section 4650 Restoration within a period to be specified in the Permit. Performance security as specified at Subsection 4622 shall be required by the Inspector of Buildings where other means of assuring timeful restoration are not available.

- a) Removal of less than 50 cubic yards of materials within any 12 month period.
- b) Removal of less than 2,500 cubic yards incidental to construction on the premises under a currently valid building permit, as indicated on a site plan approved by the Inspector of Buildings under Subsection 1423, or as required for cellar excavation, driveways, and parking to grades indicated on a plot plan approved by the Inspector of Buildings. However, topsoil stripped and stockpiled or removed from the premises shall be restored to its original location within 24 months of such stripping unless the construction has been completed or is authorized under a currently valid building permit.
- c) Removal of less than 2,500 cubic yards incidental to road construction within a public right-of-way or a way shown on an approved Definitive Subdivision Plan.
- d) 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 4600 must be met.

4630. Permit from the Board of Appeals. Removal shall be allowed only under Special Permit for an exception issued by the Board of Appeals following written application. The following shall be conditions for such issuance:

4631. 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.

4632. 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 Bylaw and such other conditions to the issuance of its permit. Such bond shall have an expiration date not less than six months later than the permit termination date.

4633. 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.

4640. Removal.

4641. 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.

4642. Provision shall be made for safe drainage of water, and for prevention of wind or water erosion carrying material onto adjoining properties.

4643. A 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 feet horizontal to one foot vertical if such will enhance overall grading.

4644. 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.

4645. Dust shall be controlled through oiling or chemical treatment of roads except within Water Resource Districts. Within Water Resource Districts, dust control measures shall employ alternative methods that do not involve the use of hazardous materials as defined in this bylaw.

4650. 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. 4632), that entire area shall be restored as follows:

4651. All land shall be so graded that no slope exceeds one foot vertical rise in three feet horizontal distance and shall be so graded as to safely provide for drainage without erosion.

4652. All boulders larger than $\frac{1}{2}$ cubic yard and stumps shall be removed or buried.

4653. The entire area excepting exposed ledge rock shall be covered with not less than four inches of topsoil, which shall be planted with cover vegetation adequate to prevent soil erosion.

4654. 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.

4660. 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.

4670. Renewal or Renovation of Permit. No permit shall be issued under the provisions of Section 4600 for a period of more than two years, but a permit may be renewed upon application without a public hearing; provided that such renewal is approved prior to expiration of the permit being renewed. 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 4650.

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 Planning Board without need for extensive further analysis.

4720. Eligible Locations. Major Commercial Complexes shall be so located that average daily traffic will not be increased on any servicing road by 25% or more above levels at the time of application.

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 20 feet. No light overspill shall be bright enough to create discernable shadows off the premises.
- b) All banks exceeding 15 degrees in slope resulting from site grading shall be retained with vegetative cover reasonably sufficient to prevent erosion.

4800. Motor Vehicle Service Stations.

Motor vehicle service stations shall be granted a Special Permit only in conformity with the following:

4810. Entrances, Exits. No location shall be approved if a vehicular entrance or exit will be so located as to create an unusual hazard. Lanes of entry shall be separated from lanes of egress by not less than 40 feet, shall be clearly distinguished by directional signs or markers, and shall be clearly channeled through use of curbed planting areas or similar devices. Entrances and exits together shall occupy not more than 40% of the lot frontage.

4820. Relation to Pedestrian Flow. No location shall be approved if a vehicular entrance or exit will be so located as to cross a major pedestrian flow, such as on sidewalks servicing churches, schools, recreation areas, or compact retail districts.

4830. Visibility. No entrance or exit shall be located within 20 feet of a side lot line, or within 50 feet of the intersection of sidelines of intersecting streets. Egressing vehicles shall have at least 400 feet visibility in each travel direction.

4840. Off-Street Spaces. There shall be at least two additional waiting spaces per filling position.

4850. Service Building. No service building shall be located within 40 feet of a street line, and no pump or other dispensing device, moveable sign or display, nor temporary or permanent storage of merchandise, shall be located within 20 feet of a street line.

4860. Fuel Storage Tank. No fuel storage tank shall be located within 20 feet of any lot line.

4870. Service Safety. No self-service gasoline service station shall be allowed.

4900 WATER RESOURCE DISTRICTS

4910. Purpose. The purpose of the Water Resource Districts is to protect the public health by preventing contamination of the ground and surface water resources providing water supply for the Town of Bellingham.

4920. Establishment of Districts. The Water Resource Districts I and II are hereby established as overlay districts. Water Resource Districts I and II are bounded on the map entitled "Water Resource Districts" dated February 28, 1985, appended to these zoning bylaws and on file with the Town Clerk and Building Inspector.

4930. Use Regulations. Within the Water Resource Districts the requirements of the underlying districts continue to apply, except that uses are prohibited where indicated by an "N" in the following schedule, and require a Special Permit where indicated by an "SP", even where the underlying district requirements are more permissive. Where there is no entry in this schedule, the underlying district controls.

4931. Principal Uses. WATER RESOURCE I WATER RESOURCE II

Manufacture, use, storage,
transport, or disposal of
hazardous materials as a
principal activity

N

N

Sanitary landfill, junkyard,
salvage yard, road salt,
stockpile, truck terminal
with more than 10 trucks

N

N

4931. Principal Uses. WATER RESOURCE I WATER RESOURCE II

Gasoline stations, car washes, auto repair or body shops	N	N
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4932. Use Characteristics

Underground storage of hazardous materials, fuel oil or gasoline	N	N
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Hazardous materials storage, above ground, in quantities greater than associated with normal household use	SP	SP
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Generating hazardous wastes in quantities greater than associated with normal household use	SP	SP
---	----	----

Rendering impervious more than 30% total lot area	N	SP
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Retaining less than 30% of total lot area in its natural vegetative state with not more than minor removal of existing trees and vegetation	N	SP
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Having less than 40,000 sq. ft. lot area per dwelling unit	N	SP
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Having an estimated sewage flow greater than 15,000 gpd, regardless of lot size	SP	SP
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Except for single-family dwellings, having an estimated sewage flow exceeding 55 gallons per day per 10,000 sq. ft. lot area.	SP	SP
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4940. Special Permit Granting Authority. The Special Permit Granting Authority shall be the Planning Board. Such Special Permit shall be granted if the SPGA determines that the intent of this bylaw as well as the specific criteria of 4950 are met. In making such determination, the SPGA shall give consideration to the simplicity, reliability, and feasibility of the control measures proposed and the degree of threat to groundwater quality which would result if the control measures failed. The SPGA shall explain any departures from the recommendations of other town agencies in its decision.

Upon receipt of the Special Permit application, the SPGA shall transmit one copy each to the Conservation Commission, Board of Health, Water Department, and the Building Inspector for their written recommendations. Failure to respond within 30 days shall indicate approval of said agencies. The copies necessary to fulfill this requirement shall be furnished by the applicant.

4950. Special Permit Criteria. Special Permits under 4950 shall be granted only if the SPGA determines that groundwater quality resulting from on-site waste disposal, other operations on-site, and natural recharge shall not fall below federal or state standards for drinking water when averaged over the boundaries of the site, or, if existing groundwater quality is already below those standards, on-site disposal or operations will result in no further deterioration.

4960. Submittals. In applying for a Special Permit under this Section, the information listed below shall be submitted as specified in Section 4940, unless the Planning Board, prior to formal application, determines that certain of these items are not germane:

- a) a complete list of all chemicals, pesticides, fuels or other potentially hazardous materials to be used or stored on the premises in quantities greater than associated with normal household use, accompanied by a description of the measures proposed to protect all storage containers or facilities from vandalism, corrosion, and leakage, and to provide for control of spills.
- b) a description of potentially hazardous wastes to be generated, including storage and disposal methods as in (A) above.
- c) for aboveground storage of hazardous materials or wastes, evidence of qualified professional supervision of design and installation of such storage facilities or containers.

- d) for runoff from impervious surfaces greater than 30% of total lot area, evidence that such runoff will be recharged on-site and diverted towards areas covered with vegetation for surface infiltration to the maximum extent possible. Dry wells shall be used only where other methods are infeasible and shall be preceded by oil, grease, and sediment traps to facilitate removal of contaminants.
- e) for disposal on-site of domestic wastewater, with an estimated sewage flow greater than 15,000 gpd, evidence of qualified professional supervision of design and installation, including an assessment of nitrate or coliform bacteria impact on groundwater quality.

4970. Nonconforming Uses. Legally pre-existing nonconforming structures and uses in the Water Resource Districts shall be governed by Sections 2310, 2320, 2330, and 2340 of this Bylaw.

ARTICLE V 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 Building - A building detached from, incidental to, located on the same premises as, and functionally dependent on the principal use of the premises.

Accessory Use - An activity incidental to and located on the same premises as a principal use conducted by the same person or his agent. No use shall be considered "accessory" unless functionally dependent on and occupying less land area than the principal use to which it is related and occupying less than one quarter as much habitable floor area as that principal use.

Animal Kennel or Hospital - Premises used for the harboring and/or care of more than three dogs or other domestic non-farm animals three months old or over. Use shall be so classified regardless of the purpose for which the animals are maintained or whether fees are charged 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	South Maple Street
Hartford Avenue	Wrentham Road
High Street	

Bedroom - In a dwelling, any room having more than 60 sq.ft. habitable floor area, if not a living room, dining room, kitchen, utility room, or bathroom. Any dwelling unit in which no such room exists shall be construed to contain one bedroom.

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.

Contractor's Yard - Premises used by a building contractor or subcontractor 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, Multifamily - 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, Townhouse - A multifamily dwelling containing at least three but not more than eight dwelling units, each of which has a separate exterior entrance and is held in separate and distinct ownership or is owned by a Massachusetts cooperative and held by separate and distinct shares.

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.

Farm - Premises containing at least five acres used for gain in raising of agricultural products, livestock, poultry, and/or dairy products. 'Farm' includes necessary farm structures and the storage of equipment used, but excludes public stables, and animal kennels or hospitals.

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.

Hazardous materials - any substance or combination of substances which, because of quantity, concentration, or physical, chemical, or infectious characteristics, pose a significant present or potential hazard to water supplies or to human health if disposed into or on any land or water in this town. Any substance deemed a "hazardous waste" under Mass. General Laws Ch.21C shall also be deemed a hazardous material for purposes of this bylaw.

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.

Impervious - impenetrable by surface water.

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.

Livestock Raising - The raising or harboring of ten or more poultry or of more than two cattle, horses, sheep, hogs, goats, minks, rabbits, or similar farm animals six months old or older.

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% of the lot area required for zoning compliance shall be area under water nine months or more in an 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, backup 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 20,000 sq.ft. of gross floor area and providing more than 100 off-street parking spaces.

Manufacturing - Fabrication, processing, assembly, finishing, or packaging.

Medical Clinic - An institution or place providing medical, surgical, dental, restorative or mental hygiene services to persons not residing therein, under license as a clinic under Section 51, Ch.111, G.L.

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.

Motor Vehicle Service Station - Premises devoted primarily to retail sale of fuels and lubricants and/or washing of motor vehicles, with any repair services or other sales or services of secondary importance.

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 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 sq.ft.

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 26K of Ch. 121, 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° 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.

Signs. Political - A sign whose subject matter relates to a candidate or candidates for elective office or to a question to appear on an election ballot.

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 building 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 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 principally used for the parking, storage, and servicing of trucks or busses, and/or loading or unloading of cargo or passengers into vehicles or storage, but not including such activities if accessory to a principal use.

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.

Waste Processing or disposal, hazardous or radioactive. The collection, treatment, storage, burial, incineration or disposal of hazardous waste as defined by the Division of Hazardous Waste under Ch.21(c), G.L., or of radioactive waste including low-level radioactive waste as defined in Section 11e(2) of the Atomic Energy Act of 1954.

Yard - a required open space, unoccupied and unobstructed by an 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.