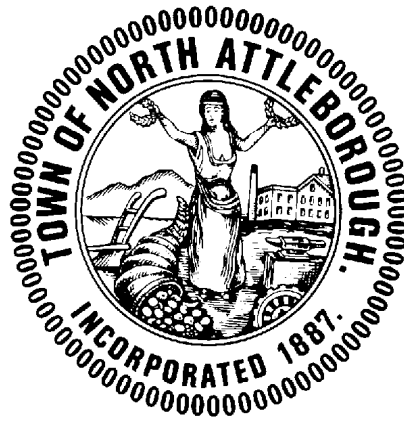


Z O N I N G
B Y - L A W S
IN EFFECT
AS OF JULY, 1974
(As Amended)



Town of
NORTH ATTLEBOROUGH, MASS.

August 1974

Amended - June 16, 1975, May 8, 1978, May 14, 1979, May 5, 1980, April 26, 1982, April 28, 1982, October 18, 1982, October 17, 1983, October 15, 1984, October 24, 1984, December 5, 1984, October 27, 1986, April 29, 1987, August 19, 1987, April 25, 1988, April 27, 1988, May 2, 1988, June 13, 1988, April 24, 1989, October 16, 1989, May 7, 1990, June 4, 1990, October 15, 1990 and October 17, 1990, June 10, 1991, October 21, 1991, October 28, 1991, November 2, 1992, February 22, 1993, and October 25, 1993, April 25, 1994, May 3, 1995, October 25, 1995, October 30, 1996, and May 7, 1997, November 3, 1997, May 4, 1998, October 21, 1998, January 12, 2000, April 23, 2001, June 4, 2001, January 7, 2002, October 21, 2002, February 24, 2003, May 19, 2004, June 14, 2004, October 18, 2004, May 16, 2005, October 17, 2005, October 15, 2007, May 19, 2008, October 20, 2008, June 1, 2009 and June 2010.

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ZONING BY-LAW

For North Attleborough, Massachusetts

Section I - GENERAL

A. Purpose

The purpose of this by-law is outlined in the provisions of the General Laws, Chapter 40A, as follows:

Section 2 - For the purpose of promoting the health, safety, convenience, morals or welfare of its inhabitants, any town may by a zoning ordinance or by-law, regulate and restrict the height, number of stories, and size of buildings and structures, the size and width of lots, the percentages of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, agriculture, residence or other purposes; provided however, that no ordinance or by-law which prohibits or limits the use of land for any church or other religious purpose or for any educational purpose which is religious, sectarian, denominational or public shall be valid; and provided, further, that in regulating or restricting the size of such buildings or structures no provision of any ordinance or by-law shall be valid which requires the floor area of the living space of a single-family residential building to be greater than seven hundred and sixty-eight square feet.

For any or all of such purposes, a zoning ordinance or by-law may divide the municipality into districts of such number, shape, and area as may be deemed best suited to carry out purposes of this Chapter, and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration or use of buildings and structures or use of land, and may prohibit noxious trades, within the municipality or any specified part thereof. All such regulations and restrictions shall be uniform for each class or kind of buildings, structures or land, and for each class or kind of use, throughout the district, but the regulations and restrictions in one district may differ from those in other districts. Due regard shall be paid to the characteristics of the different parts of the city or town, and the zoning regulations in any city or town shall be the same for zones, districts or streets having substantially the same character. A zoning ordinance or by-law may provide that land deemed subject to seasonal or periodic flooding shall not be used for residence or other purposes in such a manner as to endanger the health or safety of the occupants thereof.

Section 3 - Zoning regulations and restrictions shall be designed among other purposes to lessen congestion in the streets; to conserve health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the city or town; and to preserve and increase its amenities.

B. Existing Laws and Agreements

1. The provisions of this by-law insofar as they are the same as those of existing by-laws, shall be construed as continuations thereof.

2. When this by-law imposes a greater restriction on the use of buildings, structures, or premises, or on the height of buildings, or requires larger yards, or open spaces than are imposed or required by any other regulations or by-laws, or by any other restrictions or by-laws, or by any regulations, easement, covenants, or agreements, the provisions of this by-law shall control.

3. Notwithstanding requirements of this by-law, all other existing town by-laws, not inconsistent with this by-law, shall remain in effect.

C. Existing Uses Not Affected

This by-law shall not apply to existing buildings or structures, the existing use of any building, structure, or land which was lawfully used at the time of adoption of this by-law, and which by rezoning action, is now placed in a zone which intended use is different from that previously permitted. It is the intent of this by-law that such building or land or structure use shall continue indefinitely provided that there does not occur any change of use thereof, or any alteration of a building or structure when the same would amount to reconstruction, extension, or structural change, or any alteration of a building or structure for use for a purpose or in a manner substantially different from the use to which it was put before alteration, or for its use for the same purpose to a substantially greater extent. The building, structure, or land may at any time be converted to the use for which the area is zoned by this by-law, in which case, it becomes subject to all the provisions of this by-law as stated or amended.

Such buildings, structures, or land which, at the time of adoption of this by-law were non-conforming, as defined in the Appendix, will remain non-conforming unless this status is changed by a subsequent amendment to this by-law, and will be subject to the provisions of Section VII.

Section II - DISTRICTS

A. Classes

For the purpose of this by-law, the town of North Attleborough is hereby divided into eleven (11) classes to be known as follows:

R10 - Intensive Residential (10,000 square foot area) - Intensive Residential Districts are declared to be those in which residential dwellings and facilities may be provided in close proximity to places of service and employment.

R10S - Special Intensive Residential District (10,000 square foot areas) - Special Intensive Residential Districts are declared to be those in which residential dwellings, particularly multi-level units, may be provided in close proximity to places of service and employment.

R15 - Residential Districts (15,000 square foot area) - Residential Districts are declared to be those in which the existing residential character and use of structures and land is to be preserved and protected.

R20 - Residential District (20,000 square foot areas) - Residential Districts are declared to be those which may be served by the Municipal Sewer collection system; and soil land conditions require additional area for on-site systems to protect the existing residential character and use and the health and safety of the owners, tenants and abutters.

R40 - Rural Residential Districts (40,000 square foot area)-Rural Residential Districts are declared to be those in which spacious neighborhoods suitable for healthy, safe, convenient and comfortable family life are to be promoted and protected.

C7.5 - Retail Districts (7,500 square foot area) - Retail districts are declared to be those in which retail services are provided in connection with business, professional, and public services in close proximity to one another to provide convenient pedestrian access to a variety of goods and services for the inhabitants of North Attleborough.

C30 - Business Districts (30,000 square foot area) - Business Districts are declared to be those in which the functions related to adjacent retail and commercial activity may be conveniently performed in which space for smaller commercial enterprises is provided.

C60 - Limited Highway Commercial Districts (60,000 square foot area) - Limited Highway Commercial Districts are intended to provide for a location for businesses requiring an outlying location along a major highway. Use of major highways, however, is intended for business of limited building size in relation to land area. Businesses must have a relatively open character. The purpose of these limitations is to preserve and protect the traffic carrying capacities of major arteries and the attractive natural landscape surrounding approaches to the center of North Attleborough.

OP60 - Office and Business Park District (60,000 square foot area) - The Office and Business Park District is intended to provide for the area north and south of Landry Avenue between the North Attleborough Industrial Park and the school property. The purpose of this district is to provide a consistent area for office and business parks and to assure development which is sensitive to the environment.

IC30 - Special Industrial District (30,000 square foot area) - Special Industrial and Commercial Districts are declared to be those in which industrial use exists at the time of adoption of this by-law which are part of, or in close proximity to, an area designated by this by-law. It is the intent of this special designation to allow such industry to expand as set down elsewhere in this by-law and to allow new development of light industry.

I60 - Industrial Districts (60,000 square foot area) - Industrial Districts in this category are declared to be areas so located and so shaped as to be highly suitable for heavy industrial use, which presently requires, or in the future will require sixty thousand (60,000) square foot site, or larger, for buildings, parking, and related uses.

B. Boundaries

The boundaries of each of said districts are hereby established as shown, defined, and bounded on a map entitled "Zoning By-Law Map of the Town of North Attleborough, Massachusetts," dated September, 1969, and as subsequently amended and on file in the office of the Town Clerk. All explanatory matter thereon is hereby made a part of this by-law.

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

2. When a dimensional or other boundary line coincides within 10 feet or less with a property line existing at the time such boundary line is adopted, the boundary shall be construed to be the property line.

3. Boundaries indicated as following shore lines shall be construed to follow such shore lines; boundaries indicated as approximately following the center line of a creek, river, railroad or powerline shall be construed to follow such center lines.

4. Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 3 above shall be also construed. Distances not specifically indicated in the Zoning By-Law Map shall be determined by the scale of the map.

5. Where the exact location of a boundary line cannot be determined under Subsections 1 through 4 above, the location of such line shall be determined by the Planning Board.

C. Floodplain District

I. STATEMENT OF PURPOSE

SECTION A. STATEMENT OF PURPOSE

The purposes of the Floodplain District are to:

- 1) Ensure public safety through reducing the threats to life and personal injury.
- 2) Eliminate new hazards to emergency response officials;
- 3) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;
- 4) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
- 5) Eliminate costs associated with the response and cleanup of flooding conditions;
- 6) Reduce damage to public and private property resulting from flooding waters.

II. FLOODPLAIN DISTRICT BOUNDARIES AND BASE FLOOD ELEVATION AND FLOODWAY DATA

SECTION A. FLOODPLAIN DISTRICT BOUNDARIES

SECTION A. FLOODPLAIN DISTRICT BOUNDARIES

The Floodplain District is herein established an overlay district. The district includes all special flood hazard areas designated on the North Attleborough Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the NFIP. The map panels of the Bristol County FIRM that are wholly or partially within the Town of North Attleborough are panel numbers 25005C0018F, 25005C0019F, 25005C0084F, 25005C0092F, 25005C0101F, 25005C0102F, 25005C0103F, 25005C0104F, 25005C0106F, 25005C0107F, 25005C0108F, 25005C0111F and 25005C0112F dated July 7, 2009. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the

FIRM and further defined by the Bristol County Flood Insurance Study (FIS) report dated July 7, 2009. The FIRM, Floodway Maps and Flood Insurance Study booklet are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Inspector, and Conservation Commission.

SECTION B. BASE FLOOD ELEVATION AND FLOODWAY DATA

1. Floodway Data. In Zones A and Zone AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

2. Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

III. NOTIFICATION OF WATERCOURSE ALTERATION

In a riverine situation, the following shall be notified of any alteration or relocation of a watercourse:

Adjacent Communities

NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104

NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

IV. USE REGULATIONS

SECTION A. REFERENCE TO EXISTING REGULATIONS

The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

-Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR 120 G "Flood Resistant Construction and Construction in Coastal Dunes");

-Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);

-Inland Wetlands Restriction, DEP (currently 302 CMR 13.00);

-Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

SECTION B. OTHER USE REGULATIONS

- 1) In Zone AE along watercourses that have a regulatory floodway designated on the North Attleborough Flood Boundary & Floodway Map, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occupance of the base flood discharge.
- 2) 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.
- 3) In the floodway, designated on the map panels of the Bristol County FIRM that are wholly or partially within the Town of North Attleboro, 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 or architect is provided by the applicant demonstrating that such encroachment shall not result in any increase in the 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.
- 4) Mobile Home Regulations: Within Zone AE, all mobile homes shall provide that:
 - a. stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level; and
 - b. adequate surface drainage and access for a hauler are provided, and
 - c. In the instance of elevation on pilings, lots are large enough to permit steps, piling foundations are placed in stable soil no more than 10 feet apart, and reinforcement is provided for piers more than six feet above ground level.

V. PERMITTED USES

The following uses of low flood damage potential and causing no obstructions to flood flows are encouraged provided they are permitted in the underlying district and they do not require structures, fill, or storage of materials or equipment:

- 1) Agricultural uses such as farming, grazing, truck farming, horticulture, etc.
- 2) Forestry and nursery uses.
- 3) Outdoor recreational uses, including fishing, boating, play areas, etc.
- 4) Conservation of water, plants, wildlife.
- 5) Wildlife management areas, foot, bicycle, and/or horse paths.
- 6) Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.
- 7) Buildings lawfully existing prior to the adoption of these provisions.

VI. DEFINITIONS

The following definitions shall apply for this **Section II.C.**

AREA OF SPECIAL FLOOD HAZARD is the land in the floodplain within a community subject to a one percent of greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH and AE.

BASE FLOOD means the flood having a one percent chance of being equalled or exceeded in any given year.

DEVELOPMENT means any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DISTRICT means floodplain district.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of street, and either final site grading or the pouring of concrete pads).

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.

FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY means an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

FLOODWAY means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation.

LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, **PROVIDED** that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of **NFIP** Regulations 60.3.

MANUFACTURED HOME means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

MANUFACTURED HOME PARK OR SUBDIVISION means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

NEW CONSTRUCTION means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adapted by a community. For the purpose of determining insurance rates, **NEW**

CONSTRUCTION means structure for which the "start of construction" commenced on or after the effective date of the initial **FIRM**.

NEW MANUFACTURED HOME PARK OR SUBDIVISION means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

ONE-HUNDRED-YEAR FLOOD see **BASE FLOOD**.

REGULATORY FLOODWAY see **FLOODWAY**

SPECIAL FLOOD HAZARD AREA means an area having special flood and/or flood-related erosion hazards, and shown on an **FHBM** or **FIRM** as Zone A, AO, AH and AE.

START OF CONSTRUCTION includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of a manufactured home on a foundation. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, or floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

STRUCTURE for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed.

ZONE A means the 100-year floodplain area where the base flood elevation (BFE) has not been determined. To determine the BFE, use the best available federal, state, local, or other data.

ZONE AE means the 100-year floodplain where the base flood elevation has been determined.

ZONES B, C and X are areas identified in the community Flood Insurance Study as areas of moderate or minimal flood hazard. Zone X replaces Zones B and C on the new revised maps.

D. Aquifer Protection District

1. Authority

The Aquifer Protection District is herein established as an overlay zoning district. The permitted uses in the underlying zoning district, including new construction, reconstruction or expansion of existing buildings, and new or expanded uses, are allowed in the Aquifer Protection District provided that they meet the additional requirements of the Aquifer Protection District. Where the Aquifer Protection District imposes additional requirements or regulations, such requirements or regulations shall prevail.

2. Purpose

The purpose of the Aquifer Protection District is to promote the health, safety and welfare of the Town by protecting the quality of public water supply wells and groundwater through the regulation of uses within the District..

3. District Delineation

The Aquifer Protection District is herein established to include all land mapped as a designated Zone II area surrounding a public water supply well, and certified by the Massachusetts Department of Environmental Protection. The Aquifer Protection District shall be shown on a map, to be entitled "Aquifer Protection District", which shall be considered to be superimposed over other districts established by this zoning by-law. This map, as it may be amended from time to time, shall be on file in the offices of the Town Clerk, Building Inspector and Planning Board, and with any explanatory material thereon, is hereby made a part of this zoning by-law. Where the bounds of the Aquifer Protection District, as delineated on the Aquifer Protection District map, are in doubt or in dispute, the burden of proof shall be upon the owner(s) of the land in question to show where they should properly be located. A special permit, in accordance with the provisions of Section II.D.4.c of this zoning by-law, may be granted to allow relief from the requirements of the Aquifer Protection District, subject to a finding by the special permit granting authority that the property in question in accordance with this paragraph is not located within a Zone II. At the request of the owner(s), the Town may engage a professional engineer, hydrogeologist or soil scientist to determine more accurately the location and extent of an aquifer or recharge area and may charge the owner(s) for all or part of the cost of the investigation.

4. Uses

a. Permitted Uses

The following are permitted uses in the Aquifer Protection District, when permitted in the underlying district:

- (i) Single family residences.
- (ii) Normal and usual agricultural and forestry activities following accepted practices.
- (iii) Passive outdoor recreation.

Dimensional, area, and other requirements of this zoning by-law applicable to the underlying district shall also apply to the Aquifer Protection District, except that when the requirements of the Aquifer Protection District are more stringent or restrictive, the requirements of the Aquifer Protection District shall apply.

b. Prohibited Uses

Within the Aquifer Protection District, the following uses are prohibited:

(i) Business and industrial uses, which manufacture, use, process, store, or dispose of hazardous materials or wastes, including but not limited to metal plating, chemical manufacturing, wood preserving, furniture stripping, dry cleaning, auto body repair, manufacture of pesticides, fertilizers, weed killers and herbicides; and commercial facilities for the storage or treatment of hazardous waste.

(ii) Trucking or bus terminals, motor vehicle gasoline sales, heliports and airports.

(iii) Car washes, except when connected to municipal water and sewer.

(iv) Solid waste landfills, dumps, and automobile graveyards and junkyards as defined in MGL Chapter 140B, Section 1.

(v) Business and industrial uses, which involve the on-site disposal of process wastes from operations.

(vi) Disposal of liquid or leachable wastes, except for residential subsurface waste disposal systems, normal agricultural operations and business or industrial uses which involve the on-site disposal of wastes from personal hygiene and food preparation for patrons and employees.

(vii) No new underground storage and/or transmission of petroleum products excluding liquified petroleum gas. Only replacement tanks and secondary containments for underground storage are allowed within this district.

(viii) Outdoor storage of animal manure not in accordance with specifications of the United States National Resource Conservation Service (NRCS), unless such storage is within a structure designed to prevent the generation and escape of contaminated run off or leachate.

(ix) The use of septic system cleaners which contain toxic chemicals, including but not limited to methylene chloride and 1-1-1 trichloroethane.

(x) The rendering impervious of more than 15% of the area of any single lot, unless a system for artificial recharge of ground water, as described in Section II.D.5.a. of this zoning by-law is employed.

(xi) Land application and storage of sludge and septage as defined in 310 CMR 32.05.

(xii) Outdoor storage of salt and de-icing materials, and/or stockpiling of ice and snow from outside of the Zone II.

(xiii) Individual sewage disposal systems that are designed in accordance with 310 CMR 15.00 to receive more than 110 gallons of sewage per quarter acre under one ownership per day, or 440 gallons of sewage on any one acre under one ownership per day, whichever is greater, provided that:

1. The replacement or repair of a system, which will not result in an increase in design capacity over the original design, or the design capacity of 310 CMR 15.00, whichever is greater, shall be exempted.
2. In cluster residential developments to be on private sewage disposal systems the total sewage flow allowed shall be calculated based on the number of building areas suitable for construction of an on-site subsurface sewage disposal system in the entire parcel.

(xiv) Petroleum, fuel Petroleum, fuel oil and heating oil bulk stations and terminals, including, but not limited to, those listed under Standard Industrial Classification (SIC) Codes 5171 and 5983, not including liquified petroleum gas. SIC Codes are established by the U.S. Office of Management and Budget and may be determined by referring to the publication, Standard Industrial Classification Manual and any subsequent amendments thereto.

c. Special Permit Uses

The principal or accessory uses authorized in the underlying district, and not otherwise prohibited in Section II.D.4.b. of this zoning by-law or listed as a use permitted by right in Section II.D.4.a. of this zoning by-law are permitted in the Aquifer Protection District upon issuance of a Special Permit from the Planning Board, which shall be the Special Permit Granting Authority (SPGA) for the purposes of the Aquifer Protection District. "Special Permits will not be issued for any activity specifically prohibited or restricted under the MA Wellhead Protection Regulations 310 CMR 222.21(2)." In rendering its decision on a Special Permit in the Aquifer Protection District, the SPGA shall consider the report and recommendations, if any, of the Board of Health and the Department of Public Works, and the Conservation Commission if a filing with the Commission is required. Such Special Permit shall be conditioned upon safeguards and requirements to protect natural resources, including surface water and groundwater.

The SPGA shall adopt and from time to time amend rules relative to the issuance of such permits, and shall file a copy of said rules in the office of the Town Clerk. Such rules shall prescribe a size, form contents, style, and number of copies of plans and specifications and the procedure for a submission and approval of such permits. Such rules shall specify the special conditions which will apply to the various uses which are not prohibited but require discretionary approval by Special Permit. Such rules shall consider but need not be limited to the safeguards to surface water and groundwater resources.

d. Procedures for Issuance of Special Permits

(i) Each application for a Special Permit shall be filed with the Town Clerk and the SPGA in accordance with the rules established by such SPGA and shall be accompanied by all accessory documentation at the proper scale as required by said rules, and shall be stamped by a professional engineer. Such Special Permit shall be granted if the SPGA determines that the intent of this by-law as well as its specific criteria are met.

(ii) The SPGA shall hold a public hearing on each application within 65 days of its receipt from the Town Clerk in conformance with the Massachusetts General Laws, Chapter 40A, Section 9.

(iii) Notice of public hearing shall be given by publication, posting, and first-class mailing to "parties of interest" as defined in Section 11 of Chapter 40A of the General Laws. The SPGA shall act upon each application within 90 days of the public hearing or of any continuance thereof. Failure of the SPGA to take final action upon such application within the 90 day period shall be deemed to be a grant of the Special Permit applied for.

Before issuing a Special Permit, the SPGA

(1) may consult with or engage the services of any professional engineer, hydrogeologist, knowledgeable individuals, including the Conservation Commission, Board of Health, Department of Public Works, and Fire Chief, or other knowledgeable officials or individuals. The expenses of any such professional shall be paid by the private party or town board requesting the special permit or building permit.

(2) shall find that the proposed use:

(a) is in harmony with the purpose and intent of this zoning by-law including the criteria established in Section VIII.1.8 of this zoning by-law, and will not adversely affect the Aquifer Protection District.

(b) will not, during construction or thereafter, have any adverse environmental impact on the groundwater or groundwater recharge areas of the Aquifer Protection District.

(3) shall be assured by the applicant that provision shall be made to protect against toxic or hazardous materials discharge or loss resulting from corrosion, accidental damage, spillage, or vandalism. The applicant shall provide the SPGA with the following information:

(a) A list of hazardous materials that will be present at the location, their estimated quantity, and expert evidence that alternative, less hazardous materials have been evaluated and are not practical.

(b) Where hazardous materials are to be used, documentation that the systems to transfer, use, and store these materials have been designed by a registered professional engineer.

(c) Evidence that provisions have been made to protect against gradual or sudden hazardous materials discharge or loss resulting from routine use, accidental damage, spillage or vandalism through measures such as secure storage areas, contingency provisions, and emergency preparedness plans.

(d) For any toxic or hazardous wastes to be produced in quantities greater than those associated with normal household use, evidence of the availability and feasibility of disposal methods that are in conformance with the General Laws, Chapter 21C.

(v) Where application of fertilizers, herbicides, or other potential contaminants is of sufficient quantity to be deemed a threat to ground water quality, the SPGA may require installation of monitoring wells. Such test wells shall be located by a professional geologist, hydrogeologist, or engineer trained and experienced in hydrogeology. Sampling shall be conducted by an agent of the Board of Health. The installation, sampling and any required regular testing shall be at the expense of the applicant and/or owner of the property.

5. Special Requirements and Restrictions

The following special requirements and restrictions shall apply to all uses within the Aquifer Protection District.

a. Within the Aquifer Protection District, not more than fifteen percent (15%) of the lot shall be rendered impervious unless a system for artificial recharge of groundwater that will not result in groundwater pollution is provided, as approved by the Department of Public Works and the Building Inspector and the Special Permit Granting Authority where applicable. If such a recharge system is employed, all streets, sidewalks, parking areas, driveways, ramps, service areas, loading docks and exterior storage areas shall be paved or surfaced with impervious materials and constructed with curbing, slopes and similar design features so that water falling on such areas and on buildings on the same premises and spilled liquid substances on such areas and in adjacent buildings will be contained and controlled and directed into an approved system of drainage structures and pipes. Such drainage system shall trap for removal, all oil based pollutants and suspended sediment and materials and shall provide for the return of water to the ground beneath the site by the use of leaching structures, pipes and fields. The design of such a recharge system shall further include adequate measures to capture and treat the first flush of stormwater runoff such that the entrance of oil based pollutants and suspended sediment and materials is minimized, according to generally accepted engineering practices. The outlet from such drainage system shall be designed to obtain the efficient operation of the leaching structures and to allow the passage of excess amounts of water so that no flooding of the site will occur. The owner shall maintain all such drainage systems in proper working order and shall provide the Department of Public Works with a certified report of inspection of such systems annually or at such shorter interval as regulations or by-laws may require.

b. All sand and gravel excavation and grading in the Aquifer Protection District shall maintain a minimum depth of 4 feet of clean fill above the maximum annual high water table elevation. A monitoring well shall be installed by the property owner to verify groundwater elevations. Such test wells shall be located by a professional geologist, hydrogeologist, or engineer trained and experienced in hydrogeology. Sampling shall be conducted by an agent of the Board of Health. The installation, sampling and any required regular testing shall be at the expense of the applicant and/or owner of the property. This section shall not apply to excavations incidental to permitted uses, including but not limited to providing for the installation or maintenance of structural foundations, freshwater ponds, utility conduits or on-site sewage disposal. Access road(s) to extractive operation sites shall include a gate or other secure mechanism to restrict public access to the site.

c. Temporary or permanent storage of earth material or any other material on a site within the Aquifer Protection District, which is not indigenous to said site, shall be subject to a special permit in accordance with the provisions of this Section II.D. of this bylaw.

d. In all construction activities within the Aquifer Protection District the Planning Board, where deemed necessary, may require the applicant to submit a Development Impact Statement (see Section VI.M of this zoning by-law) delineating the project's immediate and cumulative hydrologic effect on any watercourse and watershed and on groundwater quality.

6. Enforcement

Written notice of any violations of this Section II.D. of this zoning by-law shall be given by the Building Inspector to the responsible person as soon as possible after detection of a violation or continuing violation. Notice to the assessed owner of the property shall be deemed notice to the responsible person. Such notice shall specify the requirement or restriction violated and the nature of the violation, and may also identify the actions necessary to remove or remedy the violations and preventative measures required for avoiding future violations and a schedule of compliance. A copy of such notice shall be submitted to the Building Inspector, the Board of Health, the Conservation Commission, and the Department of Public Works. The cost of containment, clean-up, or other action of compliance shall be borne by the owner and operator of the premises.

For situations that require remedial action to prevent adverse impact to the water resources within the Aquifer Protection District, the Town of North Attleborough, the Building Inspector, the Board of Health, or any of their agents, if authorized to enter upon such premises under the terms of the special permit or otherwise, may act to remedy the violation. The remediation cost shall be the responsibility of the owner and operator of the premises.

7. Severability.

A determination that any portion or provision of the Aquifer Protection District is invalid shall not invalidate any other portion or provision thereof, nor shall it invalidate any special permit previously issued thereunder.

Section III - APPLICATION OF DISTRICT REGULATIONS

A. Minimum Requirements.

The regulations set by this by-law within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land except as hereinafter provided.

a. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations for the district in which it is located, except as herein specified.

b. No building or other structure shall hereafter be erected or altered (1.) to exceed the height or (2.) to accommodate or house a greater number of families or (3.) to occupy a greater percentage of the lot area or (4.) to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein stated in Schedule A; or in any other manner contrary to the provisions of this by-law.

c. No part of a yard or off-street parking space required about or in connection with any building for the purpose of complying with this by-law shall be included as part of a yard or off-street parking space for any other building.

d. No yard or lot existing at the time of passage of this by-law shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this by-law shall meet at least the minimum requirements established by this by-law.

B. Existing Buildings and Lands

This by-law shall not apply to existing buildings or structures, nor to the existing use of any building or structure or of land, to the extent to which it is legally used at the time of adoption of this by-law, but it shall apply to any change of use thereof and to any alteration of a building or structure when the same would amount to reconstruction, extension or structural change, and to any alteration of a building or structure to provide for its use for a purpose or in a manner substantially different from the use to which it was put before alteration, or for its use for the same purpose to a substantially greater extent.

C. Mixed Uses.

In cases of mixed occupancy, the regulation for each use shall apply to the portion of the building or land so used.

Section IV - INTENSITY REGULATIONS

A. Applicability.

The regulations for each district pertaining to minimum lot area, minimum lot width, minimum lot depth, minimum front yard depth, minimum side yard depth, minimum rear yard depth, maximum height of buildings, maximum number of stories, maximum lot coverage, and minimum open space shall be as specified in this section and set forth in the Intensity Schedule A.

B. Requirements.

1. Any dwelling, building, or any structure hereafter erected in any district shall be located on a lot having not less than the minimum requirements set forth in Section III and Schedule A except as provided in 2. below.

2. A lot or parcel of land having an area, frontage, width, or depth of less amount than required by Schedule A may be built upon for residential purposes, provided such lot or parcel of land was shown on a plan endorsed with the words "approval under the subdivision control law not required" or words of similar import, or described in a deed duly recorded or registered at the time of the adoption of this by-law and at the time of such recording or endorsement, whichever is earlier, such lot complied with the minimum area, frontage, width, and depth requirements, if any, of the zoning by-law then in effect, and did not at the time of such adoption adjoin other land of the same owner available for use in connection with such lot or parcel and further provided that such lot has an area of 5,000 sq. ft. or more and a frontage of 50 ft. or more, is in a district zoned for residential use, such lot conforms except as to area, frontage, width, and depth with all other provisions of this by-law and any proposed structure is to be located so as to conform with the minimum requirements of front, side and rear yard setbacks, if any, in effect at the time of such recording or endorsement, whichever is earlier, and to all other requirements of this by-law.

3. The minimum front yard dimensions required in Schedule A, are to be measured from the street line where a plan of the way or street is on file with the Registry of Deeds or in town records, or in the absence of such a plan, from the line thirty (30) feet from the parallel with the center line of the traveled way.

4. The limitation on height of buildings and structures shall not apply in any district to spires, domes, steeples, radio towers, chimneys, broadcasting and television antennae, bulkheads, cooling towers, ventilators and other appurtenances or ornamental features usually carried above the roof, which features are in no way used for living purposes, nor to farm buildings, churches, municipal or institutional buildings, provided, however, that the height of all structures exempted by this paragraph shall not be more than four times the distance between the nearest lot line and the point directly below the specific structure. No wireless communications facility shall exceed 120 feet in height as measured from ground level at the base of the structure, except for an exemption for an existing structure as provided in Schedule B of this bylaw, and no wireless communications facility shall be located closer than 500 feet from the nearest structure used for residential purposes. A wireless communications facility on which wireless communications services co-locate may be constructed up to 150 feet in height subject to the same provisions for maximum height and setbacks otherwise required within this paragraph. Further, no building associated with any wireless communications facility shall exceed the maximum height and bulk or minimum yard requirements as set forth in Intensity Schedule A of this bylaw for any building within the applicable zoning district. The height and location limitations specified in this paragraph for a wireless communications facility shall not apply to the construction or use of an antenna structure by a federally licensed amateur radio operator which is exempted under Section 3 of Chapter 40A of the General Laws.

5. A corner lot shall have minimum front yards with depths which shall be the same as the required front yard depths for the adjoining lots. A corner lot in an I-60 and/or OP-60 zone shall have 200 feet for lot frontage on the primary or principal street, a 300 foot lot line on the secondary way, and a set back of 60 feet from the secondary way; and further, the boundary of the lot adjacent to the principal way shall be considered the front of the lot for Zoning By-Law purposes.

6. Screening and buffers shall be required in any industrial or business district which adjoins a residential district as follows: this strip shall be at least 35 feet in width, it shall contain a screen of plantings in the center of the strip. The screen shall be not less than five feet in width and six feet in height at the time of occupancy of such lot. Individual shrubs or trees shall be planted not more than three feet on center, and shall thereafter be maintained by the owner or occupants so as to maintain a dense screen year-round. At least 50 percent of the plantings shall consist of evergreens. A solid wall or fence, not to exceed six feet in height, complemented by suitable plantings, may be substituted for such landscape buffer strip by special permit. The strip may be part of the yard area. Where an "I" or "C" District abuts an "R" District, no building within the "I" or "C" District shall be within 25 feet of the boundary line of the "R" District. Where this section conflicts with the sight triangle defined in Section VI B then Section VI B shall apply.

7. A building, except a boathouse or pump house, shall not be erected within a floodway or in any area subject to periodic flooding.

8. In the "R" District, an accessory building shall not occupy more than 25 percent of the required rear yard. An accessory building attached to or detached from the principal building shall be subject to front, side, and rear yard requirements applicable to the principal building, except that in the R-15, R-20 and R-40 districts the minimum side and rear yards for an accessory building which is detached from the principal building shall be 15 feet. Detached accessory buildings in the "C" and "I" Districts shall be located on the lot so as not to violate the minimum open space requirements set forth in Schedule A. An accessory private swimming

pool in any district shall be completely enclosed by a fence at least five feet in height having a self-closing gate with a latch. No permanent swimming pool or any appurtenant structure thereto shall be located within any required front yard nor within 15 feet from any side or rear lot line.

9. Existing residential uses in the "C" or "I" Districts shall be subject to the dimensional and density regulations of the nearest residential district as determined by the Building Inspector.

10. Except for community facilities, public utilities, and multi-family dwelling uses approved by special permit, only one principal structure shall be permitted on a lot. For a multi-family dwelling use, more than one principal building may be located on a lot, provided that the proposed development scheme is approved by the Special Permit Granting Authority (SPGA). If more than one principal building is located on a lot developed for a multi-family dwelling use, the distance between the buildings shall be at least thirty (30) feet.

11. At each end of a through lot, there shall be a setback depth required, which is equal to the front yard depth required for the district in which each street frontage is located.

12. Projections into required yards or other required open spaces are permitted subject to the following:

a. Balcony or bay window may project up to two feet into a required yard or open space provided it is limited in total length to one-half the length of the building.

b. Open terrace or steps or stoop, under four feet in height may project into the required yard or open space up to one-half the required yard setback.

c. Steps or stoop over four feet in height, windowsill, chimney, roof eave, fire escape, fire tower, storm enclosure or similar architectural features may project not more than two feet into a required yard or open space.

13. Where the existing development along a block amounts to more than 50 percent of the block frontage, and where said development has an average setback less than that required by this by-law, then any vacant lot setback may be reduced to said average of the existing development.

14. On a lot which is split between a commercial and/or industrial zoning district and a residential zoning district, the required percentage of open space shall be obtained on that portion of the lot which is within the same zoning district as the principal use of the lot, expressed a percentage of the area contained within the same zoning district as the principal use of the lot.

15. On any lot in an "I" district, exclusive of uses on lots within the IC-30 district listed in Section V., Schedule B, Principal Use, Retail and Service, the land area for the minimum open space calculation shall not include any land area set aside for a stormwater detention or retention basin.

INTENSITY SCHEDULE A

District Use	Minimum lot area (sq. ft.)	Lot frontage (ft.)	Lot width* (ft.)	Lot depth (ft.)	Minimum Yards			Max. height (ft.)	Max. no. of stories	Max. building coverage	
					Front (ft.)	Side (ft.)	Rear (ft.)			(percent)	(percent)
R-10 Boarding house	10,000 plus 1,500 per bedroom	100	100	150	30	15	30	30	2 1/2	35	50
Motor court, motel	10,000 plus 2,500 per rental unit	150	150	200	30	15	30	30	2 1/2	35	50
Duplex	10,000 plus 3,500 per unit in excess of one unit	100	100	100	30	15	15	30	2 1/2	35	50
Multifamily	10,000 plus 3,500 per unit in excess of one unit	100	100	150	30	15	30	30	2 1/2	35	50
Any other permitted use	10,000	75	75	100	30	10	15	30	2 1/2	35	50
R-10S Boarding house	10,000 plus 1,500 per bedroom	100	100	150	30	15	30	40	4	35	50
Motor court, motel	10,000 plus 2,500 per rental unit	150	150	200	30	15	30	40	4	35	50
Duplex	10,000 plus 3,500 per unit in excess of one unit	100	100	100	30	15	15	30	2 1/2	35	50
Multifamily (3-4 unit)	10,000 plus 3,500 per unit in excess of one unit	100	100	150	30	15	30	40	3	35	50
Multifamily (over 4 units)	10,000 plus 3,500 per unit in excess of one unit	120	120	150	30	15	30	40	4	35	50
Any other permitted use	10,000	75	75	100	30	10	15	30	2 1/2	35	50
R-15 Any permitted use	15,000	**120	**120	120	40	15	15	30	2 1/2	25	60
R-20 Any permitted use	20,000	**120	**120	120	40	15	15	30	2 1/2	25	60
R-40 Any permitted use	40,000	150	150	175	40	20	40	30	2 1/2	15	70

INTENSITY SCHEDULE A

District Use	Minimum lot area (sq. ft.)	Lot frontage (ft.)	Lot width* (ft.)	Lot depth (ft.)	Front (ft.)	Minimum Side (ft.)	Rear (ft.)	Max. height (ft.)	Max. no. of stories	Max. building coverage	
										(percent)	(percent)
C-7.5 Hotel or Inn, Motel	7,500 plus 1,500 per rental unit	100	100	120	10	0	25	40	4	50	25
Any other permitted use	7,500	60	60	100	10	0	25	40	4	50	25
C-30 Hotel or Inn, Motel	30,000 plus 500 per unit	200	200	200	50	25	25	40	4	40	40
Any other permitted use	30,000	150	150	175	50	25	25	30	2 1/2	35	40
C-60 Hotel or Inn, Motel	60,000 plus 500 per unit	250	250	250	75	25	75	40	4	35	40
Any other permitted use	60,000	200	200	250	75	25	75	30	2 1/2	35	40
OP-60 Any permitted use	60,000	200	200	300	75	25	75	30	2	35	30
Any permitted use - corner lot only	60,000	200	200	300	75	60 (way) & 25	25	30	2	35	30
IC-30 Motel	30,000 plus 500 per unit	200	200	200	50	25	25	40	4	40	40
Retail and Service uses	30,000	150	150	175	50	25	25	30	2 1/2	40	40
Any other permitted uses	30,000	150	150	175	50	25	25	30	2 1/2	40	30
I-60 Any permitted use	60,000	200	200	300	75	25	75	30	2 1/2	35	30
Any permitted use - corner lot only	60,000	200	200	300	75	60 (way) & 25	25	30	2 1/2	35	30

* In all districts the lot width as measured at any point between the front lot line and the rear building line shall not be less than that prescribed in this Intensity Schedule A, except that between the front lot line and the required set back line, the lot width may be reduced to 80 percent of the width requirement subject to Planning Board approval; further that this shall be limited to a maximum of 3 lots on a turnaround.

** May be reduced to 90 ft. subject to Planning Board approval but full width must be attained at 60 ft. back from street line; further that this reduction shall be limited to a maximum of 3 lots fronting on a turnaround.

Section V - USE REGULATIONS

A. Applicability

Except as provided by this by-law, no building, structure or land shall be used except for the purposes permitted in the district as described in Use Schedule B. Any use not listed shall be construed to be prohibited.

B. Permitted Uses

"Permitted Uses", are those which shall normally be allowed, shall be in conformity, in addition to the provisions of Section III, to all other provisions of this by-law, and shall not be detrimental or offensive or tend to reduce property values in the same adjoining districts by reason of dirt, dust, glare, odor, fumes, smoke, gas, sewage, refuse, noise, vibration or danger of explosion or fire or traffic congestion.

"Special Uses", are uses permitted as an exception by special permit in accordance with Section VI and VIII of this by-law. Such exceptions shall be in harmony with the general purpose and intent of the by-law and may be subject to general or specific rules therein contained. The Board of Appeals may in appropriate cases and subject to appropriate conditions and safe-guards, grant to an applicant a special permit to make use of his land or to erect and maintain buildings or other structures thereon in accordance with such an exception. Before granting such an exception, the Board of Appeals shall hold a Public Hearing thereon, after the required posting of Public Notice, as further described in Section VIII-I, Subsection 6-9 of this by-law.

Symbols employed in schedule B shall have the following meanings:

P - a permitted use.

--- - a forbidden use.

S - a special use or exception authorized by the Zoning Board of Appeals, as provided in Section VIII-B.

C. Industrial Uses.

Fabrication, assembly, finishing, packaging, processing or research such that the following criteria are met:

1. No noise, vibration or flashing is normally perceptible above street noise without instruments at any point more than 350 feet from the premises;

2. Emissions of smoke shall not be of a shade equal to or greater than No. 1 on the Ringlemann Smoke Chart for a period or aggregate period of time in excess of six minutes during any one hour, and further at no time during the six minutes shall the shade be equal to or greater than No. 2 on the above chart.

3. All cinders, dust, fumes, gases, odors, and electromagnetic interference is effectively confined to the premises.

D. Commercial Uses

Commercial uses on lots less than five acres in size shall be subject to the requirements of Intensity Schedule A and Use Schedule B of this zoning by-law. Commercial uses on lots greater than five acres in size shall be subject to the requirements of Section VI.N, Planned Business Development, of this zoning by-law, in addition to the requirements of Intensity Schedule A and Use Schedule B.

E. Uses in the OP-60 District

Uses in the OP-60 District are all subject to site plan approval and the provisions of Section VI.M and VI.N of this bylaw. Uses in the OP-60 District requiring a special permit are also subject to the provisions of Section VI.N.5.

SCHEDULE B

PRINCIPAL USE	Residential District						Office and Business			Industrial District I-60
	R-10	R-10S	R-15	R-20	R-40	Business District C-7.5 C-30 C-60	Park District OP-60	IC-30		
RESIDENTIAL										
1 Single family dwelling.....	P	P	P	P	P	---	---	---	---	---
2 Two family dwelling.....	P	P	---	---	---	---	---	---	---	---
**3 Multi-family dwelling	S	P	---	---	---	---	---	---	S	---
a. Three dwelling units.....	---	P	---	---	---	---	---	---	S	---
b. More than three dwelling units (to a maximum of six dwelling units per building).....	---	P	---	---	---	---	---	---	S	---
c. More than three dwelling units in separate buildings (to a maximum of six dwelling units per building).....	---	S	---	---	---	---	---	---	S	---
d. Rehabilitation of existing structures to multi-family dwellings.....	---	---	---	---	---	---	---	---	S	---
**4 Town Houses.....	---	---	---	---	---	---	---	---	---	---
**5 Mobile Homes (see Section VI D).....	---	---	---	---	---	---	---	---	---	---
5 a. Mobile Home and Trailer Sales & Service..	---	---	---	---	---	P	P	---	S	---
**6 Mobile Home Parks (see Section VI E)....	---	---	---	---	---	---	---	S	---	---
**7 Boarding House	S	S	---	---	---	---	---	S	---	---
**8 Conversion of existing dwelling structure to two or multifamily dwelling.....	S	P	---	---	---	---	---	---	---	---
**9 Cluster residential development (see Section VI I).....	---	---	S	S	S	---	---	---	---	---
**11 Mixed residential/business uses where all dwelling units are above first floor level.	S	S	---	---	---	---	---	---	S	---
a. In existing structures.....	---	---	---	---	---	S	S	---	S	---
b. In new development.....	---	---	---	---	---	---	---	---	---	---
**12 Adult Retirement Community	S	S	S	S	---	---	---	---	---	---
**13 Assisted Living Facility.....	P	P	S	S	S	P	P	---	---	---

SCHEDULE B (Continued)

PRINCIPAL USE	Residential District						Business District			Office and Business		Industrial District IC-30 I-60
	R-10	R-10S	R-15	R-20	R-40	C-7.5	C-30	C-60	Park District OP-60	IC-30	I-60	
RETAIL AND SERVICE												
1 Retail establishments selling principally convenient goods including but not limited to food, drugs, and proprietary stores.....	---	---	---	---	---	P	P	P	---	---	S	---
2 Retail establishments selling general merchandise including but not limited to dry goods, apparel and accessories, furniture and home furnishings and equipment, small wares and hardware.....	---	---	---	---	---	P	P	P	---	---	S	---
3 Eating and drinking places where consumption is intended to be within the building.....	---	---	---	---	---	P	P	P	S	S	S	S
4 Drive-in eating and drinking establishments.....	---	---	---	---	---	---	P	S	---	---	---	---
5 Establishments selling motor vehicles and/or motor vehicle accessories, boats and farm equipment.....	---	---	---	---	---	---	P	S	---	---	S	---
6 Other retail establishments.....	---	---	---	---	---	P	S	P	---	---	---	---
7 Automotive repair and automobile service station (see Section VI C).....	---	---	---	---	---	---	S	S	---	---	S	S
8 Hotels and motels.....	---	---	---	---	---	S	P	P	S	S	S	S
9 Funeral establishment.....	S	S	---	---	---	S	S	---	---	S	S	---
10 Other personal services.....	---	---	---	---	---	S	S	S	---	---	---	---
11 Medical center including accessory medical research and associated facilities..	S	S	---	---	---	P	P	---	P	S	S	---
12 Banks and financial institutions.....	---	---	---	---	---	P	P	P	S	S	S	S
13 Miscellaneous professional and business offices and services including but not limited to medical, legal, and other professional services and insurance and real estate offices.....	S	S	---	---	---	P	P	P	P	P	P	---

SCHEDULE B (Continued)

PRINCIPAL USE	Office and Business										
	R-10	R-10S	R-15	R-20	R-40	C-7.5	C-30	C-60	Park District OP-60	Industrial District IC-30	I-60
RETAIL AND SERVICE											
14	---	---	---	---	---	P	P	P	---	P	---
15	---	---	---	---	---	---	S	S	---	S	---
16	---	---	---	---	---	---	S	S	---	S	---
17	---	---	---	---	---	P	S	P	---	---	---
18	---	---	---	---	---	S	P	P	---	P	---
19	---	---	S	S	S	---	S	S	S	S	S
20	S	S	---	---	---	P	P	P	P	P	P
21	---	---	---	---	---	S	S	S	S	S	---
22	S	S	---	---	---	S	---	---	---	---	---
23	---	---	---	---	---	---	---	---	P	---	---
24	---	---	---	---	---	---	---	---	P	---	---
25	---	---	---	---	---	---	---	S	---	---	---
26	---	---	---	---	---	---	---	S	---	---	---
27	---	---	---	---	---	---	---	S	---	---	---
28	---	---	---	---	---	---	---	S	---	---	---
29	---	---	---	---	---	---	---	S	---	---	---
WHOLESALE TRANSPORTATION AND INDUSTRIAL											
1	---	---	---	---	---	---	S	S	---	P	P
2	---	---	---	---	---	---	S	S	---	P	P

SCHEDULE B (Continued)

PRINCIPAL USE	Residential District							Business District			Office and Business Park District		Industrial District	
	R-10	R-10S	R-15	R-20	R-40	C-7.5	C-30	C-60	OP-60	IC-30	I-60			
WHOLESALE TRANSPORTATION AND INDUSTRIAL														
3	---	---	---	---	---	P	P	P	---	P	P	P		
4	---	---	---	---	---	---	---	---	---	---	---	---		
5	---	---	---	---	---	---	---	S	S	---	---	S		
6	---	---	---	---	---	S	S	S	---	S	S	S		
7	---	---	---	---	---	S	S	S	S	P	P	P		
8	---	---	---	---	---	S	S	S	S	P	P	P		
9	---	---	---	---	---	---	---	---	S	P	P	P		
10	---	---	---	---	---	---	S	S	---	P	P	P		
11	See Town By-Laws - Planning Board Duties													
12	See Town By-Laws - Planning Board Duties													
13	---	---	---	---	---	---	---	S	---	S	S	S		
14	---	---	---	---	---	---	---	---	---	P	P	P		
15	---	---	---	---	---	---	S	S	---	S	S	S		
16	---	---	---	---	---	---	S	S	P	P	P	P		
17	---	---	---	---	---	---	---	---	---	---	---	---		
18	---	---	---	---	---	---	---	---	P	---	---	---		

SCHEDULE B (Continued)

ACCESSORY USE	Residential District										Office and Business		
	R-10	R-10S	R-15	R-20	R-40	C-7.5	C-30	C-60	OP-60	IC-30	IC-60	IC-30	IC-60
1 Home occupation (see Section VI K).....	S	S	S	S	S	---	---	---	---	---	---	---	---
2 Private day nursery or kindergarten, provided it shall not occupy more than 30 percent of the gross floor area of the structure.....	P	P	P	P	P	---	---	---	P	---	---	---	---
3 Accessory professional office of a licensed medical or dental practitioner in an existing dwelling.....	S	S	---	---	---	S	S	S	---	---	---	---	---
4 Accessory residential building, such as a private garage, playhouse, greenhouse, tool shed, private swimming pool, carport, garage or similar accessory structures.....	P	P	P	P	P	---	---	---	---	---	---	---	---
***4a Private Stables (max. - 3 stalls).....	---	---	S	S	P	---	---	---	---	---	---	---	---
5 Accessory private garage for non-commercial motor vehicles.....	P	P	P	P	P	P	P	P	P	P	P	P	P
6 Accessory community garage of off-street parking area for three or more non-commercial motor vehicles.....	---	---	---	---	---	P	P	P	P	P	P	P	P
7 Accessory driveway a. Serving residential uses..... b. Serving commercial or industrial uses...	P S	P S	P ---	P ---	P ---	P P	P P	P P	P P	P P	P P	P P	P P
8 Accessory storage of a trailer, unregistered automobile or boat, utility trailer, boat trailer provided; it shall either be stored within a principal building or behind the building line within the side or rear yards and it shall not be used for dwelling or sleeping purposes. Unregistered automobile or unregistered trailers shall not be stored outside in residential districts.....	P	P	P	P	P	S	S	S	---	---	---	S	S

SCHEDULE B (Continued)

ACCESSORY USE	Residential District							Office and Business			Industrial District I-60
	R-10	R-10S	R-15	R-20	R-40	C-7.5	C-30	C-60	Park District OP-60	IC-30	
20 Newsstand, barber shop, dining room or cafeteria, and similar accessory services primarily for occupants or users thereof within a hotel, office or industrial building...	---	---	---	---	---	---	---	---	P	---	---
21 Accessory storage within a structure use for principal purpose provided that the area devoted to storage does not exceed thirty (30) percent of the total first floor gross floor area, and further provided that the storage is on the first floor only.....	---	---	---	---	---	---	---	---	P	---	---
22 Wireless communications facility:											
a. for a new structure.....	---	---	---	---	---	---	S	S	S	S	S
b. For an existing structure, provided that the height of the facility does not exceed the height of the existing structure at the time of the special permit application by greater than 10 feet.....	---	---	---	---	S	S	S	---	S	S	S
23 Accessory sale of motor vehicles, including trucks and emergency vehicles, by the manufacturer and/or fabricator thereof.....	---	---	---	---	---	---	---	---	---	---	P

* Mixed uses shall allow only the following business uses; retail establishments selling convenience goods such as food, drugs, and proprietary goods; general merchandise such as dry goods, apparel and accessories, hardware, home furnishings and similar items; personal and consumer service establishments, medical, other professional and business offices including financial insurance, and real estate offices.

** Must be connected to municipal water and sewer.

*** All applications for special permits or for stable permits shall have prior written approval of the Board of Health.

Section VI - SUPPLEMENTARY REGULATIONS

A. Off-Street Parking and Loading

1. Off-Street Parking

Off-street parking shall be provided in all districts where off-street parking is required, according to the standards set forth in the following table. Off-street parking in connection with a specific use of land in the retail district abutting North and South Washington Streets may be exempt from these regulations by special exception of the Board of Appeals. Off-street automobile parking spaces, open or enclosed, shall be considered an accessory use and shall be provided in accordance with Schedule C. Off-Street Parking Regulations. Accessible parking spaces shall be provided in accordance with 521 CMR (Architectural Access Board) as amended. On a lot which is split between two zoning districts, off street parking which is an accessory use to the principal use of the lot shall be located only within that portion of the lot which is in the same zoning district as the principal use of the lot.

SCHEDULE C. Off-Street Parking Regulations

Use	Number of Off-Street Parking Spaces Per Unit
Dwelling, single and two family units.	Two per unit.
Dwelling, multi-family	Two per unit.
Lodging house, YMCA, YWCA, and similar types of group quarters	One per rental or sleeping unit. Any bedroom or group of two beds in a single room constitutes a sleeping unit.
Theater, restaurant, gymnasium, auditorium, church, meeting room of private clubs, or similar place of public assembly with seating facilities	One for each four seats of total seating capacity.
Automotive retail and service establishment and other retail and service establishments utilizing extensive display areas, either indoor or outdoor, which are unusually extensive in relation to customer traffic.	One per 1,000 sq. ft. of gross floor space. In the case of outdoor display areas, one for each 1,000 sq. ft. of lot area in such use.
Hotel, motel, tourist court	One for each sleeping room, plus one for each 400 sq. ft. of public meeting area and restaurant space.
Other retail, service, finance, insurance, or real estate establishment.	One per each 250 sq. ft. of gross floor space.
Wholesale establishment, warehouse, or storage establishment.	One per each 1,000 sq. ft. of gross floor space.
Manufacturing or industrial establishment	One per 600 sq. ft. of gross floor space or 0.75 per each employee of the combined employment of the two largest successive shifts, whichever is larger.
Medical or dental clinic or office building	Three for each doctor plus one for every two employees.

SCHEDULE C. Off-Street Parking Regulations (continued)

Use	Number of Off-Street Parking Spaces Per Unit
Hospital	Two per bed at design capacity.
Nursing Home	One per bed at design capacity.
Business, trade or industrial school or college, country clubs.	One per each 200 sq. ft. of gross floor area in classroom and other teaching stations, plus space for gymnasium or auditorium, whichever has the larger capacity.
Other school	Two per classroom in an elementary and junior high school; four per classroom in a senior high school, plus space for auditorium or gymnasium, whichever has the larger capacity.
Community facility (town building, recreation, etc.)	One per each 400 sq. ft. of gross floor space.
Public Utility	One for each 400 sq. ft. of gross floor space devoted to office use.
	One for each 800 sq. ft. of gross floor area for other use.
Transportation terminal establishment; home occupation.	One for each 600 sq. ft. of gross floor area.
Mixed Use	Sum of various uses computed separately.
Assisted Living Facility	4/10 spaces per sleeping unit plus one employee parking space per 15 sleeping units.

2. **Off-Street Loading.** For every building hereafter erected for **Retail and Service Commercial, Wholesale, Transportation and Industrial, and Community Facility** use as specified in Use Schedule B and for every such use hereafter established in an existing building or area, the off-street loading and unloading requirements presented in Schedule D. Off-Street Loading Regulations shall apply.

SCHEDULE D. Off-Street Loading Regulations

Use	Number of Loading Spaces Per Unit
Retail trade, manufacturing and hospital establishment with over 5,000 sq. ft. of gross floor area.	One per 20,000 sq. ft. or fraction thereof of gross floor area up to two spaces; one additional space for each 60,000 sq. ft. or fraction thereof of gross floor area over 40,000 sq. ft.; space used for ambulance receiving at a hospital is not to be used to meet these loading requirements.
Business services, other services, community facility (school, church, town building, recreation, etc.) or public utility establishment with over 5,000 sq. ft. of gross floor area.	One per 75,000 sq. ft. or fraction thereof of gross floor area up to two spaces; one additional space for up to 200,000 sq. ft. or fraction thereof of gross floor area over 150,000 sq. ft.

3. Each space for off-street parking shall be a minimum of ten (10) feet by twenty (20) feet and shall include 100 sq. ft. of off-street area for maneuvering and driveways. Accessible parking spaces shall be provided in accordance with 521 CMR (Architectural Access Board) as amended. Each space for off-street loading shall be a minimum of 12 feet by 50 feet with a vertical clearance of at least 14 feet, and shall include 700 sq. ft. of off-street area for maneuvering and driveways.

4. **New Construction.** On all new construction after the date of passage of this bylaw, a location plan of the buildings and parking area, with the exception of residential dwellings on lots within an approved subdivision plan shall be submitted to the Planning Board in accordance with the requirements for surfacing, drainage, and entrance clearances, etc., as outlined in Section VI.H.

5. **Change in Use.** Whenever after the date of this by-law, there is a change in the lawful use of the premises or in the number of employees or business visitors or any other unit of measurement specified in any of the foregoing paragraphs of this section, and whenever such change creates a need for an increase of more than twenty (20) percent of the number of off-street automobile parking spaces as determined by the requirements of this section, more off-street parking facilities shall be provided on the basis of the adjusted needs as determined by this section.

6. **Mixed Uses.** In the case of mixed uses, the parking facilities required shall be of the sum of the requirements for the various individual uses, computed separately in accordance with this subsection; parking facilities for one (1) use shall not be considered as providing the required parking facilities for any other use unless it can be clearly demonstrated that the need for parking occurs at different times.

7. **Existing Spaces.** Parking or loading spaces being maintained in any district in connection with any existing use on the effective date of this Bylaw, or any spaces subsequently provided in accordance with this Bylaw, shall not be decreased or in any way removed from service to the use originally intended to be served so long as said use remains, unless a number of parking or loading spaces is constructed elsewhere such that the total number of spaces conforms to the requirements of Schedules C and D, provided: this regulation shall not require the maintenance of more parking or loading space than is required according to the Schedules.

8. **Computation of Spaces.** When the computation of required parking or loading spaces results in the requirement of a fractional space, a fraction of one-half or more shall require one space.

9. **Combined Facilities.** Parking required for two or more buildings or uses may be provided in combined facilities on the same or adjacent lots, subject to approval by the Planning Board where it is evident that such facilities will continue to be available for the several buildings or uses.

10. **Location of Parking Spaces.** Required off-street parking spaces shall be provided on the same lot as the principal use.

a. Parking spaces on a lot which is developed for a multi-family dwelling use shall be no closer than 5 feet to any side or rear lot line. In such a multi family dwelling use, no off-street parking spaces (except those located within a garage) shall be located within fifteen (15) feet of any wall of a principal building along which are located windows serving habitable rooms for dwelling purposes less than ten feet above the ground or along which is located an entrance or exit generally intended for use for dwelling purposes by residents thereof.

11. **Location of Loading Spaces.** The loading spaces required for the uses listed in Schedule D shall in all cases be on the same lot as the use they are intended to serve. In no case shall the required loading spaces be part of the area used to satisfy the parking requirements of this Bylaw.

12. **Parking and Loading Space Standards.** All parking and loading areas containing over five spaces, including automotive and drive-in establishments of all types, shall be either contained within structures, or subject to the following:

a. The area shall be effectively screened with suitable planting or fencing on each side which adjoins or faces the side or rear lot line of a lot situated in any "R" District. The parking area on a lot which is developed for a multi-family dwelling use shall be effectively screened from neighboring properties with suitable dense evergreen shrubs or other dense evergreen plantings a minimum of five (5) feet in height on each side of the parking area which adjoins or faces a side or rear lot line of a lot. A solid fence a minimum of five (5) feet in height may be substituted for the dense evergreen plantings if suitable landscaping is provided in addition to the fencing.

b. The area and access driveways thereto shall be surfaced with bituminous or cement concrete material and shall be graded and drained so as to dispose of all surface water accumulation in accordance with acceptable engineering practices. The location of spaces shall be suitably marked by painted lines or other appropriate markings.

c. A substantial bumper of masonry, steel or heavy timber, or a concrete curb or berm curb which is backed, shall be placed at the edge of surfaced areas except driveways in order to protect abutting structures, properties, and sidewalks and screening materials.

d. The layout of the parking area shall allow access for emergency vehicles at all times and sufficient space for the storage of plowed snow unless removal by some other means is assured.

e. Any fixture used to illuminate any area shall be so arranged as to direct the light away from the street and away from adjoining premises used for residential purposes.

f. There shall not be any business operation for vehicle repair for profit or gasoline or oil service facilities or any repair made to any motor vehicles, except on a lot occupied by a permitted automotive use. Any gasoline or oil facilities shall be at least 25 feet from any lot line.

g. There shall not be any storage of materials or equipment or display of merchandise within required parking area except as part of approved building operations.

h. Parking and loading spaces other than those required for single-family dwellings shall be so arranged as not to permit backing of vehicles onto any street.

i. Parking and loading spaces serving new residential uses shall be surfaced with a durable pavement.

j. Any portion of any entrance or exit driveway shall not be closer than 50 feet to the curb line of an intersecting street.

k. Any entrance or exit driveway shall not exceed 25 feet in width at its intersection with the front lot line except for automotive service stations and fire stations, in which cases the widths may be increased to 30 feet. If entrance and exit driveways are side by side an island a minimum of 6' wide shall be provided.

l. The Board of Appeals may grant a special exception to permit the reduction of the parking space requirements to 80 percent of that required in Schedule C. Off-Street Parking Regulations, where conditions unique to the use will reasonably justify such a reduction.

m. The Board of Appeals may grant a special exception to permit the reduction of the size of the loading space where such reduced size is consistent with the dimensions of the commercial vehicle serving the premises.

n. The off-street parking and loading standards set forth in Section VI.A shall not apply to motor vehicles displayed or stored within outdoor display areas provided the motor vehicles are displayed or stored in connection with the sale of motor vehicles by an individual or entity possessing a Class I or Class II license to sell motor vehicles issued pursuant to Massachusetts General Laws Chapter 140.

B. Visibility

On a corner lot in any district no sign, fence, wall, tree, hedge, or other vegetation and no building or other structure shall exceed 2 1/2 feet in height above the plane established by the intersecting streets within the triangle formed by the lot lines abutting the intersecting streets and a line connecting points on these lot lines at a distance 25 feet from the point of intersection of the lot lines. A fence, hedge, wall, sign or other structure or vegetation may be maintained on any interior lot provided that in the front yard area, no such structure or vegetation shall be over 3 feet in height above the adjacent ground within 5 feet of the front lot line unless it can be shown that such vegetation will not restrict visibility in such a way as to hinder the safe entry of a vehicle from any driveway to the street.

C. Gasoline Service Stations

Any gasoline service station or filling station in any district shall conform at least to the following regulations. Where the intensity regulations for any district in which a gasoline service station is located are more restrictive than the regulations contained hereinafter, all gasoline service stations or filling stations shall conform to the more restrictive dimensional requirements.

1. Every gasoline service station shall have a minimum frontage of one hundred and twenty (120) feet and a minimum area of twelve thousand (12,000) square feet, plus an additional two thousand (2,000) square feet of side area for every two (2) pumps and one (1) service bay in excess of four (4) pumps and two (2) service bays.

2. Every structure erected for use as a gasoline service station shall have a minimum setback from the street right of way of forty (40) feet and a minimum setback from all property lines of ten (10) feet. All pump islands shall be set back a minimum of twenty-five (25) feet from all property lines.

3. All vehicle service areas shall be constructed to conform to the following standards.

a. A curb six (6) inches high and six (6) inches wide shall be provided along all property lines abutting street right of way except for portions used for driveway entrances.

b. The entire area used for vehicle service shall be paved, except for any unpaved area that is landscaped, which must be well protected from vehicle use by a low barrier.

c. Hydraulic hoist, pits, lubricating, greasing, washing, and repair equipment shall be entirely enclosed within a building. After adoption of this bylaw, the use of pits shall be prohibited in all new construction.

d. The maximum widths of all driveways at the sidewalk shall be no more than thirty (30) feet.

e. Minimum angle of driveway intersection with the street shall be no less than sixty (60) degrees.

f. The minimum distance of any driveway from any property line other than the street property line shall be at least twenty (20) feet.

g. The minimum distance between curb cuts shall be no less than forty (40) feet.

4. A wall of evergreen screening or fence five (5) feet high shall be erected along all property lines abutting residential use.

5. No exterior lighting shall by reason of its location, direction, intensity, or color cast glare on any adjacent property or on a public highway right of way in such a manner as to interfere with traffic or be confused with or obstruct the view or effectiveness of any official traffic signal, traffic sign or traffic marking. Therefore, flashing lights and red, yellow, and green colored lights are not permitted.

D. Mobilehome

A mobilehome must be located in an approved Mobilehome Park and on a lot so as to comply with the minimum lot size and setbacks as set forth in Section E. below on mobilehome parks.

E. Mobilehome Parks

For the construction, enlargement or alteration of a mobilehome park in the C-60 districts, the regulations set forth below shall be met in addition to all others as may be set by the Board of Appeals in granting the special exception.

1. Permits and Licenses

a. It shall be unlawful for any person to construct, enlarge, or alter any mobilehome park, whether charges are levied or not, who does not apply for and receive a special permit from the Board of Appeals as set forth in Section VIII of this Bylaw. Such permit shall be in addition to all other permits and licenses required by state law.

b. Application for such permit shall be made in writing to the Board of Appeals, shall be in duplicate and signed by the owner, and shall contain the following:

(1) Name and address of applicant; and name and address of responsible party if other than applicant.

(2) A site plan made showing present sites and proposed additional sites, park, roads, size, shape, and identification number of the mobilehome lots, and location of sanitary provisions, shall be filed with and approved by the Planning Board.

(3) Certification of approval of the Health Board and the State Board of Health as to compliance with sanitary requirements set forth in Paragraph 4.

(4) Proof of ownership, option or valid lease.

(5) Evidence that all other bylaws and regulations of the town are met.

(6) Such further information as may be required by the Board to enable them to determine whether the plans and specifications conform to these regulations.

2. Issuance of Permit

a. Upon approval of an application by the Board of Appeals, the Building Inspector shall, on payment of the required fee and upon approval by the local Board of Health, as required by state law, issue a permit to execute the approved plans and specifications.

b. The fee for said permit shall be a minimum of \$40 plus \$3 for each space in excess of 10.

3. General Requirements for Operation of Mobilehome Park.

Each Mobilehome Park shall conform to the following requirements:

a. The park shall be located on a site graded to ensure drainage of surface and sub-surface water, and sewage and freedom from stagnant pools.

b. A minimum of 6,000 square feet shall be provided for each mobilehome lot with a minimum frontage of fifty (50) feet. The boundaries of each lot shall be designated by permanent markers such as stone monuments or iron pipes placed in the ground at each corner, and shall be shown on the plans. Each lot shall contain parking space for one automobile. Each lot shall be kept free from dense growth of brush or weeds. As used in this section, the term "mobilehome lot" or "lot" shall mean the defined area intended for occupancy by a single mobilehome.

c. There shall be a minimum of fifteen (15) feet of clearance between each mobilehome and the lot boundary. In establishing this clearance awnings, vestibules, or other attached building components, accessory buildings, and patios shall be considered an integral part of a mobilehome.

d. All mobilehome lots shall abut on a roadway of not less than 40 feet right-of-way width and 24 feet pavement width.

e. All roads within the park shall be well drained, provided with hard surfaces, be maintained in good condition, and shall conform to accepted practices of good design as set forth in the Subdivision Regulations of the Town of North Attleborough.

f. No mobilehome shall be located closer than 30 feet from the traveled portion of any way.

g. No more than one mobilehome shall be located on a mobilehome lot. No mobilehome shall be situated closer to any property line than would otherwise be allowed by following the side- and rear-yard requirements appropriate to the zoning district in which the mobilehome park is located.

h. In no case shall the gross density of a mobilehome park exceed the gross density allowed in the district for other residential uses.

i. Every mobilehome park shall be provided with adequate street lighting facilities, and shall be kept lighted in accordance with the timetable for the lighting and extinguishing of public street lights.

4. Sanitary Requirement for Operation of Mobilehome Parks.

Each mobilehome park shall conform to the following requirements:

- a. A supply of 300 gallons of potable water per mobilehome lot per day shall be provided from a source approved by the Health Board.
- b. The water supply system shall be connected by pipes to all buildings and all mobilehome spaces. All water piping shall be designed, constructed and maintained in accordance with state and local law and sound engineering practices. The water piping system shall not be cross-connected with non-potable or questionable water supplies, nor be subject to the hazards of back flow or back siphonage.
- c. Individual water service connections which are provided for direct use by mobilehomes shall be so constructed that they will not be damaged by the parking of mobilehomes.
- d. Every mobilehome park shall provide a proper and acceptable sewer and sewage disposal system either by connection to the town sewer system when available or to a septic tank or other means of treatment and disposal approved by the Board of Health. All fixtures of any kind discharging water or other liquids shall be properly trapped and connected with the sewage disposal system in such a manner as to comply fully with all regulations of the Board of Health and the State Board of Health.
- e. Each mobilehome lot shall be provided with an approved electrical connection.
- f. Licensees shall furnish at least one refuse can with tight-fitting cover for each occupied mobilehome lot or use any approved collection method in accordance with the State Health Sanitation Laws. Refuse shall be collected and removed regularly and in such manner that no nuisance shall be maintained. It shall be the responsibility of each licensee to maintain proper sanitary conditions with respect to waste and refuse disposal.

5. Registration of Mobilehomes. Each licensee shall keep a register in which the following shall be recorded forthwith upon the renting of each mobilehome lot:

- a. Full name of mobilehome owner, lot number and location.
- b. Make, model, size, serial number, year of mobilehome and automobiles.
- c. State in which registered and registration number, if any.
- d. Date of arrival and departure of each mobilehome.
- e. The parks shall keep the register available for inspection at all times by law enforcement officers, public health officials, and other officials whose duties may necessitate acquisition of the information contained in the register.

6. Fire Protection

- a. The mobilehome park shall be subject to the rules and regulations of the Town of North Attleborough Fire Protection Authority. Mobilehome park areas shall be kept free of all litter, rubbish, and other flammable materials.

b. Fire protection measures, as recommended by the fire prevention authority, shall be taken by the mobile park operator.

7. Supervision. A responsible attendant or caretaker shall be in charge at all times to keep the park, its facilities, and equipment in a clean, orderly, and sanitary condition and shall be answerable with the licensee for any violation of these regulations.

F. Private Garages

A private garage or storage area used as an accessory to a single residential dwelling for parking or storage of automobiles shall not exceed a capacity of three (3) automobiles, unless so authorized by the Zoning Board of Appeals.

G. Signs

1. Applicability. No signs shall be attached, erected or otherwise installed on any property without first obtaining a sign permit from the Building Inspector, such permit to be granted only in accordance with the following regulations:

Temporary political signs shall be permitted and shall be exempt from obtaining a sign permit from the Building Inspector.

1.1 Purpose. The purpose of this section of this By-Law shall be to coordinate the type, placement, and scale of signs within the different zoning districts to recognize the commercial communication requirements of all sectors of the business community; and to encourage the innovative use of design and aesthetic consideration.

2. General Sign Regulations

a. No sign shall extend above the roof line of the building to which it is attached. Roof signs are not allowed.

b. Any traffic or directional sign owned or installed by a government agency shall be permitted.

c. Temporary interior window displays or temporary banners shall be permitted except as provided in d. below. Temporary shall be construed to mean any period not exceeding 30 consecutive days. Temporary political signs shall not be more than 16 square feet in surface area.

d. A sign (including temporary interior window displays or banners) or its illuminator shall not by reason of its location, shape, size or color interfere with traffic or be confused with or obstruct the view of the effectiveness of any official traffic sign, traffic signal, or traffic marking. Therefore, flashing or animated signs are not permitted and red, yellow, or green colored lights shall not be permitted.

e. No more than two signs shall be allowed for any one business or industrial establishment in the "C" or "I" Districts.

f. No more than one sign shall be allowed for any one premises in the "R" Districts.

g. The limitations as to the number of signs permitted does not apply to traffic or directional signs which are necessary for the safety and direction of residents, employees, customers, and visitors, whether in a vehicle or on foot, of any business, industry or residence.

h. The supporting members for any pole sign, projecting sign, or any other sign shall be in acceptable proportion to the size of the sign.

i. No sign shall be erected so as to obstruct any door, window or fire escape on a building.

j. At the boundary line of the town and within a street right-of-way, a sign not exceeding 5 square feet in area indicating the meetings of any North Attleborough civic organization may be erected only after the granting of a special permit by the Board of Appeals.

k. If lighting is provided, the source of light shall be shielded as to prevent direct glare from the light source onto any public street or onto adjacent property.

l. In any district one unlighted temporary sign offering premises for sale or lease for each parcel in one ownership shall be permitted provided: it shall not exceed six square feet in surface area; and it shall be set back at least 10 feet from the street lot line.

m. In any district one unlighted temporary sign of an architect, engineer or contractor erected during the period such person is performing work on the premises on which such sign is erected shall be permitted provided: it shall not exceed four square feet in surface area: and it shall be set back at least 10 feet from the street lot line.

n. Mobile or portable signs shall not be considered as fixed, standing or outdoor advertising signs and will be subject to only the regulations of paragraph 7 of this section.

o. The following types of signs do not require a permit under this section but must be in conformance with all other requirements of this By-Law and any other applicable By-Laws, laws, and rules and regulations:

- i. Construction signs of thirty two (32) square feet or less.
- ii. Directional/information signs of six (6) square feet or less.
- iii. Holiday or special events decorations.
- iv. Nameplates of one (1) square foot or less.
- v. Political signs.
- vi. Public signs or notices, or any sign relating to an emergency.
- vii. Real estate signs.
- viii. Incidental signs.

p. Indemnification and insurance: All persons involved in the maintenance, installation, alteration, or relocation of projecting signs within 10 feet of or upon any public right-of-way or property shall agree to hold harmless and indemnify the Town, its officers, agents, and employees, against any and all claims of negligence resulting from such work insofar as this By-Law has not specifically directed the placement of a sign.

2.1. Signs Permitted in All Districts

- a. All signs not requiring permits under this By-Law (see Section VI.G.2.o.)
- b. Non-illuminated political signs.
- c. Directional/information sign(s) per lot as required.
- d. Temporary special events sign(s) and decoration(s) per premises for special events, grand openings, or holidays.

3. Signs Permitted in Any "R" District

- a. All signs permitted in Paragraph 2.1.
- b. One subdivision identification sign per subdivision entrance road, not to exceed thirty two (32) square feet in sign area in each location.
- c. One professional nameplate for each medical doctor or dental practitioner, provided: such sign shall not exceed one square foot in surface area.
- d. One identification sign for each dwelling unit, provided: such sign shall not exceed one square foot in surface area; if lighted, it shall be illuminated with white light by indirect method only; and it shall not be used other than for identifying the occupancy.
- e. One identification sign for each membership club, funeral establishment, hospital, church, other place of public assembly, community facility or public utility use, provided: the sign shall not exceed ten square feet in surface area; and if lighted, it shall be illuminated with white light by indirect method only.
- f. One unlighted temporary sign relating to a new residential subdivision during the actual period of construction, provided: it shall not exceed 32 square feet in surface area; and it shall be set back at least ten feet from any street lot line.
- g. Except for professional nameplates and the residential nameplate, any other sign in an "R" District shall be set back at last one-half of the required depth of the front yard.

3.1. Signs Permitted in the "C-7.5" District

- a. Signs permitted in Paragraph 3, subject to the same regulations, and business signs. General advertising signs shall be prohibited. Projecting signs are prohibited, except for one "icon" or symbolic sign not to exceed four square feet in surface area, and such sign shall not extend beyond the front lot line or into the public right-of-way.
- b. One (1) wall sign or electric awning sign not to exceed fifteen (15) percent of aggregate area of occupancy elevation on which the signs are installed.

- c. Incidental signs not to exceed (4) square feet of sign area per occupancy.

4. Signs Permitted in Any Other "C" District

a. Signs permitted in Paragraph 3.1, subject to the same regulations, and business signs. General advertising signs shall be prohibited. Projecting signs are prohibited.

b. One wall sign for each lot street frontage of each establishment, provided: it shall be attached and parallel to the main wall of a building; the aggregate surface area of all wall signs in any one lot shall not exceed five percent (5%) of the aggregate surface area of all exterior walls of buildings on such lot; and if lighted, it shall be illuminated internally or by indirect method with white light only.

c. One pole sign for each street frontage of each establishment, provided: it shall not exceed one (1) square foot of sign area for each linear foot of property frontage not to exceed 200 square feet in surface area; no portion of it shall be set back less than ten feet from any street lot line; it shall not be erected so that any portion of it is over 30 feet above the ground or sidewalk; and if lighted, it shall be illuminated internally or by indirect method with white light only.

d. One standing (or ground) sign for each lot street frontage of a business establishment in the C30 and C60 business district, provided: it shall not exceed one (1) square foot of sign area for each linear foot of property frontage not to exceed 200 square feet in surface area, on any one side; no portion of it shall be set back less than 10 feet from any street lot line; it shall not rise to more than 12 feet from the ground or sidewalk; and it shall be illuminated internally or by indirect method with white or blue light only. Where a single lot is occupied by more than one business whether in the same structure or not, there shall not be more than one standing sign.

5. Signs Permitted in the "I" and "OP" Districts

a. Wall signs permitted in Paragraph 4, subject to the same regulations.

b. One standing (or ground) sign for each establishment, provided: it shall not exceed one (1) square foot of sign area for each linear foot of property frontage not to exceed 200 square feet in surface area; it shall be set back at least 15 feet from any street lot line; it shall not be erected so that any portion of it is over 15 feet above the ground or sidewalk; and if lighted, it shall be illuminated internally or by indirect method with white light only.

6. Outdoor Advertising Signs

a. No outdoor advertising sign shall be erected in an "R" or "C" District or in any residentially developed or agriculturally used area in any other district.

b. No outdoor advertising sign shall be erected in any "I" District:

(1) Within 50 feet of any public way.

(2) Within 300 feet of any public park, playground, or other public grounds, if within view of any portion of the same.

(3) Within a radius of 150 feet from the point where the centerlines of two or more public ways intersect.

(4) Upon the roof of any building.

(5) Exceeding an area of 300 square feet or one-half square feet per foot of lot frontage or, in the case of wall signs, of one sixth of the area of said wall, whichever is smaller.

(6) Exceeding a height of 12 feet.

(7) Within 100 feet of a church, public building or monument.

c. Outdoor advertising signs shall be subject to all provisions of this Bylaw.

d. If lighted outdoor advertising signs shall be illuminated by indirect method with white light only.

7. Temporary Signs

a. Maximum size: (40 sq. ft.) Such permit shall be limited to a 30-day time of service with a 60 day time limitation before a new permit can be issued. Signs shall be either attached to building or detached, if detached, setbacks shall be at least 10' (feet) from any lot line. Signs shall not obstruct the vision triangle specified in Section VI.B. of this by-law.

b. Temporary signs shall not be internally illuminated. Illuminated by indirect external light only.

c. No temporary sign shall be placed so as to obstruct any means of egress or rights-of-way, sidewalks, etc.

d. No temporary sign shall be placed such that it obstructs vision or creates traffic hazard.

e. Temporary signs shall not be allowed on a lot in Principal Use-Residential as defined in Schedule B of this by-law.

8. Portable Signs

a. Maximum size: (40 sq. ft.) Such permit shall be limited to a 30-day time of service with a 60 day time limitation allowable before a new permit can be issued. Setbacks at least 10' (feet) from any lot line.

b. Portable signs shall not be internal or external illumination, no flashing lights or otherwise animated.

c. No portable sign shall be placed so as to obstruct any means of egress or rights-of-way, sidewalks, etc.

d. No portable sign shall be placed such that it obstructs vision or creates traffic hazard.

e. Portable signs shall not be allowed on a lot in Principal Use-Residential as defined in Schedule B of this by-law.

H. Site Plan Approval

Any request for a building permit for new construction of a non-residential use or for construction or reconstruction of an existing non-residential use that constitutes a change in such use as listed in Schedule B of this by-law, or for a residential use exceeding two dwelling units, with the exception of residential dwellings on lots within an approved subdivision plan, shall not be granted until a site plan for such use has been submitted to and approved by the Planning Board.

1. Any person desiring approval or review of a site plan under this Section shall submit six (6) blue-line copies of the plan at a scale of 1"=40', and an initial fee of \$50.00 unless waived by the Board, with two copies of the Form O application for determination thereof, directly to the Planning Board after receiving a dated receipt for plans filed with the Town Clerk.

2. In considering a site plan under this Section, the Planning Board shall assure, to a degree consistent with a reasonable use of the site for the purposes permitted or permissible by the regulations of the district in which located:

- a. Protection of adjoining premises against encroachment of conflicting land uses.
- b. Convenience and safety of vehicular and pedestrian movement within the site, and in relation to adjacent streets, property, or improvements.
- c. Method of disposal for sewage, refuse, and other wastes resulting from the uses permitted or permissible on the site, and the methods of drainage for surface water including consideration of groundwater recharge.
- d. Adequacy of space and location for the off-street loading and unloading of vehicles, goods, products, materials, and equipment incidental to the normal operation of the establishment.
- e. Adequacy of lighting such that all lighting and other sources of illuminating, whether interior or exterior, and all intense lights emanating from operations or equipment shall be shielded from direct view at normal eye level from adjacent properties and roadways.
- f. Adequate provision of rights of way for future access to undeveloped property.
- g. Adequate provision of screening from adjacent properties for any open air use deemed objectionable.
- h. Preservation of natural growth and terrain features as appropriate.
- i. Insure that minimum ten (10) foot vegetated buffer strips are provided along roadway frontages on non-residential plans; unless waived by the Planning Board due to spatial constraints.

3. The site plan submitted to the Planning Board shall be prepared by a professional registered civil engineer. It shall show, among other things as may be required by the Board in the proper administration of this section, name of applicant and lot owner, assessor's plat and lot number, book and page number as recorded in Bristol County Registry of Deeds, dimensions of the lot and building distances from each lot line; scale of plan and zoning district use; locus plan of the area showing the specific site at a scale of 1"=2,000'; location of existing and proposed structures including dimensions, total area, number of stories, and ground elevation at building corners; dimensions of parking spaces, loading areas, driveway openings, driveways, service areas and other open uses; delineating of a vegetative clearance line, landscape design of the lot including dimensions of sidewalks, fences, walls and planting areas; all facilities for water, sewage, refuse, and other waste disposal, and for drainage plans including but not limited to: catch basins, pipes, paved waterways, drywells, rip rap, retention and detention storage areas; all existing and proposed topographic contours at two (2) foot intervals; all wetlands, flood plains, waterways and rock outcroppings; location and dimension of any easements; all curbs, granite bounds, and pertinent roadway data including but not limited to the following: length, bearing, radii, tangent distances, and central angles to determine the exact location, direction, and length of every street and way line, lot line, and boundary line; and to establish these lines on the ground; location of signs; percentage calculations of total land area comprising maximum lot coverage (derived by adding the maximum tract area expressed in square feet minus the total building gross floor area expressed in square feet) and minimum open space (derived by adding the maximum tract area expressed in square feet minus the total building gross floor area and total paved area for parking purposes expressed in square feet); proposed location(s) of accessory storage, if any; and names and location of all existing abutters indicating limits of contiguous boundaries and those owners of land separated from the site by a street.

4. The Planning Board shall act on submitted site plan applications within 45 days after the plan is so filed with the Town Clerk; unless a special permit is required from the Planning Board, or when Board of Appeals determination is required.

5. The Planning Board has 35 days after the plan is so filed with the Town Clerk to review and recommend conditions of approval of site plans which require Zoning Board of Appeal determination.

6. Failure of the Planning Board to act on site plans within the allotted time shall be deemed approval.

7. It shall be unlawful for any owner or person to physically alter or deviate from the conditions that are shown on a previously approved site plan without resubmitting a revised site plan and application to the Planning Board; in accordance with the regulations of this section.

8. Applications receiving site plan approval shall obtain a building permit within one (1) year thereof, or site plan approval shall be rendered null and void. An applicant receiving site plan approval for a site plan for which a Special Permit has been issued shall obtain a building permit within two (2) years of said site plan approval, or site plan approval shall be rendered null and void.

I. Cluster Residential Development

1. General

Cluster Residential Development shall be allowed in the Town of North Attleborough by special permit in accordance with Chapter 40A, Section 9 of the General Laws, Section VIII.1.8 of this bylaw, (except that for this purpose the Planning Board will be the Special Permit Granting Authority), and this section, in R-15, R-20 and R-40 Districts.

2. Special Permit Granting Authority (SPGA)

For the purpose of this section, the Planning Board shall be the Special Permit Granting Authority, pursuant to Chapter 40A, Sections 1A and 9 of the General Laws.

3. Purpose

The purposes of cluster residential development shall be to protect the public interest in clean air and water, conserve and protect natural resources, encourage the preservation of open space, and encourage design flexibility, by authorizing density and use restrictions which vary from those otherwise permitted in the district, in accordance with this section.

4. Minimum Size of Development

A cluster residential development shall consist of a tract of land in single or consolidated ownership of at least 15 contiguous acres in size.

5. Permitted Primary Uses

Primary uses may include the following:

1. Dwelling, Single Family
2. Dwelling, Two Family
3. Dwelling, Multi Family
4. Accessory uses to the above as specified in Use Schedule B for the applicable zoning district.

The following restrictions shall apply to primary uses:

1. No home occupations or professional uses shall be permitted.
2. Motor vehicles shall be parked only in designated parking areas.
3. Permanent accessory structures shall be subject to approval on the site development plan.

6. Permitted Open Space Uses

Permitted open space uses may include the following:

1. Active open space recreational uses such as:
 - a. Playgrounds and tot lots
 - b. Ball fields and ball courts
 - c. Outdoor swimming pools or swimming areas
 - d. Hiking and walking trails
 - e. Golf course
2. Natural areas such as:
 - a. Wildlife preserve
 - b. Bird sanctuary
 - c. Preservation area for endangered plant species
3. Agricultural and silvicultural uses, but excluding buildings or structures associated with such uses.
4. Preservation of areas subject to protection under Chapter 131, Section 40 of the General Laws, the Wetlands Protection Act.
5. Preservation of steep slopes, ledges, or other areas which may be deemed unsuitable for development due to topographic conditions.
6. Buffer areas as put forth in this section and as defined elsewhere in this by-law.
7. On-site water runoff and retention areas, erosion control measures, and related facilities.

To ensure the continued provision of open space, the location of all designated open spaces shall be shown on the site plan, and as a condition of the special permit, the several separate parcels shall be subject to deed restrictions for continued open space and depending on the development scheme of the approved development plan shall be owned in one or a combination of the following ways:

1. As the designated open space portion of a single family building area.
2. As the designated open space portion of a two family building area.
3. As the designated open space portion of a multi-family building area.
4. As a single parcel of land conveyed to the Town of North Attleborough and accepted by the town for park or open space use.
5. As a single parcel of land conveyed to a non-profit organization with the principal purpose the conservation of open space.
6. As a single parcel of land conveyed to a corporation or trust of the owners of building areas or residential units.

7. Permitted Density

The following density schedule shall apply to cluster residential developments:

District	Permitted Use	Minimum* clustered building area (sq. ft. per dwelling unit)	Minimum** gross building area (sq. ft. per dwelling unit)
R-40	Dwelling, Single-family	20,000	40,000
	Dwelling, Two-family	20,000 per dwelling unit	40,000
	Dwelling, Multi-family	20,000 per dwelling unit plus 2,000 per bedroom	40,000
R-20	Dwelling, Single-family	10,000	20,000
	Dwelling, Two-family	10,000 per dwelling unit	20,000
	Dwelling, Multi-family	10,000 per dwelling unit plus 1,000 per bedroom	20,000
R-15	Dwelling, Single-family	9,000	15,000
	Dwelling, Two-family	9,000 per dwelling unit	15,000
	Dwelling, Multi-family	9,000 per dwelling unit plus 900 per bedroom	15,000

*Minimum clustered building area is the land area required for the siting of each residential structure exclusive of streets, areas subject to protection under Chapter 131, Section 40 of the General Laws (the Wetlands Protection Act), and open space land.

**Minimum gross building area is the lot area which would be required for siting each residential building under the normal application of zoning.

The total number of proposed dwelling units in the cluster residential development shall not exceed the number of dwelling units which could be developed under a normal application of the zoning for the district in which the development is located if the development were to be laid out as a conventional subdivision. For purposes of this paragraph, it shall be assumed that a maximum of 80 percent of the total tract area excluding area subject to protection under the Wetlands Protection Act could be utilized to meet lot area requirements under normal application of this by-law.

At least 30 percent of the total tract area (of which at least 50 percent shall not be area protected under the Wetlands Protection Act or slopes in excess of 25 percent) shall be set aside as open space in a natural state.

8. Dimensional Requirements

a. Dimensional requirements within a cluster residential development shall comply with Intensity Schedule A of this bylaw for minimum yard setbacks of the cluster development from neighboring lot lines, and for maximum height and number of stories.

b. Within the cluster residential development, the minimum distance between the walls of principal buildings which contain windows shall be twice the minimum yard or side setback required in the district under a normal application of this bylaw.

c. Single-family detached dwellings may be situated on separate building areas which comply in area with the minimum clustered building area, provided that the distance between the buildings is not less than twice the minimum yard or side setback required within Intensity Schedule A.

d. Two-family dwellings may be situated on separate building areas with a shared side property line and a common building wall between the units provided the distance between the buildings is not less than twice the minimum yard or side setback required within Intensity Schedule A.

e. Multi-family dwellings may be situated on separate building areas for each unit, provided the distance between the buildings is not less than twice the minimum yard or side setback required within Intensity Schedule A.

9. Buffers and Screening

The Special Permit Granting Authority may, as a condition of the permit, require screening and buffers between the Cluster Residential Development and adjoining properties, if natural screening is not available.

The buffer strip shall be of a width deemed necessary to assure protection of neighboring properties, and it may consist of either natural plantings or fencing.

10. Application Process

a. Preapplication Review

Applicants may submit a preapplication together with drawings, plans, and other material for informal review by the SPGA and such other official boards deemed appropriate by the SPGA, as specified in the regulations of the Planning Board acting as the SPGA under this section. Such a preapplication shall not constitute an application under this section.

b. Application

Applications shall be in the form and contents as specified in the regulations of the Planning Board acting as the SPGA under this section and shall be submitted with the specified number of site development plans prepared by a registered professional engineer or land surveyor.

The site plan shall indicate the location and extent of natural features as the SPGA may require, including soil conditions, topography, slopes, wetland, historic features, and land areas which are subject to legal restrictions or otherwise unsuitable or inappropriate for development. Areas to be retained as open land, to be the location of dwelling units, location of proposed dwelling units, roads, pathways, parking and service areas, and locations for water, sewer and other utilities shall be identified.

The Cluster Residential Development Plan shall be generally consistent with the current rules and regulations of the Planning Board for a subdivision plan under the North Attleborough Planning Board's Rules and Regulations Governing Subdivision of Land.

c. Bonding or Other Security

In order to assure that improvements to the cluster residential development are fulfilled, the Planning Board shall require that all improvements as specified on the Cluster Residential Development plan are properly fulfilled by securing a bond or other negotiable security in an amount satisfactory to the Board or by covenant. The Board shall release all or portions of such security as construction of improvements is approved in accordance with the Town's specifications.

If a covenant is employed as a performance guarantee, such covenant shall be in conformance with a Master Deed for the Cluster Residential Development, and shall state that no building areas with the Cluster Residential Development shall be sold and no buildings shall be erected thereon until improvements specified as a condition of the Special Permit are constructed to serve the building areas and/or buildings adequately.

11. Special Regulations

a. Cluster Residential Developments shall be served by both public water and sewerage systems, except that a cluster development in the R-40 district for single family dwellings only need not be served by the public sewerage system as long as the clustered building area per dwelling is 20,000 square feet or greater.

b. Cluster Residential Development Plans shall be submitted to other Town boards with the appropriate jurisdictions, including wetlands and public health, for approvals as required by state and local laws.

c. No portion of an approved cluster residential development shall be further subdivided or rezoned, and no portion of a cluster residential development may be further subdivided or rezoned after the SPGA has approved the plan and recorded its decision with the Town Clerk.

d. If and when a Homeowner's Association (HOA) is established for the control of the property in a cluster residential development, the HOA documentation shall be reviewed by the Planning Board prior to recording at the Registry of Deeds. The Town of North Attleborough shall have no responsibilities pertaining to the internal affairs of any HOA which may be established.

e. A special permit granted under this section shall lapse within a two year period if construction has not commenced within this time period.

f. Access to all building areas within a Cluster Residential Development shall be provided by a common road(s) or way(s) within the Cluster Residential Development serving only the said building areas; and no building area(s) shall have access to an existing public way other than by the common road(s) or way(s) within the Cluster Residential Development. This restriction on access to building areas within a Cluster Residential Development shall not apply to open space areas within said Cluster Residential Development.

K. Home Occupation

For the use of a dwelling in any "R" district for a home occupation, the following conditions shall apply:

1. No more than one nonresident shall be employed therein.
2. The use is carried on strictly within the principal building.
3. Not more than 40 percent of the existing gross floor area not to exceed 600 square feet shall be devoted to such use.
4. There shall be no display of goods or wares visible from the street.
5. No advertising on the premises other than a single small non-electric sign not to exceed one square foot in area, and carrying only the occupant's name and his occupation.
6. The buildings or premises occupied shall not be rendered objectionable or detrimental to the residential character of the neighborhood due to the exterior appearance, emission of odor, gas, smoke, dust, noise, electrical disturbance, or in any other way. In a multi-family dwelling the use shall in no way become objectionable or detrimental to any residential use within the multi-family structure.
7. Any such building shall include no feature of design not customary in buildings for residential use.
8. Home occupations including but not limited to: fine arts studios; dressmaking; real estate or insurance offices; catering; office for lawyer, engineer, architect, and land surveyor, teaching of not more than four pupils simultaneously or in the case of music instruments, not more than a single pupil at a time.
9. Not more than one commercial vehicle in connection with such home occupation shall be stored on the premises. An accepted off-street parking space shall be provided for any such commercial vehicle.

L. Integrated Retail Development.

A parcel of land within a C-60 District, containing no less than 40 contiguous acres and developed for one or more buildings containing, in the aggregate, no less than 250,000 square feet of gross floor area principally devoted to retail uses, shall be treated as an Integrated Retail Development. An Integrated Retail Development shall comply with the following requirements and such requirements, even when inconsistent with or less restrictive than the other requirements of this By-Law, shall govern:

1. Such parcel of land shall be in single ownership or in multiple ownerships subject to easements permitting the common use of access drives and utility systems located within the Integrated Retail Development.

2. An Integrated Retail Development may consist of more than one building and more than one building may be located on a lot in an Integrated Retail Development.

3. No building permit for an Integrated Retail Development or any portion thereof shall be granted until a site plan for the Integrated Retail Development has been submitted to and approved by the Planning Board under Subsection H of this Section VI.

In addition to the requirements of Subsection H of Section VI of this By-Law, in reviewing a site plan for an Integrated Retail Development, the Planning Board shall consider the proximity of access to a major interstate highway, and may (i) prohibit entrances and exists onto streets which are residential in nature, and (ii) impose screening and buffers in lieu of or in addition to the requirements of Subsection B.6 of Section IV of this By-Law, a minimum of (50) fifty feet; or as the Planning Board shall deem appropriate to protect adjacent residential lands.

The Planning Board shall also include as a condition of its site plan approval the performance of any written commitments made by the developers of the Integrated Retail Development to the Planning Board, the Board of Selectmen or the Finance Committee intended to reduce or limit the impacts, financial or otherwise, of the Integrated Retail Development on the Town. Such condition shall be based on the written information furnished to the Planning Board by the Board of Selectmen and the Finance Committee. Such condition shall be binding on the applicant for such site plan approval and the applicant's successors in title and shall be recorded with the Bristol County Registry of Deeds before any building permit is issued for the Integrated Retail Development. Once approved, no site plan may be modified without the approval of the Planning Board; however, the site plan for an Integrated Retail Development may be submitted showing a permitted building area, in which buildings are to be located, rather than with the locations of the buildings finally established. Provided the boundaries of such permitted building area are approved by the Planning Board, once the site plan is approved, no separate approval of the Planning Board will be required for the actual location of a building or buildings within such permitted building area.

In connection with approval of a site plan for an Integrated Retail Development, the Planning Board shall require the applicant to fund a clerk of the works to assist the Building Inspector in overseeing construction of the Integrated Retail Development.

4. The Minimum Open Space for the Integrated Retail Development shall be fifteen percent (15%). In addition, in the case of Integrated Retail Developments with lot coverage below the Maximum Lot Coverage Requirement, the Maximum Height Requirement and the Maximum Number of Stories shall be increased in accordance with the following formula: for every percentage point that the Integrated Retail Development is below the Maximum Lot Coverage Requirement, the Maximum Height Requirement shall be increased by three (3) feet and for each five (5) such percentage points the Maximum Height Requirement shall be increased by one story provided that under no circumstances shall any building exceed fifty (50) feet in height or contain more than four (4) stories.

5. The requirements of Intensity Schedule A, as modified by subparagraph 4 of this Subsection L, shall be applied to an Integrated Retail Development as if it were one lot, even though it may be comprised of several lots in different ownerships. Thus, the requirements of Minimum Lot Width, Maximum Lot Coverage and Minimum Open Space shall be applied to the Integrated Retail Development as a single parcel of land, not the individual lots, if more than one, constituting the Integrated Retail Development, and no side or rear yards shall be required in respect of interior lot lines separating ownerships within an Integrated Retail Development. The requirements of this By-Law regulating side and rear yards, Minimum Lot Width, Maximum Lot Coverage and Minimum Open space shall not be applicable to individual lots within an Integrated Retail Development once site plan approval is obtained for the Integrated Retail Development.

6. In addition to the uses otherwise permitted in a C-60 District in accordance with Schedule B, in an Integrated Retail Development, there shall be permitted as of right the following uses: (i) personal services customarily found in retail shopping centers and (ii) an automobile service center that does not offer gasoline for sale and that is attached to a department store building located within the Integrated Retail Development..

7. On-site and off-site storm water detention areas serving an Integrated Retail Development shall be a permitted use within any zoning district provided that the plans therefor have been submitted to and approved by the Planning Board concurrently with the approval of the site plan under Subsection H of this Section VI.

8. For the purposes of applying the off-Street Parking Regulations contained in Subsection A of Section VI of this By-Law, no building in an Integrated Retail Development shall be treated as consisting of mixed use unless exclusive of its primary use, as identified in Schedule C, one or more other uses identified in Schedule C occupy, in the aggregate, more than twenty-five percent (25%) of the gross floor space of such building. For purposes of applying such Parking Regulations, the gross floor space shall consist of the total floor area of the building or buildings designed for tenant occupancy and exclusive use.

9. By the issuance of a special permit pursuant to Section 9 of Chapter 40A of the General Laws and Section VIII of this By-Law (except that for this purpose only, the Planning Board shall be the special permit granting authority), parking spaces in an Integrated Retail Development may have a minimum width of nine (9) feet and a minimum length of eighteen (18) feet and entrance and exit drives may exceed twenty-four (24) feet in width where consistent with good traffic design.

10. Wall signs shall be permitted provided the aggregate surface area of all wall signs in any one lot in an Integrated Retail Development does not exceed five percent (5%) of the aggregate surface area of all exterior walls of buildings on such lot. No more than one pylon sign may be maintained in any Integrated Retail Development and any such pylon sign shall not exceed thirty (30) feet in height measured from the grade of the center line of the adjacent public way or contain, on any one side, more than two hundred (200) square feet of surface area. A reader board sign, as an additional sign, on the pylon sign so permitted.

M. Development Impact Statement (DIS)

Any request for a building permit for industrial or commercial development in excess of 10 contiguous acres, or any proposed plan in excess of 50 dwelling units, or when determined appropriate by the Planning Board for development that occurs within designated Flood Plain or Water Resources Protection Districts, shall not be granted until a DIS is submitted to the Planning Board by the applicant with appropriate site plan or definitive plan.

A. Purpose: The intent of the DIS is to enable Town officials to determine and evaluate those methods to be used by the applicant to promote the environmental health of the community and to minimize the environmental degradation of the Town's natural resources.

B. Procedure: The Planning Board may waive in part, or whole, any requirements contained in the Statement which it deems inapplicable to the project proposal. The developer should discuss the requirements with the Board or its agent prior to preparation of the Statement, preferably prior to submission of a tentative plan.

C. Contents: The Statement shall be a technical document with references and maps for all findings wherever possible. The Planning Board shall review the Statement and request written recommendations from the Conservation Commission, Board of Public Works and Board of Health which shall evaluate effects on stormwater runoff flows, erosion and sediment control plans, method of recycling water into the ground, the maintenance and improvement of the flow and quality of surface and subsurface waters; the preservation or promotion of wildlife refuges, historic sites, unique geological, botanical and archaeological features, existing or potential trails and access to open space areas; and the health and safety of the inhabitants of the area. The DIS shall include the following:

1. Physical Conditions

a. Description of existing, general physical conditions of the site, including topography, location and varieties of vegetation and geologic type, scenic and historical features, trails and open space links, and indigenous wildlife.

b. Description of how project will affect above features.

c. Provide a complete description of the project including its effect on the surrounding area and watershed.

d. Impact of proposed development on air quality and noise levels.

e. Applicant shall submit one alternative development plan which also shall minimize impacts on natural resources.

2. Surface Water and Erosion Content

a. Description of location, size and type of existing water bodies, wetlands and flood plains; including existing surface drainage characteristics, both within and adjacent to the project.

b. Developer shall provide calculated stormwater runoff peak discharges based on a 25 year design storm for present and future condition scenarios (comparable to state acceptable standards).

c. Runoff calculations and pollutant loading analysis shall use the Soil Conservation Service's (SCS) Soil Cover-Complex or Rational Methodology. Pollutant loadings resulting from the project shall analyze Phosphorus, Nitrate, BOD and Suspended Solids in ppm compared with acceptable state standards; to assist in analysis of project's impact on water quality.

d. Describe and evaluate the temporary erosion and sediment control techniques to be used during construction; i.e., sediment basins and type of mulching, matting or temporary vegetation.

e. Describe approximate size and location of land to be cleared at any given time and length of time of exposure; covering of soil stockpiles, and other control methods.

f. Describe and evaluate the permanent methods to be used to control erosion and sedimentation. Criteria to include in a descriptive analysis are:

- * Calculate amount of anticipated soil loss on-site due to erosion; use of SCS Universal Soil Loss Equation shall be employed.

- * Designate any existing or proposed areas subject to flooding.

- * Proposed surface drainage system(s).

- * Methods to be used to protect existing vegetation.

- * The relationship of the development to the topography including techniques to control runoff.

- * Any proposed alterations of shore lines, marshes or seasonal wet areas.

- * Any existing or proposed flood control or drainage easements.

- * Estimated increase of peak runoff caused by altered surface conditions, and methods to be used to return water to the subsurface.

- * Effects on surface water quality.

3. Subsurface Water and Soil Conditions

a. Where appropriate, the Board may require soil surveys to establish the suitability of the land for proposed storm and sanitary drainage installations and building foundation stability. In preparing the statement, the applicant shall utilize the Soil Survey Maps and Manual, prepared by the Soil Conservation Commission, U.S. Department of Agriculture.

b. Describe and evaluate the impact of the sewage disposal method(s) on surface and subsurface water, soils, drainage and vegetation.

c. Describe any limitations on proposed project resulting from subsurface soil and water conditions; including methods to overcome limitations.

d. Describe approximate depth to bedrock and ground water table based on reference to Surficial Geology Maps or through test borings.

e. Describe procedures and findings of percolation tests conducted on the site.

f. Evaluate impact of sewage disposal methods on quality of subsurface water.

4. Human Environment

a. Provide a tabulation of proposed buildings by type, minimum lot area (number of bedrooms, floor area), ground coverage, and a summary showing the percentage of the tract to be occupied by buildings and parking, and usable open space.

b. Describe type of construction, building materials used, location of common areas, location and type of service facilities (laundry, trash, garbage disposal).

c. Description of location, size and type of active and passive recreational facilities and open space available to residents.

d. Describe proximity to transportation facilities, shopping areas and educational centers.

5. Service Impact

a. Provide data estimating traffic flow at peak hours, including roadway volume, level of service and capacity estimations on connecting streets.

b. Determine safety impact the development will have on connecting arterial streets; accident trends and rates are to be calculated.

c. Show the location of parking areas, circulation patterns and number of vehicle spaces.

d. Determine the effect of the project on the town water supply and distribution system.

e. Determine electrical impact and sewerage impact on existing town facilities.

6. Fiscal Impact

a. Conduct a quantitative-qualitative cost-revenue fiscal analysis describing the cumulative impact the development shall have on Town financial resources.

* Cost factors include the following: Project effect on police and fire protection, highways and Public Works' service, solid waste disposal facilities, educational services, recreational facility impact and health services.

* Revenue factors include the following: Project effect on property taxes, vehicular taxes, licenses and fees, fines and miscellaneous taxes.

b. The Planning Board may require the developer to adhere to planning methodologies deemed appropriate by the Board in ascertaining a project's fiscal impact on local finances; methodology information supplied by Planning Board, or designated agent.

N. Planned Business Development

A Planned Business Development (PBD) may be allowed on a lot in the C-7.5, C-30, C-60, OP-60 or IC-30 districts, subject to a special permit from the Planning Board as the Special Permit Granting Authority (SPGA), and subject to the additional criteria stipulated in this Section VI.N, and, in accordance with the requirements of Section V.D of this zoning by-law, all retail, service, and commercial developments greater than five acres in size within the C-7.5, C-30, C-60, OP-60 or IC-30 districts shall be subject to review under this Section VI.N. The submission of a site plan accompanying an application for a special permit under this Section VI.N shall supercede and alleviate the need to submit a separate site plan under Section VI.H of this zoning by-law.

1. Special Permit Granting Authority (SPGA)

For the purposes of this section, the Planning Board shall be the Special Permit Granting Authority, pursuant to Chapter 40A Sections 1A and 9 of the Massachusetts General Laws.

2. Purposes of Planned Business Development

The purposes of a PBD shall be:

- a. To avoid and to lessen traffic congestion and to promote traffic safety, on state and local highways and roads by the coordination of adjacent land uses and traffic patterns within the commercial districts.
- b. To promote and attract visually pleasing commercial development which will expand the commercial tax base of the town.
- c. To encourage commercial development in clusters and nodes rather than in "highway strips", thereby discouraging unlimited commercial "strip development" and excessive numbers of curb cuts along highways.

3. Minimum Size of Development

The tract of land (lot) designated for a PBD shall be at least five contiguous acres in size of which all acreage designated for the PBD shall be within one of the four business (commercial) and/or OP-60 districts established in Section II of this zoning by-law, and shall, at the time of submission of the building permit application, be under single ownership or in multiple ownerships subject to easements permitting the common use of access drives and utility systems within the PBD. A tract of land less than five acres in size may be reviewed as a PBD if the SPGA is so requested by the applicant.

4. Minimum Open Space Requirement

The minimum open space requirement for a Planned Business Development may be reduced to thirty percent (30%), provided that a landscaping plan prepared by a registered professional landscape architect submitted in conjunction with the site plan which accompanies the special permit application is approved by the SPGA, and, provided that, if a lot is split between a commercial district and a residential or industrial district, the commercial portion of the lot shall contain at least thirty percent open space as defined in this zoning by-law.

5. Permitted Uses (By Right or By Special Permit)

Uses allowed by right in the commercial districts and listed as Retail and Service Uses in Use Schedule B of this zoning by-law shall be allowed in a PBD. All uses in the OP-60 District shall be subject to a PBD. Uses requiring a special permit for the commercial district shall be subject to review under the criteria established in Section VIII.1.8 of this zoning bylaw for their establishment in a PBD. If necessary, a joint hearing between the Planning Board and the Zoning Board of Appeal may be held when proposed uses require a special permit from the Board of Appeal. On a lot in an IC-30 district, the uses subject to a PBD shall be those uses listed as Retail and Service Uses in Use Schedule B.

6. Provisions for More Than One Principal Building on a Lot

In a PBD, more than one principal building may be located on a lot, provided that the proposed development scheme is approved by the SPGA. All other criteria required by this zoning by-law shall be in effect. If more than one building is located on a lot, the distance between the buildings shall be at least twice the side yard setback specified in Intensity Schedule A of this zoning by-law for the district in which the PBD is located.

7. Traffic Impact Mitigation

As a condition of special permit approval, the applicant must demonstrate to the SPGA that measures will be taken in order that the project will minimize traffic volume and will minimize negative impacts to safety on adjacent highways. The following standards shall be employed.

- a. The number of curb cuts on state and local roads shall be minimized. To the extent feasible, access to businesses shall be provided via one of the following.
 - i. Access via a common driveway serving adjacent lots or premises.
 - ii. Access via an existing side street.
 - iii. Access via a cul-de-sac or loop road shared by adjacent lots or premises.

The SPGA may require, as a condition of the special permit that such access roads are constructed in general compliance with the Planning Board's Rules and Regulations Governing the Subdivision of Land.

- b. One curb cut opening (driveway) per Planned Business Development shall be permitted as a matter of right. Where deemed necessary by the Special Permit Granting Authority, two curb cut openings (driveways) may be permitted as part of the Special Permit Approval process, which shall be clearly marked "entrance" and/or "exit."

- c. Curb cuts shall be limited to the minimum width for safe entering and exiting, and shall in no case exceed 25 feet in width measured at the beginning of the driveway after the radii are parallel to each other.

- d. All driveways shall be designed to afford motorists exiting to highways with safe sight distance.

- e. The proposed development shall assure safe interior circulation.

f. In each case, a traffic impact statement shall be prepared by a professional engineer who specializes in traffic engineering. The traffic impact statement shall contain:

i. A detailed assessment of the traffic safety impacts of the proposed project or use on the carrying capacity of any adjacent highway or road.

ii. A plan to minimize traffic safety impacts through such measures as physical design layout concepts, or measures such as those specified in Subsection 6.a, i-iii above.

iii. An interior traffic and pedestrian circulation plan designed to minimize conflicts and safety problems.

g. Access to state highways shall be subject to review and approval by the Massachusetts Department of Public Works as required.

h. Sidewalks, walkways, or other safe passageways shall be provided to provide access to adjacent properties and between individual businesses within a development.

i. Other requirements of Section VI.A of this zoning by-law shall be adhered to.

8. Parking Requirements

a. Proposed projects or uses must comply with Parking and Off-Street Loading Requirements in Section VI.A of this zoning by-law. To the extent feasible, parking areas shall be located to the side or rear of the structure, and may be shared with adjacent businesses.

9. Landscaping

a. A landscaping plan for the entire PBD site shall be prepared by a registered professional landscape architect, and shall be submitted as a part of the site plan which is submitted under this section for the site plan which is submitted along with the Special Permit application under this Section VI.N.

b. A landscaped buffer strip at least (10) feet wide, continuous except for approved driveways, shall be established adjacent to any public road to visually separate parking and other uses from the road. The buffer strip shall be planted with grass, medium height shrubs, and shade trees (minimum 2 inch caliper, planted at least every 50 feet along the road frontage). At all street or driveway intersections, trees or shrubs shall be set back a sufficient distance from such intersections so that they do not present a traffic visibility hazard, in compliance with Section VI.B of this zoning by-law.

c. Large parking areas shall be divided with 40' x 10' landscaped islands, so that no paved parking surface shall extend more than 200 feet. At least one tree (minimum 2" caliper) per 40 parking spaces shall be provided.

d. Exposed storage areas, machinery, service areas, truck loading areas, utility buildings and structures and other unsightly uses shall be screened from view from neighboring properties and streets using dense, hardy evergreen plantings, or earthen berms, or wall or tight fence complemented by evergreen plantings.

e. All landscaped areas shall be properly maintained. Shrubs or trees which die shall be replaced within one growing season.

10. Stormwater Runoff

a. The rate of surface water run-off from a site shall not be increased after construction. If needed to meet this requirement and to maximize groundwater recharge, increased runoff from impervious surfaces shall be recharged on site by being diverted to vegetated surfaces for infiltration or through the use of detention and/or retention ponds. Dry wells shall be used only where other methods are infeasible and shall require oil, grease, and sediment traps to facilitate removal of contaminants.

b. Neighboring properties shall not be adversely affected by flooding from excessive run-off.

11. Erosion Control

Erosion of soil and sedimentation of streams and waterbodies shall be minimized by using the following erosion control practices.

a. Exposed or disturbed areas due to stripping of vegetation, soil removal, and regrading shall be permanently stabilized within six months of occupancy of a structure.

b. During construction, temporary vegetation and/or mulching shall be used to protect exposed areas from erosion. Until a disturbed area is permanently stabilized, sediment in runoff water shall be trapped by using staked haybales or sedimentation traps.

c. Permanent erosion control and vegetative measures shall be in accordance with the erosion/sedimentation/vegetative practices recommended by the Soil Conservation Service.

d. All slopes exceeding 25% resulting from site grading shall be either covered with 4 inches of topsoil and planted with a vegetative cover sufficient to prevent erosion or be stabilized by a retaining wall.

e. Dust control shall be used during grading operations if the grading is to occur within 200 feet of an occupied residence or place of business. Dust control methods may consist of grading fine soils on calm days only or dampening the ground with water.

12. Procedures for Issuance of Special Permits

a. Each application for a Special Permit shall be filed with the Town Clerk and two copies shall be filed forthwith by the petitioner with the Special Permit Granting Authority and shall be accompanied by 6 copies of all accessory documentation including site plans and the Development Impact Statement required by Section VI.M of this zoning by-law, if applicable. Such Special Permit shall be granted if the SPGA determines that the intent of this by-law as well as the specific criteria required by this section are met.

b. The SPGA shall hold a public hearing on each application within 65 days of its receipt from the Town Clerk in conformance with the Massachusetts General Laws, Chapter 40A, Section 9. Notice of public hearing shall be given by publication, posting, and first-class mailing to "parties of interest" as defined in Section 11 of Chapter 40A of the General Laws. The SPGA shall act upon each application within 90 days of the public hearing or of any continuance thereof. Failure of the SPGA to take final action upon such application within the 90 day period shall be deemed to be a grant of the Special Permit applied for.

c. The SPGA shall adopt rules and regulations under this section which shall specify the requirements for plan submission and content and administration of special permits granted under this Section VI.N.

d. Before issuing a Special Permit, the SPGA shall find that the proposed use is in harmony with the purpose and intent of this zoning by-law including the criteria established in Section VIII.I.8 of this zoning by-law, and any additional criteria required by this Section VI.N.

e. In considering a site plan under this Section, the Planning Board shall assure, to a degree consistent with a reasonable use of the site for the purposes permitted or permissible by the regulations of the district in which located:

- * Protection of adjoining premises against encroachment of conflicting land uses.
- * Convenience and safety of vehicular and pedestrian movement within the site, and in relation to adjacent streets, property, or improvements.
- * Method of disposal for sewage, refuse, and other wastes resulting from the uses permitted or permissible on the site, and the methods of drainage for surface water including consideration of groundwater recharge.
- * Adequacy of space and location for the off-street loading and unloading of vehicles, goods, products, materials, and equipment incidental to the normal operation of the establishment.
- * Adequacy of lighting such that all lighting and other sources of illuminating, whether interior or exterior, and all intense lights emanating from operations or equipment shall be shielded from direct view at normal eye level from adjacent properties and roadways.
- * Adequate provision of rights of way for future access to undeveloped property.
- * Adequate provision of screening from adjacent properties for any open air use deemed objectionable.
- * Preservation of natural growth and terrain features as appropriate.
- * Insure that minimum ten (10) foot vegetated buffer strips are provided along roadway frontages on non-residential plans; unless waived by the Planning Board due to spatial constraints.

f. The site plan submitted to the SPGA shall be prepared by a professional registered civil engineer. It shall show, among other things as may be required by the Board in the proper administration of this section, name of applicant and lot owner, assessor's plat and lot number, book and page number as recorded in Bristol County Registry of Deeds; dimensions of the lot and building distances from each lot line; scale of plan and zoning district use; locus plan of the area showing the specific site at a scale of 1"=2,000'; location of existing and proposed structures including dimensions, total area, number of stories, and ground elevation at building corners; dimensions of parking spaces, loading areas, driveway openings, driveways, service areas and other open uses; delineating of a vegetative clearance line, landscape design of the lot including dimensions of sidewalks, fences, walls and planting areas; all facilities for water, sewage, refuse, and other waste disposal, and for drainage plans including but not limited to: catch basins, pipes, paved waterways, drywells, rip rap, retention and detention storage areas; all existing and proposed topographic contours at two (2) foot intervals; all wetlands, flood plains, waterways and rock outcroppings; location and dimension of any easements; all curbs, granite bounds, and pertinent roadway data including but not limited to the following: length, bearing, radii, tangent distances, and central angles to determine the exact location, direction, and length of every street and way line, lot line, and boundary line; and to establish these lines on the ground; location of signs; percentage calculations of total land area comprising maximum lot coverage (derived by adding the maximum tract area expressed in square feet minus the total building gross floor area expressed in square feet) and minimum open space (derived by adding the maximum tract area expressed in square feet minus the total building gross floor area and total paved area for parking purposes expressed square feet); proposed location(s) of accessory storage, if any; and names and location of all existing abutters indicating limits of contiguous boundaries and those owners of land separated from the site by a street.

13. Enforcement

a. The SPGA may require the posting of a bond or other negotiable security prior to the issuance of any permits or licenses, as a condition of the special permit, to assure compliance with the site plan and conditions of approval of the Special Permit under this Section VI.N.

b. Any special permit with site plan approval issued under this section shall lapse within two (2) years if a substantial use thereof has not commenced sooner except for good cause.

c. The SPGA may periodically amend or add rules and regulations relating to the procedures and administration of this Section VI.N.

O. Special Permits for Adult Uses.

1. The Board of Appeals established in Section VIII.I of this by-law may grant a special permit authorizing the establishment of an adult bookstore, adult cabaret, adult motion picture theatre, adult paraphernalia store, or adult video store as defined in this by-law subject to the provisions of this Section.

2. In addition to the findings required under Section VIII.I.8 of this by-law, the Board of Appeals, in granting a special permit under this Section, shall find the following:

a. No portion of the exterior walls of any building or structure within which any adult bookstore, adult cabaret, adult motion picture theatre, adult paraphernalia store, or adult video store as defined in this by-law is to be conducted or of any parking or loading area for the use of said building or structure shall be within 500 feet of any residential zoning district or within 500 feet of the nearest property line of any residential use, public or private school, church or other religious facility, or public park or recreation area at the time of the special permit application. The distance specified above shall be measured by a straight line from the nearest property line of the premises on which the adult bookstore, adult cabaret, adult motion picture theatre, adult paraphernalia store, or adult video store as defined in this by-law is to be located to the nearest boundary line of a residential zoning district, or to the nearest property line of any residential use, public or private school, church or other religious facility, or public park or recreational area, as the case may be.

b. No portion of the exterior walls of any building or structure within which such adult use is to be conducted or of any parking or loading area for the use of said building shall be within 1,000 feet of any other adult bookstore, adult cabaret, adult motion picture theatre, adult paraphernalia store, or adult video store as defined in this by-law or from any establishment licensed under the provisions of Massachusetts General Laws Chapter 138, Section 12, at the time of the special permit application. The distance specified above shall be measured by a straight line from the nearest property line of the premises on which the adult bookstore, adult cabaret, adult motion picture theatre, adult paraphernalia store, or adult video store as defined in this by-law is to be located to the nearest boundary line of any other adult use or any establishment licensed under the provisions of Massachusetts General Laws Chapter 138, Section 12, as the case may be.

c. No adult bookstore, adult cabaret, adult motion picture theatre, adult paraphernalia store, or adult video store as defined in this by-law may be allowed within a building containing other retail, consumer or residential uses, or within a shopping center, shopping plaza, or mall.

3. For each application for a Special Permit under this Section, four copies of said application and all accompanying documentation, including a site plan, shall be filed with the Town Clerk. The SPGA shall hold a public hearing on each application within 65 days of its receipt from the Town Clerk in conformance with the Massachusetts General Laws, Chapter 40A, Section 9. Notice of public hearing shall be given by publication, posting, and first-class mailing to "parties of interest" as defined in Section 11 of Chapter 40A of the General Laws. The SPGA shall act upon each application within 90 days of the public hearing or of any continuance thereof. Failure of the SPGA to take final action upon such application within the 90 day period shall be deemed to be a grant of the Special Permit applied for.

4. The SPGA shall adopt rules and regulations under this section which shall specify the requirements for plan submission and content and administration of special permits granted under this Section VI.O.

5. Before issuing a Special Permit, the SPGA shall find that the proposed use is in harmony with the purpose and intent of this zoning by-law including the criteria established in Section VIII.I.8 of this zoning by-law, and any additional criteria required by this Section VI.O.

6. Any special permit granted hereunder for an adult entertainment use shall lapse after one year, including such time required to pursue or await the determination of an appeal from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause, or in the case of a permit for construction, if construction has not begun by such date except for good cause.

1. The Board of Appeals established in Section VIII.I of this by-law may grant a special permit authorizing the establishment of an adult bookstore, adult cabaret, adult motion picture theatre, adult paraphernalia store, or adult video store as defined in this by-law subject to the provisions of this Section.

2. In addition to the findings required under Section VIII.I.8 of this by-law, the Board of Appeals, in granting a special permit under this Section, shall find the following:

P. Adult Retirement Community

1. General

Adult Retirement Communities shall be allowed in the Town of North Attleborough by special permit in accordance with Chapter 40A, Section 9 of the General Laws, Section VI.P of this bylaw, (except that for this purpose the Planning Board will be the Special Permit Granting Authority), and this section, in R-10, R-10S, R-15 and R-20 Districts.

2. Special Permit Granting Authority (SPGA)

For the purpose of this section, the Planning Board shall be the Special Permit Granting Authority, pursuant to Chapter 40A, Sections 1A and 9 of the General Laws. For the purpose of this bylaw, the Special Permit Granting Authority shall be referred to as SPGA.

3. Purpose

The purposes of Adult Retirement Communities are:

- a. to promote the development of housing for persons fifty five and over.
- b. to encourage the preservation of open land for its scenic beauty and to enhance agricultural, open space, forestry, and recreational use;
- c. to protect the natural environment, including the Town's varied landscapes and water resources;
- d. to promote more sensitive siting of buildings and better overall site planning;
- e. to facilitate the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner;
- f. to offer an alternative to standard subdivision development.

4. Minimum Size of Development

An Adult Retirement Community shall consist of a tract of land in single or consolidated ownership of at least 5 contiguous acres in size or otherwise comply with the provisions of M.G.L. c. 151B,s.4. An exception, as defined in section 15 of this bylaw, may be granted on less than five acres by the Zoning Board of Appeals.

5. Permitted Primary Uses

Primary uses may include the following:

- a) Dwelling, Single Family
- b) Dwelling, Two Family
- c) Dwelling, Multi Family
- d) Accessory uses to the above as specified in Use Schedule B for the applicable zoning district.

The following **restrictions** shall apply to primary uses:

- a) A multifamily structure shall not contain more than six (6) dwelling units.
- b) The architecture of all buildings shall blend in with the existing architecture of the surrounding neighborhood.
- c) Residential structures shall be oriented toward the street serving the premises and not the required parking area.
- d) No home occupations or professional uses shall be permitted.
- e) Motor vehicles shall be parked only in designated parking areas.
- f) Permanent accessory structures shall be subject to approval on the site development plan.

6. Permitted Open Space Uses

Permitted open space uses may include the following:

- a. Agricultural and silva cultural uses, but excluding buildings or structures associated with such uses.
- b. Preservation of areas subject to protection under Chapter 131, Section 40 of the General Laws, the Wetlands Protection Act.
- c. Preservation of steep slopes, ledges, or other areas which may be deemed unsuitable for development due to topographic conditions.
- d. Buffer areas as put forth in this section and as defined elsewhere in this by-law.
- e. On-site water runoff and retention areas, erosion control measures, and related facilities.

To ensure the continued provision of open space, the location of all designated open spaces shall be shown on the site plan, and as a condition of the special permit, the several separate parcels shall be subject to deed restrictions for continued open space and depending on the development scheme of the approved development plan shall be owned in one or a combination of the following ways:

1. As the designated open space portion of a single family building area.
2. As the designated open space portion of a two family building area.
3. As the designated open space portion of a multi-family building area.
4. As a single parcel of land conveyed to a corporation or trust of the owners of building areas or residential units.

7. Permitted Density

Basic Maximum Number of Dwelling Units. The Basic Maximum Number of dwelling units allowed in an ARC shall not exceed the following standards:

R-10	8 dwelling units or 16 bedrooms per acre of upland
R-10S	8 dwelling units or 16 bedrooms per acre of upland
R-15	6 dwelling units or 12 bedrooms per acre of upland
R-20	6 dwelling units or 12 bedrooms per acre of upland

A minimum of forty percent (40%) of the parcel shown on the development plan shall be contiguous open space. Any proposed contiguous open space, unless conveyed to the Town or its Conservation Commission, shall be subject to a recorded restriction enforceable by the Town, providing that such land shall be perpetually kept in an open state, that it shall be preserved for exclusively agricultural, horticultural, educational or recreational purposes, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.

- a. The percentage of the contiguous open space which is wetlands shall not normally exceed the percentage of the tract which is wetlands; provided, however, that the applicant may include a greater percentage of wetlands in such open space upon a demonstration that such inclusion promotes the purposes set forth in the above paragraph. In no case shall the percentage of contiguous open space which is wetlands exceed fifty (50%) of the tract.
- b. The contiguous open space shall be used for conservation, historic preservation and education, outdoor education, recreation, park purposes, agriculture, horticulture, forestry, or for a combination of these uses, and shall be served by suitable access for such purposes.

8. Density Bonus

The SPGA may award a density bonus to increase the number of dwelling units beyond the Basic Maximum Number. The total award of a density bonus shall not exceed 25% of the Basic Maximum Number. A density bonus may be awarded in the following circumstances:

- a) Fifty percent (50%) or more of the site has been set aside as contiguous open space within an upland area; or
- b) One dwelling unit has been set aside as affordable to persons or families qualifying as low income or two dwelling units have been set aside as affordable to persons or families qualifying as moderate income.

9. Affordable Units.

Where affordable units are created, the dwelling units shall be restricted for a period not less than thirty (30) years. The thirty year restriction shall be approved as to form by legal counsel to the SPGA.

10. Dimensional Requirements

Modification of Dimensional Requirements. The SPGA encourages applicants for ARC to modify lot size, shape, and other dimensional requirements for lots within an ARC, subject to the following limitations:

- a. Lots having reduced area or frontage shall not have frontage on a street other than a street created by the ARC Development; provided, however, that the SPGA may waive this requirement where it is determined that such reduced lot(s) are consistent with existing development patterns in the neighborhood.
- b. At least 50% of the required side and rear yard setbacks in the zoning district shall be maintained in the ARC.
- c. Maximum building height shall conform to the requirements for the district.

11. Design Process

Design Process. Each development plan shall follow the design process outlined below. When the development plan is submitted, the applicant shall be prepared to demonstrate to the SPGA that this Design Process was considered in determining the layout of proposed streets, house lots, and contiguous open space.

- a. *Understanding the Site.* The first step is to inventory existing site features, taking care to identify sensitive and noteworthy natural, scenic and cultural resources on the site, and to determine the connection of these important features to each other.
- b. *Evaluating Site Context.* The second step is to evaluate the site in its larger context by identifying physical (e.g., stream corridors, wetlands), transportation (e.g., road and bicycle networks), and cultural (e.g., recreational opportunities) connections to surrounding land uses and activities.
- c. *Designating the Contiguous Open Space.* The third step is to identify the contiguous open space to be preserved on the site. Such open space should include the most sensitive and noteworthy resources of the site, and, where appropriate, areas that serve to extend neighborhood open space networks.

d. *Location of Development Areas.* The fourth step is to locate building sites, streets, parking areas, paths and other built features of the development. The design should include a delineation of private yards, public streets and other areas, and shared amenities, so as to reflect an integrated community or village.

e. *Lot Lines.* The final step is simply to draw in the lot lines (if applicable).

Drainage

Stormwater management shall be consistent with the requirements for subdivisions set forth in the Planning Board's Rules and Regulations Governing Subdivision of Land, as amended, and all state and federal requirements.

Buffers and Screening

A buffer area of fifty (50) feet shall be provided at the perimeter of the property where it abuts residentially zoned districts, except for driveways or streets necessary for access and egress to and from the site. No vegetation in this buffer area will be disturbed, destroyed or removed, except for normal maintenance. Buffer areas shall be continually maintained by the owners. The SPGA may waive the buffer requirement (i) where the land abutting the site is the subject of a permanent restriction for conservation or recreation so long as a buffer is established of at least fifty (50) feet in depth which may include such restricted land area within such buffer area calculation; or (ii) where the land abutting the site is held by the Town for conservation or recreation purposes; or (iii) the SPGA determines that a smaller buffer will suffice to accomplish the objectives set forth herein. The 50' buffer can be included within the open space calculation.

12. Application Process

Application

Applications shall be in the form and contents as specified in the SPGA Rules and Regulations governing Subdivision of Land and shall be submitted with the specified number of site development plans prepared by a registered professional engineer or land surveyor.

The site plan shall indicate the location and extent of natural features as the SPGA may require, including soil conditions, topography, slopes, wetland, historic features, and land areas which are subject to legal restrictions or otherwise unsuitable or inappropriate for development. Areas to be retained as open land, to be the location of dwelling units, location of proposed dwelling units, roads, pathways, parking and service areas, and locations for water, sewer and other utilities shall be identified.

The Adult Retirement Community shall be consistent with the current rules and regulations of the Planning Board for a subdivision plan under the North Attleborough Planning Board's Rules and Regulations Governing Subdivision of Land.

Bonding or Other Security

In order to assure that improvements to the Adult Retirement Community are fulfilled, the SPGA shall require that all improvements as specified on the Adult Retirement Community plan are properly fulfilled by securing a bond or other negotiable security in an amount satisfactory to the Board or by covenant. The Board shall release all or portions of such security as construction of improvements is approved in accordance with the Town's specifications.

If a covenant is employed as a performance guarantee, such covenant shall be in conformance with a Master Deed for the Adult Retirement Community, and shall state that no building areas with the Adult Retirement Community shall be sold and no buildings shall be erected thereon until improvements specified as a condition of the Special Permit are constructed to serve the building areas and/or buildings adequately.

13. Special Regulations

- a. Adult Retirement Communities shall be served by both public water and sewerage systems.
- b. Adult Retirement Community Plans shall be submitted to other Town boards with the appropriate jurisdictions, including wetlands and public health, for approvals as required by state and local laws.
- c. No portion of an approved Adult Retirement Community shall be further subdivided or rezoned, and no portion of a Adult Retirement Community may be further subdivided or rezoned after the SPGA has approved the plan and recorded its decision with the Town Clerk.
- d. If and when a Homeowner's Association (HOA) is established for the control of the property in a Adult Retirement Community, the HOA documentation shall be reviewed by the SPGA prior to recording at the Registry of Deeds. The Town of North Attleborough shall have no responsibilities pertaining to the internal affairs of any HOA which may be established.
- e. A special permit granted under this section shall lapse within a two year period if construction has not commenced within this time period.
- f. The principal street(s) serving the site shall be designed to conform to the Planning Board's Rules and Regulations Governing Subdivision of Land, as amended, where the roadway is or may be ultimately intended for dedication and acceptance by the Town. Private streets shall be adequate for the intended use and vehicular traffic and shall be maintained by an association of unit owners, or by the applicant until such time as the unit owners assume ownership of the private streets.
- g. Each dwelling unit shall be served by two (2) off-street parking spaces. Parking spaces in front of and within garages may count in this computation. One off-street visitor parking space shall be provided for every five dwelling units.

14. Decision

The SPGA may approve, approve with conditions, or deny an application for an ARC after determining whether the ARC better promotes the purposes of Section I.A of this By-Law than would a conventional subdivision development of the same locus. In making this determination, the SPGA shall consider the following factors:

- a. Social, economic, or community needs which are served by the proposal;
- b. Traffic flow and safety, including parking and loading;
- c. Adequacy of utilities and other public services;
- d. Neighborhood character;
- e. Impacts on the natural environment; and
- f. Potential fiscal impact; including impact on town services, tax base, and employment.

15. Definitions

The following terms shall have the following definitions for the purposes of this section:

- a. "Adult Retirement Community (ARC)" shall mean a development subject to the Age Restriction and the other standards set forth in this Section, as authorized by a special permit. All of the land within an ARC shall be within one or a combination of the R-10, R-10S, R-15 or R-20 districts.
- b. "Affordable to persons or families qualifying as low income" shall mean affordable to persons in the area under the applicable guidelines of the Commonwealth's Department of Housing and Community Development earning less than 50% of the median income and in compliance with the standards for the Local Initiative Program 760 CMR 45.00.
- c. "Affordable to persons or families qualifying as moderate income" shall mean affordable to persons in the area under the applicable guidelines of the Commonwealth's Department of Housing and Community Development earning more than 50% but less than 80% of the median income and in compliance with the standards for the Local Initiative Program 760 CMR 45.00.
- d. "Age Restriction" shall mean that all of the occupied units of the Adult Retirement Community shall be occupied by at least one person who is age fifty-five (55) or older (the "Qualified Occupant"); provided, however, that in the event of the death of the Qualified Occupant(s) of a unit or other involuntary transfer of a unit, a one year exemption shall be allowed to allow for the rental of the unit to another Qualified Occupant(s) so long as the provisions of the Housing Laws (defined below) are not violated by such occupancy. The Age Restriction is intended to be consistent with, and is set forth in order to comply with the Housing Laws.

e. "Contiguous open space" shall mean open space suitable, in the opinion of the SPGA, for the purposes set forth in Sections 6 and 7 of this Section VI.P herein. Such open space may be separated by the street(s) constructed within the Adult Retirement Community. Contiguous open space shall not include required yards.

f. "Density bonus" shall mean additional dwelling unit(s). Computations shall be rounded to the lowest number.

g. An "Exception" shall be in harmony with the general purpose and intent of the bylaw and may be subject to general or specific rules therein contained. Before granting such exception, the Board of Appeals shall hold a public hearing thereon, after the required public notice as further described in Section VIII.I subsection 6-9 of these Zoning Bylaws. When applying for an exception, the applicant shall provide a conceptual site plan illustrating compliance with this bylaw except for the minimum lot requirement.

h. "Housing Laws" shall mean the Fair Housing Act, 42 USC section 3607(b), as amended, the regulations promulgated hereunder, 24 CFR Subtitle B, Ch. 1, section 100.300 et seq. and G.L. c. 151B, section 4.

i. "Special Permit Granting Authority (or "SPGA")" shall for the purposes of an ARC mean the Planning Board, as provided in Section VIII-B. of this zoning bylaw.

j. "Upland" shall mean land not designated a resource area under the Wetlands Protection Act, G.L. c. 131, s. 40 and 310 CMR 10.00.

Section VII - NONCONFORMING OR EXISTING USES

Lots, structures, and uses of land and structures which were existing and lawful before this bylaw was passed or amended, but which are prohibited, regulated, or restricted under the terms of this bylaw, may continue under the conditions outlined hereinafter in this section. This bylaw is intended to permit these nonconformities to continue, but not to encourage their survival. Such users are declared by this bylaw to be incompatible with permitted uses in the districts involved.

A. Nonconforming or Existing Use of Land.

1. Nonconforming uses of land may be continued as long as it remains otherwise lawful, subject to the following provisions:

a. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this bylaw.

b. Any nonconforming lot or open space on the lot including yards and setbacks if already smaller than that required shall not be further reduced so as to be in greater nonconformity, except that the Board of Appeals may grant a special permit to extend a conforming use so as to violate or further violate the side or rear yard requirements. The Building Inspector may issue a building permit for an extension, reconstruction or alteration to a legal pre-existing nonconforming single-family or two-family residential structure under either of the following circumstances:

- i. The extension, reconstruction or alteration of the structure complies with current setbacks and building height requirements.

c. Except as specifically exempt under Section IV.A., any two or more nonconforming, undeveloped, contiguous lots in single or common ownership whether or not separately acquired or shown on a recorded plot, which combined together fail to meet the footage requirements of the Zoning laws applicable thereto, shall be combined into one lot.

d. Except as specifically exempt under Section IV.A., any two or more nonconforming, undeveloped, contiguous lots in a single or common ownership whether or not separately acquired or shown on a recorded plot, which when combined could create one or more full conforming lots, shall be combined and subject to the following regulations:

1) Before granting any permit under this bylaw, such nonconforming lots shall be combined and shall be replatted to create conforming lots in any case where the replat could create one or more fully conforming lots without, in turn, creating or retaining a nonconforming lot or lots;

2) In the case where combining lots would result in a single larger lot which was still nonconforming, such combining of lots shall be carried out and replatted before any permit under this by-law may be granted. However, such replatting shall not be construed as creating a conforming lot and the use of said nonconforming lot shall be subject to all regulations and procedures of this bylaw.

B. Nonconforming Use of Structure

1. Nonconforming structure may continue as long as it remains otherwise lawful subject to the following provisions:

a. Restoration

(1) Any nonconforming structure or any structure occupied by a nonconforming use, which is totally destroyed by fire or other natural cause, may be rebuilt on its original foundation according to original floor area limitations, and used for its original use, provided special permit is granted by the Board of Appeals. Otherwise, it shall not be rebuilt except in accordance with the use, dimensional, and density regulations of this bylaw. Historical buildings may be exempt by special permit of the Board of Appeals.

(2) Any nonconforming structure or any structure occupied by a nonconforming use, which is damaged by fire or other natural cause, may be repaired or rebuilt according to the dimensions and floor limitations of the original structure and used for its original use or a conforming use.

If restoration under 1 or 2 above is not started within one year of the cause of the damage, the rebuilt or repaired structure shall not be used except for a conforming use.

b. No existing structure devoted to a use not permitted by this bylaw in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

c. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designated for such use at the time of adoption or amendment of this bylaw, but no such use shall be extended to occupy any land outside such buildings.

d. Any structure, or structure and land in combination or land in or on which a nonconforming use is superceded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.

e. When a nonconforming use of a structure, or structure and premises in combination is discontinued or abandoned for one (1) year, the structure or structures and premises in combination, shall not thereafter be used except in conformance with the regulation of the district in which it is located.

f. Any nonconforming use of a structure may be changed to another nonconforming use, provided the change use is not a substantially different use as determined by the Building Inspector.

g. A nonconforming use of a structure, a nonconforming use of land or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this bylaw in any manner including by attachment on a building or premises of additional signs, which are intended to be seen from off the premises or by the addition of other uses of a nature which would be prohibited generally in the district involved.

h. Nothing in this bylaw shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of this bylaw and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried out until completion of the building involved.

C. Repairs and Maintenance.

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding ten (10) percent of the current replacement value of the building, provided the cubic content of the building as it existed at the time of passage or amendment of this bylaw shall not be increased.

Section VIII - ADMINISTRATION AND ENFORCEMENT

A. Administrative Officer

It shall be the duty of the Building Inspector to administer and enforce the provisions of this bylaw.

B. Permit Required

It shall be unlawful for any owner or person to erect, construct, reconstruct, or alter a structure or change the use of lot coverage, or extend or displace the use of any building, other structure or lot without applying for and receiving from the Building Inspector the required building permit therefor. For purposes of administration, such permit and application procedure involving a structure may be made at the same time and combined with the permit required under the Building Code.

An application for a permit shall be submitted in duplicate and shall be accompanied by a plan, accurately drawn, showing the lot number, plat number, and actual shape and dimensions of the lot to be built upon, the exact location and size of all buildings or structures already on the lot, the location of new buildings or structures to be constructed, together with the lines within which all buildings or structures are to be erected, the existing and intended use of each building or structure and such other information as may be necessary to provide for the execution and enforcement of this bylaw. The application shall further be accompanied by evidence of plan approval as required by the Board of Health and certificate and seals of the surveyor who prepared the plan. A record of all applications, plans, and permits shall be kept on file by the Building Inspector. The Building Inspector shall take action on an application for a permit either granting the permit or disapproving the application, within 14 days of receipt of the application.

C. Previously Approved Permits

The status of previously approved permits shall be as determined by Section 6 of Chapter 40A of the Massachusetts General Laws.

D. Certificate of Use and Occupancy Required

It shall be unlawful to use or occupy any structure or lot thereafter erected or altered unless the Building Inspector has issued a Certificate of Use and Occupancy and has specified thereon, the use to which the structure or lot may be put. Applications for certificates of use and occupancy shall be filed coincident with the application for building permits and shall be issued or refused in writing for cause within ten days after the Building Inspector has been notified in writing that the erection or alteration of such building has been completed. A record of all certificates shall be kept on file in the office of the Building Inspector. Buildings necessary to dwellings when completed at the same time shall not require a separate certificate of occupancy.

Pending the issuance of a regular certificate, a temporary certificate may be issued for a period not exceeding six months, during the completion of alterations or during partial occupancy of a building, pending its completion. No temporary certificate shall be issued prior to its completion if the building fails to conform to the provisions of the building code and state laws or of this bylaw to such a degree as to render it unsafe for the occupancy proposed.

E. Permit and Certificate Fees

Fees to be established by the Selectmen.

F. Permit Time Limits

Any work for which any permit has been issued by the Building Inspector shall be actively prosecuted within six months and completed within two years of the date of issuance of the permit. Except that for reasonable cause, the Building Inspector may grant one or more extensions of time for additional periods not exceeding 90 days each for both actively prosecuting the work and for completing the work. Any project not completed within the applicable time limits shall be in violation of this bylaw.

G. Violations

The Building Inspector shall serve a notice of VIOLATION and ORDER to any owner or person responsible for the erection, construction, reconstruction, conversion, or alteration to a structure or change in use, increase in intensity of use, or extension or displacement of use of any structure or lot in violation of a permit or certificate issued under the provisions of this bylaw, or in violation of any provision of this bylaw, and such order shall direct the discontinuance of the unlawful action, use or condition and the abatement of the violation within a time to be specified by the Building Inspector. Any owner, who having been served with a notice, and who ceases any work or other activity, shall not leave any structure or lot in such conditions as to be a hazard or menace to the public safety, health, morals or general welfare.

H. Prosecution of Violation

If the notice of VIOLATION and ORDER is not complied with promptly, the Selectmen shall institute the appropriate action or proceeding at law or in equity to prevent any unlawful action, use or condition and to restrain, correct or abate such violation. Any person, firm or corporation violating any of the provisions of this bylaw for each violation upon conviction thereof, pay a fine of not more than Three Hundred Dollars (\$300.00). Each day, or portion of a day, that any violation is allowed to continue shall constitute a separate offense.

I. Board of Appeals

1. **Membership.** There shall be a Board of Appeals of five members and three associate members.

2. **Appointment.** Members of the Board in office at the effective date of this bylaw shall continue in office. Hereafter, as terms expire or vacancies occur, the Board of Selectmen shall make appointments pursuant to the Zoning Act.

3. **Removal of Members.** Any member may be removed for cause by the appointing authority upon written charges and after a public hearing.

4. **Powers.** The Board shall have the following powers:

a. To hear and decide appeals.

b. To hear and decide applications for special permits for exceptions.

c. To authorize upon appeal, or upon petition in cases where a particular use is sought for which no permit is required, with respect to a particular parcel of land or to an existing building thereon a variance from the terms of this bylaw.

5. **Adoption of Rules.** The Board shall adopt rules to govern its proceedings pursuant to the Zoning Act.

6. **Appeals**

a. An appeal to the Board may be taken by any person aggrieved by reason of his inability to obtain a permit from the Building Inspector; by any officer or board of the town; or by any person aggrieved by any order or decision of the Building Inspector or other administrative official in violation of any provision of this bylaw. Appeals to the Board shall be taken in accordance with the rules of the Board and the Zoning Act.

7. **Other Requirements.** The granting of any appeal by the Board shall not exempt the applicant from any provision of this bylaw not specifically ruled upon by the Board or specifically set forth as accepted in this particular case from a provision of this bylaw. It shall be unlawful for any owner or person to reconstruct, convert or alter a structure or change the use, increase the intensity of use, or extend or displace the use of any building, other structure or lot, or change any required limitations or special conditions imposed by the Board in authorizing a special permit or variance without appealing to the Board as a new case over which the Board shall have complete administrative power to deny, approve or modify.

8. **Special Permits.** Certain uses, structures or conditions are designated as exceptions in Section V., Use Schedule B, and elsewhere in this bylaw. Upon written application duly made to the Board of Appeals, the Board may, in appropriate cases subject to the applicable conditions set forth in Section VI of this bylaw and elsewhere, and subject to other appropriate conditions and safeguards, grant a special permit for such exceptions and no others. If the Planning Board is specified as the Special Permit Granting Authority (SPGA) elsewhere in this By-Law for particular uses, the provision of this Section VIII.1.8. shall apply to the Planning Board as well.

a. Before approving an application for a special permit, the Board with due regard to the nature and condition of all adjacent structures and uses, and the district within which the same is located, shall find all of the following general conditions to be fulfilled:

(1) The use requested is listed in the Schedule B as a special permit in the district for which application is made or is so designated elsewhere in this bylaw.

(2) The requested use is essential or desirable to the public convenience or welfare.

(3) The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.

(4) The requested use will not overload any public water, drainage, or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the town will be unduly subjected to hazards affecting health, safety, or the general welfare.

(5) Any special regulations for the use, set forth in Section VI, are fulfilled.

(6) The requested use will not impair the integrity or character of the district or adjoining zones, nor be detrimental to the health, morals, or welfare.

b. The Board shall also impose in addition to any applicable conditions specified in this bylaw such additional conditions as it finds reasonably appropriate to safeguard the neighborhood, or otherwise serve the purposes of this bylaw, including, but not limited to, the following: front, side, or rear yards greater than the minimum required by this bylaw; screening buffers or planting strips, fences, or walls, as specified by the Board; modification of the exterior appearance of the structures; limitation upon the size, number of occupants, method and time of operation, time duration of permit, or extent of facilities; regulation of number and location of driveways, or other traffic features; and off-street parking or loading or other special features beyond the minimum required by this bylaw. Such conditions shall be imposed in writing, and the applicant may be required to post bond or other security for compliance with said conditions in an amount satisfactory to the Board.

c. In order that the Board may determine that the above mentioned restrictions are to be met, a site plan shall be submitted, in duplicate, to the Board by the applicant. Said site plan shall show, among other things, all existing and proposed buildings, structures, parking spaces, driveway openings, driveways, service areas, and other open uses, all facilities for sewage, refuse and other waste disposal, and for surface water drainage, and all landscape features such as fences, walls, planting areas, and walks.

The Board shall within five days after receipt of an application for a special permit transmit one copy of such application and any accompanying site plan to the Planning Board. The Planning Board may, in its discretion, investigate the application and report in writing its recommendations to the Board as the Planning Board deems appropriate and shall send a copy thereof to the applicant within 20 days of receipt of the application for a special permit. The Board shall not open a public hearing on any application for a special permit until at least 25 days have elapsed after the receipt by the Board of the application.

9. **Variances.** The Board of Appeals may authorize a variance for a particular use or parcel of land or to an existing building thereon from the terms of this bylaw where, owing to conditions especially affecting such parcel or such building but not affecting generally the district in which it is located, a literal enforcement of the provisions of this bylaw would involve substantial hardship, financial or otherwise, to the appellant, and where desirable, relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this bylaw.

Before any variance is granted, the Board must find all of the following conditions to be present:

a. Conditions and circumstances are unique to the applicant's lot, structure or building and do not apply to the neighboring lands, structures or buildings in the same district.

b. Strict application of the provisions of this bylaw would deprive the applicant of reasonable use of the lot, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighborhood lands, structures or buildings in the same district.

c. The unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption of this bylaw.

d. Relief, if approved, will not cause substantial detriment to the public good or impair the purposes and intent of this bylaw.

e. Relief, if approved, will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the district.

J. Amendment

Neither this bylaw nor any amendment thereto nor the zoning map shall be modified, changed, or replaced except in accordance with the provisions of Section 5 of Chapter 40A of the General Laws.

K. Validity

1. If any provision of this bylaw is declared unconstitutional or illegal by final judgment order or decree of the Supreme Judicial Court of the Commonwealth of Massachusetts or any lower court, the validity of the remaining provisions of this bylaw shall not be affected thereby.

L. Effective Date

This bylaw shall take effect upon approval by the Attorney General of the Commonwealth of Massachusetts and publication as provided in Section 32 of Chapter 40, General Laws. (September, 1973).

Section IX - DEFINITIONS

A. General Rules

For the purpose of this bylaw and unless the context of usage clearly indicates another meaning, certain terms and words shall have the meaning given herein. Words used in the present tense include the future; the singular number includes the plural, and the plural the singular; the words "used" or "occupied" include the words "designed," "arranged," "intended," or "offered," to be used or occupied; the word "building," "structure," "lot," "land," or "premises" shall be construed as though followed by the words "or any portion thereof"; and the word "shall" is always mandatory and not merely directory.

Terms and words not defined herein but defined in the Massachusetts State Building Code shall have meanings given therein unless a contrary intention clearly appears. Words not defined in either place shall have the meaning given in Webster's Unabridged Dictionary. Uses listed in the Use Schedule B under the classes Retail and Service Trades and Wholesale Trade and Manufacturing shall be further defined by The North American Industry Classification System (NAICS) published by the U.S. Bureau of the Census.

B. Selected Words and Terms

The following definitions shall be applied in determining the meaning of words and terms in this bylaw:

Abandonment. The cessation of a nonconforming use as indicated by the visible or otherwise apparent intention of an owner to discontinue a nonconforming use of a structure or lot; or the removal of the characteristic equipment or furnishings used in the performance of the nonconforming use without its replacement by similar equipment or furnishings; or the replacement of a nonconforming use or structure by a conforming use or structure.

Accessory Building. A subordinate building located on the same lot with the principal building or use, the use of which is customarily incidental to that of the main building or the use of the land.

Accessory Use. A use customarily incidental to that of the principal building or use of the land, and located on the same lot as such principal building or use. Swimming pools shall be considered an accessory use and shall be treated as a structure in regard to setbacks and side yard requirements.

Adult Bookstore. An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other adult matter which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in section thirty-one of chapter two hundred and seventy-two of the General Laws. For the purposes hereof, the words "substantial or significant" shall mean more than twenty-five percent (25%) of the establishment's inventory of stock or more than twenty-five percent (25%) of the establishment's gross floor area.

Adult Cabaret. A nightclub, bar, restaurant, tavern, dance hall, or similar commercial establishment which regularly features:

- a. persons who appear in a state of nudity; or
- b. live performances which are characterized by an emphasis depicting anatomical areas specified as less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola, and human genitals in a state of sexual arousal, or relating to sexual conduct or sexual excitement as defined in Massachusetts General Laws Chapter 272, Section 31; or
- c. films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of anatomical areas specified as above, or relating to sexual conduct or sexual excitement as defined in Massachusetts General Laws Chapter 272, Section 31.

Adult Matter. Any printed material, visual representation, live performance or sound recording including but not limited to, books, magazines, motion picture films, pamphlets, phonographic records, pictures, photographs, videos, computer software, computer discs, laser discs, figures, statues, plays, or dances which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in Massachusetts General Laws Chapter 272, Section 31.

Adult Motion Picture Theatre. An enclosed building used for presenting material distinguished by an emphasis on adult matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in Massachusetts General Laws Chapter 272, Section 31.

Adult Paraphernalia Store. An establishment having as a substantial or significant portion of its stock devices, objects, tools, toys, or other adult matter which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in Massachusetts General Laws Chapter 272, Section 31. For the purposes hereof, the words "substantial or significant" shall mean more than twenty-five percent (25%) of the establishment's inventory of stock or more than twenty-five percent (25%) of the establishment's gross floor area.

Adult Retirement Community (ARC). Shall mean a development subject to the Age Restriction and the other standards set forth in Section P., as authorized by a special permit and the Special Permit Granting Authority. All of the land within an ARC shall be within one, or a combination of, the R-10,R-10S, R-15 or R-20 districts.

Adult Video Store. An establishment having a substantial or significant portion of its stock in trade, videos, movies, or other film material, or other adult matter which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in Massachusetts General Laws Chapter 272, Section 31. For the purposes hereof, the words "substantial or significant" shall mean more than twenty-five percent (25%) of the establishment's inventory of stock or more than twenty-five percent (25%) of the establishment's gross floor area.

Alterations. As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities, or as enlargement whether by extending on a side or by increasing in height, or the moving from one location or position to another.

Animal Feedlot. A plot of land on which ten or more livestock per acre are kept for the purposes of feeding.

Apartments. A building containing more than two dwelling units complete with kitchen facilities and bath.

Aquifer. A geologic formation, group of formations or part of a formation which contains sufficient saturated permeable material to yield significant quantities of potable ground water to public or private wells.

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

Area, Building. The total of areas taken on a horizontal plane at the largest floor level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps.

Area, Net Site. The total area within the property lines excluding external streets.

Assisted Living Facility. A residential development offering a special combination of housing, personalized supportive services as defined by Chapter 19D of the General Laws and health care designed to respond to the individual needs of those who need help in activities of daily living.

Basement. A portion of a building partially below grade which has less than one-half of its height, measured from finished floor to finished ceiling, below the average finished grade of the ground adjoining the building. A basement shall not be considered a story unless its ceiling is 4 feet or more above the average finished grade.

Boarding House. A building containing four or more boarding units.

Boarding Unit. One or more rooms for the semipermanent use of one, two, or three individuals not living as a single housekeeping unit and not having cooking facilities. A "Boarding Unit" shall include rooms in boarding houses, lodging houses, tourist homes or rooming houses. It shall not include convalescent, nursing or rest homes; dormitories or charitable, educational or philanthropic institutions; or apartments or hotels.

Building. A structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals or chattels. When separated by division walls from the ground up without openings, each portion of such building shall be deemed a separate building.

Building Coverage. The building area expressed as a percent of the net site area.

Building, Detached. A building completely surrounded by open space on the same lot.

Building, Front Line Of. The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps.

Building, Height. The vertical distance measured from the average finished grade of the adjacent ground to the highest part on the roof surface, if a flat roof; to the deck lines of a mansard roof; and to the mean height level between eaves and ridge for a gable, hip or gambrel roof.

Building, Principal. A building in which is conducted the principal use of the lot on which it is situated. In any residential district, a dwelling or apartment shall be deemed to be a main building on the lot on which the same is situated.

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

Business Office. Facility for the transaction of business exclusive of the receipt, retail sale, or processing of merchandise.

Business Park. An area planned, developed and managed as a unit for occupancy by more than (1) office and/or light industrial building with the option of shared common areas and/or parking.

Cellar. A portion of a building, partly or entirely below grade, which has half or more than one-half of its height, measured from finished floor to finished ceiling, below the average finished grade of the ground adjoining the building. A cellar is not deemed a story.

Cemetery. Premises for the cremation and/or burial of the dead, including embalming facilities.

Club. Premises or building 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 club 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, fabricating of sub-assemblies, and parking of wheeled equipment.

Disposal. The deposit, injection, dumping, spilling, leaking, incineration or placing of any hazardous material into or on any land or water so that such hazardous material or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground water.

Distribution. On-site storage of a material or product for shipment or transportation to another site or sites.

Drive-In Establishment. A business establishment wherein patrons are usually served while seated in parked vehicles in the same lot. The term "drive-in" includes drive-in eating establishments where food is purchased from a building on the lot, but is consumed in the vehicle; drive-in service establishments such as banks, cleaners, and the like; and automotive service stations, gasoline stations, or the like.

Driveway. An area, located on a lot, which is not more than 24 feet in width built for access to a garage, or off-street parking or loading space.

Dwelling. A privately or publicly owned permanent structure which is occupied in whole or part as a home, residence, or sleeping space of one or more persons. The terms "one-family," "two-family," or "multi-family" shall not include hotel, lodging house, hospital, membership club, mobilehome, or dormitory.

Dwelling Conversion. Change in construction or occupancy of a dwelling to accommodate families in addition to the number by which it was previously occupied.

Dwelling, Multi-Family. A structure occupied by three or more families living independently of each other.

Dwelling, Single-Family. A detached building occupied by a single family and having no part wall, or walls in common with an adjacent structure.

Dwelling, Two-Family. A detached building designated for two families.

Earth Removal. Extraction of sand, gravel, top soil, or other earth for sale or for use at a site removed from the place of extraction, exclusive of the grading of a lot preparatory to the construction of a building for which a building permit has been issued, or the grading of streets in accordance with an approved Definitive Plan.

Elderly. A person who is at least 60 years of age or if under 60 must be receiving SSI benefits.

Erect. To build, construct, reconstruct, or conduct any physical development of the premises required for a building. To excavate, fill, drain, and the like preparation for building shall also be considered to erect.

Essential Services. Services provided by public utility or governmental agencies through erection, construction, alteration, or maintenance of gas, electrical, steam, or water transmission or distribution systems and collection, communication, supply or disposal systems whether underground or overhead. Facilities necessary for the provision of essential services include poles, wires, drains sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith. Specifically excluded from this definition are buildings necessary for the furnishing of adequate service by such public utility or governmental agencies for the public health, safety, or general welfare.

Family. An individual or two or more persons related by blood, marriage, or legal adoption living as a single housekeeping unit and including necessary domestic help such as nurses or servants and further including not more than three lodgers or roomers taken for hire. A group of individuals not related by blood, marriage, or legal adoption, but living together as a single housekeeping unit may constitute a family. For purposes of controlling residential density, each such group of four individuals shall constitute a single family.

Farm Crops. Premises used for garden produce raised for commercial sale.

Farm Stock. Premises used for raising of livestock, fur-bearing animals, or fowl. This classification shall be interpreted to include all farm products other than crops.

Farm, Pig. Premises used for the raising of pigs.

Floodline. The limits of flooding from a particular body of water caused by a storm whose frequency of occurrence is one in 100 years, as determined and certified by a registered professional engineer, qualified in drainage.

Floodway. The area subject to periodic flooding, the limits of which are determined by the floodline.

Floor Area, Maximum. The total floor area of a building or buildings upon the same lot, including all floors but excluding the cellar.

Funeral Home. Facility for the conduct of funerals and related activities such as embalming.

Garage, Private. A private garage or storage area used as an accessory to a single residential dwelling for parking or storage by automobiles shall not exceed a capacity of three (3) automobiles, unless authorized by the Board of Appeals.

Golf Course. An unlighted area of at least thirty (30) acres, with nine or more standard holes and customary accessory buildings.

Groundwater. All the water beneath the surface of the ground.

Guest House, Commercial. A dwelling of single-family character in which not more than four (4) individual rooms are offered for rent, for the primary purpose of furnishing overnight lodging to tourists.

Guest House, Private. A detached or semi-detached building located upon the same lot with a one-family dwelling containing no more than 250 square feet and not containing cooking facilities, the use of said building being limited to the entertainment of relatives and friends without fee or other costs.

Hazardous Materials. Any substance or combination of substances, including any liquid petroleum product, that, because of quantity, concentration or physical, chemical or infectious characteristics, poses a significant present or potential hazard to water supplies or to human health if disposed of into or on any land or water in the Town. Any substance deemed a "hazardous waste" in the Massachusetts General Laws, Chapter 21C and Chapter 21E and 310 CMR 30.00 shall also be deemed a hazardous material for purposes of this zoning by-law.

Hazardous Waste. A waste, or combination of wastes, which because of its quantity, concentration or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in serious illness or pose a substantial present or potential hazard to human health, safety or welfare or to the environment (excluding domestic sewage or industrial discharges under valid permits).

Hazardous Waste Facility. A site or works for the storage, treatment, disposal or other processes where hazardous wastes can be stored, treated or disposed of (excluding municipal or industrial waste water treatment facilities).

Home Occupation. An occupation or a profession which: (a) is customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit, and (b) is carried on by a member of the family residing in the dwelling unit.

Hospital. Facility for the care and treatment of patients, as licensed by the Massachusetts Department of Public Health.

Hotel. Premises used as individual sleeping or dwelling units without kitchens, with primary access to each unit through enclosed corridors.

Impervious Surfaces. Materials or structures on or above the ground that do not allow precipitation to infiltrate the underlying soil.

Industrial Building. An enclosed structure whose original purpose is for manufacturing or storage.

Junk. Any article or material or collection thereof which is worn out, cast off or discarded and which is ready for destruction or has been collected or stored for salvage or conversion. Any article or material which, unaltered or unchanged and without further reconditioning can be used for its original purpose as readily as when new shall not be considered junk. Unregistered inoperative automobiles stored outdoors for more than six (6) months shall be considered junk.

Junk Yard. The use of any area of any lot, whether inside or outside a building, for the storage, keeping, or abandonment of junk, or scrap or discarded materials, or the dismantling, demolition or abandonment of automobile(s) or other vehicle(s) or machinery or parts thereof.

Landscaping. Unoccupied space open to the sky on the same lot with a building, free of all structures, pavement or other uses that preclude landscaping, maintained with grass or other plant material.

Leachable Waste. Waste materials, including solid wastes, sewage, sludge and agricultural wastes, that are capable of releasing water-borne contaminants to the surrounding environment.

Light Industry. The assembly of fabricated materials to create another normally more complex product.

Light Industrial Building. A building used for light industry.

Lot. A parcel of land either occupied or vacant, or to be occupied by a building or group of buildings and accessory building and used together with such yards and other open spaces as are required by the bylaw. A lot may be land so recorded in a deed or on a plat of record, or it may include parts of, or a combination of such lots when adjacent to one another, provided such ground is used for one (1) improvement. All lots shall front on and have ingress and egress by means of a street or right of way.

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 at an interior angle of less than 135 degrees.

Lot, Depth. The mean horizontal distance from the street line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.

Lot Frontage. That portion of a lot fronting upon a street or public way, to be measured continuously along one street line between its side lot lines and their intersection with the street line.

Lot Lines. The lines bounding a lot as defined herein.

Lot Line, Front. The property line dividing a lot from a street right-of-way.

Lot Line, Rear. The lot line opposite from the front lot line.

Lot Line, Side. Any lot line not a front or rear lot line.

Lot, Width of. The horizontal distance between the side lot lines as measured parallel to the front lot line.

Manufacturing. The fabrication of raw materials, construction or assembly of a product.

Manufactured Steel Storage Container, Portable. Any vehicle, trailer, or container, either with or without wheels, that has no motive power of its own, but which can be drawn by, or placed on, or used in connection with, a motor vehicle, excluding a solid waste container.

Mixed Use. Two or more uses occupying the same structure or lot, each of which is independent of and unrelated to the other.

Mobilehome. A movable or portable dwelling built on a chassis, connected to utilities and designed without a permanent foundation for year-round living.

Mobilehome Park. Privately owned land upon which two or more mobilehomes are or are intended to be parked and occupied as dwellings.

Mobile Structure. A movable structure designed for year-round occupancy used for office or other nonresidential activity.

Motel or Motor Court. Premises used as individual sleeping or dwelling units without kitchens, with primary access from each unit directly outdoors. The building or group of buildings may be either detached or in connected units. The term "Motel" includes buildings designated as tourist courts, motor lodges, cabins, and by similar appellations.

Motor Vehicle, Boat, and Farm Implement Sales or Rental. Premises with first and/or second class license for new and/or used auto sales, or for auto rentals or similar establishments for boat or farm implement sales. Includes service and repair facilities.

Municipal Use. Premises used for any operation by the town government.

Non-Conforming Structure. A building, structure, or portion thereof, lawfully existing and used at the time this bylaw became effective, which was designed, erected, or structurally altered, for a use that does not conform to the regulations of the district in which it is located; or a building, structure or portion thereof which does not conform to the regulations of area, lot coverage, height, yards, or other characteristics or location in the lot, in the district in which it is located.

Non-Conforming Use. A use which lawfully occupied a building, or portions thereof, or land at the time this bylaw became effective and which does not conform to the use regulations of the district in which it is located.

Nursery or Greenhouse. Premises gainfully used for the propagation of trees, shrubs, vines, flowers, or other plants for transplanting, stock for grafting, or for cut flowers, for rental or wholesale distribution.

Nursery or Greenhouse, Private. An accessory use whose products are not for sale at either retail or wholesale.

Nursing, Convalescent, or Rest Home. Premises for the care of three or more persons, as licensed by the Massachusetts Department of Public Health.

Occupancy Permit. A permit issued by the Building Inspector authorizing the occupancy and the use of land and/or structures and buildings.

Office Park. An area planned, developed and managed as a unit for occupancy by more than (1) office building with the option of shared common areas and/or parking.

Open Space. The space on a lot unoccupied by buildings or structures, unobstructed to the sky by man-made objects other than walks, swimming pools, and terraced areas, not devoted to streets, driveways, off-street parking or loading spaces and expressed as a percentage of total lot area.

Parking, Accessory. Parking on the same lot as the principal use, to service that use only.

Parking, Business. Parking for the use of employees, customers, or visitors of any non-residential activity, when not located on the same lot as the activity it serves, including, the parking of up to three commercial vehicles.

Parking Lot, Commercial. A parcel of land or portion thereof used for the parking or storage of motor vehicles as a commercial enterprise for which any fee is charged independently of any other use of the premises and not in conjunction with motor vehicle sales.

Parking, Private. Accessory parking, not including parking for more than one commercial vehicle, for vehicles of over two-ton load capacity, or of more than one vehicle for fee.

Parking, Public. Parking of non-commercial vehicles for fee, whether enclosed or not.

Principal Use. The main or primary purpose for which a structure or lot is designed, arranged, or intended, or for which it may be used, occupied or maintained under this bylaw. Any other use within the main structure or the use of any other structure or land on the same lot and incidental or supplementary to the principal use and permitted under this bylaw shall be considered an accessory use.

Public Housing. Housing facilities constructed by the raising of public funds for use by special classes of citizens, such as homes for the aged or infirm.

Public Utility. Utility licensed by the Department of Public Works to supply gas, electricity, transportation, etc.

Public Utility Service Area. An area used for bulk storage, exposed shipment, or truck parking.

Recharge Area. Any area of porous, permeable geologic deposits, especially, but not exclusively, deposits of stratified sand and gravel, through which water from any source drains into an aquifer, and includes any wetland or body of surface water surrounded by or adjacent to such area, together with the watershed of any wetland or body of surface water adjacent to such area.

Recreation, Indoor Commercial. Theater, bowling alley, or other commercial recreation or entertainment carried on in an enclosed building.

Recreation, Outdoor Commercial. Drive-in theater, golf driving range, bathing beach, or other commercial recreation carried on in whole or in part outdoors, except those activities more specifically designated elsewhere in this bylaw.

Recreation, Private. Recreation facilities accessory to and on the same lot as a principal building.

Recyclable Beverage Bottles and Cans. Any empty bottles and cans of any type of beverage that are sold by any permitted retail business, which are temporarily stored on the site of said business to be removed for recycling on a regularly scheduled basis.

Refuse Facility. A sanitary landfill; a refuse transfer station; a refuse incinerator or resource recovery facility rated by the Massachusetts' Department of Environmental Protection Engineering at more than one-half (1/2) ton of refuse per hour; a dumping ground for refuse; or any other works that has a principal use of receiving, treating, processing, storing or disposing of refuse. The term Refuse as used herein includes all solid and or liquid waste materials, including but not limited to garbage, rubbish and sludge; but does not include wastes otherwise considered as Hazardous Wastes.

Religious Use. Premises used primarily for worship, or religious education.

Research Park. An area planned, developed and managed as a unit for occupancy by more than (1) building devoted to research and development with the option of shared common areas and/or parking.

Restaurant, Indoor. Establishment for the sale of prepared food for consumption on the premises, either indoors out of sight of public way, or for consumption in the home.

Restaurant With Outdoor Service. Establishment serving food to persons outside of any building and within sight of a public way.

Retail Business. Premises used in the sale of goods or articles individually or in small quantities directly to the consumer. Such premises shall not contain storage or processing areas occupying more than 50 percent of the gross floor area.

Roadside Stand. A structure of a semi-permanent or temporary type located in a district in which agricultural uses are allowed, from which raw produce, 75 percent of which is grown on the premises, is offered for sale on a regular basis.

School, Nursery. A facility designed to provide daytime care or instruction for two or more children from two to five years of age inclusive and operated on a regular basis.

School. An educational institution which is religious, sectarian, denominational, public, or private.

Sign. Any permanent or temporary structure or part thereof, attached thereto, or painted, or represented thereon, which shall display or include any letter, word, model, banner, flag, pennant, insignia, device, or representation used as, or which is in the nature of an announcement, direction or advertisement. The word sign includes the word "billboard" but does not include the flag, pennant or insignia of any nation, state or other political unit or of any political, educational, charitable, philanthropic, civil, professional, religious or like campaign, drive, movement or event.

Sign, Animated. (see also and note difference from changeable sign) A sign or display manifesting either kinetic or illusionary motion occasioned by natural, manual, mechanical, electrical, or other means. Animated signs include the following types:

1. **Naturally Energized:** Signs whose motion is activated by wind or other atmospheric impingement. Wind-driven signs include flags, banners, pennants, streamers, spinners, metallic disks, or other similar devices designed to move in the wind.
2. **Mechanically Energized:** Signs manifesting a repetitious pre-programmed physical movement or rotation in either one or a series of planes activated by means of mechanically based drives.
3. **Electrically Energized:** Illuminated signs whose motion or visual impression of motion is activated primarily by electrical means. Electrically energized animated signs are two types:
 - a. **Flashing Signs:** Illuminated signs exhibiting a pre-programmed repetitious cyclical interruption of illumination from one or more sources in which the duration of the period of illumination (on phase) is either the same as or less than the duration of the period of darkness (off phase), and in which the intensity of illumination varies from zero (off) to 100 percent (on) during the programmed cycle.
 - b. **Illusionary Movement Signs:** Illuminated signs exhibiting the illusion of movement by means of a pre-programmed repetitious sequential switching action in which illuminated elements of the sign are turned on or off to visually simulate the impression of motion characteristic of chasing, running, blinking, oscillating, twinkling, scintillating, or expanding and contracting light patterns.

Sign, Area Of. The area of a free-standing sign shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed. The supporting framework, open or enclosed, may be part of the design, but for the purpose of this bylaw shall not be considered part of the sign area unless used for lettering, wording, or symbols. When the sign consists of individual letters or symbols attached to or painted on a surface, building wall or window, the area shall be considered to be that of the smallest rectangular or any regular shape which encompasses all of the letters and symbols.

Sign, Awning. A sign painted on, printed on, or attached flat against the surface of an awning.

Sign, Blade. (see "**Sign, Projecting**")

Sign, Business. A sign used to direct attention to a service, product sold or other activity performed on the same premises upon which the sign is located.

Sign, Changeable. a sign whose informational content can be changed or altered by manual or electric, electro-mechanical, or electronic means. Changeable signs include the following types:

1. **Manually Activated:** signs whose alphabetic, picto-graphic, or symbolic informational content can be changed or altered by manual means.
2. **Electrically Activated:** Signs whose alphabetic, picto-graphic, or symbolic informational content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments. Includes the following two types:
 - a. **Fixed Message Electronic Signs:** Signs whose basic informational content has been pre-programmed to include only certain types of information projection, such as time, temperature, predictable traffic conditions, or other events subject to prior programming.
 - b. **Computer Controlled Variable Message Electronic Signs:** Signs whose informational content can be changes or altered by means of computer-driven electronic impulses.

Sign, General Advertising. Any sign advertising products or services other than products or services available on the lot on which the sign is located, or any sign which is not located within 200 feet of the building or other structure at which the products or services advertised thereon are available.

Sign, Ground. A sign erected on or affixed to the land including any exterior sign not attached to a building. The term ground sign shall include standing signs.

Sign, Identification. A sign used simply to identify the name, address, and title of an individual family or firm occupying the premises upon which the sign is located or to give information such as time or temperature.

Sign, Incidental. A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign or a sign indicating hours of business.

Sign, Portable. A sign, usually of a temporary nature, not securely anchored to the ground or to a building or structure and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character.

Sign, Projecting (also "Sign, Blade"). A sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

Sign, Roof. A sign erected on or affixed to the roof of a building.

Sign, Temporary. A sign constructed of cloth, fabric or other lightweight temporary material with or without a structural frame intended for a limited period of display; including decoration display; including decoration displays for holidays or public demonstrations.

Sign, Wall. A sign affixed to the exterior wall of a building and extending not more than 15 inches therefrom.

Solid Wastes. Useless, unwanted or discarded solid materials with insufficient liquid content to be free flowing, including, for example, rubbish, garbage, scrap materials, junk, refuse, inert fill material and landscape refuse.

Sportsman's Club. A club whose primary purpose is conservation, hunting, or fishing.

Stable, Private. An accessory building in which horses are kept for private use and not for hire, remuneration or sale.

Stable, Public. A building in which horses are kept for remuneration, hire or sale.

Stormwater Detention or Retention Basin. Any man-made basin or ponding area which is incorporated into the design of the development of a lot which temporarily or permanently detains or retains stormwater runoff from the lot.

Story. The portion of a building which is between one floor level and the next higher floor level or the roof. If a mezzanine floor area exceeds one-third of the area of the floor immediately below, it shall be deemed to a story. An attic shall not be deemed to a story if unfinished and without human occupancy. A story under a gable, hipped, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than 2 feet above the floor of such story shall be considered a half-story.

Street. A way which is classified as one of the following: (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 theretofore approved and endorsed in accordance with the Subdivision Control Law, or (c) a way in existence when the Subdivision Control Law became effective in the Town having, in the opinion of the Planning Board, sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. The term Street shall be synonymous with the words road, avenue, highway, and parkway, and similar designations.;

Street Line. The right of way line of a street. The street line is established by the public authority laying out the right of way upon which the lot abuts.

Structure. Anything constructed or erected, the use of which requires location on the ground, or attachment to something located on the ground except a boundary wall or fence.

Subdivision Control Law. Refers to Sections 81-K to 81-GG, inclusive, of Chapter 41, of the General Laws of the Commonwealth of Massachusetts, entitled "Subdivision Control" including all subsequent amendments thereto.

Substantially Different Use. A use which by reason of its normal operation would cause readily observable differences in patronage, service, appearance, noise, employment or similar characteristics from the use to which it is being compared.

Temporary Structure. An accessory tent or construction shanty to be used for less than one year.

Transportation Terminal. Premises for the parking and/or servicing of more than three commercial vehicles, or any number of vehicles of over two-ton load capacity.

Travel Trailer. A vehicular, portable structure built on a chassis, designed to be used for travel, recreational, and vacation uses.

Travel Trailer Park. Privately owned land upon which two or more travel trailers are parked for recreational and vacation use.

Uses. The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "Permitted Use" or its equivalent shall not be deemed to include any non-conforming use.

Visual Material. Any motion picture film, picture, photograph, videotape, any book, magazine, or pamphlet that contains pictures, photographs or similar visual representations or reproductions. Undeveloped photographs, pictures, motion picture films, videotapes and similar visual representations or reproductions may be visual materials notwithstanding that processing, development or similar acts may be required to make the contents thereof apparent.

Watershed. Land lying adjacent to water courses and surface water bodies which create the catchment or drainage areas of such water courses and bodies.

Wireless Communications Facility. A wireless communications monopole, tower, or other related structure, including antennas and accessory structures, if any, which facilitates the provision of wireless communications services.

Wireless Communications Services. The provision of the following types of services: cellular telephone service, personal communications service, and enhanced specialized mobile radio service.

Yard. A portion of a lot, upon which the principal building is situated, unobstructed artificially from the ground to the sky and having at least two sides open to lot lines.

Yard, Front. A yard extending for the full width of the lot between the building line of the nearest principal building wall and the front lot line, or in the case of a corner lot, the street lot line.

Yard, Rear. A yard, unoccupied except by an accessory structure or accessory use as herein permitted, extending for the full width of the lot between the rear line of the principal building wall and the rear lot line.

Yard, Side. Yard extending for the full length of a building between the nearest building wall and the side lot line.

Zone I. The 400 foot protective radius surrounding a public water supply well as approved by the Massachusetts Department of Environmental Protection (DEP).

Zone II. That area of an aquifer which contributes water to a well under the most severe recharge and pumping conditions that can be realistically anticipated (180 days of pumping at safe yield with no recharge from precipitation), as defined in 310 CMR 22.00.

Zone III. That land area beyond Zone II from which surface and groundwater drain into Zone II, as defined in 310 CMR 22.00.