



ZONING BYLAW

Town of Bellingham, Massachusetts

Prepared for the Bellingham Planning Board

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Completed

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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 other wise, 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. Development Plan Approval

1421. Applicability. Unless proposed for single-family or two-family use, all development proposals are subject to Development Plan approval by the Planning Board if proposing any of the following:

- a new principal building;
- a building addition increasing building footprint by more than 500 square feet or, if larger, 10% of existing footprint;
- substantial alteration to a parking facility having ten or more spaces; or
- removal of existing vegetative ground cover from more than 20,000 square feet of site area.

No building permit for such development shall be granted prior to Planning Board approval, except as provided at Section 1423 c).

1422. Procedure.

- a) Applicants are urged to confer with the Town Engineer regarding the materials necessary for submittal for Development Plan Review, if applicable. Following such conference, the applicant will receive a Project Scoping Letter outlining the scope and format of materials appropriate to prepare and submit in applying.
- b) Development Plan materials shall be submitted to the Town Engineer, who shall forthwith make a determination of whether those materials are complete, and if they are not, shall so notify the applicant and the Building Inspector. The Town Engineer shall distribute copies of complete submittals to the Town Executive Secretary/Administrator, the Police Safety Officer, the Board of Health, the Sewer and Water Commission, and the Conservation Commission for their review and comment, together with notice of the date of the meeting at which the Planning Board will make its review. Those agencies shall report their comments on compliance to the Planning Board not later than

the time of that meeting. Notice of the proposals to be reviewed shall be published in a local newspaper at least seven days prior to the date of review, and shall be posted conspicuously on the premises.

- c) The Planning Board shall determine whether or not the Development Plan complies with the requirements of Sections 3200 Environmental Controls and 3300 Parking and Loading Requirements, approving the Plan only if it does, and shall notify the applicant and the Building Inspector of its decision within 45 days of the time that complete materials have been received by the Town Engineer. The Building Inspector shall not approve any building permit application subject to these provisions without receipt of Planning Board approval. Failure of the Planning Board to act within 45 days shall be construed as approval and it shall forthwith make such endorsement on the submitted plans or, on its failure to do so, the Building Inspector shall issue a certificate to the same effect.
- d) A copy of the submitted plans, endorsed with the Planning Board action, shall be forwarded to the Building Inspector within five days of final action.
- e) No occupancy permit shall be issued by the Building Inspector until he has been notified in writing by the Planning Board that it has either received certification from a registered architect, landscape architect, engineer, or other design professional that all construction has been completed in accordance with the approved development plan, or has received surety for completion within a reasonable time for specified incomplete elements, such as landscaping or roadway top course, whose delayed completion has been determined by the Board not to impair safety or convenience for users of the site.

1423. Submittals. The following materials shall be submitted for Development Plan approval, except any not germane to the specific case, as determined by the Planning Board and communicated to the applicant in writing prior to submittal.

- a) A site plan prepared by a registered architect, landscape architect, professional engineer, or other design professional, showing the following:
 - location and boundaries of the site and of any lots proposed, and indication of each zoning district involved;
 - use and ownership of adjacent premises, ap-

proximate location of buildings within 50 feet of the site, and if the proposal entails on-site sewage disposal, the approximate location of any wells on or off the premises within 300 feet of the leaching field or other discharge location;

- existing and proposed buildings, streets, ways, drives, walks, service areas, parking spaces, loading areas, fences and screening, utilities, waste storage and disposal facilities, wells, and drainage facilities;
 - existing and proposed topography and vegetation, indicating areas of retained vegetation and identifying the location of any trees exceeding 8" trunk diameter 4 1/2 feet above grade if proposed for removal, and identifying size and species of trees and shrubs to be planted;
 - indication of wetlands and other areas subject to control under the Wetlands Protection Act, and the 100 foot zone surrounding such areas, identified through field survey acceptable to the Conservation Commission; Flood Plain and Floodway boundaries; and erosion control measures;
 - location of signs and exterior lighting, and accompanying materials to describe those elements.
- b) Building floor plans and architectural elevations. These plans must be prepared by a registered architect or engineer unless there is no building involved exceeding 35,000 cubic feet.
- c) Documentation that all required submittals have been made to other agencies, such as the Conservation Commission under the Wetlands Act, the Sewer and Water Commission for utility connections, the Massachusetts Department of Public Works for curb cut permits, the Board of Health or DEQE for on-site disposal facilities, and EOEPA for MEPA review, and that any necessary special permits or variances have been granted.
- d) Any additional studies or other materials required under Section 3200 Environmental Controls and elsewhere in this Bylaw.
- e) A development Plan review fee, as required under a schedule of fees to be established and from time to time amended by the Planning Board, based on the actual cost of review for applications.

1430. **Planning Board Associate Member.** As authorized in Section 9 of Chapter 40A, there shall be one associate member of the Planning Board. Such associate shall act on special permit applications when designated to do so by the Planning Board Chairman, in case of absence, inability to act, or conflict of interest on the part of any member of the Board, or in the event of a vacancy on the Board. The associate member shall be appointed for a three year term by majority vote of the Selectmen and members of the Planning Board, in the same manner as for filling a vacancy.

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 REGULATIONS

2100. Establishment of Districts

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

- Agricultural District.....A
- Suburban District.....S
- Residential District.....R
- Multifamily Dwelling DistrictM
- 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 labeled 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 preexisting 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 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 S,R	T M	R	I B-1 B-2	C	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	PB
<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
<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	BA	BA		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		BA	BA
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 S,R	T M	R	I B-1 B-2	C	T 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 com- mercial 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 Sections 3400 and 4420.
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; 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 traveled 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 or use other than a single-family or two-family dwelling may be erected or maintained 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 determined by the Zoning Agent following consultation with the Highway Department regarding access and drainage and with 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. No increase in lot frontage is required for multiple principal buildings or uses on the same lot. For multifamily construction, the Zoning Agent must also ensure compliance with applicable portions of Section 4400 and all other pertinent sections of the Bylaws.

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".

2590. **Lot Shape Factor.** No lot shall be created so as to be so irregularly shaped or extended that it has a "Shape Factor" in excess of twenty-two (22). Shape Factor equals the square of the lot perimeter divided by the lot area (before deduction for wetlands, etc.). That portion of the lot in excess of the required lot area may be excluded from the computation of Shape Factor using an imaginary lot line, provided that the entire required frontage is included in the portion used for the calculation.

2600. Intensity of Use Schedule

	D I S T R I C T						
	A	S	R	M	B-1	B-2	I
Min. Lot Area (sq.ft.)							
Two-family dwelling	160,000	80,000	40,000	80,000	40,000	80,000	----
Other uses ^f	80,000	40,000	20,000	40,000 ^e	20,000	40,000	20,000
Min. lot frontage (ft.)	200	150	125	150	125	150	125
Min. front yard ^{a,d} (ft.)	30	30	20	30	20	30	20 ^c
Min. side yard (ft.)	15	15	10	15	10 ^b	15 ^g	10 ^g
Min. rear yard (ft.)	20	20	20	20	20	20 ^g	20 ^c
Min. landscaped open space (sq.ft./dwelling unit)	-	-	-	2,000	-	-	-
Maximum building height (ft.)	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 10,000 square feet per bedroom but in no case less than 20 acres.
- g. For industrial or commercial uses, increase to 30 ft. where adjoining an Agricultural, Suburban, Residential, or Multi-family District or residential use.

[n.b. Sections 2610-2680 not used]

2690. Targeted Housing. On special permit from the Planning Board, dwelling units may be designated as "Targeted", provided that:

- a) the development qualifies for a Comprehensive Permit under Chapter 40B, G.L.
- b) the Planning Board finds that the housing is consistent with policy guidelines it has approved for Town-wide housing development.
- c) the Planning Board finds that the location and design of the housing will not result in hazard, overburdening of public services, or neighborhood or environmental degradation.

The lot area requirements for such targeted units shall equal one-half those provided in Section 2600, Intensity of Use Schedule, and frontage requirements shall equal two-thirds of those requirements. All other intensity of use requirements shall be met.

ARTICLE III. GENERAL REGULATIONS

3100. Sign Regulations

3110. General Sign Prohibitions

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

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

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

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

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 following the final election. The property owner shall be responsible for removal of all signs within the prescribed seven days after an election. No political sign may be

placed on utility poles or other utility devices. No signs may be displayed within 150 feet from the entrance of the polling place on primary or election day.

No political sign may have a total area greater than 16 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 freestanding, 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 requirements are met. Applicants may be required to provide evidence of probable compliance, whether by example of similar facilities or by engineering analysis. Issuance of a permit on the basis of that evidence shall certify the Town's acceptance of the

conformity of the basic structure and equipment, but future equipment changes and operating procedures must be such as to also comply with these requirements.

3220 Noise.

3221. Facilities generating noise shall be regulated based upon the noise zone in which they are located, as follows.

NOISE ZONE A: Business and Industrial districts.

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

NOISE ZONE C: All other locations.

3222. The following noise standards, unless otherwise specifically indicated, shall apply to all noise generators, based upon the noise zone in which they are located. No development shall be allowed which would result in the following standards being exceeded by more than 20 dB(A) at any time, or by more than 10 dB(A) for more than ten minutes in an hour, or at all for more than 30 minutes in an hour, measured at any point off-site, except for warning devices, agricultural activity, temporary construction or maintenance work, public events, or other special circumstances, unless departure from these standards is authorized for such development on special permit under Section 3290.

ALLOWABLE EXTERIOR NOISE LEVEL

NOISE ZONE	7:00 AM - 9:00 PM	9:00 PM - 7:00 AM
A	65 dB(A)	65 dB(A)
B	55 dB(A)	50 dB(A)
C	50 dB(A)	45 dB(A)

In measuring compliance, measured differences of 3 dB(A) or less resulting from facility operation shall not be construed as violations.

3230. Light and Glare

3231. Lighting fixture types are defined as follows:

Type 1. No light cutoff.

Type 2. Luminaire shielded such that peak candlepower is at an angle of 75 degrees or less from

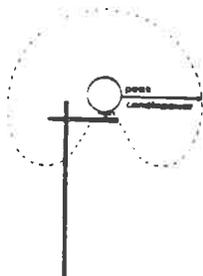
vertical, and essentially no light is emitted above the horizontal.

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

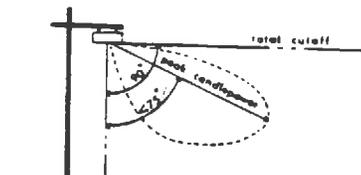
3232. Lighting limitations. The following limitations shall be observed by all uses, unless granted a special permit under Section 3290, upon determination by the SPGA that it is inherently infeasible for that use (e.g. public outdoor recreation) to meet these standards, and that all reasonable efforts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

LIGHTING LIMITATIONS

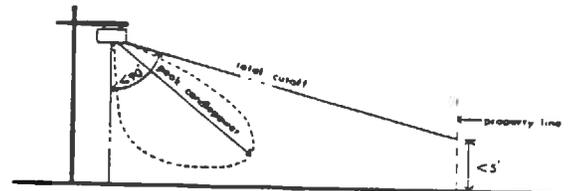
	D i s t r i c t	
	B-1, B-2, I	Other
Maximum luminaire mounting height (feet)		
Fixture Type 1	20	10
Fixture Type 2	30	15
Fixture Type 3	40	20
Maximum off-site overspill (foot-candles)		
Fixture Type 1	0.3	0.2
Fixture Type 2	1.0	0.3
Fixture Type 3	3.0	0.5



TYPE 1: NO CUTOFF LUMINAIRE



TYPE 2: 90° CUTOFF LUMINAIRE



TYPE 3: LUMINAIRE WITH LESS THAN 90° CUTOFF

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

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

3240. Air Quality

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

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

3250. Hazardous Materials

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

- (a) manufacturing as the principal use of the premises, if the products manufactured are either:
 - (i) when wastes, regulated as hazardous under Ch. 21C., G.L.; or
 - (ii) substances listed on the Massachusetts Substance List contained in 105 CMR 670.000, Appendix A;
- (b) keeping of flammable fluids, solids, or gasses in quantities exceeding four times that requiring licensure under 527 CMR 14.00, except for storage of fuel for consumption on the premises or by vehicles operated incidental to the principal use of the premises;
- (c) any use for which licensure is required under 310 CMR 30.800 to transport, use, treat, store, or dispose of hazardous waste (but not those excluded under 310 CMR 30.801).

3260. Vibration

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

3270. Electrical Disturbances

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

3280. Stormwater Management

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

3282. Stormwater Detention. Any development creating 40,000 square feet or more of impervious surface shall employ storm water detention techniques as necessary to assure that peak flows into existing drainage structures, watercourses, and waterbodies in any storm of 20-year frequency or less is not increased. Drainage calculations by a registered Professional Engineer shall be submitted in each such case.

3290. Special Permits

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

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

ate, a hazard prevention and contingency response plan.

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

3300. Parking and Loading Requirements

3310. Number of spaces

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

3312. Allowed reduction. The number of spaces may be reduced to less than that stipulated below if, in acting on the Plan under Section 1420, the Planning Board determines that a smaller number would be adequate for all parking needs because of such special circumstances as shared parking for uses having peak parking demands at different times, unusual age or other characteristics of site users, or user-sponsored demand reduction devices such as carpooling.

3320. Schedule of Requirements

a) Dwellings: Two and one-half parking spaces per dwelling unit, except two spaces for detached single-family dwelling.

b) Places of public assembly: one parking space for each three persons capacity based on the Massachusetts State Building Code.

c) Hotels, motels, room and board, other commercial accommodations: one parking space for each guest unit, plus one parking space for each eight units or fraction thereof.

- d) Restaurant: one parking space per 2 persons seating capacity.
- e) Commercial recreation: one parking space per two persons participant capacity, plus one space per three persons spectator capacity.
- f) Auto service station: three parking spaces plus three parking spaces per service bay.
- g) Other service establishments, retail businesses, and offices: one parking space per 250 square feet of gross floor area on the ground floor plus one space per 400 square feet gross floor area on other floors, but not fewer than three spaces per separate enterprise.
- h) Wholesale and industrial establishments: one parking space per 250 square feet of office area plus one space per 500 square feet of production area plus one space per 2,000 square feet of storage area, but capable of expansion to not less than one space per 500 square feet gross floor area.
- i) Other uses: a number of spaces to be determined by the Building Inspector (or the Planning Board in cases referred to it under Section 1420) based upon evidence from similar uses under similar circumstances.
- j) Mixed uses: requirements for each use are added, unless it is determined that a smaller number is adequate because of staggered hours.

3330. Parking Area Design and Location

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

3332. Setback. No off-street parking area for five or more cars shall be located within 20 feet of a street right-of-way.

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

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

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

- a) Entrance or exit centerlines shall not fall within 50 feet of an intersection of street sidelines or within 250 feet of the centerline of any other parking area entrance or exit on the same side of the street, whether on the same parcel or not, if serving 20 or more parking spaces. Users shall arrange for shared egress if necessary to meet these requirements.
- b) Egressing vehicles shall have not less than 400 feet sight distance in each travel direction on an arterial street, 250 feet in other cases.

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

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.

3400. Major Proposals

3410. **Applicability.** Any use which elsewhere in this Bylaw is made subject to this Article requires Concept Plan approval by town meeting prior to being acted upon for special permit approval. Approval shall be by two-thirds vote of the town meeting, and may be made with conditions or limitations. Special permits shall then be required, and shall be approved by the Planning Board only upon determination by that Authority that the proposal is consistent with the approved Concept Plan, or in the event of an inconsistency, that the departure is necessitated by changed conditions or earlier error, and that the inconsistency does not result in less beneficial development, based on the considerations of Section 3420.

3420. **Considerations.** Compliance of the proposals with the following considerations shall be reported to the town meeting by the Planning Board, and shall be the basis for subsequent special permit approval.

3421. Location.

- a. The proposal should be located near uses which are similar to the proposed use or, if not, the nearby uses should be permanently buffered from the use or be ones likely to benefit from rather than be damaged by having the proposal nearby.
- b. Providing adequate water and sewerage to this location for this use should pose no special public problems.
- c. The site should be able to accommodate the proposal without substantial environmental damage due to wetland loss, habitat disturbance, or damage to valuable trees or other natural assets.

3422. Activity type and mix.

- a. Non-residential proposals should contribute to the diversity of services available locally.
- b. Residential proposals should add to the range of housing choice available locally.

3423. Visual consequences.

- a. Scenic views from public ways and developed properties should be considerately treated in the site arrangement and building design.
- b. Visibility of parking and service areas from public streets should be minimized through site arrangement, and such areas should be screened from abutting premises by such method of screening as approved by the Planning Board.
- c. Domestic scale should be maintained in the building's design through massing devices, such as breaks in wall and roof planes and through the design of architectural features.

3424. Access.

- a. Access to the location, considering any special access provisions committed (ride-sharing, etc.) should increase existing traffic by no more than 10% at any point for residential developments, 25% for non-residential ones.
- b. Pedestrian and vehicular movement to, from, and within the site should be safe and convenient, and arranged so as not to disturb abutting properties.

3425. Development rate.

- a. Townwide, development should not out-pace the ability of the Town to provide necessary off-site services, including schools, water, and road capacity.
- b. Development making unusually large demands on service capacities should not be allowed to pre-empt smaller developments from gaining a fair share of that capacity.

3430. Procedures.

3431. Concept Plan Contents. A Concept Plan shall consist of the following:

- a. A schematic development plan, indicating boundaries of the lot, buildings, roads, drives, parking, reserved open space, existing topography and proposed grading, areas of retained vegetation and proposed planting areas.
- b. Floor plans and elevations of all existing and proposed structures.
- c. Materials indicating the proposed ultimate floor area in each use; the number of dwelling units distinguishing by number of bedrooms and any special occupancies (e.g. elderly or handicapped); form of tenure; any subsidies or sales price or rent ceilings anticipated; time schedule for development; service improvements proposed at the developer's and those anticipated at the Town's expense.
- d. Analysis indicating degree of consistency with each of the considerations of Section 3420.

3432. Pre-town meeting hearing. Prior to town meeting action, the Planning Board shall hold a public hearing on the Concept Plan with timing, notice, and procedures the same as those required for a hearing on a zoning bylaw amendment. The Planning Board shall report its recommendation to the town meeting, with a copy of the recommendation to be filed with the Town Clerk not less than 14 days prior to the town meeting vote on the Concept Plan.

3433. Special Permit. Application for an initial special permit must be made not more than 12 months after the town meeting approval of the Concept Plan.

3500. Landscaping Requirements.

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

3520. Plantings

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

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

3530. Planting Areas

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

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

3533. Parking area plantings. A minimum of 5% of the interior area of parking lots containing 30 or more spaces must be planted, to contain a minimum of one tree and four shrubs exclusive of perimeter plantings

must be planted for every 1,500 square feet of parking lot. Planting areas must each contain not less than 40 square feet of unpaved soil area. Trees and soil plots shall be so located as to provide visual relief and wind interruption within the parking area, and to assure safe patterns of internal circulation.

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

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

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

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

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

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 provisions 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 certain protected wetlands as provided in the definition of "lot area"; land having slopes in excess of 25%; or land otherwise precluded from development because of 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 (including town house dwellings) shall be granted only in accordance with the following, and if resulting in 50 or more dwelling units on that and abutting parcels which have been in common ownership at any time subsequent to January 1, 1989, only following Concept Plan approval as provided in Section 3400.

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 architectural 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 Multifamily 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.

4425. Development Rate. In authorizing townhouses and other multifamily developments, the Planning Board shall establish an annual limit for the number of dwelling units to be authorized, taking into consideration the townwide building rate experienced over the previous two years and anticipated over the next half-dozen years, the needs which the housing will serve, the ability of the Town to provide services in a timely manner, the housing cost and feasibility consequences of the limitation, and the considerations of Section 3420. Such development rate may be less than but not more than that contained in the Concept Plan approved

by Town Meeting.

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 the 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 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 districts where allowed under Section 2400 Use Regulation Schedule, 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 and sized that projected peak hour traffic will not be increased on any servicing road by 25% or more above levels otherwise anticipated at the time of occupancy, provided, however, that a complex increasing traffic by more than that amount may be granted a special permit, provided that the Planning Board determines that traffic mitigation

measures assured under the special permit adequately provide for capacity and safety improvements.

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 discernible 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.

4740. Traffic Mitigations. Special permits for Major Commercial Complexes may be granted subject to conditions requiring the applicant to provide off-site traffic mitigation, including measures to assure safety and adequacy of capacity at points of ingress and egress, and to participate in improvements at other locations in proportion to the development's pro-rated share of the municipal costs for those improvements.

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, movable sign or display, nor tempo-

rary 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. Self-service gasoline stations shall be allowed by grant of a Special Permit from the Bellingham Board of Selectmen.

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 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
Gasoline stations, car washes, auto repair or body shops	N	N

4932. Use Characteristics

Underground storage of hazardous materials, fuel oil or gasoline	N	N
Hazardous materials storage, above ground, in quantities greater than associated with normal household use	SP	SP
Generating hazardous wastes in quantities greater than associated with normal household use	SP	SP
Rendering impervious more than 30% of lot area within the Water Resource District	SP	SP
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
Unless the lot is serviced with municipal sewerage, having less than 40,000 sq. ft. lot area per dwelling unit	SP	SP
Having an estimated on-site disposal of sewage exceeding 15,000 gpd, regardless of lot size	SP	SP

4932. Use Characteristics.

WATER
RESOURCE I RESOURCE II

Except for single-family dwellings and lots serviced with municipal sewerage, having an estimated sewage flow exceeding 55 gallons per day per 10,000 sq. ft. lot area.

SP

SP

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 Section 4900 shall be granted only if the SPGA makes the following determinations:

- a) if on-site disposal is the reason a special permit is required (Section 4932, final two items), that for the portion of the site within the Water Resource District, nitrates reaching groundwater as a result of on-site sewage disposal systems (normally estimated at 10 pounds of nitrate nitrogen per capita for residential uses), lawn fertilizing (normally estimated at 2 pounds nitrate nitrogen per 1,000 square feet of lawn and garden area), and other human activity would not result in more than 5 parts per million of nitrates if diluted with the rainwater to be recharged within the site as planned (normally estimated at 16 inches of rain per year on pervious land areas), and that for other contaminants, such dilution would result in groundwater meeting all State standards for drinking water;

- b) that no private well located off-site will be degraded below State or Federal drinking water standards as a result of development on this site; and
- c) that proposed control and response measures adequately and reliably mitigate risk to groundwater quality resulting from accident or system failure.

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 above ground 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 ground water quality.

4970. Change of Use. Change in activity resulting in exceeding any limitations established in a special permit, or crossing the thresholds of Section 4930, shall constitute change of use and is allowed but only on approval of a special permit.

4980. Design and Operation Guidelines. Within Water Resource Districts, the following design and operations guide-

lines shall be observed in all new construction except for single-family dwellings.

4981. Safeguards. Provisions shall be made to protect against hazardous materials discharge or loss through corrosion, accidental damage, spillage, or vandalism through such measures as provision for spill control in the vicinity of chemical or fuel delivery points, secure storage areas for hazardous materials, and indoor storage provisions for corrodible or dissolvable materials.

4982. Location. Where the premises are partially outside of the Water Resource District, such potential pollution sources as on-site waste disposal systems shall, to the degree feasible, be located outside the District.

4983. Disposal. Provisions shall be made to assure that any waste disposed on the site shall contain no hazardous materials in quantities substantially greater than associated with normal household use.

4984. Drainage. Provision shall be made for on-site recharge of all stormwater runoff from impervious surfaces unless, following consultation with the Conservation Commission and, if Development Plan Review is involved, the Planning Board, the Building Inspector determines that either recharge is infeasible because of site conditions or is undesirable because of uncontrollable risks to water quality from such recharge. Recharge shall be by surface infiltration through vegetative surfaces unless otherwise approved by the Building Inspector following consultation with the Conservation Commission and, if Development Plan Review is involved, the Planning Board. Dry wells shall be used only where other methods are infeasible and shall employ oil, grease, and sediment traps. Drainage from loading areas for hazardous materials shall be separately collected for safe disposal.

4985. Sewerage. Sewers within the Water Resource District shall be designed and constructed in a manner such that groundwater levels, flows, and/or recharge will not be significantly lowered, diverted, or otherwise altered by such construction, and that risk of leakage is minimized.

4990. **Nonconforming Uses.** Legally preexisting 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 habitable room having more than 70 square feet floor area, if not a living room, dining room, kitchen, 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 - A structure containing three or more dwelling units, whether for rental, condominium ownership, or other form of tenure, but not including public housing.

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 unit having a separate exterior entrance and being held in separate and distinct ownership (such as in a condominium) or being 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.

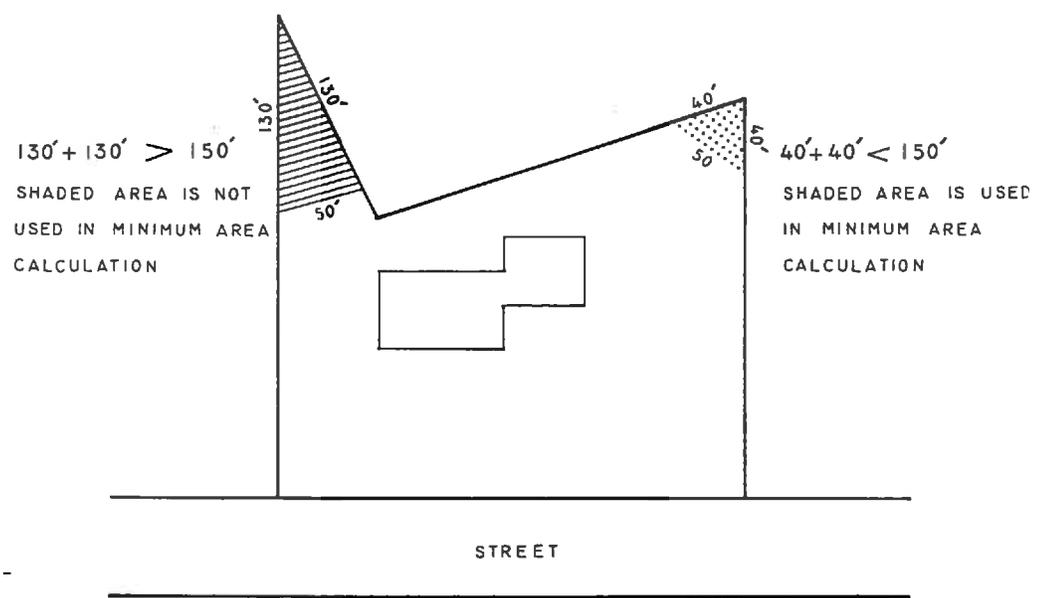
Impervious - impenetrable by surface water.

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. At least 90% of the lot area necessary for compliance with minimum lot area requirements shall also be exclusive of areas subject to protection under the Wetlands Protection Act, Section 40, Chapter 131, G.L. for reasons other than being subject to flooding. If the distance between any two points on lot lines is less than 50 feet, as measured in a straight line, the smaller portion of the lot as divided by that line shall not be included in lot area unless the two points are separated by less than 150 feet measured along lot lines.



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 - The boundary of a lot on land coinciding with a street line if there are both rights of access and potential vehicular access across that boundary to a potential building site. Measured continuously along one street line between side lot lines. In the case of corner lots, measured between the side lot line and the mid-point of the corner radius on the street designated as the frontage street by the owner or, failing that, by the Building Inspector.

Major Commercial Complex - Retail business, entertainment, or consumer service establishment or an aggregation of such establishments on the same premises, having more than 50,000 square feet of gross floor area and providing more than 200 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.

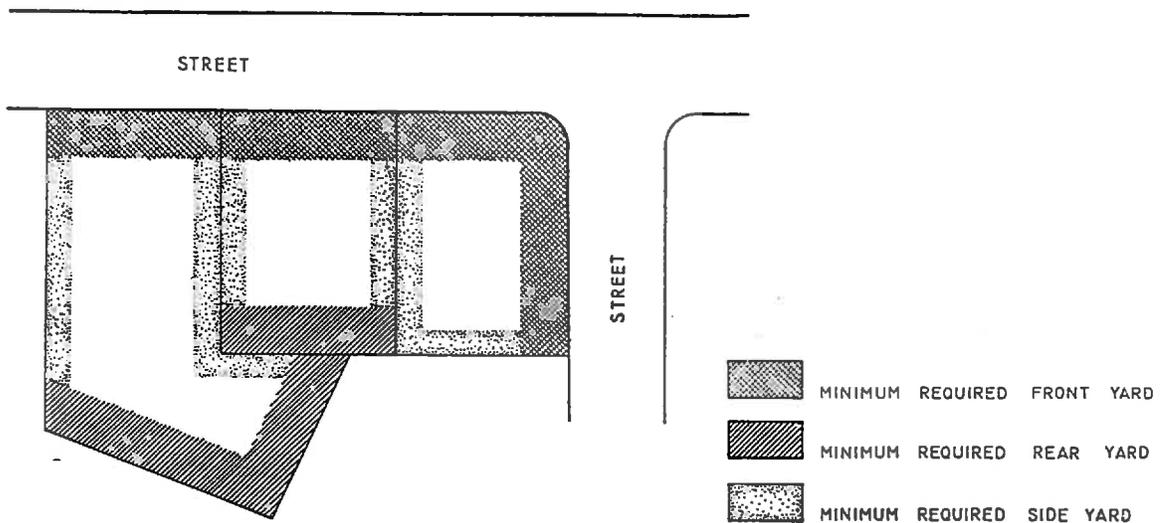
Yard - An area open to the sky, located between a street or other property line and any structure or element thereof other than a fence, wall, tool shed or similar accessory structure having not more than 48 square feet plan area, other customary yard accessory, or a projection allowed to encroach on building lines by the State Building Code, and free of any storage of materials or manufactured products.

Yard, Front - A yard extending between side lot lines across the front of a lot on each street it adjoins, measured perpen-

dicular to a line connecting the foremost points of the side lot lines.

Yard, Rear - A yard abutting a rear property line, that is, typically a line or set of lines approximately parallel to the frontage street, and separating lots whose frontage is established on different streets. Yards on irregularly shaped lots where "side" versus "rear" is indeterminate shall be construed as rear yards.

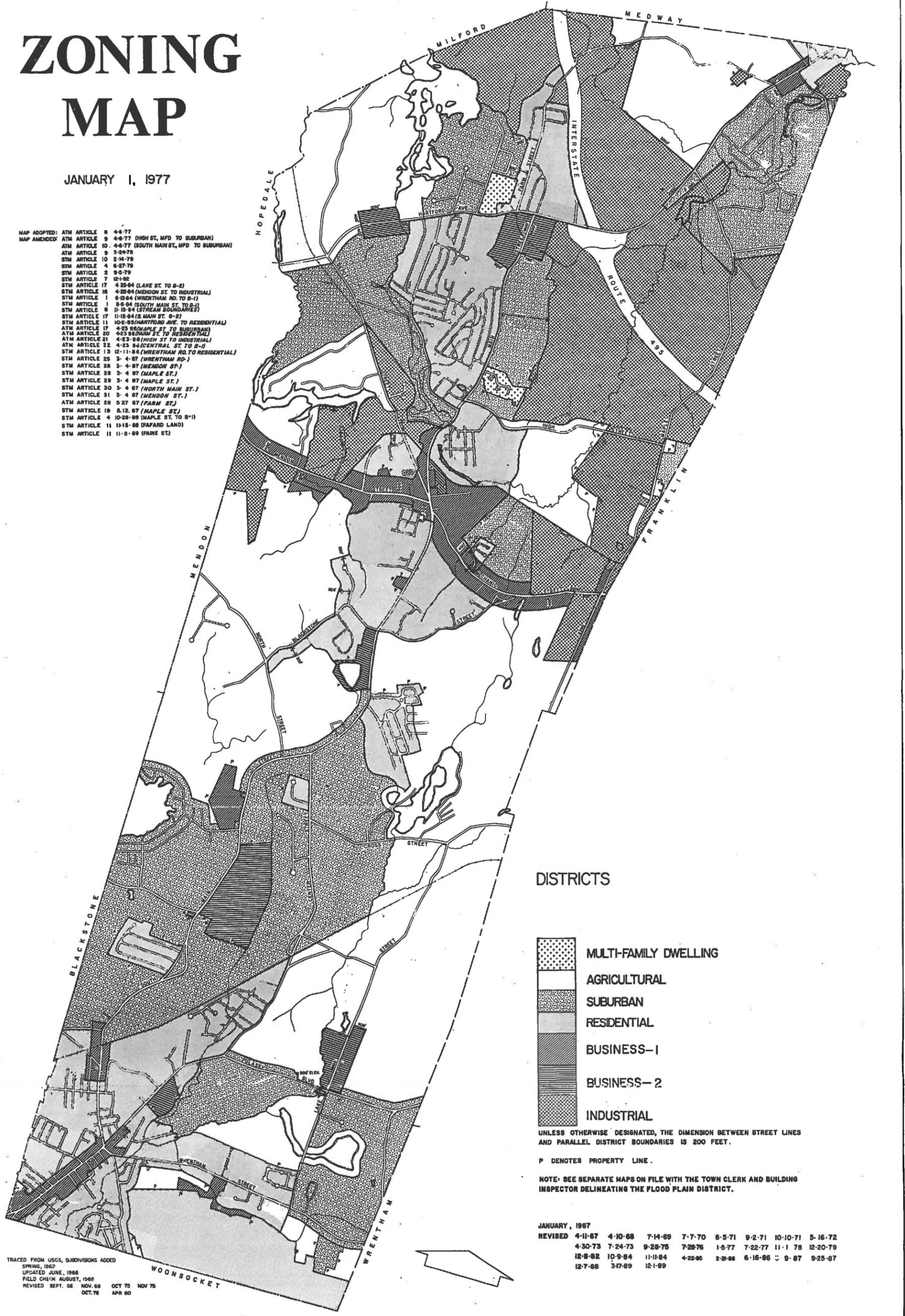
Yard, Side - A yard abutting a side property line, typically a line or set of lines which intersect a street line, separating lots whose frontage is established on the same street, extending between side and rear yards. Corner lots commonly have one side yard and one rear yard.



ZONING MAP

JANUARY 1, 1977

- MAP ADOPTED: ATM ARTICLE 8 4-6-77
 MAP AMENDED: ATM ARTICLE 9 4-6-77 (HIGH ST, MFD TO SUBURBAN)
 ATM ARTICLE 10 4-6-77 (SOUTH MAIN ST, MFD TO SUBURBAN)
 ATM ARTICLE 9 3-24-75
 STM ARTICLE 10 2-14-79
 STM ARTICLE 4 6-27-79
 STM ARTICLE 2 9-3-79
 STM ARTICLE 7 12-1-82
 STM ARTICLE 17 4-22-84 (LAKE ST. TO B-2)
 STM ARTICLE 18 4-22-84 (MENDON ST. TO INDUSTRIAL)
 STM ARTICLE 1 6-13-84 (WRENTHAM RD. TO B-1)
 STM ARTICLE 1 8-6-84 (SOUTH MAIN ST. TO B-2)
 STM ARTICLE 8 11-10-84 (STREAM BOUNDARIES)
 STM ARTICLE 17 11-18-84 (S. MAIN ST. B-2)
 STM ARTICLE 11 10-2-85 (HARTFORD AVE. TO RESIDENTIAL)
 ATM ARTICLE 17 4-23-86 (MAPLE ST. TO SUBURBAN)
 ATM ARTICLE 20 4-23-86 (SOUTH MAIN ST. TO RESIDENTIAL)
 ATM ARTICLE 21 4-23-86 (HIGH ST TO INDUSTRIAL)
 ATM ARTICLE 22 4-23-86 (CENTRAL ST. TO B-1)
 STM ARTICLE 13 12-11-86 (WRENTHAM RD. TO RESIDENTIAL)
 STM ARTICLE 25 3-4-87 (WRENTHAM RD.)
 STM ARTICLE 28 3-4-87 (MENDON ST.)
 STM ARTICLE 28 3-4-87 (MAPLE ST.)
 STM ARTICLE 29 3-4-87 (MAPLE ST.)
 STM ARTICLE 30 3-4-87 (NORTH MAIN ST.)
 STM ARTICLE 31 3-4-87 (MENDON ST.)
 ATM ARTICLE 28 5-27-87 (FARM ST.)
 STM ARTICLE 19 8.12.87 (MAPLE ST.)
 STM ARTICLE 4 10-28-88 (MAPLE ST. TO B-1)
 STM ARTICLE 11 11-18-88 (FAFARD LAND)
 STM ARTICLE 11 11-8-89 (PAINE ST.)



DISTRICTS

-  MULTI-FAMILY DWELLING
-  AGRICULTURAL
-  SUBURBAN
-  RESIDENTIAL
-  BUSINESS-1
-  BUSINESS-2
-  INDUSTRIAL

UNLESS OTHERWISE DESIGNATED, THE DIMENSION BETWEEN STREET LINES AND PARALLEL DISTRICT BOUNDARIES IS 200 FEET.

P DENOTES PROPERTY LINE.

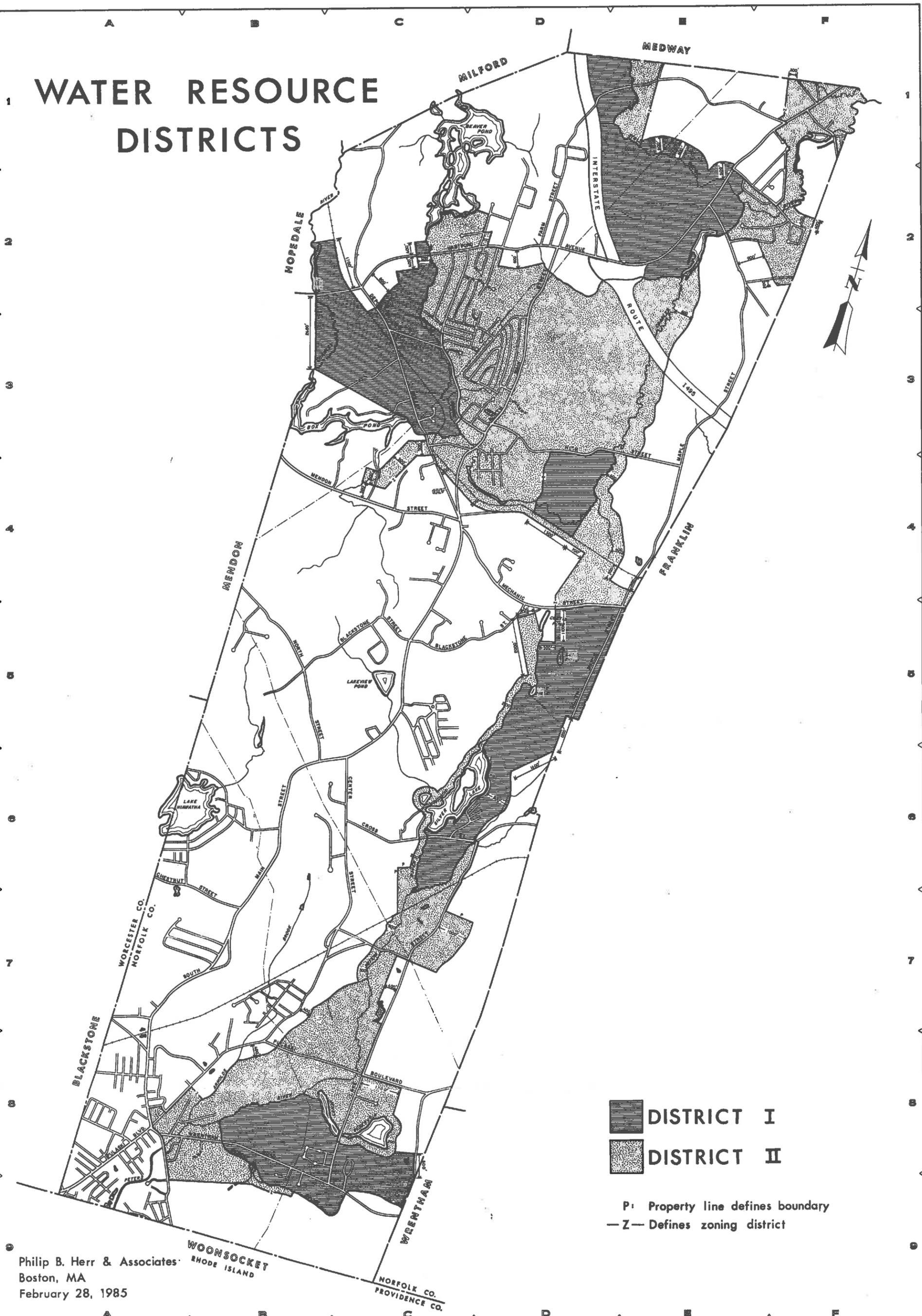
NOTE: SEE SEPARATE MAPS ON FILE WITH THE TOWN CLERK AND BUILDING INSPECTOR DELINEATING THE FLOOD PLAIN DISTRICT.

JANUARY, 1967								
REVISED 4-11-67	4-10-68	7-14-69	7-7-70	8-5-71	9-2-71	10-10-71	5-16-72	
4-30-73	7-24-73	9-28-75	7-28-76	1-5-77	7-22-77	11-1-78	12-20-79	
12-8-82	10-9-84	11-11-84	4-22-85	2-28-86	6-16-86	9-8-87	9-25-87	
12-7-88	3-7-89	12-1-89						

TRACED FROM USGS, SUBDIVISIONS ADDED
 SPRING, 1962
 UPDATED JUNE, 1966
 FIELD CHECK AUGUST, 1968
 REVISED SEPT. 06 NOV. 69 OCT. 75 NOV. 75
 OCT. 78 APR. 80

800 0 1000 2000 3000 4000FT

WATER RESOURCE DISTRICTS



Philip B. Herr & Associates
 Boston, MA
 February 28, 1985

STREET MAP BELLINGHAM MASSACHUSETTS

JOHN E. O'DONNELL & ASSOCIATES
 ALBURN, MAINE
 1984