TOWN OF HOLBROOK

ZONING BY-LAWS

As Amended:

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HOLBROOK ZONING BY-LAW
May 18, 2022

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SECTION 1.0 PURPOSE AND AUTHORITY

1.1 PURPOSE. The purpose of this By-Law include, but are not limited to the following: to lessen congestion in the streets; to conserve health; to secure safety from fire, flood, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to encourage housing for persons of all income levels; to facilitate the adequate provisions of transportation, water, water supply, drainage, sewerage, schools, parks, open space and other public requirements; to conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment, to encourage the most appropriate use of land throughout the town, including consideration of the recommendations of the master plan, if any, adopted by the Planning Board and the comprehensive plan, if any, of the regional planning agency; and to preserve and increase amenities by the promulgation of regulations to fulfill these objectives under the provisions of Chapter 40A of the General Laws.

1.2 CITATION. This By-Law shall be known and may be cited as "The Zoning By-Law of the Town of Holbrook" (hereinafter "this By-Law").

1.3 AUTHORITY. This By-Law is enacted in accordance with the provisions of the General Laws, Chapter 40A, and any and all amendments thereto, and by Article 89 of the Amendments to the Constitution of the Commonwealth ofMassachusetts.

1.4 SCOPE. This By-Law regulates the construction, repair, alteration, reconstruction, height, number of stories, and size of buildings and structures, the size and width of lots, the percentage of lot area 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 establishes performance standards governing the use of land in the Town, as hereinafter provided.

1.5 APPLICABILITY. All buildings or structures hereinafter erected, reconstructed, altered, enlarged, or moved, and the use of all premises in the Town, shall be in conformity with the provisions of the Zoning By-Law. No building, structure or land shall be used for any purpose or in any manner other than is expressly permitted within the district in which such building, structure or land is located. Where the application of this By-Law imposes greater restrictions than those imposed by any other regulations, permits, restrictions, easements, covenants, or agreements, the provisions of this By-Law shall control.

1.5.1 Applicability; Nonconformities. Except as herein after provided, this By-Law shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building permit or special permit issued before the first publication of notice of the public hearing on this By-Law or any amendments thereto, but shall apply to any change or substantial extension of such use, to a building permit or special permit issued after the first notice or said public hearing, to any reconstruction, extension or structural change of such structure and to any alteration of a structure begun after the first notice of said public hearing to provide for its use in a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent except where alteration,

reconstruction, extension or a structural change to a single or two family residential structure does not increase the nonconforming nature of said structure.

1.5.2 Commencement of Construction or Operation. Construction or operations under a building permit or special permit shall conform to any subsequent amendments to this By-Law, unless the use or construction is commenced within a period of not more than twelve months after the issuance of the permit and in any case involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

1.6 AMENDMENTS. This By-Law may be amended from time to time at an annual or special town meeting. An amendment may be initiated by the submission to the Board of Selectmen of a proposed change by the Board of Selectmen, the Board of Appeals an individual owning land in the town to be affected by the amendment, registered voters of the Town pursuant to M.G.L. Chapter 39, Section 10, the Planning Board, and the Regional Planning Agency. Within fourteen (14) days of the receipt of a proposed change, the Board of Selectmen shall submit it to the Planning Board for review and a report. A public hearing shall be held by the Planning Board within sixty-five (65) days after the proposed change is submitted to the Board. Notice of the hearing shall be given by the Board in accordance with the provisions of M.G.L. Chapter 40A, Section 5.

1.6.1 Boundary Changes. If geographic change of zoning boundary description be proposed, words of boundary description change for insertion in the warrant shall be accompanied by a brief written statement of the nature, extent and location in the Town of the zoning map change proposed, together with three black-line prints of a diagram to scale showing the area to be changed, stating pertinent dimensions in feet.

1.6.2 Costs. The costs of publication and mailing of notices of hearing and the costs of holding such zoning hearing and of making a public record of the proceedings at such hearing, if such a record be made, shall be paid by the Planning Board, but the Planning Board may determine whether a fee to cover such costs shall be required of the zoning amendment proponents.

1.7 EFFECTIVE DATE. The effective date of an amendment to this By-Law shall be the date on which such amendment was adopted by a favorable two-thirds vote of Town Meeting subject to its approval by the Attorney General and its publication in a town bulletin or pamphlet and posting or publication in a newspaper as provided in M.G.L. Chapter 40, Section 32.

1.8 SEPARABILITY. The invalidity of any section or provision of this By-Law shall not invalidate any other section or provision herein

SECTION 2.0 DISTRICTS

2.1 ESTABLISHMENT. The Town of Holbrook is hereby divided into Zoning Districts as hereinafter designated:

Residence Districts

Residential I	Res I
Residential II	Res II
Residential III	Res III
Residential IV	Res IV
Residential V	Res V

Business Districts

Business I	Bus I
Business II	Bus II
Business Village	BV
Business Commercial	BC

Industrial Districts

Industrial	I

2.2 ZONING MAP. The Residence, Business and Industrial Districts are shown on a Zoning Map dated November I, 2017, as may be amended, on file with the Town Clerk. See Appendix B, Zoning Map, which is hereby made a part of this By-Law.

2.3 SPECIAL DISTRICTS. In addition to the Residence, Business and Industrial Districts, the following special districts have been established and are set forth in Section 9.0:

Floodplain Protection Overlay District	FPOD
Medical Marijuana Overlay District	MMOD
Town Center Overlay District	TCOD
Adult Entertainment Overlay District	AEOD
South School Overlay District	SSOD

2.4 LOCATION OF BOUNDARIES. The location of the boundary lines of the districts shown upon the Zoning Map shall be determined as follows:

2.4.1 Center Line. Where a boundary is shown as following a public way, private way, railroad, or utility transmission line, the boundary shall be the center line thereof unless otherwise indicated.

2.4.2 Parallel. Where a boundary is shown outside of a public way, private way, railroad, or utility transmission line and approximately parallel thereto, it shall be deemed parallel to the nearest exterior line thereof; and a figure placed on the Zoning Map between the boundary and the way, railroad, or

utility transmission line is the distance in feet of such boundary from such exterior line, said distance being measured at a right angle thereto unless otherwise indicated.

2.4.3 Other. In any cases not covered by the other provisions of this paragraph, the location of a boundary line shall be determined by the distance in feet, if given, from other lines upon the Zoning Map, or, if distances are not given, then by the scale of said map. When an amendment to the Zoning Map is enacted by Town meeting, the narrative description (if any) of the amendment shall control over the Map.

2.5 LOTS IN TWO DISTRICTS. When a lot is transected by a zoning district boundary, the regulations of the By-Law applicable to the larger part by area of such lot may also at the option of the lot owner be deemed to govern in the smaller part beyond such zoning district boundary, but only to an extent not more than thirty (30) linear feet in depth beyond such zoning district boundary.

2.6 LOTS SPLIT BY TOWN BOUNDARY. When a lot is situated in part in the Town of Holbrook and in part in an adjacent municipality, the provisions of this By-Law shall be applied to the portion of such lot in the Town of Holbrook in the same manner as if the entire lot were situated in Holbrook.

SECTION 3.0 USE REGULATIONS

3.1 PRINCIPAL USES.

3.1.1 Applicability of Use Regulations. No building or structure, and no alteration, enlargement or extension of an existing building or structure shall be designed, arranged or constructed, and no land, building, structure or part thereof shall be used for any purpose or in any manner other than for one or more of the uses specifically permitted in the Table of Use Regulations, or as set forth in a special district set forth in Section 9.0, or as otherwise provided in this By-Law. Any other use shall be construed to be prohibited.

3.1.2 Permitted Uses. In the following Table of Use Regulations, the uses permitted by right in the district shall be designated by the letter (Y). Uses designated (N) shall not bepermitted in the district. Those uses that may be permitted by special permit in the district, in accordance with Section I 0.5, shall be designated by identification of the Special Permit Granting Authority, which is either:

ZBA	Zoning Board of Appeals
PB	Planning Board
BOS	Board of Selectmen

3.1.3 Uses Subject to Other Regulations. Uses permitted by right or by special permit shall be subject, in addition to use regulations, to all other provisions of this By-Law.

3.1.4 Table of Use Regulations. See Appendix A, Table of Use Regulations, which is declared to be part of this By-Law.

3.2 ACCESSORY USES.

3.2.1 Home Occupation; As Of Right. One home occupation may be allowed as of right at a locus, provided that:

1. It is conducted solely within a dwelling and solely by the person(s) occupying the dwelling as a primary residence;

2. It is clearly incidental and secondary to the use of the premises for residential purposes;

3. It does not produce offensive noise, vibration, smoke, dust, odors, heat, lighting, electrical interference, radioactive emission or environmental pollution;

4. It does not utilize exterior storage of material or equipment;

5. It does not exhibit any exterior indication, including signs, of its presence or any variation from residential appearance;

6. It does not produce any customer, pupil, or client trips to the locus and has no non resident employees;

7. It is registered as a business with the Town Clerk.

3.2.2 Home Occupation; By Special Permit. One home occupation may be allowed at a locus by special permit issued by the Zoning Board of Appeals, provided that:

1. It fully complies with Sections 3.2.1.2, 3.2.1.3, 3.2.1.4, 3.2.1.5, and 3.2.1.7, above;

2. It is conducted within a dwelling solely by the person(s) occupying the dwelling as a primary residence and, in addition to the residents of the premises, by not more than three additional employees;

3. It does not exhibit any exterior indication of its presence, or any variation from residential appearance, except for a sign or name plate in compliance with this By-Law;

4. A special permit for such use is granted by the Board, subject to conditions including, but not limited to, restriction of hours of operation, maximum floor area, off-street parking, and maximum number of daily customer vehicle trips. Such special permit shall be limited to five years, or the transfer of the property, whichever first occurs.

3.2.3 Permitted Accessory Uses. See the Table of Use Regulations, Section H.

SECTION 4.0 DIMENSIONAL REGULATIONS

4.1 TABLE OF DIMENSIONAL REGULATIONS.

4.1.1 General. No building or structure shall be built nor shall any existing buildings or structure be enlarged except in conformance with the Table of Dimensional Regulations as to lot coverage, lot area, land area per dwelling unit, lot width, front, side and rear yards, and maximum height of

structures, in the several districts as set forth below, except as may otherwise be provided elsewhere in this By-Law.

4.1.2 Table of Dimensional Regulations.

Minimum Zoning Districts	Minimum Lot Sizes	Minimum Lot Area per Dwelling Unit	Minimum Continuous Lot Frontage [4]	Minimum Yard Depth			Maximum Building Height [9]		% of Lot Coverage by Building	Total Coverage	Open Space
				Front [5]	Rear	Side	Stories	Feet			
Res I	60,000	30,000	200	35 [6]	40	20	2½	35	20%	50%	50%
Res II	40,000	20,000	150	30 [6]	30	20	2½	35	20%	50%	50%
Res III	20,000	15,000	125	25 [6]	25	15	2½	35	20%	40%	60%
Res IV	20,000	15,000 [2]	125 [2]	25 [6,2]	25 [2]	20 [2]	3	40	20%	40%	60%
Res V	30,000	20,000	125	30 [6]	30	15	2½	35	20%	50%	50%
Bus I	10,000 [1]	[3]	100	30	30 [7]	20 [7]		35	25%	60%	40%
Bus II	10,000 [1]	[3]	125	20	30 [7]	40 [7,10]		35	25%	60%	40%
BV	20,000 [12]		150 [11]	30 [11,13]	30 [8,11]	30 [10,14]		40	25%	80%	20%
BC	20,000		150 [11]	45 [11]	40 [8,11]	25 [8,11]		40	40% [11]	80%	20%
Industrial	20,000		150 [11]	45 [11]	40 [8,11]	25 [8,11]		40	40% [11]	80%	20%
Adult Ent	40,000	[16]	150 [11]	45 [11]	40 [8,11]	25 [8,11]		40	40% [11]	60%	40%

Footnotes:

[1] 40,000 sq. ft. if used for motel or hotel purposes.

[2] For apartments, multiple, or attached dwellings, see Section 10. *Amended: STM/May 17, 2004/Art. 4*

[3] 2,000 sq. ft. per motel rental unit.

[4] Not less than the frontage requirements shall be maintained throughout the front yard depth. *Amended: ATM/May 12, 1997/Art. 55*

[5] On lots abutting streets on more than one side, the front yard requirements shall apply to each of the abutting streets.

[6] A dwelling need not be set back more than the average of the setbacks of dwellings on the lots adjacent on either side. If a vacant lot exists on one side, it shall be considered as a dwelling setback the depth of the required front yard.

[7] No part of any non-residential building, structure or parking lot shall be nearer than twenty (20) feet from a Residence District Zoning Boundary.

[8] No part of any non-residential building, structure or parking lot shall be nearer than fifty (50) feet from a Residence District Zoning Boundary, unless waived by the Special Permit Granting Authority under Site Plan Review. *Amended: STM/January 9, 2006/Art. 19*

[9] These height restrictions shall not apply to chimneys, water towers, skylights and other

wireless or broadcasting towers and other like unenclosed structures.

[10] Total of both side yards, with a minimum of 15 feet each yard.

[11] Special Permit Granting Authority, under Site Plan Review, may increase or decrease density requirements by as much as 40% if they find it warranted by conditions in the area. *Amended: STM/May4, 1992/Art. 23*

[12] More than one structure shall be allowed on a single lot by Special Permit Granting Authority under Site Plan Review.

[13] A building need not be set back more than the average of the setbacks of buildings on the lots adjacent on either side. If a vacant lot exists on one side, it shall be considered as a dwelling setback the required depth of the front yard.

[14] No part of any non-residential building, structure or parking lot in a Business Village shall be nearer than twenty (20) feet from a Residence District Zoning Boundary unless waived by Special Permit by the Planning Board. *Amended: ATM/May 17, 2004/Art. 4*

[15] [reserved]

[16] Only one type of Adult Entertainment Use may be permitted on a lot, *Amended: STM/September 26, 2006/Art. 42*

4.1.3 ACCESSORY USE AND STRUCTURE SETBACKS:

1. Pools will maintain a side and rear lot line setback of 10 feet
2. Sheds up to 200 square feet will maintain a side and rear set back of 5 feet
3. Sheds or garages over 200 square feet and or have second story above will maintain a Side and rear lot line set back of 10 feet. *ATM 5/15/22/ Art 11*

4.2 SPECIAL DIMENSIONAL REGULATIONS.

4.2.1 Interpretation. The land and yard spaces required for any new building or use shall not include any land or area required by any other building or use to fulfill Holbrook Zoning requirements. Land within the lines of a street on which a lot abuts shall not be counted as part of such lot for the purpose of meeting the area requirements of this By-Law even though the fee to such land may be in the owners of abutting lots,

4.2.2 Spacing. If more than one building (other than a one, two or three-car garage, a tool shed, a greenhouse or a cabana) may lawfully be placed on any lot in single or common ownership, the distance between the nearest parts of such buildings shall be not less than twenty (20) feet. Notwithstanding the foregoing, the Special Permit Granting Authority, under Site Plan Review, may decrease the minimum distance requirement between the nearest parts of two buildings, upon a finding that such decrease will result in an equal or better design of the development.

4.2.3 Frontage on Street. No building shall be erected except on a lot fronting on a street in any zoning district.

4.2.4 Eminent Domain. Any land taken by eminent domain, or conveyed for a public purpose for which the land could have been taken or was taken by eminent domain, shall not be deemed to be transferred in violation of the land area, width and space provisions of this By-Law.

4.2.5 Width or Depth. Any portion of a lot which is less in width or depth than eighty (80) percent of the minimal lot frontage for that zoning district when measured perpendicular to any property line shall not be included in the determination of the required minimum lot size area.

4.2.6 Side Lot Line. In no case shall a side lot line be such that the direction of the side lot line shall form an angle of less than seventy-five (75) degrees with the street line (or in the case where the side line of the street is a curving line, less than seventy-five (75) degrees with the arc tangent to the curve at the point of intersection with the curving side line of the street).

4.2.7 Lesser Frontage in Res I and Res II Districts. In a Residential I or a Residential II zoning district, the Planning Board may permit a lesser minimum frontage requirement for a lot where part or all of the frontage is on the outside sideline of a curved street having a minimum radius of 300', or a cul-de-sac having a minimum diameter of 120', by special permit when in the opinion of the Planning Board, such special permit is consistent with the intent of the Subdivision Control Law and will permit a better-designed subdivision with sufficient useable space in each lot and reduced density, and provided such waiver does not reduce the minimum required lot frontage to less than 125', and provided that for each foot of frontage waived the minimum front yard depth is increased one foot and each minimum side yard depth is increased by one half foot, and the minimum lot size of the lot is increased by 500 square feet. The special permit hearing may be conducted in conjunction with related proceedings under the Subdivision Control Law.

SECTION 5.0 NONCONFORMING USES AND STRUCTURES

5.1 APPLICABILITY. This By-Law shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing required by G.L. c. 40A, s. 5 at which this By-Law, or any relevant part thereof, was adopted. Such prior, lawfully existing nonconforming uses and structures may continue, provided that no modification of the use or structure is accomplished, unless authorized hereunder.

5.2 NONCONFORMING USES. The Zoning Board of Appeals may award a special permit to change a nonconforming use in accordance with this Section only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood.

5.2.1 Permissible Changes. The following types of changes to nonconforming uses may be considered by the Zoning Board of Appeals:

1. Change or substantial extension of the use;

2. Change from one nonconforming use to another, less detrimental, nonconforming use.

5.3 NONCONFORMING STRUCTURES. The Zoning Board of Appeals may award a special permit to reconstruct, extend, alter, or change a nonconforming structure in accordance with this Section only if it determines that such reconstruction, extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

5.3.1 Permissible Changes. The following types of changes to nonconforming structures maybe considered by the Zoning Board of Appeals:

1. Reconstructed, extended or structurally changed;

2. Altered to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent.

5.4 VARIANCE REQUIRED. Except as provided in Section 5.5, below, the extension or structural change of a nonconforming structure in such a manner as to increase an existing nonconformity, or create a new nonconformity, shall require the issuance of a variance; the extension of an exterior wall at or along the same nonconforming distance within a required yard shall also require the issuance of a variance from the Zoning Board of Appeals.

5.5 NONCONFORMING SINGLE AND TWO FAMILY RESIDENTIAL STRUCTURES. Nonconforming single and two family residential structures may be extended, altered, or structurally changed upon a determination by the Building Commissioner that such proposed reconstruction, extension, alteration, or change does not increase the gross floor area of said structure by more than 100% and that one of the following circumstances shall apply, in which case the proposed extension, alteration, or change shall be deemed not to increase the nonconforming nature of said structure:

1. alteration to a structure located on a lot with insufficient area which complies with current setback, yard, building coverage, and building height requirements,

2. alteration to a structure located on a lot with insufficient frontage which complies with all current setback, yard, building coverage, and building height requirements.

3. alteration to a structure which encroaches upon one or more required yard or setback areas, where the alteration will comply with all current setback, yard, building coverage and building height requirements.

If the Building Commissioner determines that proposed alteration, extension or change exceeds the one or more of the criteria set forth above, the Zoning Board of Appeals may, by finding, allow such alteration, extension or change where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

5.6 ABANDONMENT OR NON-USE. A nonconforming use or structure which has been abandoned, or not used for a period of two years, shall lose its protected status and be subject to all of the provisions of this Zoning By-Law; provided, however, that by special permit the Zoning Board of Appeals may reestablish the same or another nonconforming use or structure otherwise abandoned or not used.

5.7 RECONSTRUCTION AFTER CATASTROPHE OR DEMOLITION. For the purposes of this subsection only, the term "reconstruction" shall mean the voluntary demolition of such structure, or reconstruction after a catastrophe, and its rebuilding. Any nonconforming structure, other than a nonconforming single or two-family dwelling governed by Section 5.5, may be reconstructed after a catastrophe or after demolition in accordance with the following provisions.

5.7.1 Procedures.

1. Reconstruction of said premises shall commence within two years after such catastrophe or demolition.

2. Building(s) reconstructed as of right shall be located on the same footprint as the original nonconforming structure and shall be only as great in volume or area as the original nonconforming structure.

3. In the event that the proposed reconstruction would (a) cause the structure to exceed the volume or area of the original nonconforming structure or (b) cause the structure to be located other than on the original footprint, a special permit shall be required. In the case of voluntary demolition, the special permit shall be obtained from the Zoning Board of Appeals prior to such demolition.

5.8 REVERSION TO NONCONFORMITY. No nonconforming use shall, if changed to a conforming use, revert to a nonconforming use.

5.9 SUBSTANDARD LOTS. When a prior lawful nonconforming structure is located on a lot which does not meet current dimensional requirements, such lot shall not be changed, unless the change does not result in exacerbation of an existing nonconformity or a new nonconformity.

5.10 EMINENT DOMAIN. When a lot is changed by eminent domain so as to become deficient in area, frontage, building setback, or lot coverage, any structure located thereupon shall be considered a nonconforming structure subject to the rules of this Section 5.0.

SECTION 6.0 GENERAL REGULATIONS

6.1 SIGN REGULATIONS.

6.1.1 General. No signs or advertising devices of any kind or nature shall be erected on any premises or affixed to the outside of any structure or be visible from the outside of any structure in Holbrook except as specifically permitted in this Section.

6.1.2 Residence Districts. Signs in Residence Districts shall be permitted only as follows. The term "signboard area" in the Residence Districts shall mean the total area of the sign including both sides.

1. One sign displaying the street number or name of the occupant of premises, or both, not exceeding two square feet in signboard area. Such sign may be attached to a building or may be on a rod or post not more than six feet high and not less than three feet from the street line. Such sign may include identification of an accessory studio or professional office in the dwelling or on the premises, or may identify other permitted accessory uses, including customary home occupations.

2. The bulletin or announcement board or identification sign for a permitted non-residential building or use, not more than six square feet signboard area. For churches and institutions, two bulletin or announcement boards, or identification signs are permitted on each building. Each such church or institution sign shall be not more than ten feet signboard area. No such sign shall be located nearer a street than one-half the required front yard depth.

3. On the premises with a lawfully nonconforming use, one sign not more than six square feet signboard area.

4. One "For Sale" or "For Rent" sign, not more than six square feet signboard area and advertising only the premises on which the sign is located.

5. One building contractor's sign on a building while actually under construction, not exceeding six square feet signboard area.

6. All signs or advertising devices shall be stationary and shall not contain any visible moving or moveable parts. No sign or advertising device shall be of neon or illuminated tube type. Lighting of any sign of advertising device shall be continuous (not intermittent nor flashing nor changing;) and shall be so placed or hooded as to prevent direct light from shining onto any street or adjacent property. No sign or advertising device shall be illuminated after 11 p.m.

6.1.3 Business Districts and Industrial Districts. Signs in Business and Industrial Districts shall be permitted only as follows:

1. Signs shall relate to the premises on which they are located and shall only identify the occupant of such premises or advertise the articles or services available within said premises.

2. There shall be no temporary or permanent special promotion signs, banners, streamers or placard erected, suspended, posted or affixed in any manner outdoors or on the exterior of any building in a Business District.

3. On each lot in a Business District or an Industrial District, there are permitted two signs affixed to the exterior of a building, for each occupant. The top edge of each sign shall be not higher than the roof of the building, or the highest point of the roof, if no ridge pole, nor higher than the plate of a flat roof.

4. Signs permitted in Business Districts and in Industrial Districts shall be not more than one hundred (100) square feet signboard area per side of the sign.

5. In Business and Industrial Districts where buildings are set back forty (40) feet or more, one free-standing sign per lot is permitted. The top edge of any such free-standing sign shall be not higher than twenty-five (25) feet vertical measure above the average level of the ground between the supports of each sign. For traffic safety, the whole of the signboard or display elements of any free-standing sign shall be either below three feet height or above ten feet height or above ten feet height above average ground level. Any such free-standing sign may be located within the front yard space, if any on such lot, but not nearer than twelve (12) feet to any lot line.

6. No free-standing sign shall have a signboard area (or display area, if no signboard) exceeding one hundred (I 00) square feet gross area, measured from the tops of the topmost display elements to the bottom of the lowest display elements, and from exterior side to exterior side of display elements, and including in such measurements any blank space between display elements. No display or signboard dimensions shall exceed sixteen (16) feet for a free-standing sign.

7. Illuminated signs are permitted, are subject to the following conditions:

a. No sign shall be intermittently illuminated, nor of a traveling light, animated or flashing light type;

b. Each steadily illuminated sign shall not exceed one hundred (I 00) square feet gross display area;

c. Sign illumination is permitted only between the hours of seven o'clock in the morning and eleven o'clock in the evening, except that signs of retail establishments may be illuminated during any hours these establishments are open to the public.

6.1.4 Prohibition of Overspill. In all zoning districts, for safety reasons, any private outdoor lighting fixture, whether temporary or permanent, other than gaseous tube letters in signs, shall be so placed or hooded that the light source itself shall not be directly visible at any point beyond the lot lines of the premises illuminated.

6.1.5 Nonconforming Signs. Nonconforming signs legally erected before the adoption of the By-Law must be made to so comply within five (5) years after the effective date of this By-Law except that all illuminated signs must be made to comply with the provisions of paragraphs 6.3.3.7.a and c of this By-Law within one (1) year operation.

6.1.6 Temporary Signs. In all zoning districts, temporary signs for political shall not obstruct the views of vehicular traffic.

6.1.7 Special Permit. The Planning Board may, by special permit, allow for more signs or larger signs when, in its opinion, such deviation will not result in substantial detriment to the neighborhood.

6.2 OFF-STREET PARKING AND LOADING REQUIREMENTS.

6.2.1 General. No land shall be used and no building or structure shall be erected, enlarged or used unless the off-street parking and loading space requirements are provided as specified in this Section and the Table of Parking and Loading Requirements.

6.2.2 Table of Parking and Loading Requirements.

TABLE OF OFF-STREET PARKING REQUIREMENTS	
Principal Use	**Number of Spaces**
One and two family dwellings	Two (2) spaces per dwelling unit
Apartments	Two (2) spaces per dwelling unit
Rooming Houses	Two (2) spaces plus one (I) space for each rental unit

Motels	Two (2) spaces plus one and one-half (1½) spaces for each rental unit One and one-half (1½) spaces for each twenty (20) sq. ft. of floor area available for meetings or functions
Permitted Offices in Residence	Three (3) spaces plus three (3) spaces for each non-resident employee
Retail Stores	One (1) space for each two hundred (200) sq. ft. of gross floor area
Retail Services	One (I) space for each one hundred fifty (150) sq. ft. of gross floor area
Restaurants, Theaters and Other Places of Assembly Exclusive of Churches	One (I) space for each four (4) seats
Bowling Alleys	Four (4) spaces for each alley
Offices	One (I) space for each three hundred (300) sq. ft: of gross floor area
Warehouses	One (I) space for each nine hundred (900) sq. ft. of gross floor area
Other Commercial or Industrial Buildings	One (I) space for each nine hundred (900) sq. ft. of gross floor area

TABLE OF OFF-STREET LOADING REQUIREMENTS						
Category of Use	**Number of Loading Bays Required by Gross Floor Area of Structure (in thousands of square feet) Under**					
	4	**4-15**	**15-50**	**51-100**	**101-150**	**New Structures Over 150 for each additional 150 or fraction thereof**
Retail Trade	0	1	2	3	4	1
Wholesale Storage						
Transportation Terminals						
Manufacturing						
Consumer Services						
Office Buildings						
Residential Uses	0	1	1	2	3	1
Recreation						
Research Laboratories						

6.2.3 Computation. When the computation of required parking space or loading bay results in a fractional number, only the fraction of one-half (1/2) or more shall be counted as one (1).

1. When one building is used for more than one use parking requirement shall be computed for each use (a motel with a restaurant would be required to provide parking for both rental units and for seating capacity of the restaurant -a professional office in a residence must provide the space for both office use in addition to the residential requirement).

2. An applicant for a special permit or site plan approval may request that shared parking arrangements be considered when multiple uses on the same lot do not have like peak parking hours.

6.2.4 Location. Required off-street parking facilities or loading bays shall be provided on the same lot as the principal use they are designed to serve. The Planning Board, during site plan approval, may allow parking to be located on a different lot within 300 feet of the subject lot, provided that proof of a long-term lease or other arrangement is provided.

6.2.5 Design of Parking Facilities. Each required car space shall be not less than nine (9) feet in width and twenty (20) feet in length exclusive of drives and maneuvering space and the total area of any parking facility for more than five (5) cars shall average at least three hundred (300) square feet per car exclusive of driveways.

6.2.6 Design of Loading Facilities. Each loading bay shall be not less than ten (I 0) feet in width and thirty-five (35) feet in length exclusive of drives and maneuvering space, and all required bays, drives and maneuvering space shall be located entirely on the lot with direct access to the building intended to be served.

6.2.7 Special Permit. The Planning Board may, by special permit, allow for shared parking, a reduction in the number of parking spaces, or a reduction in loading requirements when, in its opinion, such deviation will not result in substantial detriment to the neighborhood.

6.3 PERFORMANCE STANDARDS.

6.3.1 Purpose. The following performance standards have been adopted in order to control the size, scale, and impacts of larger nonresidential and multifamily developments.

A. Lighting. The proposed development shall not produce lighting so as to unreasonably interfere with the use and enjoyment of property within the Town. Lighting practices and systems shall (I) reduce light pollution, light trespass and glare in order to preserve and enhance the natural, scenic, and aesthetic qualities of the Town; (ii) conserve energy and decrease lighting cost without decreasing night time safety, security, and productivity, and (iii) preserve the night sky as a natural resource to enhance nighttime enjoyment of property within the Town.

B. Noise. The proposed development shall not unreasonably interfere with the reasonable use and enjoyment of property within the Town as a result of the generation of noise. Practices and systems shall (I) reduce noise pollution in order to preserve and enhance the natural and aesthetic qualities of the Town; (ii) preserve property values; and (iii) preserve neighborhood character.

C. Landscaping and Screening. The proposed development shall maximize and retain open space, and shall be integrated into the natural landscape, shall minimize adverse environmental impacts to such features as wetlands, floodplains, and water resource protection recharge areas and shall minimize tree, vegetation, and soil removal, and grade change. Proposed landscaping shall require native and drought-tolerant species and prohibit invasive or nonnative plants.

D. Stormwater Management. The proposed development shall include adequate provisions or measures to prevent pollution of surface or groundwater, minimize erosion and sedimentation, prevent changes in groundwater levels, increased run-off, and potential for flooding, and minimize adverse impacts to neighboring properties by flooding from excessive run-off.

E. Site Development Standards. To the extent practicable, the proposed development shall be located to preserve and enhance the natural features of the site, to avoid disturbances of environmentally sensitive areas, to minimize adverse impacts of development on adjoining properties, to minimize the alteration of the natural features of the site and to preserve and enhance scenic points, historic buildings and places and similar community assets which add value and attractiveness to the subdivision and the Town.

F. Pedestrian and Vehicular Access; Traffic Management. The proposed development and/or redevelopment shall be designed with a forecast for the next five years from the time of application to (i) minimize hazards to public health and safety as a result of traffic; (ii) provide safe access and circulation on the site for expected vehicles, pedestrians, and emergency vehicles; (iii) provide off-site traffic mitigation, where required, to offset the impact of the development; (iv) reduce the traffic impacts of the proposed development on the area and the Town by incorporating traffic management devices; and (v) minimize the impact on scenic roads, historic districts, natural resources, and community character. The Development shall not degrade safety for pedestrians, bicyclists, motor vehicle occupants, or property.

G. Aesthetics. The location, size and design, building materials, and operating characteristics of the proposed development shall be compatible with and will not adversely affect the livability or appropriate development of abutting properties, with natural and built environment in the area and the surrounding neighborhood.

H. Utilities; Security; Emergency Systems. The proposed development shall be adequately served by public or private utilities, security systems, and emergency systems.

I. Fiscal Impact. The proposed Development shall maintain a positive net fiscal position for the long term, giving consideration to revenue estimates and actual growth in municipal service costs induced by the proposed Development.

6.3.2 · Procedures; Rules and Regulations. Applicants for special permits or site plan approval for nonresidential or multifamily uses shall comply with these Performance Standards. "Nonresidential or multifamily use" shall mean any use other than a single or two family dwelling. The SPGA or the Planning Board (as the case may be) may adopt rules and regulations for these Performance Standards. The SPGA or Planning Board may require the establishment of an escrow account, pursuant to G.L. c. 44, s. 53G during the special permit process or site plan approval, to cover all or part of the cost of the technical review required by the project, including services provided by, but not limited to, attorneys, traffic engineers, landscape architects, civil engineers, fiscal analysts, and other

professionals.

6.3.3 Standards. The following standards shall apply to applications for special permits or for site plan approval for nonresidential or multifamily use:

A. Lighting.

1. **Shielding.** All outdoor light fixtures shall be shielded so as to meet the goals of this Section.

2. **Light Trespass.** Direct light from the light source is to be confined within the property boundaries.

3. **Light Intensity.** Outdoor lighting shall be designed to provide theminimum intensity needed at any particular time.

4. **Illuminated Surfaces.** Preferred surfacing for lighted areas shall be of materials such as blacktop which reflect a relatively small fraction of incident light. Parking area lighting shall be reduced or eliminated outside business hours. The SPGA or Planning Board may require an electrical configuration for parking lots which support shut off for specific unused areas to reduce the glare from lighting.

5. **Searchlights.** The operation of laser shows or searchlights for advertising purposes is prohibited; provided however, that same may be authorized for a period of not more than fourteen days by special permit issued by the SPGA or Planning Board.

6. **Indoor Lighting.** Indoor light sources will not be projected outside in a manner to defeat the intent of this By-Law.

7. **Sodium Vapor or Metal Halide Lighting.** No outdoor light fixtures using sodium vapor or metal halide lamp or lamps shall be allowed unless specifically authorized by the SPGA or Planning Board in the special permit.

8. **Outdoor Signs.** Outdoor light fixtures used to illuminate an outdoor sign shall be mounted on top of the sign structure or otherwise restricted to prevent up-light and light trespass.

9. **Flickering and Flashing Lights.** No flickering or flashing lights shall be permitted. Processes, such as arc welding, which create light flashes shall be confined within buildings or shielded to prevent either direct glare or flashing.

10. **Height of Fixtures.**

a. *Wall Mounted Fixtures.* Luminaires attached to a building for area lighting shall be mounted no higher than fifteen (15) feet above grade;

b. *Pole Mounted Fixtures.* Pole mounted exterior lighting fixture types shall be

mounted no higher than 20 feet above grade.

11. **Hours of Operation.** Except as may be deemed appropriate for site safety or security, all external lighting, including lighting accessory to authorized signs, shall be extinguished one half hour after the facility is closed for the business day. Such lighting may be timed to resume one half hour prior to the arrival of the first employee on the premises.

B. Noise.

1. **Hours of Operation.** As a condition of any special permit, the SPGA or Planning Board may incorporate the following conditions regarding hours of operation:

a. The loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, or other objects or materials for sale or storage or use in a manner that causes a condition of noise pollution at any time but most specifically between the hours of 8:00 P.M. and 7:00 A.M. across a real property boundary in any district established under the Zoning By-Law.

b. Operating or permitting the operation of tools or equipment used in construction, drilling or demolition work between the hours of 8:00 P.M. and 7:00 A.M. on week days or Saturday or at any time on Sundays or Holidays so that the sound creates a condition of noise pollution across a real property boundary.

c. The operation of construction devices between the hours 7:00 A.M. and 8:00 P.M. including such items as compressors, jackhammers, bulldozers, cranes, etc., in a manner that causes a condition of noise pollution that could be avoided by the application of best available technology, which might include mufflers where commercially available.

2. **Ambient Noise Level.** No person shall operate or cause to be operated any source of sound in a manner that creates a sound level which exceeds 70 dBA or 10 dBA above ambient, whichever is lower, when measured at the property boundary of the receiving land use.

C. Landscaping.

1. **Street Buffer Strip.** The SPGA or Planning Board may require landscaped buffer strip at least twenty (20) feet wide, continuous except for approved driveways, to 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, evergreens and shade trees having a minimum four inches in caliper measured four feet from ground level planted at least every thirty (30) feet along the road frontage. Evergreens and shade trees shall be at least eight feet in height at time of planting. 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 an obstruction to sight lines.

2. **District Buffer Strip.** A continuous landscaped buffer strip of at least ten (10) feet in width shall be provided and maintained in perpetuity between business and industrial districts and any residence districts and/or property lines. The landscape buffer strip shall be of a density to substantially screen the development in question from view, along the zoning district line in question. Plantings of various approved evergreen species is encouraged and shall be planted at a minimum height of six (6) feet.

3. **Large Parking Areas.** Parking areas containing over 20 spaces shall have at least one shade tree per ten (10) parking spaces, such tree to be a minimum of 2½ inches in diameter and located either in the parking area or within 10 feet of it. At least 5% of the interior of the parking area shall be maintained with landscaping, including trees, in landscape islands or plots of at least nine (9) feet in width with no more than 20 parking spaces between each island or plot. Trees shall be located to provide visual relief from sun and wind interruption within the parking area and assure safe patterns of internal pedestrian and vehicular traffic. Other traffic calming measures such as crosswalks, bike lanes, rumble-strips and landscape islands may be required as necessary.

4. **Fencing.** Fencing may be allowed in lieu or in conjunction with plantings. Design and height of such fencing, with accompanying landscaping, shall be subject to the approval of the SPGA or Planning Board.

5. **Retaining Walls.** Retaining walls shall be constructed to a maximum height of six (6) feet. If site conditions require elevation changes of greater than six (6) feet, retaining walls shall be terraced and landscaped. Retaining walls facing residential districts shall be solid fieldstone or fieldstone veneer or other similar material. Unless used within the Industrial Districts, vertical cast in place concrete or concrete blocks shall not be permitted.

6. **Berms.** The SPGA or Planning Board may require a berm or berms in appropriate circumstances to promote the goals of this Section.

7. **Unsightly Uses and Areas.** Exposed storage areas, refuse disposal facilities, 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.

8. **Maintenance.** All landscaping features, structures and areas shall be properly maintained. Dead shrubs or trees shall be replaced within one growing season as a condition of approval.

D. Stormwater Management.

1. **Consistency with the Massachusetts Stormwater Management Regulations.** All development shall comply with the DEP's Stormwater Management Regulations (including Phase III Stormwater requirements), to ensure that the rate of surface water run-off from the site shall not be increased after construction.

2. **Dry Wells.** Dry wells shall be used only where other methods are unfeasible and shall require oil, grease, and sediment traps to facilitate removal of contaminants.

3. **Conservation Commission.** When applicable, no special permit or site plan approval shall be issued unless a report shall have been received from the Conservation Commission or an agent that the storm drainage system is consistent with DEP Stormwater Management Policy and that there is sufficient storm drainage capacity to meet the flow demands of the proposed development on-site, and where applicable, without causing surge in those storm drainage lines which serve the project and are consistent with the standards of the Town.

4. **Temporary Measures.** During the construction phase, temporary diversions, berms, grassed waterways, special culverts, shoulder dikes or such other mechanical measures as may be necessary may be required by the Board to intercept and divert surface water runoff. Runoff flow shall not be routed through areas of protected vegetation or revegetated slopes and other areas. Temporary runoff from erosion and sedimentation controls shall be directed according to BMPs, such as vegetated swales. Retaining walls may be required where side slopes are steeper than a ratio of 3:1.

5. **Erosion and Sedimentation Control.** Erosion and sedimentation controls shall be constructed in accordance with the DEP Stormwater Guidance manual. Topsoil and loam storage areas shall be subject to these standards.

a. Erosion control measures shall include the use of erosion control matting, mulches and/or temporary or permanent cover crops. Mulch areas damaged from heavy rainfalls, severe storms and construction activity shall be repaired immediately.

b. Erosion control matting or mulch shall be anchored where plantings are on areas subject to mulch removal by wind or water flows or where side slopes are steeper than 3:1 or exceed 10 feet in height. During the months of October through March when seeding and sodding may be impractical, anchored mulch may be applied at the Board's discretion.

c. The mouths of all catch basins shall be fitted with filter fabric during the entire construction process to minimize siltation or such basins shall be designed as temporary siltation basins with provisions made for final cleaning.

d. During construction, the applicant shall be required to conduct weekly inspections of all erosion and sedimentation control measures on the site to ensure that they are properly functioning as well as to conduct inspections after

severe storm events.

E. Site Development Standards.

1. **Land Disturbance.** Site/building design shall preserve natural topography outside of the development footprint to reduce unnecessary land disturbance and to preserve natural drainage on the site.

2. **Replication.** Clearing of vegetation and alteration of topography shall be replicated with native vegetation planted in disturbed areas as needed to enhance or restore wildlife habitat.

3. **Clearing for Utility Trenching.** Clearing for utility trenching shall be limited to the minimum area necessary to maneuver a backhoe or other construction equipment. Roots should be cut cleanly rather than pulled or ripped out during utility trenching. Tunneling for utilities installation should be utilized wherever feasible to protect root systems of trees.

4. **Site Design.**

a. Placement of buildings, structures, or parking facilities shall not detract from the site's scenic qualities and shall blend with the natural landscape.

b. Building sites shall be directed away from the crest of hills, and foundations shall be constructed to reflect the natural terrain.

c. Sites shall be designed in such a way as to avoid impacts to rare and endangered species and wildlife habitat on a site, and to maintain contiguous forested areas.

5. **Archeological or Historical Resources.** The SPGA or Planning Board may require applicants to submit the proposed development plan to the Town's Historical Commission and/or the Massachusetts Historical Commission for review and comment regarding possible archaeological or historical resources on the site.

6. **Preservation of Existing Vegetation.** Priority shall be given to the preservation of existing stands of trees, trees at site perimeter, contiguous vegetation with adjacent sites (particularly existing sites protected through conservation restrictions), and specimen trees.

a. Understory vegetation beneath the dripline of preserved trees shall be retained in an undisturbed state.

b. During clearing and/or construction activities, all vegetation to be retained shall be surrounded by temporary protective fencing or other measures before any clearing or grading occurs, and maintained until all construction work is completed and the site is cleaned up. Barriers shall be large enough to

encompass the essential root zone of all vegetation to be protected. All vegetation within the protective fencing shall be retained in an undisturbed state.

7. **Limit of Clearing.** Development envelopes for structures, driveways, wastewater disposal, lawn areas and utility work shall be designated to limit clearing and grading.

a. In order to minimize the clearing and grading on a site associated with construction activities such as parking of construction vehicles, offices/trailers, stockpiling of equipment/materials, such activities may be limited to areas already planned for permanent structures.

b. Topsoil shall not be stockpiled in areas of protected trees, wetlands, and/or their vegetated buffers.

8. **Finished Grade.** Finished grades should be limited to no greater than a 3:1 slope, while preserving, matching, or blending with the natural contours and undulations of the land to the greatest extent possible. Finished grade shall be no higher than the trunk flare(s) of trees to be retained. The design of grade changes at the base of existing large trees shall be subject to the approval of the SPGA or Planning Board or its agent.

9. **Phasing of Development.** The SPGA or Planning Board may limit the extent of a site exposed at any one time through phasing of construction operations. Effective sequencing shall occur within the boundaries of natural drainage areas.

10. **Revegetation.** Proper revegetation techniques shall be employed during construction using native plant species, proper seed bed preparation, fertilizer and mulching to protect germinating plants. Revegetation shall occur on cleared sites within seven (7) calendar days of final grading and shall occur during the planting season appropriate to the selected plant species.

11. **Topsoil.** A minimum of 6" of topsoil shall be placed on all disturbed surfaces which are proposed to be planted.

12. **Irrigation.** The SPGA or Planning Board may require that water for the purpose of irrigation shall be provided by an onsite well, after consultation with the Water Department.

F. Pedestrian and Vehicular Access; Traffic Management.

1. **Access.** To the extent feasible, access to nonresidential uses and structures 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.;

a. Access via roadways abutting residential districts shall be avoided where possible.

b. Access and egress to a development with frontage on more than one street shall be in a manner that causes the least impact to the surrounding neighborhoods as determined by the SPGA or Planning Board.

2. **Driveways.** Each development shall be served by an adequate driveway.

a. The SPGA or Planning Board may, in certain circumstances, allow additional driveways as a condition of approval where the access is shared or the project has frontage on two separate streets.

b. All driveways shall be designed to afford adequate sight distance to pedestrians, bicyclists, and motorists exiting to public ways. Improvements may be required on the public way for vehicular turning movements in or out of the site and safe pedestrian access to adjoining sidewalks, paths, walking trails or bikeways.

3. **Curb Cuts.** Curb cuts shall be limited to the minimum width for safe entering and exiting, and shall in no case exceed 24 feet in width unless waived by the SPGA or Planning Board for industrial truck traffic. The location of driveway openings in relation to traffic and to adjacent streets shall provide for the convenience and safety of vehicular and pedestrian movement within the site. The number of curb cuts on state and local roads shall be minimized.

4. **Interior Circulation.** The proposed development shall assure safe interior circulation within its site by separating pedestrian, bikeways, and vehicular traffic.

5. **Transportation Plan Approval.** The proposed development shall be subject to Transportation Plan approval by the SPGA or Planning Board. The Transportation Plan shall consist of the following information:

a. A plan showing the proposed parking, loading, and traffic circulation within the site; access and egress points; and other features related to traffic generated by the proposed use.

b. A traffic study, prepared by a qualified traffic engineer, detailing the excepted traffic impacts. For proposed development in excess of25,000 gross square feet, the required traffic study shall substantially conform to the Institute of Transportation Engineers' "Traffic Access and Impact Studies for Site Development: A Recommended Practice," latest edition. The SPGA shall approve the geographic scope and content of the study. In addition, the applicant shall submit a Transportation Demand Management (TDM) plan tailored to the specific uses and the geographic location of the site.

c. Proposed mitigation measures, if any, such as left-turn lanes, roadway widening, signage, signalization of intersections.

d. For proposed development in excess of25,000 gross square feet, the

applicant shall submit a Traffic Management Component (TMC) as part of the Transportation Plan. The TMC shall provide information on the number of expected person trips to and from the site, broken down by various travel modes (e.g., single occupancy vehicle, carpool, walk, bicycle, commuter rail, shuttle bus, etc.). The TMC shall also incorporate one or more of the following techniques to reduce the number of single occupancy vehicle trips by employees coming to and departing from the proposed use:

(1) Establishment of or contribution to a Traffic Management Association (TMA) within the region, which shall provide shuffle services for employees and other services as may be appropriate;

(2) Employee carpools or vanpools sponsored by the employer orthe IMA;

(3) Subsidized commuter rail passes, provided by the employer, and sold on the site or offered through payroll deduction;

(4) Monetary incentives to employees who do not use a parking space;

(5) On-site shower facilities and/or bicycle racks for employees who do not drive to work;

(6) Other techniques as may be deemed appropriate by the SPGA or Planning Board or its traffic consultant.

6. **Reduction in Parking.** In consideration of the applicant providing one or more of the above measures to reduce vehicular traffic to and from the site, the SPGA or Planning Board may reduce the number of required parking spaces below what would ordinarily be required by Section 6.2 of this By-Law. To be considered for such a reduction, the applicant's traffic engineer shall determine and justify the parking demand for the project, as well as reduction in needed parking spaces attributable to each traffic management measure.

7. Level of Service Maintenance or Improvement.

a. If the proposed project will result in an intersection level of service below a rating of LOS D, the applicant may be required to provide detailed plans with a cost estimate (including reconstruction concepts), that where implemented would result in an intersection level of service rating of D or better.

b. If the proposed project will result in a reduction in level-of-service of one letter grade or an increase of 10 seconds of delay to a signalized or unsignalized intersection, the applicant may be required to provide detailed plans with a cost estimate that when implemented would result in a return to existing conditions.

8. **Dangerous Intersections.** The SPGA may require mitigation for any net increase in traffic volumes of 10% or more at an intersection that has an accident history of more than 5 accidents in the last three years for which data is available.

9. **Sight Distance.** Acceptable sight distance shall be provided and maintained at all access locations, egress locations, and all intersections affected by the Development. At a minimum, these site distances shall meet the stricter of the Massachusetts Highway Department and American Association of State Highway Transportation Officials standards for safe-stopping sight distances.

10. **Maximum Parking.** The maximum parking allowed for a development shall be no more than the minimum number of spaces required under zoning.

11. **Mitigation.** The SPGA or Planning Board may require as a condition of any special permit off-site improvements to mitigate the impact of the proposed development. Such improvements include intersection widening and traffic signals or the components of the TMC.

12. **Pedestrian and Bicycle Safety.** Pedestrian and bicycle circulation, and the amenities required thereof, on and off site, shall be in accordance with the following requirements:

a. All development and redevelopment shall provide for pedestrian and bicyclist connections on the property, and allow for possible future connections with adjoining properties, where deemed appropriate by the SPGA or Planning Board.

b. Pedestrian access shall connect to all building entrances with further connections to local pedestrian arteries.

c. All road and intersection widening and new traffic signals or modification of existing traffic signals required as part of a Development or Redevelopment shall include appropriate bicycle and pedestrian accommodation.

d. The SPGA or Planning Board may require proposed development and redevelopment to provide sufficient rights-of-way on their properties to accommodate expected needs for bicycle and pedestrian use.

e. Sidewalks, crosswalks, walkways, bike racks or other pedestrian access shall be provided to allow access to adjacent properties and between individual businesses within a development.

f. If the property abuts a public bikeway/ right-of-way, a paved access route to the bikeway may be required.

13. **Location of Parking Areas.** Where feasible, the SPGA or Planning Board may

require parking areas to be located to the side or behind buildings so as to provide an appropriate setting for the building within the context of the site and neighborhood and allow parking areas to be shared with adjacent businesses. The SPGA or Planning Board may require alternative studies of parking lot layouts. Except where physical constraints, site configuration, or safety considerations preclude strict compliance, all parking must be accessible by driveways to the parking lots of adjacent nonresidential uses and land zoned for nonresidential uses

14. **Parking in Required Front Setback.** The SPGA or Planning Board may prohibit parking within the required front setback.

15. **Traffic Calming Features.** Traffic calming measures such as crosswalks, bike lanes, rumble strips and landscaped islands may be required.

G. Aesthetics.

1. **Compatibility with Neighborhood.** The location, size and design, building materials, and operating characteristics of the proposed development shall be compatible with and will not adversely affect the livability or appropriate development of abutting properties, with natural and built environment in the area and the surrounding neighborhood, with consideration to be given to the following:

a. harmony in scale, bulk, massing, and density;

b. consistency with the goals and objectives of the Master Plan and with any other plan that has been adopted by the Town.

H. Utilities; Security; Emergency Systems.

1. **Wastewater Treatment and Disposal.** The SPGA or Planning Board may require a report from the Board of Health confirming that the proposed site development provides for wastewater treatment and or disposal in a manner that is consistent with regulations of the Commonwealth of Massachusetts and the Board of Health.

2. **Water.** There shall be sufficient water capacity to meet the flow demands of the proposed use without causing municipal water flow characteristics off-site to fall below the standards adopted by the Town-.

3. **Site Security.** There shall be a certification by the Police Chief that the petitioner has provided a written plan for site security, which plan has been approved by the Police Chief.

4. **Underground.** All electrical, cable and telecommunications services shall be installed underground.

5. **Fire Alarm System.** There shall be sufficient municipal fire alarm system capacity to meet the operating requirements of the proposed site development and use under

applicable codes, regulations, and statutes enforce by the Fire Chief.

l. Fiscal Analysis.

1. The applicant shall provide an analysis of fiscal costs from the development, including increases in marginal costs, assessment of the capacity of existing municipal facilities to serve the new development, and, by order of magnitude, share of capital costs if improvements are needed.

2. The applicant shall identify an order of magnitude estimate as to the extent to which this development would generate the additional need for schools and affordable housing.

6.3.4 Exemptions. The following are exempt from these special permit standards:

1. Emergency Response. Emergency responses performed by a private entity or a public agency and fire or burglar alarms.

2. Municipal Uses and Structures. All municipal uses and structures, including schools.

3. Events. Properly permitted or authorized parades, fairs or outdoor entertainment between the hours of 7:00 A.M. and 11:00 P.M.

6.3.5 Waiver of Standards. The SPGA or Planning Board may, in the course of granting a special permit or site plan approval for nonresidential or multifamily development, waive any of these performance standards where such waiver is not inconsistent with public health and safety, and where such waiver does not derogate from the purposes of this Section because the proposed development will adequately serve the goals and objectives set forth in Section 6.3.1, hereof.

6.3.6 Enforcement. The SPGA or Planning Board may ensure compliance with these performance standards at the application stage by requiring evidence of probable compliance, whether by example of similar facilities or by engineering analysis, verified by technical peer review. In addition, the SPGA or Planning Board may require a monitoring program post-permit issuance for compliance purposes for a time period as may be specified in the special permit or site plan approval.

SECTION 7.0 SPECIAL REGULATIONS

7.1 MOTELS.

7.1.1 General. The following standards shall apply to motels:

1. No motel shall be constructed on a lot having less than two hundred (200) feet frontage.

2. On each lot used for motel purposes there shall be provided front, rear and side yards each not less than fifty (50) feet depth.

3. A space not less than twenty (20) feet shall be maintained open with grass, bushes, flowers, or trees all along each side lot, rear lot and front lot, except for entrance and exit driveways and such open space shall not be built on, nor paved, nor used for parking.

4. Each rental unit shall contain not less than two hundred (200) square feet habitable floor area.

5. Each motel site shall be provided with not more than two (2) motor vehicle driveways for each abutting street which shall intersect the abutting street or streets at ninety (90) degrees.

7.2 COMMUNICATION TOWERS AND WIRELESS COMMUNICATION FACILITIES.

7.2.1 Purpose. The purpose of this Section is to establish appropriate siting criteria and standards for communication towers and facilities including but not limited to radio, television, and cellular communications in order to minimize adverse visual impacts and maintain the residential character of the town, and preserve scenic views to and from the town's roadways and waterways. This Section is intended to establish reasonable regulations while allowing adequate service to residents, the traveling public and others within the town and to accommodate the need for the minimum possible number of such facilities within the Town. The requirements of this Section shall apply to all communication towers and wireless communication facilities that require a special permit, excluding in-kind or smaller replacement of existing equipment.

7.2.2 Location. Communications Towers and Wireless Communication Facilities shall be located in existing or reconstructed church steeples or in the Industrial Zone.

7.2.3 Proof of Site Control. In order to apply for permission to construct a Communication Tower and/or Wireless Communication Facility, the Applicant shall provide with the application proof of ownership of the right to erect and maintain such structures or facilities. Such proof may include deeds, certificates of title, leases, and purchase and sales agreements. It may also include easements where the easement specifically permits such use. The burden of showing the right to utilize the premises for the intended purpose shall rest with the Applicant, and the Planning Board shall not be requested to authorize a trespass or an overburdening of an easement.

7.2.4 Required Performance Standards.

1. Any tower shall be set back from property lines a distance at least equal to the height of the tower.

2. No towers may be constructed within areas subject to protection under the Inland/Costal Wetlands By-Law.

3. Any tower shall be at least 500 feet from any existing building.

4. Accessory structures housing support equipment for towers shall not exceed 400 square feet in size and fifteen (15) feet in height and shall be screened from views.

5. Clearing of natural vegetation should be limited to that which is necessary for the construction, operation, and maintenance of the tower.

6. Night lighting shall be prohibited unless required by federal authorities and shall be the minimum necessary.

7. One tower shall be permitted per lot.

8. No tower shall be more than 150 feet above the natural grade.

9. Shared use of tower and co-locations of communication devices is encouraged. All towers

constructed as principal uses shall be designed to accommodate the maximum number of communication facilities possible.

10. Whenever feasible, wireless communication facilities shall be located on existing towers or other nonresidential structures, minimizing the construction of new towers.

11. Wireless communication facilities placed on existing buildings shall be camouflaged or screened and designed to be harmonious and architecturally compatible with the building. No facility shall project more than five (5) feet above the existing roofline of the building. Any equipment associated with the facility shall be located within the building.

12. Towers and facilities shall be painted a neutral, non-reflective color designed to blend with the surrounding environment.

7.2.5 Administrative Procedures. Site plan approval pursuant to Section 10.6 and a special permit shall be required from the Planning Board. The Planning Board shall adopt rules relative to the issuance of such special permits, including application fees, and file a copy with the Town Clerk.

7.2.6 Criteria for Review and Approval. The Planning Board shall review all applications for communication towers and shall find in lieu of those set forth in Section 10.5.

1. that the location of the tower or device is suitable and that the size, height, and design is the minimum necessary for that purpose;

2. that the proposed tower or devices will not adversely impact historic structures or scenic views;

3. that there are no feasible alternatives to the location of the proposed tower or devices (including co-location) that would minimize their impact and that the applicant has exercised good faith in permitting future co-location of facilities at the site; and

4. that the proposed tower or device is in compliance with federal and state requirements regarding aviation safety.

7.2.7 Conditions. The Board may impose such reasonable conditions as it finds appropriate to safeguard the neighborhood or otherwise service the purposes of this Section, including, but not limited to: screening, buffering, lighting, fences, modification of the exterior appearance of the structures, limitation upon size, method of access or traffic features, parking removal or cessation of use, or other requirements. Such conditions shall be imposed in writing and the applicant may be required to post bond or other surety for compliance with said conditions in any amount satisfactory to the Board.

7.2.8 Changes. Any extension, addition of cells or construction of new or replacement towers shall be subject to an amendment of the special permit following the same procedure as for an original grant of a special permit.

7.2.9 Waivers. The Planning Board may waive any of the foregoing provisions when in the opinion of the Planning Board, such waiver will accomplish the purposes of this Section and is in the public interest.

SECTION 8.0 SPECIAL RESIDENTIAL REGULATIONS

8.1 FLEXIBLE DEVELOPMENT.

8.1.1 Purpose. The purpose of this Section, Flexible Development, is to:

1. encourage the preservation of open land for its scenic beauty and to enhance agricultural, open space, forestry, and recreational use;

2. preserve historical and archeological resources; to protect the natural environment, including the Town's varied landscapes and water resources;

3. protect the value of real property;

4. promote more sensitive siting of buildings and better overall site planning;

5. perpetuate the appearance of the Town's traditional New England landscape;

6. facilitate the construction, operation and maintenance of streets, utilities, and public services in a more economical and efficient manner;

7. offer an alternative to standard subdivision development; and

8. promote the development of housing affordable to low, moderate, and median income families.

8.1.2 Definitions. See Section 11 under "Flexible Development."

8.1.3 Applicability. In accordance with the following provisions, a Flexible Development project may be created, whether a subdivision or not, from any parcel or set of contiguous parcels with more than five (5) acres held in common ownership and located entirely within the Town.

8.1.4 Procedures. Flexible Development may be authorized upon the issuance of a special permit by the Planning Board. Applicants for Flexible Development shall file with the Planning Board seven (7) copies of the following:

1. A development plan conforming to the requirements for a preliminary plan as set forth in the Subdivision Rules and Regulations of the Planning Board.

2. Where wetland delineation is in doubt or dispute, the Planning Board may require

appropriate documentation.

3. Data on proposed wastewater disposal, which shall be referred to a consulting engineer for review and recommendation.

4. The Planning Board may also require as part of the development plan any additional information necessary to make the determinations and assessments cited herein, including proposed deed restrictions and condominium documents.

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

1. 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.

2. 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.

3. 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.

4. 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, with emphasis on consistency with

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

8.1.6 Modification of Lot Requirements. The Planning Board encourages applicants for Flexible Development to modify lot size, shape, and other dimensional requirements for lots within a Flexible Development, subject to the following limitations:

1. Lots having reduced area or frontage shall not have frontage on a street other than a street created by the Flexible Development; provided, however, that the Planning Board may waive this requirement where it is determined that such reduced lot(s) are consistent with existing development patterns in the neighborhood.

2. Side and rear yards shall be at least ten (10) feet, except as otherwise provided in this Section.

8.1.7 Basic Maximum Number of Dwelling Units. The Basic Maximum Number of dwelling units allowed in a Flexible Development shall not exceed the number of lots which could reasonably be expected to be developed upon the site under a conventional plan in full conformance with all zoning, subdivision regulations, health regulations, wetlands regulations and other applicable requirements. The proponent shall have the burden of proof with regard to the design and engineering specifications for such conventional plan.

8.1.8 Affordable Component. As a condition of the grant of any special permit for a Flexible Development, a minimum of ten (I 0) percent of the total number of dwelling units shall be restricted in perpetuity or for the longest period allowed by law. The restriction shall be approved as to form by legal counsel to the Planning Board, and a right of first refusal upon the transfer of such restricted units shall be granted to the local Housing Authority for a period not less than 120 days after notice thereof. The affordable dwelling units shall be added onto the Basic Maximum Number of dwellingunits.

8.1.9 Bonus Units. The Planning Board may add bonus dwelling units up to 20% of the Basic Maximum Number when the applicant:

1. provides more usable contiguous open space than that required in this Section; or

2. restricts otherwise developable land with a conservation restriction, covenant, or other device approved by the Board's legal counsel.

8.1.10 Types of Buildings. The Flexible Development may consist of any combination of single-family, two-family and three-multifamily residential structures. A multifamily structure shall not contain more than three (3) dwelling units. The architecture of all multifamily buildings shall be residential in character, particularly providing gabled roofs, predominantly wood siding, an articulated footprint and varied facades. Residential structures shall be oriented toward the street serving the premises and not the required parking area.

8.1.11 Association Required. The applicant shall provide to the Planning Board for its approval association documents to provide for the maintenance of the roads, stormwater management facilities, and any common areas in the Flexible Development.

8.1.12 Roads. The principal roadway(s) serving the site shall be designed to conform with the standards of the Town where the roadway is or may be ultimately intended for dedication and acceptance by the Town. Private ways shall be adequate for the intended use and vehicular traffic and shall be maintained by an association of unit owners or by the Applicant.

8.1.13 Parking. Each dwelling unit shall be served by two (2) off-street parking spaces, unless this requirement is reduced by the Planning Board. Parking spaces in front of garages may count in this computation.

8.1.14 Contiguous Open Space. A minimum of twenty (20) percent 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.

1. The percentage of the contiguous open space which is wetlands shall not normally exceed the percentage of the tract which is wetlands or ledge; 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 Section 1, above. In no case shall the percentage of contiguous open space which is wetlands exceed fifty (50) percent of the tract.

2. 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.

3. The contiguous open space shall remain unbuilt upon, provided that the Planning Board may permit up to twenty (20) percent of such open space to be paved or built upon for structures accessory to the dedicated use or uses of such open space, pedestrian walks, and bike paths.

4. Underground utilities to serve the Flexible Development site may be located within the contiguous open space.

8.1.15 Ownership of the Contiguous Open Space. The contiguous open space shall, at the Planning Board's election, be conveyed to:

1. the Town or its Conservation Commission;

2. a nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above;

3. a corporation or trust owned jointly or in common by the owners of lots within the Flexible Development. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust which shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town to perform maintenance of such open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the town an easement for this purpose. In such event, the town shall first provide fourteen (14) days written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation fails to complete such maintenance, the town may perform it. Each individual deed, and the deed or trust or articles of incorporation, shall include provisions designed to affect these provisions. Documents creating such trust or corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded.

8.1.16 Buffer Areas. A buffer area of fifty (50) feet shall be provided at the perimeter of the property where it abuts residentially zoned or occupied properties, except for driveways 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. The Planning Board may waive the buffer requirement (i) where the land abutting the site is the subject of a permanent restriction for conservation or recreation or the Board determines that a smaller buffer will suffice to accomplish the objectives set forth herein.

8.1.17 Stormwater Management. Stormwater management shall be consistent with the requirements for subdivisions set forth in the Rules and Regulations of the Planning Board.

8.1.18 Decision. The Planning Board may approve, approve with conditions, or deny an application for a Flexible Development after determining whether the Flexible Development better promotes the purposes of Section 7.1.1 of this Flexible Development By-Law than would a conventional subdivision development of the same locus.

8.1.19 Relation to Other Requirements. The submittals and permits of this Section shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of this Zoning By-Law.

8.2 VILLAGE HOUSING DEVELOPMENT.

8.2.1 Purpose. The purpose of a Village Housing Development (VHD) is to:

1. provide dwellings for the exclusive occupancy of individuals fifty-five (55) years of age or older; and

2. provide for mixed and diverse varieties of housing, including affordable housing; and

3. provide for residential development in a manner that conserves environmental features, woodlands, wet areas, open space, areas of scenic beauty, views and vistas.

8.2.2 Applicability. A VHD may be constructed in a Residential I, II, III district. All requirements of the zoning district(s) shall remain in full force and effect, except where the requirements of this Section are more restrictive or provide for uses or structures not otherwise available in the Residential I, II, or III District; in such cases, the requirements of the VHD may supersede the zoning regulations upon the issuance of a special permit from the Planning Board.

8.2.3 Location and Eligibility. A VHD may be proposed on land lying within the Residential I, II, and III zoning districts, subject to the provisions of this Section.

8.2.4 Size of Tract. No parcel of land shall be considered for a VHD under this Section unless it contains a minimum of twenty-five (25) contiguous acres of land.

8.2.5 Prior Nonresidential Zoning. No land that has been zoned Business or Industrial during a period of ten (I 0) years prior to the date of application for a special permit under this Section shall be eligible for use under this Section.

8.2.6 Use Restrictions. A VHD, consisting of the uses set forth below, individually or in combination, may be authorized by a special permit issued by the Planning Board pursuant to this Section and in compliance with the standards set forth herein.

1. Single family and Multifamily Dwellings owned or occupied by persons over the age of 55. The Planning Board at its sole discretion shall determine the ratio of single to multi-family dwellings.

2. Structures and uses accessory to the use set forth above including: community building serving the residents of the VHD; underground utilities located on a lot not serving the dwelling; recreational

facilities; roadways.

8.2.7 Application. An application for a special permit for construction of a VHD shall be submitted to the Planning Board on forms furnished by the Planning Board, accompanied by (a) the fees set forth below, (b) the following information and data, and (c) a development plan as described below.

1. All of the information required for site plan approval pursuant to Section 10.6;

2. The name(s) and, address(es) of the Applicant and all legal and beneficial owners of the site; copies of all instruments, options, contracts or encumbrances affecting ownership of the development site; and an instrument executed by all persons owning property within the site consenting to the development of the subject property, as applied for.

3. A proposed development schedule showing the beginning of construction, the rate of construction and development, including stages, if applicable, and the estimated date of completion.

4. A narrative report prepared by qualified professionals, detailing the impact of the development on the Town's capacity to furnish services including, but not limited to, roads, water and sanitation. Information regarding the number and kind of dwelling units and other structures (including signs) proposed, their location, the number of bedrooms planned, the sale prices anticipated and population projections pertaining thereto.

5. Areas to be set aside for building structures, parking areas and conservation and recreation easements.

6. Information pertaining to any organization which the Applicant proposes here the development is to be a condominium development.

7. Any and all other information that the Planning Board may reasonably require in a form acceptable to it to assist in determining whether the Applicant's proposed development plan meets the objectives of this Section.

8.2.8 Standards. In order to be eligible for consideration for a special permit, the proposed VHD shall meet all of the following:

1. Age Restriction. All occupants of a dwelling unit within a VHD shall be at least fifty-five (55) years old. The applicant shall enforce this condition by deed restrictions. Such deed restrictions shall be approved as to form by the Planning Board.

2. Unit Owners' Association. The applicant shall ensure that all unit owners within a VHD shall be members of a Unit Owner Association for the management and operation of common areas. The documents creating such Unit Owners, Association shall be approved as to form by the Planning Board and be in accordance with G.L. c. 183A.

3. Common Areas and Facilities. The applicant shall provide a clubhouse for the use and enjoyment of the unit owners within the VHD. The Planning Board may require additional recreational facilities as it deems necessary. All roads, drainage facilities, common areas (including the clubhouse, pools, and trail system, if any) shall be maintained by the mandatory

Unit Owners Association, Garbage removal shall be the responsibility of the Unit Owners Association.

4.. VHD Density. The Planning Board may approve a VHD with a density of not more than one dwelling unit per ten thousand (I 0,000) square feet of land area. Fractional calculations shall be rounded down to the nearest lower whole number.

5. Open Space Requirement. At least forty (40) percent of the VHD site shall be open space, which shall be left in its natural vegetated state or landscaped to the satisfaction of the Planning Board. The open space shall be contiguous and usable by dwelling unit owners within the VHD.

6. Buffer. A buffer area of 100 feet shall be provided at the perimeter of the VHD. No vegetation in this buffer area will be disturbed, destroyed or removed, except for normal maintenance. The Planning Board may reduce the width of the required buffer where the applicant demonstrates that suitable screening will be provided by other means.

7. Wetland Buffer Area. A buffer area of 100 feet shall be provided adjacent to wetland resource areas protected by G.L. c. 131, s. 40. No building shall be located in this buffer. No vegetation in this buffer area will be disturbed, destroyed or removed, except for normal maintenance.

8. Roadways and Paths. The principal roadway(s) serving the site shall be designed to conform with the standards of the Regulations and any other standards of the Town of Holbrook. Private ways shall be adequate for intended vehicular and pedestrian traffic and shall be maintained by an association of unit owners or by the applicant. Paths for the use of residents shall be attractively designed with proper regard for convenience, separation of vehicular, bicycle and pedestrian traffic, and access to the amenities and facilities on the site and to paths on adjacent sites.

9. Parking. The Applicant shall provide adequate parking to serve all anticipated uses on the property, with information detailing the method of computation of parking spaces. The number of parking spaces per dwelling unit provided shall be no less than that allowed by Section 6.2 of this By-Law.

10. Stormwater Management. The stormwater management system shall be designed in accordance with the Subdivision Regulations of the Planning Board and the DEP's Stormwater Management Guidelines.

11. Utilities. All electric, gas, telephone, cable, and water distribution lines shall be placed underground.

12. Dimensional Requirements. The development of one or more structures on a lot or lots shall be permitted in an application to construct a VHD. Such structures may be situated on any common or individual lot consistent with the overall design objectives of the VHD, provided, however, that such structures shall comply with the provisions of the State Sanitary Code, 310 CMR 15.00, any other applicable State regulations, and with the rules of the Town of Holbrook Board of Health.

13. Preference. As a condition of approval, the Planning Board may require that Holbrook residents will be given a preference in the initial purchase of dwelling units within a VHD to the extent permitted by federal law. Such preference shall be for thirty-five (35) percent of the dwelling units in the VHD and shall be for at least one year from the issuance of the final certificate of occupancy for any building within the VHD.

8.2.9 Fees. The filing fee for a special permit pursuant to this Section shall be $600.00. The Planning Board shall also charge the Applicant an administrative fee and technical review fee, pursuant to G.L. c. 44, s. 53G ands. 53El/2. Such fee shall be used to cover expenses incurred by the Board, engage professional, technical and/or legal consultants to review an application for a special permit within the VHD. The initial deposit of such fee shall be $7,500 for a review fee and $3,000 for an administrative fee. The Applicant shall restore said fee to the original amount when depleted to a balance of less than half the original amount. Failure to provide or restore any said fees in this Section shall result in denial of applications or revocation of special permits granted to the applicant.

8.2.10 Accessibility. All such units constructed under this Section shall be fully handicap accessible.

8.2.11 Municipal Improvements. The Town of Holbrook Planning Board shall require the Applicant to make any necessary municipal infrastructure improvements such as water, sewer, roadways, it deems needed to mitigate the impact of development under this section.

8.2.12 Site Plan. All units constructed under this Section shall be subject to the provisions of Section I 0.6, site plan review. The exemption relating to single family residences in Section 10.6.1.c shall not apply to units created as a part of a VHD.

8.2.13 Public Transportation. Any VHD approved under this Section shall be proximate to public transportation or provide shuttle, or reimbursement for, service to nearby public transportation facilities.

8.2.14 Decision. The Planning Board may grant a special permit for a VHD pursuant to Section 10.5 when the proposed VHD complies fully with the requirements of this Section.

8.3 FAMILY SUPPORT LIVING SPACE.

8.3.1 Purpose. A Family Support Living Space is an additional living space within an existing single family dwelling. This space may include sleeping, cooking, and sanitary facilities that are substantially contained within the structure of a single family dwelling. The intended occupant(s) of this living space is the extended family of the property owner.

8.3.2 Special Permit Required. Conversion to add or inclusion of a Family Support Living Space within a single family dwelling shall require a special permit issued by the Planning Board.

8.3.3 Conditions. Such special permit shall be granted only if the following conditions are met:

1. The single family dwelling is owner occupied.

2. The additional family support living space will be occupied by not more than two (2) persons who are directly related to the owner by blood, marriage, or adoption; or an unrelated licensed care-giver supporting a resident of the dwelling.

3. Alterations will not change the appearance of the dwelling as a single family residence.

4. Entrance and Exits will not be added to the dwelling unless required by current building codes.

5. The additional family support living space will be limited to 600 square feet.

6. Off-street parking must be adequate to accommodate additional occupants of the dwelling.

7. Utility services will be consistent with that of a single family dwelling.

8. Family Support Living Space will be limited to Residential Zones I, 2, 3, 4, 5.

8.3.4 Time Limit. The special permit for a Family Support Living Space will be valid for one year, upon which time it may be renewed. The special permit will have an annual fee established. The information within the special permit application will be verified with the town clerk's records and assessor's records. Every two years the permit renewal will include an inspection of the space by the Building Department to ensure all requirements of this Section are met. Furthermore, the special permit will terminate upon the transfer of ownership, or when the purpose for which the special permit was granted no longer exists. After termination, any modifications associated with the Family Support Living Space not in compliance with existing single family dwelling building codes will be removed.

8.4 MULTIFAMILY DWELLINGS.

8.4.1 Purpose. The purpose of this Section is to provide high quality multi-unit housing while minimizing the need for municipal infrastructure and services and while preserving open space. Developments created under this Section shall be designed to maximize the use of available public transportation, to minimize vehicular traffic, and to provide opportunity for pedestrian and recreational uses.

8.4.2 Definitions. See Section 11 under "Multifamily Dwellings".

8.4.3 Special Permit Required. A multifamily dwelling or a multiple unit development shall require a special permit from the Planning Board.

8.4.4 Standards.

1. No building or buildings intended for three or more families shall be constructed on a lot having less than two hundred (200) feet frontage.

2. A space not less than twenty (20) feet shall be generally maintained open with grass, bushes, flowers or trees along each side lot, rear lot line and front lot line, except for entrance and exit

driveways, and such open space shall not be built on, nor paved, nor used for parking except as allowed and approved by the Planning Board.

3. No more than four (4) dwelling units shall be constructed per one (I) acre of land area whether such land area is designated as wetlands or not or the land is otherwise undevelopable.

4. The manner of sewage disposal shall be approved in writing by the Board of Health.

5. All off-street parking shall be provided at the rear or side of the building for which it is intended to be used. Parking in the front areas of such buildings may be authorized by the Planning Board.

6. Open Space Requirements. At least forty (40) percent of the site shall be open space.

7. Senior Units. A number of units shall be reserved for Age Restricted Units. Said units shall be restricted for occupancy to persons fifty-five (55) years of age or older and shall comply with any and all Senior Housing Laws. Age Restricted Units shall be enforced by deed restriction on the property. If fewer than thirty-five (35) percent of the total units allowed by the density set forth in this Section are constructed as Age Restricted Units, then the overall density allowed under this Section shall be reduced by the number of Age Restricted Units allowed but not constructed. The purpose of this requirement is to encourage but not mandate the construction of Age Restricted Units by allowing a greater density when units of this type are built.

8. Recreational Opportunity. Onsite recreational facilities such as, but not limited to, parks, exercise facilities, gymnasiums, walking or bicycle trails shall be constructed and maintained for the use of the residents.

9. Density. No more than four (4) dwelling Units shall be constructed per one (I) acre of land space.

10. Bedrooms. No dwelling unit constructed under this Section shall contain greater than two bedrooms.

11. Countable Units. A minimum of fifteen percent (15%) units constructed shall be qualified as Countable Units. Countable Units shall remain eligible for a minimum of thirty (30) years by deed restriction running with the property. Said units shall only be counted towards meeting this requirement if they are not counted to meet any other such requirement. The applicant is responsible for all application and certification processes needed to certify these units.

12. Interior Driveways and Roadways. The principal roadway(s) and drives serving the site shall be designed to conform with the standards of the Regulations for Subdivision of Land and any other standards of the Town of Holbrook. Private ways within the site shall be adequate for intended vehicular and pedestrian traffic and shall be maintained by an association of unit owners or by the applicant.

13. Refuse Pickup and Roadway Maintenance. The owner or unit owners of a development shall be responsible for the maintenance of (including snow and ice removal) of all roadways within the development, for trash and refuse removal, and maintenance of all recreational and landscape amenities required.

14. Parking. The Applicant shall provide adequate parking to serve all anticipated uses on the property, with information detailing the method of computation of parking spaces. The number of parking spaces per dwelling unit provided shall be no less than that allowed by Section 6.2.

15. Stormwater Management. The stormwater management system shall be designed in accordance with the Subdivision Regulations of the Planning Board and the DEP's Stormwater Management Guidelines.

8.4.5 Application. An application for a special permit for construction under this Section shall be submitted to the Planning Board on forms furnished by the Planning Board, with the following information and data, and a Development Plan as described below.

1. All of the information required for site plan approval pursuant to Section I 0.6.

2. The name(s) and, address(es) of the Applicant and all legal and beneficial owners of the site; copies of all instruments, options, contracts or encumbrances affecting ownership of the development site; and an instrument executed by all persons owning property within the site consenting to the development of the subject property, as applied for.

3. A proposed development schedule showing the beginning of construction, the rate of construction and development, including stages, if applicable, and the estimated date of completion.

4. A narrative report prepared by qualified professionals, detailing the impact of the development on the Town's capacity to furnish services including, but not limited to, roads, water and sanitation.

5. Information regarding the number and kind of dwelling units and other structures (including signs) proposed, their location, the number of bedrooms planned, the sale prices anticipated and population projections pertaining thereto.

6. Areas to be set aside for building structures, parking areas and conservation and recreation easements.

7. Information pertaining to any organization which the applicant proposes where the development is to be a condominium development.

8. Any and all other information that the Planning Board may reasonably require in a form acceptable to it to assist in determining whether the Applicant's proposed development plan meets the objectives of this Section.

9. A traffic study prepared by a registered engineer showing projected traffic totals at peak and off-peak hours at all entrances and exits to the site and covering nearby roadways and intersections that may be affected by the use of the site as identified by the Planning Board.

10. A Development Plan consisting of a plan showing the proposed uses of all land areas within the relevant Multiple Unit Development. The plan shall show in a general manner:

a. The location of proposed buildings;
b. The location and dimensions of drives and parking areas;
c. The location and characteristics of any common open space;
d. Proposed infrastructure;
e. Proposed building renderings.

8.4.6 Fees. A filing fee and a technical review fee shall be paid by the applicant as a part of any application under this Section. Said fees shall be set from time to time and published by the Planning Board in accordance with state law. The technical review fee shall be used to engage professional, technical and/or legal consultants to review an application for a special permit. The technical review fee shall be replenished by the applicant when depleted to an amount less than fifty (50) percent of the original amount determined. Failure to provide or restore any said fees in this Section shall result in denial of applications or revocation of any special permit(s) granted to the applicant. Unexpended amounts of the technical review fee will be refunded on request to the applicant upon completion of the project and when in compliance with any requirements placed on it. The applicant will be provided with a detailed accounting of all disbursements from the technical review fee account.

8.4.7 Criteria for Approval. The Planning Board may grant a special under this Section when it makes the following findings in lieu of those set forth in Section 10. and may attach such conditions or safeguards or limitations on the grant of the Special Permit as it finds to be appropriate and reasonable to protect the surrounding neighborhood and town.

1. The proposed development complies fully with all provisions of this Section and all other requirements of the Town of Holbrook Zoning Board By-Law.

2. The proposed development complies with the purposes of this Section.

3. That the site is suitable for the proposed use.

4. Adequate access for police, fire, and public safety exits.

5. That the internal roadways and driveways are adequate for the proposed use.

6. That external entrances and exits are sufficient and do not pose a traffic hazard.

7. That the proposed development has incorporated trip reduction measures in order to minimize vehicular trips to and from the site. These measures any include but are not limited to sponsored transportation to regional and local public transit facilities, pedestrian amenities, bicycle and walking paths.

8. That adequate parking and loading facilities are provided.

9. The site will be suitably landscaped to protect the character of the neighborhood and adjacent property and the neighborhood.

10. The proposed use has an adequate method of sewage disposal, source of water and drainage.

11. That the distance between structures are adequate for public safety and traffic circulation purposes.

12. That the distances proposed development makes adequate provisions to insure Age Restricted Units, where applicable, and Countable Units are constructed in accordance with this Section and all applicable laws.

13. The proposed development does not cause detriment to the neighborhood after considering the following potential consequences: noise, during the construction and operational phase; pedestrian and vehicular traffic; environmental harm; visual impact caused by the character and scale of the proposed structure(s); makes no detrimental impact on municipal services; historical character of the neighborhood

8.5 SENIOR HOUSING.

8.5.1 Purpose. The objectives of this Section are to achieve the following public purposes:

1. To provide for the development and use of alternative housing and nursing care for the elderly in accordance with the Town's Master Plan.

2. To create home health care, housing and other supportive services for the senior population outside of an institutional setting.

3. To encourage the preservation of open space.

4. To provide alternative housing for seniors that causes relatively little demand on Town services.

5. To preserve the town's residential character.

6. To provide such accommodations in a manner harmonious with the surrounding land uses while protecting natural resources and open space.

7. To provide housing which is affordable to the seniors who are Holbrook residents.

8.5.2 Definitions. See Section 11 under "Senior Housing Facility".

8.5.3 Applicability. The Planning Board may grant a special permit for a Senior Housing Facility as defined in Section 11 of the Res I, Res II, Res III, and Res IV Districts, subject to the requirements of this Section.

1. This Section shall not apply to Senior Housing Facilities existing on the date of adoption of this Section.

8.5.4 Dimensional Requirements and Design Standards. Dimensional requirements and design standards shall be as follows:

1. Minimum Lot Size. The minimum lot size (square feet) shall be as follows:

Res I	60,000
Res II	40,000
Res III	40,000
Res IV	40,000

2. Density. The maximum allowable density shall be 3,000 square feet of lot area per assisted living unit unless the Planning Board determines that a greater density shall not cause substantial detriment to the neighborhood.

3. Building Height. Any addition or new construction shall not exceed 35 feet in height as measured in accordance with the State Building Code. This shall not preclude the reuse and renovation of existing structures which may exceed this height limit.

4. Building Coverage. The maximum building coverage, including accessory buildings, shall not exceed 20% of the lot area for new construction or expansion of existing structures.

5. Building Setbacks. Buildings shall be set back (feet) as follows:

Res I	40
Res II	30
Res III	30
Res IV	30

6. Setback from Residential Dwellings. All buildings associated with the Senior Housing Facility shall be no closer than 50 feet from existing residential dwellings; however, with respect to accessory structures not greater than 300 square feet, the Planning Board, in its discretion, may reduce said setback by an amount up to but not greater than 30 feet if it determines that said structure will not adversely impact the use and enjoyment of the existing residential dwelling.

7. Minimum Lot Frontage. The minimum lot frontage shall conform to the requirements of the district where such use is located.

8. Town Services. Facilities shall be serviced by public water and sewer of sufficient capacity to serve the project. Any extension and/or replacement of sewer and/or water lines necessary to provide sufficient capacity shall be the responsibility of the applicant.

9. Transportation Services. The operator of the facility shall be required to provide or arrange for transportation to town services and facilities.

10. Common Open Space. In the Residence Districts, there shall be an area of common open space equal to at least I 0% of the lot area. The common open space shall be retained in perpetuity for conservation or passive recreation use. No more than 25% of the minimum required open space shall be situated within wetlands.

11. Parking. The minimum number of parking spaces provided on the lot shall be in accordance with Section 6.2.

12. Access and On-site Circulation. Adequate on-site circulation shall be provided to and from the site, taking into consideration the adjacent sidewalks and streets and accessibility of the site and building(s) thereon for emergency vehicles. Adequate provision shall be made for off-street loading and unloading requirements of delivery vehicles and passengers using private transportation.

13. Public Safety. The facility shall also have an integrated emergency call, telephone and other communication system to provide monitoring for its residents. There shall be sufficient site access for public safety vehicles. A plan shall be approved by the Fire Department for the emergency evacuation of residents with emphasis on ensuring the safety of residents with physical impairments.

14. Landscaping. Landscaping and screening are required to obscure visibility from beyond the boundaries of the premises of parking areas, dumpster locations and loading areas. The minimum setback from all property lines of such parking lots, dumpster locations and loading areas, except for their points of ingress and egress, shall be 15 feet.

8.5.5 Accessory Uses. The operator of the Senior Housing Facility may also provide optional services on the site for the convenience of residents, including but not limited to transportation, barber/beauty services, sundries for personal consumption, laundry services and other amenities, provided such uses serve primarily the residents and staff of the Senior Housing Facility and the accessory uses shall be wholly within a residential structure and shall have no exterior advertising display.

Special Permit Procedure. The procedure for a special permit under this Section shall be governed by Section 10.5.

SECTION 9.0 SPECIAL DISTRICTS

9.1 FLOODPLAIN PROTECTION OVERLAY DISTRICT (FPOD).

9.1.1 Purpose. The purposes of this Section are:

1. To preserve and protect the streams and other water bodies in the Town of Holbrook;

2. To protect the public health and safety, persons and property against the hazards of flooding;

3. To preserve and maintain the water table within the Town;

4. To assure the continuation of the natural flow pattern of the water courses providing safe and adequate flood water storage and runoff capacity;

5. To protect the community against detrimental uses and developments; and

6. To minimize losses by provisions designed to consider flood plain management programs in neighborhood areas.

9.1.1 Location and Boundaries. The Floodplain Protection Overlay District is (FPOD) is herein established as an overlay district. The FPOD includes all special flood hazard areas within the Town of Holbrook designated as Zone A and AE on the Norfolk County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Norfolk County FIRM that are wholly or partially within the Town of Holbrook are panel numbers 25021C0217E, 25021C02181E, 25021C0219E, 25021C0236E, 25021C0238E, 250210C0382E dated July 17, 2012. The exact boundaries of the FPOD may be defined by the 100-year base flood elevation shown on the FIRM and further defined by the Norfolk County Flood Insurance Study (FIS) report dated July 17, 2012. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk." *Amended: ATA1/May I, 2012/Art. 20*

9.1.2 Use Regulations. The FPOD shall be considered as overlying other districts established by this By-Law. All uses otherwise permitted by this By-Law shall be permitted, provide that, in FPOD:

1. No new building or structure shall be moved into such district, erected or constructed except as provided in this Section.

2. No existing building or structure shall be moved, altered or enlarged so as to increase its ground coverage by more than a total of twenty (20) percent.

3. No dumping or filling or relocation of earth materials shall be permitted except as mat be required for the uses permitted herein.

4. No storage of road salt, fertilizer, mineral, manure or other organic or inorganic chemical leachable material shall be permitted.

5. In Zones A and 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 level within the community during the occurrence of the base flood discharge.

6. 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.

7. In Zone AE, along watercourses within the Town of Holbrook that have a regulatory floodway designated on the Norfolk County FIRM, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

8. All subdivision proposals must be designed to assure that:

a. Such proposals minimize flood damage;

b. All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and

c. Adequate drainage is provided to reduce exposure to flood hazards.

9. In a riverine situation, the Conservation Commission shall notify the following of any alteration or relocation of a watercourse:

a. Adjacent Communities

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

c. NFIP Program Specialist
Federal Emergency Management Agency, Region 1
99 High Street, 6th Floor
Boston, MA 02110

Amended: ATM/May I, 2012/Art. 25

9.1.3 Permitted Uses. The following uses shall be permitted in the FPOD subject to this Section, provided that any and all necessary permits, orders or approvals required by local, state or federal law, except for M.G.L. c. 13I, s. 40, shall first have been obtained:

1. Uses directly related to the conservation of water, plants and wildlife.

2. Outdoor recreation activities and facilities, including unpaved play areas, nature study, boating, fishing and hunting where otherwise legally permitted.

3. Wildlife management areas, landing, foot, bicycle and/or horse paths and bridges, provided such uses do not affect the natural flow pattern of any water course.

4. Grazing and farming, including truck gardening and harvesting of crops.

5. Forestry and nurseries.

6. Small nonresidential structures of less than 100 square feet of floor area used in connection with recreational of the growing, harvesting, storage or sale of crops raised on the premises.

7. Creation of ponds with a total water surface area at normal elevation not in excess of 40,000 square feet.

8. Removal of silt and other accumulated debris from water course which tends to interfere

with the natural flow patterns of the water course.

9. Access driveways to land outside the FPOD not otherwise accessible.

9.1.5 Lot Area Allowance. If any portion of a lot in a Res I or Res II District is overlaid by the FPOD, said portion may be used to meet the area requirements for those districts provided that no building or structure may be erected on the portion remaining outside the FPOD unless that portion has a minimum area of 20,000 square feet. If any portion of a lot in a Res III or Res IV District is overlaid by the FPOD, the proportion of the lot which may be used to meet the area requirements of this By-Law shall be determined by the Board of Appeals which shall issue a special permit therefore. However, a lot with a dwelling existing thereon at the time of the adoption of the section shall not be deemed a nonconforming lot because any portion of it lies within the FPOD, provided that if the dwelling itself lies within said FPOD, the dwelling shall be subject to the provisions this Section. If any portion of a lot in a Bus or I District is overlaid by the FPOD, any use of the lot shall require a special permit from the Board of Appeals.

9.1.6 Certified Boundary Line Plot Plan. A certified plot plan is required whenever an application is made for a building permit which may be affected by a FPOD. In the case of a building permit for an interior improvement within a building or structure so located, the plot plan shall not be required.

9.1.7 Determination of Flooding and Suitability. In the event it is proposed to use land within the FPOD or to construct a building or structure thereon otherwise than is specifically permitted herein and application for a special permit for such use, building or structure may be made to the Board of Appeals. If the Board determines:

1. That the subject land is not subject to flooding; or

2. That the subject land is not suitable because of drainage conditions; and

3. That the use of such land for such use or structure will not interfere with the general purposes for which the FPOD has been established; and

4. That the use of such land for such use or structure will not be detrimental to the public health, safety and/or welfare.

The Board of Appeals may grant a special permit for such use or structure which will comply in all respects with all other Provisions of the underlying District or Districts within which the land is located, provided that any and all necessary permits, orders or approvals required by local or state law, except for M.G.L. Chapter 131, Section 40, shall first have been obtained.

9.1.8 Requirements for Utility Installation. Any other by-law or regulation to the contrary, not withstanding, no construction requiring any utility, including electric, water, gas and telephone lines, or waste disposal or drainage facilities shall be permitted within the FPOD unless the Board of Appeals shall grant a special permit certifying that all utilities as proposed are located, and constructed so as to minimize or eliminate flood damage and that methods of disposal for sewerage, refuse and other wastes and methods of providing drainage are adequate to reduce flood hazards and prevent pollution.

9.1.9 Cumulative Effect. No new construction, substantial improvements or other land development,

shall be permitted unless it is demonstrated by the applicant that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the elevations as shown on the map, "FEMA Flood Insurance Insurance Rate Map" more than one foot at any point within the Town. New construction and substantial improvements to existing structures shall also be governed by applicable provisions of the State Building Code. The requirements of this Section shall be applicable to any use whether permitted as a matter of right, by special permit or by variance. "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:

1. Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high hazard areas;

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

3. Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);

4. 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.

9.2 MEDICAL MARIJUANA OVERLAY DISTRICT (MMOD).

9.2.1 Establishment. The Medical Marijuana Overlay District (MMOD) is established as an overlay district. Within the MMOD, all requirements of the underlying district(s) remain in effect, except where these regulations provide an alternative to such requirements. Land within the MDOD may be used either for (I) a registered Marijuana dispensary (RMD), in which case the requirements set forth in this Section shall apply; or (2) a use allowed in the underlying district, in which case the requirements of the underlying district shall apply. If the provisions of the MMOD are silent on a zoning regulation, the requirements of the underlying district shall apply. If the provisions of the MMOD conflict with the requirements of the underlying district, the requirements of the MMOD shall control.

9.2.2 Purpose. The purpose of this Section is to provide for the placement of RMDs, in accordance with the Humanitarian Medical Use of Marijuana Act, M.G.L. c. 94C, App.§ 1-1 et seq., in locations suitable for lawful medical marijuana facilities and to minimize adverse impacts of RMDs on adjacent properties, residential neighborhoods, historic districts, schools, playgrounds and other locations where minors congregate by regulating the siting, design, placement, security, and removal of RMDs.

9.2.3 Definitions. See "Medical Marijuana Overlay District" in Section 11.

9.2.4 Location. RMDs may be permitted only in the MMOD pursuant to a special permit in the area in West Holbrook in a district located along Mear Road, with all lot references as shown and numbered on the Assessor's Maps of the Town of Holbrook, and bounded:

WESTERLY and SOUTHWESTERLY by the centerline of the Cochato River;
EASTERLY by the westerly line of Lot #19-10 extended southwesterly to the centerline of the Cochato River;
EASTERLY AGAIN by the westerly line of Lot #19-10 and
EASTERLY AGAIN by the westerly line of Lot #19-10 extended northeasterly to the centerline of Mear Road; and
NORTHEASTERLY by the centerline of Mear Road; and
SOUTHEASTERLY by the westerly line of Lot #19-9 extended to the centerline of Mear Road;
SOUTHEASTERLY AGAIN by the westerly line of Lot #19-9;
AND FINALLY NORTHEASTERLY by a line parallel to the centerline of Mear Road and four hundred (400) feet northeasterly of said centerline of Mear Road, to the point of beginning.

9.2.5 Application. The Planning Board shall be the special permit granting authority (SPGA) for a RMD special permit. The application shall include:

1. A copy of its registration as a RMD from the Massachusetts Department of Public Health ("DPH");

2. A detailed floor plan of the premises of the proposed RMD that identifies the square footage available and describes the functional areas of the RMD, including areas for any preparation of MIPs;

3. Detailed plans that include the following information:

a. Compliance with the requirements for parking and loading spaces, for lot size, frontage, yards and heights and coverage of buildings, and all other provisions of this chapter;

b. Convenience and safety of vehicular and pedestrian movement on the site and for the location of driveway openings in relation to street traffic;

c. Convenience and safety of vehicular and pedestrian movement off the site, if vehicular and pedestrian traffic off site can reasonably be expected to be substantially affected by on-site changes;

d. Adequacy as to the arrangement and the number of parking and loading spaces in relation to the proposed use of the premises, including designated parking for home delivery vehicle(s), as applicable;

e. Design and appearance of proposed buildings, structures, freestanding signs, screening and landscaping; and

f. Adequacy of water supply, surface and subsurface drainage and light;

4. A description of the security measures, including employee security policies, approved by DPH for the RMD;

5. A copy of the emergency procedures approved by DPH for the RMD;

6. A copy of the policies and procedures for patient or personal caregiver home delivery approved by DPH for the RMD;

7. A copy of the policies and procedures for the transfer, acquisition, or sale of marijuana between RMDs approved by DPH;

8. A copy of proposed waste disposal procedures; and

9. A description of any waivers from DPH regulations issued for the RMD.

9.2.6 Procedures.

1. Referral. The SPGA shall refer copies of the application to the Building Department, Fire Department, Police Department, Board of Health, the Conservation Commission, the Department of Public Works, and the Planning Board. These boards/departments shall review the application and shall submit their written recommendations. Failure to make recommendations within 35 days of referral of the application shall be deemed lack of opposition.

2. Action. After notice and public hearing and consideration of application materials, consultant reviews, public comments, and the recommendations of other Town boards and departments, the SPGA may act upon such a permit.

9.2.7 Special Permit Conditions on RMDs. The SPGA shall impose conditions reasonably appropriate to improve site design, traffic flow, public safety, protect water quality, air quality, and significant environmental resources, preserve the character of the surrounding area and otherwise serve the purpose of this Section. In addition to any specific conditions applicable to the applicant's RMD, the SPGA shall include the following conditions in any special permit granted under this Section:

1. Hours of operation, including dispatch of home deliveries.

2. The permit holder shall file a copy of any incident report required under I 05 CMR 725.11O(F) with the Zoning Enforcement Officer and the SPGA within 24 hours of creation by the RMD. Such reports may be redacted as necessary to comply with any applicable state or federal laws and regulations.

3. The permit holder shall file a copy of any summary cease and desist order, cease and desist order, quarantine order, summary suspension order, order limiting sales, notice of a hearing, or final action issued by DPH or the Division of Administrative Law Appeals, as applicable, regarding the RMD with the Zoning Enforcement Officer and SPGA within 48 hours of receipt by the RMD.

4. The permit holder shall provide to the Zoning Enforcement Officer and Chief of the Police Department the name, telephone number and electronic mail address of a contact person in the event that such person needs to be contacted after regular business hours to address an urgent issue. Such contact information shall be kept updated by the permit holder.

5. The special permit be terminated five years after issuance. If the permit holder wishes to renew the special permit, an application to renew the special permit must be submitted at least 120 days prior to the expiration of the special permit.

6. The special permit shall be limited to the current applicant and shall lapse if the permit holder ceases operating the RMD.

7. The special permit shall be terminated upon the expiration or termination of the applicant's registration by DPH.

8. The permit holder shall notify the Zoning Enforcement Officer and SPGA, in writing, within 48 hours of the cessation of operation of the RMD or the expiration or termination of the permit holder's registration with DPH.

9.3 TOWN CENTER OVERLAY DISTRICT (TCOD).

9.3.1 Purpose. The purpose of the Town Center Overlay District (TCOD) is to:

1. improve the public realm;

2. create a more desirable and attractive Town Center; and

3. provide incentives for economic development, or redevelopment.

The TCOD includes several changes to dimensional regulations and a set of design review and performance standards. The following regulations are intended to promote these purposes, while also promoting measured growth, scale, and density that is suitable for a small suburban New England town setting.

9.3.2 Overlay District. The TCOD is an overlay district superimposed on all underlying zoning districts. The map of the TCOD, entitled "Town Center Overlay District," dated May 6, 2015, is hereby made of part of the Zoning By-Law. The Zoning By-Law governing the underlying zoning districts shall remain in full force and effect except for Projects undergoing development pursuant to this Section 10.10. Within the boundaries of the TCOD a developer may elect either to develop a Project in accordance with this Section I 0.10, or to develop a Project in accordance with the requirements of the regulations for use, dimension and all other provisions of the Zoning By-Law governing the underlying zoning district(s). When a building permit is issued for any Project approved in accordance with this Section, the provisions of the underlying zoning district(s) shall no longer be applicable to the land shown on the plan which was submitted pursuant to this Section for such Project.

9.3.3 Site Plan Approval/ Special Permit Required. In the TCOD, a Mixed Use Project shall be allowed after site plan approval pursuant to Section I0.6, subject to the additional design standards set forth herein. Any other Project shall require a special permit from the Planning Board pursuant to Section I 0.5 and the additional criteria set forth herein.

9.3.4 Dimensional Regulations. In the TCOD, the following dimensional regulations shall apply as set forth in the TCOD Dimensional Table below.

REQUIREMENT	
Minimum Lot Size (sq. ft.)	10,000
Maximum Lot Coverage (%)	
By Residential Project	50
By Nonresidential Project	70
By Mixed Use Project	50
Minimum Lot Frontage (ft.)	
By Residential Project	65
By Nonresidential Project	20
By Mixed Use Project	65
Minimum Front Yard Depth (ft.)	
Union, Plymouth and Franklin Streets	0
Other Streets	20
Maximum Front Yard Depth (ft.)	
Union, Plymouth and Franklin Streets	20
Other Streets	n/a
Minimum Side Yard Width (ft.)	0*
Minimum Rear Yard Depth (ft.)	10**
Maximum Height (stories)	3***
Minimum Open Space (%)	10

* Except where the subject property shares a lot line with a residential home or adjacent or underlying. Residential District, in which case the minimum is 25 feet.

** Except where the subject property shares any lot line with a parcel in an adjacent or underlying residential district, in which case the minimum is 25 feet.

*** Four (4) by Planning Board special permit.

9.3.5 Use Regulations. Uses shall be governed by the TCOD Use Table, set forth below:

Y ***designates a use permitted as of right.***
PB ***designates a use that may be permitted by Planning Board special permit only.***
If a use is not mentioned, it is not allowed.

PRINCIPLE USES	TCOD
Residential Uses	
Mixed Use Project	y
Multifamily dwelling or multiple unit development	PB
Institutional, Recreational and Educational Uses	
1. Use of land or structures for religious purposes	y
2. Use of land or structures for educational purposes on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation	y
3. Governmental buildings and related or supporting facilities	y
4. Public park or playground, public recreational building or facility	y
5. Private non-profit libraries or museums	y
6. Private non-profit community center building, settlement house, adult education center or other similar facility provided indoor or outdoor noisy activities shall be not less than one hundred (100) feet from any lot line and shall be not detrimental to the neighborhood by reason of noise in any season	y
7. Hospital, infirmary, nursing home, convalescent home	PB
8. Child care center or school aged child care program	y
9. Trade, professional or other school conducted as a private business for gain	y
10. Private non-profit membership club or lodge	PB
11. Country, golf, swimming, tennis or other recreational facility not conducted as a business for gain	PB
12. Entertainment and recreational facilities operated as a business for gain including but not limited to restaurants, bowling alley, theatre or sport arena or dance hall provided that such use is housed indoors in sound-insulated structure that protects the neighborhood from inappropriate noise in any season	y
Offices	
1. Business, financial, professional or governmental offices but no retail business, no manufacturing and no processing	y
2. Offices and clinics for medical, psychiatric, or other health services for the examination or treatment of persons as outpatients, including only laboratories that are part of such offices or clinic	y
3. Radio or television studio	y
Retail Business and Consumer Service Establishments	
1. Store for retail sale of merchandise provided all display, storage and sales of materials are conducted within a building and provided there be no manufacturing or assembly on the premises	y

2. Store for retail sale of merchandise provided all display, storage and sales of materials are conducted within a building which may include manufacturing or assembly on the premises	PB
3. Service businesses, serving local needs, such as barber shops, beauty shops, shoe repair, self-service laundry or dry cleaning or pick-up agency	Y
4. Hand laundry, dry cleaning or tailoring or other similar use, printing shop, caterers or other similar uses provided personnel is limited to not more than five persons at any one time on the premises	Y
5. Studios for arts and handicrafts provided personnel is limited to not more than five persons at any one time on the premises	Y
6. Indoor places solely for eating and drinking, no dancing or live entertainment permitted	Y
7. Mortuary, undertaking or funeral establishment	Y
8. Sales places for flowers, garden supplies, agricultural produce, partly or wholly outdoors, including commercial greenhouses	Y
Accessory Uses and Off-Street Parking	
1. Private garage for storage of up to three (3) motor vehicles of which not more than one (I) may be a commercial vehicle; and no such commercial vehicle may exceed ten thousand (I 0,000) lbs. Gross Registered Weight Rating (GVWR)	Y
2. Private greenhouses, tennis court, swimming pool for other similar building, accessory to the main use	PB
3. Customary home occupation including office in the home of a physician, dentist, attorney-at-law, architect, engineer, accountant, etc., provided that not more than three (3) persons shall practice or be employed on the premises at any one time	Y
4. Right-of-way of not less than forty (40) feet in width for vehicular access from a residential zoning district to a public way constructed in accordance with the design and construction standards contained in the Planning Board Subdivision Rule and Regulations	Y
5. Any drive-in or drive through facility	PB

9.3.6 Parking and Loading Design Standards. Adequate off-street parking and loading shall be provided in all new Projects in accordance with Section 6.2 of this By-Law.

1. Parking and loading design shall promote pedestrian flow within the development, maximize the efficient use of existing and proposed parking facilities, and minimize the area of land to be paved for parking or loading.

2. To foster a pedestrian-friendly environment and to create safer traffic flow, parking spaces shall be located behind or beside buildings wherever possible. In any case, parking shall not be located directly between the building and the street.

3. The Planning Board may require arrangements for rideshare and electric vehicle parking, and recharging stations.

9.3.7 Building Design Standards. The following standards shall apply to new construction inthe TCOD.

1. Facades shall create a visually appealing environment. Building materials should be compatible with, but not necessarily mimic, the older character of architectural styles found in the Town Center.

2. Buildings should be attractive, yet not dominate the streetscape.

3. Multiple levels of buildings shall be distinguishable on all exterior elevations, delineated by architectural elements, such as cornices, change in material, coining or other brickwork, balconies or other features.

4. Opaque, tinted or frosted glass is discouraged on public-facing facades. Windows, doors or other glazing shall be transparent.

5. Buildings must have a main entrance facing the street. All retail establishments in a multi-business development shall have separate entrances to thestreet.

6. All facades longer than fifty feet should be divided into shorter visual segments by architectural elements such as patterns, materials, or a variation in building height or roof lines.

7. New buildings should create streetscapes that provide public amenities such as landscaping, seating, and art, in addition to shade.

8. New buildings shall respond to the scale of surrounding structures.

9. Buildings shall relate well to the pedestrian scale by incorporating architectural details that provide aesthetic interest at the ground level, not allowing continuous facades of blank or impenetrable walls.

10. Landscaping should be applied to buffer parking areas from streets, neighboring lots, walls, and fences.

11. Building facades shall have protrusions, recesses, and a blend of materials to produce an interesting and playful elevation as opposed to a flat surface.

9.3.8 Renovation or Conversion of Existing Buildings. When a Project is proposed involving the renovation or conversion of an existing building in the TCOD, the Planning Board may authorize by special permit a deviation from any of the dimensional or design standards set forth in Subsections 6, 7, and 8, above. No variance shall be required.

1. In the event that a prior lawful nonconforming structure or use has been abandoned or not used for a period of two years, then notwithstanding the provisions of Section 5.7, such structure or use may be reestablished upon the grant of a special permit by the Board of Appeals.

9.3.9 Decision Making Criteria. In addition to those criteria set forth in Section I 0.6 governing site

plan approval and Section I 0.5 governing special permits, the Planning Board shall consider the following criteria in order to approve a Project:

1. Adequacy of the site in terms of the size of the proposed use(s).

2. Impact on traffic flow, particularly during morning and evening rush periods.

3. Impact on traffic on side streets.

4. Effect on pedestrian safety, including access to crosswalks and parking.

5. Impact on the visual character of the Town Center and adjacent residential neighborhoods.

6. Impact of new proposed uses on the existing mix of businesses in the Town Center.

7. Promotion of mixed use development.

8. Achievement of desired lot density.

9.3.10 Special Permit Relief. By special permit, the Planning Board may deviate from any standard regarding parking, loading, signage, or landscaping, or the building design standards set forth in this Section in order to promote better Project design, provided that such deviation does not result in substantial detriment to the neighborhood or the Town.

9.4 ADULT ENTERTAINMENT OVERLAY DISTRICT (AEOD).

9.4.1 Purpose. It is the purpose of this Section establishing the Adult Entertainment Overlay District to address and mitigate the secondary effects of Adult Uses and sexually oriented businesses that are referenced and defined herein. Secondary effects have been shown to include increased crime, adverse impacts on public health, adverse impacts on the business climate of the Town, adverse impacts on the property values of residential and commercial properties, and adverse impacts on the quality of life in the Town. All of said secondary impacts are adverse to the health, safety and general welfare of the Town and its inhabitants.

1. The provisions of this Section have neither the purpose nor intent of imposing a limitation on the content of any communicative matter or materials, including sexually oriented matter or materials. Similarly, it is not the purpose or intent of this Section to restrict or deny access by adults to Adult Uses or to sexually oriented matter or materials that are protected by the Constitution of the United States of America or of the Commonwealth of Massachusetts, nor to restrict or deny rights that distributors or exhibitors of such matter or materials may have to sell, rent, distribute or exhibit such matter or materials. Neither is it the purpose or intent of this Section to legalize the sale, rental, distribution or exhibition of obscene or other illegal matter or materials.

9.4.2 Authority. This Section is enacted pursuant to M.G.L. Chapter 40A and pursuant to the Massachusetts Constitution to serve the compelling Town interests of limiting the location of and preventing the clustering and concentration of certain Adult Uses for the reasons set forth, above.

9.4.3 Location. The boundaries of the AEOD are as follows:

An area in West Holbrook located along Mear Road, with all lot references as shown and numbered on the Assessor's Maps of the Town of Holbrook, and bounded:

WESTERLY and SOUTHWESTERLY by the centerline of the Cochato River;
EASTERLY by the westerly line of Lot #19-10 extended southwesterly to the centerline of the Cochato River;
EASTERLY AGAIN by the westerly line of Lot #19-10 and
EASTERLY AGAIN by the westerly line of Lot#19-10 extended northeasterly to the centerline of Mear Road; and
NORTHEASTERLY by the centerline of Mear Road; and
SOUTHEASTERLY by the westerly line of Lot #19-9 extended to the centerline of Mear Road;
SOUTHEASTERLY AGAIN by the westerly line of Lot #19-9;
AND FINALLY NORTHEASTERLY by a line parallel to the centerline of Mear Road and four hundred (400) feet northeasterly of said centerline of Mear Road, to the point of beginning.

9.4.4 Special Permit Required. Adult Uses shall require a special permit from the Board of Selectmen subject to the conditions and requirements of this Section.

9.4.5 Standards. The following standards shall apply to Adult Uses. When these standards are met, the Board of Selectmen shall grant the special permit.

1. Adult Uses may not be located within five hundred (500) feet of each other and five hundred (500) feet of the nearest lot lines of a school, a playground, a house of worship, a public park or library, or any establishment licensed under the provisions of M.G.L. Section 12, Chapter 138.

2. Adult Uses and all their advertising signs shall not be located within thirty-five (35) feet of a public or private way and must be set back minimum of twenty (20) feet from all property lines.

3. No special permit shall be issued under the Section to any person convicted of violating the provisions of Section 63 of Chapter 119 or Section 28 of Chapter 272.

9.4.6 Application. All applications for special permit under this Section must include the following information:

I. Name and address of the legal owner of the Adult Use;

2. Name and address of all persons having lawful, equity, or security interests in the Adult Use;

3. Name and address of the manager;

4. The number or employees;

5. Proposed security precautions; and

6. The physical layout of the premises.

9.5 NON-MEDICAL MARIJUANA OVERLAY DISTRICT

9.5.1 Purpose. By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law entitled the Regulation and Taxation of Marijuana Act (the "Act"), regulating the control, production and distribution of non-medical marijuana under a system of licenses and regulations. Such Non-Medical Marijuana Establishments are allowed only by the grant of a special permit from the Planning Board.

9.5.2 Definitions. See Section 11, "Non-Medical Marijuana Overlay District".

9.5.3 Location. A Non-Medical Marijuana Establishment is allowed only by special permit granted by the Planning Board in the area in West Holbrook located along Mear Road, with all lot references as shown and numbered on the Assessor's Maps of the Town of Holbrook, and bounded:

WESTERLY and SOUTHWESTERLY by the centerline of the Cochato River;
EASTERLY by the westerly line of Lot #19-10 extended southwesterly to the centerline of the Cochato River;
EASTERLY AGAIN by the westerly line of Lot #19-10 and
EASTERLY AGAIN by the westerly line of Lot #19-10 extended northeasterly to the centerline of Mear Road; and
NORTHEASTERLY by the centerline of Mear Road; and
SOUTHEASTERLY by the westerly line of Lot #19-9 extended to the centerline of Mear Road;
SOUTHEASTERLY AGAIN by the westerly line of Lot #19-9;
AND FINALLY NORTHEASTERLY by a line parallel to the centerline of Mear Road and four hundred (400) feet northeasterly of said centerline of Mear Road, to the point of beginning.

9.6 SOUTH SCHOOL OVERLAY DISTRICT

9.6.1 Purpose. The purpose of the South School Overlay District (SSOD) is as follows:

1. To promote a diversity of housing types in the Town, including smaller dwelling units for seniors and those starting a family.

2. To promote reuse of the former South School property in an orderly and productive manner.

9.6.2 Establishment. The SSOD is an overlay district having a land area of approximately 13.5 acres, being Assessor's Map 47, Lot 23.

9.6.3 Overlay District. The SSOD is an overlay district superimposed on the underlying zoning district(s). Except as limited herein, the underlying zoning shall remain in full force and effect. When the first building permit is issued for any Townhouse Development in accordance with the regulations of the SSOD, the provisions of the district(s) underlying the particular SSOD shall terminate and shall no longer be applicable to any land in the particular SSOD.

The SSOD consists of two Subzones:

Subzone A: Exclusively limited to single family development.
Subzone B: Exclusively limited to two-family and multifamily townhouse development.

9.6.4 Definitions. The following definitions shall apply in the SSOD:

"Contiguous open space" shall mean open space suitable, in the opinion of the Planning Board, for the purposes set forth in Section 9.6.12, herein. Such open space may be separated by the road(s) constructed within the Townhouse Development. Contiguous open space shall not include required yards.

"Single Family Development" shall mean a development of exclusively single-family homes all located in Subzone A.

"Townhouse Development" shall mean a development with an approved site plan as set forth in this Section, all located in Subzone B.

9.6.5 Parcel Minimum Size. In order to be eligible for inclusion in the SSOD by Town Meeting, a parcel or set of contiguous parcels held in common ownership shall have at least ten (10) acres, and be located entirely within the Town.

9.6.6 Procedures. A Single Family and/or Townhouse Development may be authorized upon the issuance of site plan approval by the Planning Board. Applicants for a Single Family and/or Townhouse Development shall file with the Planning Board seven (7) copies of the following:

1. A development plan conforming to the requirements for a preliminary plan as set forth in the Subdivision Rules and Regulations of the Planning Board.

2. Where wetland delineation is in doubt or dispute, the Planning Board may require appropriate documentation.

3. Data on proposed wastewater disposal, which shall be referred to a consulting engineer for review and recommendation.

4. A Traffic Impact and Access Study or report approved as to form by the Planning Board.

5. If the Development is to be phased, a phasing plan explaining the proposed sequence of construction, including infrastructure installation capable of serving the phase(s) as completed and available for occupancy.

6. The Planning Board may also require as part of the development plan any additional information required by Section 10.6 of the Zoning By-Law necessary to make the determinations and assessments cited herein.

9.6.7 Lot Requirements; Dwelling Separation. No lotting is allowed in Subzone A or Subzone B. In Subzone A, no dwelling shall be located less than forty (40) feet from any other dwelling(s). In Subzone B, no dwelling shall be located less than thirty (30) feet from any other dwelling(s).

9.6.8 Maximum Number of Dwelling Units. The Maximum Number of dwelling units allowed in a single family Development shall not exceed one unit per 13,500 square feet of lot area in Subzone A, and a Townhouse Development shall not exceed one unit per 7,500 square feet of lot area in Subzone B.

9.6.9 Types of Buildings. Only single family homes with not more than two (2) bedrooms shall be permitted

in Subzone A. A Townhouse Development in Subzone B shall consist of two-family and multifamily residential structures. A multifamily structure shall not contain more than six (6) dwelling units. Building height shall not exceed the maximum height allowed in the underlying district. The architecture of all multifamily buildings shall be residential in character, particularly providing gabled roofs, predominantly wood or siding, an articulated footprint and varied facades. Residential structures shall be oriented toward the street serving the premises and not any required parking area.

9.6.10 Roads and Utilities. The principal roadway(s) serving the site shall be adequate for the intended use and vehicular traffic and shall be maintained by an association of unit owners or by a condominium association. Minimum travel width of each lane on a road within the SSOS shall be ten (10) feet. All water, gas, electricity, cable, and telephone lines shall be placed underground.

9.6.11 Parking. Each dwelling unit shall be served by two (2) off-street parking spaces. Parking spaces in front of garages may count in this computation. The Planning Board may require parking spaces dedicated to visitors as part of any site plan approval.

9.6.12 Contiguous Open Space. A minimum of ten percent (10%) 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. Underground utilities to serve the Townhouse Development site may be located within the contiguous open space.

9.6.13 Ownership of the Contiguous Open Space. The contiguous open space shall, at the Planning Board's election, be conveyed to

1. a corporation or trust owned jointly or in common by the owners of units within Subzone A and Subzone B or a condominium association composed of the unit owners. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust or condominium which shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation or condominium shall be deemed to have assented to allow the Town to perform maintenance of such open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the town an easement or license for this purpose. In such event, the Town shall first provide fourteen (14) days written notice as to the inadequate, and, if the trust or corporation or condominium fails to complete such maintenance, the Town may perform it. Each individual deed, and the deed of trust or articles of incorporation, shall include provisions designed to affect these provisions. Documents creating such trust or corporation or condominium shall be submitted to the Planning Board for approval, and shall thereafter be recorded.

9.6.14 Buffer Areas. A buffer area of fifteen (15) feet shall be provided at the perimeter of the property where it abuts residentially zoned or occupied properties, except for driveways 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. The Planning Board 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 fifteen 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 Planning Board determines that a smaller buffer will suffice to accomplish the objectives set forth herein.

9.6.15 Stormwater Management. Stormwater management shall be consistent with the requirements for subdivisions set forth in the Rules and Regulations of the Planning Board and the DEP's Stormwater Management Policy.

9.6.16 Decision. The Planning Board may approve, or approve with conditions, an application for a Single Family and/or Townhouse Development after determining whether the Development has been designed in conformance with this Section, and application of the criteria set forth in Section 10.6. The Planning Board may waive any substantive requirement contained herein, except for the minimum SSOD area requirement, as part of the issuance of site plan approval.

9.6.17 Relation to Other Requirements. The submittals and permits of this Section shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of this Zoning By-Law.
Adopted STM 9/11/2020 Article 1

SECTION 10.0 ADMINISTRATION AND ENFORCEMENT

10.1 PERMITS.

10.1.1 Permit Required. No building shall be erected, altered or moved in Holbrook without a written permit issued by the Building Inspector.

I. Such permits shall be applied for in writing to the Building Inspector. The Building Inspector shall not issue any such permit unless the plans for the building and the intended use thereof in all respects fulfill the provisions of this By- Law, except as may have been specifically permitted otherwise by action of the Holbrook Board of Appeals, provided a written copy of the terms governing any such permission be attached to the application and to the resulting building permit issued. One copy of each such permit as issued, including any conditions or exceptions attached thereto shall be kept on file in the office of the Building Inspector.

10.1.2 Application. Each application for a permit to build, alter, or move a building shall be accompanied by a plot plan in such number of copies and drawn to such scale as is required in the Holbrook Building By-Law. Each such plot plan shall show dimensions and areas of lots and of structures to be erected, altered or moved, and adjacent streets or ways. Such plot plans shall accurately indicate dimension and angles of all lot lines shown thereon, also of any streets or ways. Such plot plans shall indicate approved street grades and proposed elevations of the tops of foundations. Also, such plot plans shall show the locations of existing sanitary sewers, storm drains, and water pipes in any street shown and the locations of all existing buildings and structures within the application area.

10.1.3 Occupancy Permit. No building erected, altered, or in any way changed as to construction or use, under a permit or otherwise, shall be occupied or used without an occupancy permit, signed by the Building Commissioner which permit shall not be issued until the building and its uses, and the uses incident thereto, comply in all respects with this By-Law. Such permit shall be applied for in writing to the Building Commissioner. The Building Commissioner shall not issue any such permit unless the plans for the building, and the intended use thereof in all respects fulfills the provisions of this By-Law and the State Building Code. Any special permit, variance, or site plan approval governing the application shall be attached to the application. One copy of each such permit issued, including any

conditions or exceptions attached thereto, shall be kept on file in the office of the Building Commissioner.

10.2 ENFORCEMENT AND PENALTIES.

10.2.1 Building Inspector. The Holbrook Zoning By-Law shall be enforced by the Holbrook Building Inspector. The Building Inspector, upon being informed in writing of a possible violation of this By-Law or on his own initiative, shall make or cause to be made an investigation of facts and an inspection of the premises where such violation may exist.

10.2.2 Enforcement Request. If the Building Inspector is requested in writing to enforce this By-Law against any person allegedly in violation of the By-Law and the Building Inspector declines to act, he shall notify in writing, the party requesting such enforcement of any action or refusal to act and the reasons therefore within fourteen (14) days of receipt of such request.

10.2.3 Violation. The Building Inspector, on evidence of any violation, after investigation and inspection shall give written notice of such violation to the owner and to the occupant of such premises. The Building Inspector shall demand in such notice that such violation be abated within a reasonable time, designated therein by the Building Inspector. Such notice and demand may be given by mail addressed to the owner at the address appearing for him on the most recent real estate tax records of the Town of Holbrook, and to the occupant at the address of the premises of such seeming violation. If, after such notice and demand, such violation has not been abated within the time specified, the Building Inspector shall institute appropriate action or proceedings in the name of the Town of Holbrook to prevent, correct, restrain or abate any violation of this By-Law.

10.2.4 Penalty. Any violation of any provision of this By-Law shall be punishable by a fine of not more than three hundred ($300.00) dollars. Each violation and each day of violation shall constitute a separate offense, punishable by fine as aforesaid.

10.2.5 Noncriminal Disposition. In addition to the procedures for enforcement as described in the previous paragraph, the provisions of this By-Law may be enforced by the Building Commissioner by noncriminal complaint pursuant to the provisions of G.L. c. 40, s. 21D. The penalty for violation of any provision of this By-Law shall be $25.00 for the first offense; $50.00 for the second offense; $100.00 for the third offense and $200.00 for the fourth and each subsequent offense. Such penalties may be amended from time to time by the Board of Selectmen.

10.3 BOARD OF APPEALS.

10.3.1 Membership. The Board of Appeals shall consist of three members and three associate members, all of whom shall be appointed by the Selectmen in the manner specified in the Massachusetts General Laws.

10.3.2 Powers. The Board of Appeals shall have the following powers:

1. Appeals. To hear and decide an appeal taken by any person aggrieved by reason of his inability to obtain a permit from any administrative official, or any person aggrieved by any order or decision of the Commissioner of Buildings or any other administrative official in violation of any provision of G.L. c. 40A or of this By-Law.

2. Special Permits. To grant a special permit when designated as the Special Permit Granting Authority by this By-Law.

3. Variances. To authorize a variance from the provisions of this By-Law as set forth in G.L. c. 40A, s. 10. The Board shall not have the power to grant any use variance.

4. Comprehensive Permits. To grant a comprehensive permit pursuant to G.L. c. 40B.

10.3.3 Rules and Regulations; Fees. The Zoning Board of Appeals shall adopt rules and regulations, including fees, for the conduct of business and for the purpose of this By-Law and Chapter 40A of the General Laws, and shall file a copy of such rules and fees with the Town Clerk.

10.4 PLANNING BOARD.

10.4.1 Establishment. The Planning Board shall consist of five (5) elected members and one (I) appointed associate member. In case of a vacancy a new member shall be elected at the next Annual Town Meeting to fill the balance of the unexpired term.

10.4.2 Associate Member. The appointed associate member shall be appointed annually by a majority of the Board of Selectmen and the elected Planning Board Members. A vacancy occurring for otherwise than by expiration of term shall be filled for the unexpired term in the same manner. Said appointed associate member shall have only the duties authorized by Massachusetts General Laws Chapter 40A, Section 9 related to the granting of special permits and shall sit on the board only when designated pursuant to said Chapter 40A, Section 9.

10.4.3 Powers. The Planning Board shall have the following powers:

I. To hear and decide applications for special permits as provided in Section 10.5.

2. To hear and decide applications for site plan approval as provided in Section I 0.6

10.4.4 Rules and Regulations; Fees. The Planning Board shall adopt rules and regulations, including fees, for the conduct of business and for the purpose of this By-Law and Chapter 40A of the General Laws, and shall file a copy of such rules and fees with the Town Clerk.

10.5 SPECIAL PERMIT.

10.5.1 Special Permit Granting Authority. The Board of Appeals, Planning Board, and the Board of Selectmen shall be the Special Permit Granting Authority (SPGA) as specified in the various sections of this By-Law and, when designated herein, shall hear and decide applications for special permits.

10.5.2 Criteria. Special permits shall be granted by the SPGA, unless otherwise specified herein, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this By-Law, the determination shall include consideration of each of the following:

1. Social, economic, or community needs which are served by theproposal;

2. Traffic flow and safety, including parking and loading;

3. Adequacy of utilities and other public services;

4. Neighborhood character and social structures;

5. Impacts on the natural environment; and

6. Potential fiscal impact on town services, tax base, and employment taking into account any proposed mitigation.

10.5.3 Application. The SPGA may adopt additional rules relative to the issuance of special permits and shall file a copy with the Town Clerk. The rules shall prescribe a size, form, contents, style, and number of copies of plans and specifications and the procedure for submission and approval of such permits.

10.5.4 Conditions. The SPGA may impose additional conditions and limitations as it may deem necessary.

10.5.5 Regulations. The SPGA may adopt rules and regulations for the administration of this Section.

10.5.6 Fees. The SPGA may adopt reasonable administrative fees and technical review fees for applications for special permits.

10.5.7 Lapse. Special permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within 36 months following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in G.L. c. 40A, s. 17, from the grant thereof) with the Town Clerk.

10.6 SITE PLAN APPROVAL.

10.6.1 Purpose. The purpose of site plan review is to preserve and enhance the Town of Holbrook's cultural, economic, and historic resources by providing a detailed review of certain changes in land use, the appearance of structures and the appearance of sites which may affect these resources. The review procedures are intended to enhance the social and economic viability of Holbrook by preserving property values and promoting the attractiveness of the Town as a place to live, visit, and shop; to encourage the conservation of buildings that have aesthetic or historical significance; and to prevent alterations that are incompatible with the existing environment or that are of inferior quality or appearance.

10.6.2 Definitions. See Section 11 under "Site Plan Approval".

10.6.3 Applicability.

1. No building permit for the alteration, reconstruction, relocation or change of use of any multifamily, commercial, or industrial building shall be issued without approval of a site plan by the Planning Board

2. No building permit for new construction of a multifamily, commercial, or industrial building shall be issued without approval of a site plan by the Planning Board.

3. Any creation of or change to a parking lot with more than five (5) spaces shall require site plan approval.

10.6.4 Exemption. No such Site Plan approval shall be required for the construction, alteration, reconstruction or relocation of a single family home, or its related accessory buildings.

10.6.5 Procedures. In acting as the site plan review board, the Planning Board shall follow the procedures set forth in G.L. c. 40A, s. 11 as to notice and publication. When the proposed work also requires a special permit from the Planning Board, the Board shall advertise and conduct both permitting processes in a coordinated manner.

10.6.6 Minor Site Plan Approval. An application involving a building with less than 1,500 square feet or less than IO parking spaces may seek approval of a minor site plan. The Planning Board shall approve a minor site plan within thirty (30) days of the date of application.

10.6.7 Application. Six copies of the application, site plan and any supporting documents shall be filed with the Planning Board, and one copy filed with the Town Clerk by the applicant.
No application shall be complete until all of the fees established are paid. No new application for a site may be filed or approved where the Planning Board finds that there is an existing site plan approval concerning that site and that there is significant noncompliance with the conditions of the prior approval. Each application and site plan for review by the Planning Board shall be prepared by a Registered Professional Engineer, Architect, Landscape Architect or Land Surveyor, as is appropriate to the relevant part of the application or plan, shall be stamped with his or her official stamp, and shall include, among other things:

1. A statement of the ownership, area, dimensions, boundaries of the site with the names of all adjoining owners as shown on the most recent tax list, North Arrow, delineation of applicable zoning districts, flood plain boundaries and wetland boundaries, as applicable.

2. The location and elevations, grades, setback, side yards, and rear yards of all existing and proposed buildings, structures, parking spaces, driveway openings, driveways, vehicular circulation, docks, pedestrians circulation paths and walks, exterior storage, lighting locations showing types, heights and area to be covered, service areas and other open uses, outdoor recreation space and facilities, 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) on the site, sign location showing size, type, configuration and construction method, size and location of all pad mounted electrical or mechanical equipment, size and location of all subsurface tanks, showing material constructed of, configuration, capacity, material held, and location of ancillary and support pumps, fillers and pads.

3. All existing and proposed topography at one foot contour intervals.

4. Profiles and cross-sections of all proposed driveways and parking areas.

5. Proposed circulation of vehicular and pedestrian traffic within the development of the site and in the ways adjacent thereto.

6. Landscaping Plan showing botanical and common name of all existing and proposed new planting and vegetation.

7. Building Plans (including exterior elevations) in color showing proposed exterior building materials, trim, roofs, doors, windows, steps, walks, platforms, docks, and existing and proposed grades.

8. Location of any and all rooftop mounted heating, ventilating and air conditioning equipment including exhaust stacks and antennae.

9. Call out elevations of finish grade, floors, top of roofs, ridges and parapets.

10.6.8 Review. As part of the process of considering an application for the grant of a special permit, the Planning Board shall review the plans concerning the quality of design relative to construction, site development, landscaping, exterior architectural appearance, and signage for all new, altered and/or renovated buildings. In reviewing each such application, the Planning Board shall study the site plan with reference to the health, safety and welfare of the prospective occupants, the occupants of neighboring properties, the users of the adjoining streets or highways, and the welfare of the Town generally including its amenities. In addition to compliance with all of the land space and building space requirements and with the off-street parking and loading requirements, set forth in this By-Law, the Board shall consider, among other things, the following:

1. Traffic safety and ease of access for vehicles and pedestrians at street and highway entrances and exits of driveways, taking account of grades, sight distances and distances between such driveway entrances, exits and the nearest existing street or highway intersections;

2. Safety and adequacy of driveway layout, off-street loading areas for materials and products, off-street loading sites for customers, and sufficiency of access for vehicles for such services as electricity, gas, fuel, telephones, laundry, rubbish removal, water, sewer, fire, police, ambulance or other routine or emergency services;

3. Safe and adequate means of disposal of sewage, garbage and rubbish; the safety and adequacy of water supply and distribution and of firefighting facilities on the site and the adequacy of all other municipal services required by the development on the site or the prospective occupants thereof;

4. Adequacy of storm-water drainage and snow-melt run-off systems from all driveways and from all parking and loading areas on the site;

5. The natural features and characteristics of the site, including such subjects as streams, wetlands, vegetation, topography and rock crops.

10.6.9 Design Criteria. This Section has been enacted to allow the Planning Board to review site plans and avoid design that would have a negative affect and negative consequences for the residents of Holbrook in general, for nearby residents, or for the remainder of the neighborhoods involved. The Planning Board is precluded from mandating any official "aesthetic" for Holbrook or for imposing the style, and/or character of any particular architectural or historical period, however the Planning Board shall strive to require that the style and character of new, altered or renovated buildings are compatible with the neighborhood in which they are located. The Planning Board shall not regulate the interior design or layout of the building.

The following design criteria shall be considered by the Planning Board in reaching its decision of approval or disapproval:

1. The design for the proposed project shall not have a deleterious effect upon nearby properties, the balance of the neighborhood involved, or upon the design character of Holbrook.

2. Insofar as practicable, the proposed design shall preserve the landscape in its natural state by minimizing tree and soil removal and any grade changes shall be in keeping with the general appearance of neighboring and abutting areas. In the event that changes in the natural state are required in order to construct the project, then the applicant shall provide and maintain attractive landscaping that will be an asset to balance the neighborhood and to the character of Holbrook.

3. Open space should be so designed as to add to the visual amenities of the vicinity for persons passing the site, persons within the site, and persons overlooking the site from nearby properties.

4. Vehicular ingress, egress, access and parking and/or pedestrian circulation shall not adversely affect the use and enjoyment of nearby properties, or shall be in keeping with the standards of good design.

5. Exposed exterior storage areas, machinery, service areas, loading areas, or utility structures shall be adequately screened and shall not be incongruous with the remainder of lhe proposed environment and its surroundings.

6. Signs or other advertising through their size, location and other characteristics shall not distract from lhe proposed buildings, nearby properties, the remainder of the neighborhood, or the design character of Holbrook.

7. Every reasonable effort shall be made to preserve the distinguishing original qualities of a building, structure, or site and its environment. The removal or alteration of any historic material or architectural features should be avoided when possible.

8. Stylistic features distinctive to the architecture of a specific building, structure, or landscape, or examples of skilled craft which characterize a building, structure, or site shall be conserved or preserved where feasible and appropriate, and may be considered for use as the basis for design of additions. Their removal or alteration should be avoided wherever possible.

9. Contemporary design for new structures or sites, alterations, or additions to existing properties shall not be discouraged when such new developments, alterations, or additions do not destroy significant historical, architectural, or cultural material, and when such design is compatible with the design character of the surrounding environment.

10. The design of alterations and additions shall, where reasonable and appropriate, strive to improve the quality, appearance, and usability of existing buildings, structures, and sites.

10.6.10 Standards. The Planning Board shall consider, at a minimum, the following standards in the course of the design review of a proposed action:

1. Height. The height of any proposed alteration should be compatible with the style and character of the building, structure, or site being altered and that of the surroundings.

2. Proportions. The proportions and relationships of height to width between windows, doors, signs, and other architectural elements should be compatible with the architectural style and character of the building or structure and that of the surroundings.

3. Relation of Structures and Spaces. The relation of a structure to the open space between it and adjoining structures should be compatible with such relations in the surroundings.

4. Shape. The shape of roofs, windows, doors, and other design elements should be compatible with the architectural style and character of a building or site and that of its surroundings.

5. Landscape. The purpose of any proposed landscape development or alteration should be to enhance the character and appearance of the surrounding area, landscape, and streetscape elements, including topography, plantings, and paving patterns and to provide continuity and definition to the street and pedestrian areas.

6. Scale. The scale of a structure or landscape alteration should be compatible with its architectural or landscape design style and character and that of the surroundings. The scale of ground-level design elements such as building entryways, windows, porches, plazas, parks, pedestrian furniture, plantings, and other street and site elements should be determined by and directed toward the use, comprehension, and enjoyment of pedestrians.

7. Architectural and Site Details. Architectural and Site details including signs, lighting, pedestrian furniture, plantings, and paving, along with materials, colors, textures, and grade shall be treated so as to be compatible with the original architectural and landscape design style of the structure or site and to preserve and enhance the character of the surrounding area.

8. Signs. The design of signs should reflect the scale and character of the structure or site and its surroundings. Signs should simply and clearly identify individual establishments, buildings, locations, and uses.

10.6.11 Waivers. The Planning Board may grant waivers from the requirements of this Section in cases where the Planning Board deems it appropriate.

10.6.12 Relation to Building Permit. No permit to build or alter or expand any building or structure requiring a site plan review under this By-Law shall be issued by the Building Inspector until said Inspector shall have received from the Planning Board a certification approving a site plan with or without conditions. The Building Inspector shall enforce any conditions or safeguards which the Planning Board may impose in order to satisfy any of the factors upon which the Site Plan Review is based.

10.6.13 Decision. The Zoning Board of Appeals shall file its decision with the Town Clerk within ninety (90) days of the receipt of the application. Failure to file a decision within this time period shall be deemed a constructive approval of the application. This deadline may be extended by agreement of the applicant and the Board. Any such extension shall be filed forthwith with the Town Clerk.

10.6.14 Recording. No site plan approval, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the Town Clerk is recorded in the Registry of Deeds. The responsibility for recording or registering such upon the owner's certificate of title is that of the owner or applicant.

10.6.15 Regulations. The Planning Board may adopt rules and regulations for the administration of this Section.

10.6.16 Fees. The Planning Board may adopt reasonable administrative fees and technical review fees for applications under this Section.

10.6.17 Lapse. Site plan approval shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within 36 months following the filing of the decision (plus such time required to pursue or await the determination of an appeal referred to in G.L. c. 40A, s. 17, from the grant thereof) with the Town Clerk.

10.6.18 Appeal. The decision of the Planning Board may be appealed in accordance with G.L. c. 40A, s. 17 to a court of competent jurisdiction.

10.7 SITE PLAN REVIEW FOR RELIGIOUS AND EDUCATIONAL USES AND CHILD CARE CENTERS.

10.7.1 Purpose. The purpose of this Section is to provide for site plan review of religious and educational uses and child care centers otherwise "exempt" pursuant to G.L. c. 40A, s. 3.

10.7.2 Site Plan Review Required. Prior to the issuance of any building permit or certificate of occupancy, the establishment, alteration, change, extension, or reconstruction of uses B.1, B.2, or B.10, as set forth in the Table of Use Regulations, shall require site plan approval from the Planning Board pursuant to this Section.

10.7.3 Scope of Site Plan Review. Under this Section, Site Plan Review shall be limited to two inquiries:

1. Whether the use qualifies for protection under G.L. c. 40A, s. 3; and, if so,

2. What reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements, if any, should be imposed on the use.

10.7.4 Required Information. All applications for Site Plan Review shall be in writing and provide, at a minimum, the following information:

1. Name and address of applicant person or entity;

2. Name and address of property owner;

3. Description of the proposed use and any documents necessary to establish threshold compliance with G.L. c. 40A, s. 3;

4. Reason that relief is requested from otherwise applicable zoning requirements;

5. If necessary to reach a decision on the application, the Planning Board may request further information from the applicant consistent with G.L. c. 40A, s. 3, specifying in detail the information required.

10.7.5 Site Plan; Contents. In addition, the applicant shall submit a site plan with the following information:

1. Legend depicting all pertinent existing and proposed site features.

2. The date and north arrow shall be shown on the plans.

3. All site plans must be stamped by a Registered Professional Civil Engineer and a Professional Land Surveyor. The land surveyor shall perform an instrument boundary survey and shall certify the accuracy of the locations of the buildings, setbacks, and all other required dimensions to property lines.

4. Zoning Chart depicting "Required" vs. "Provided" for all applicable Zoning Criteria including Lot Size, Frontage, Setbacks, Building Height, Lot Coverage, Parking Spaces, Landscaping Requirements.

5. Locus map, at a scale of 1" = 600' or suitable scale to accurately locate the site in Town, oriented on the plan in the same way as the large scale plan.

6. The location, width, status (public or private), and name of all streets within 100' of the project.

7. On-site and abutting lot lines. On site lot lines shall be described by bearings and distance. Abutting lot lines shall be shown in a general way.

8. Zoning District lines, including overlay districts if applicable.

9. The location of existing or proposed building (s) on the lot shall be shown with total square footage and dimensions of all buildings.

10. Any streams, brooks, or wetland resource area boundaries within 100' of the property lines.

11. Information on the location, size and type and number of existing and proposed landscape features.

12. Information on the location, size and capacity of existing and proposed on-site and abutting utilities, (water, sewer, drainage, natural gas, electrical cable, etc.) including utilities in abutting side streets, if applicable.

13. Detailed locations and dimensions of all existing and proposed buildings and uses on site and on abutting properties, including exterior details relating to the building footprint. All existing and proposed setbacks from property lines. Any minimum, or below minimum, setback distances shall be clearly noted as such on the plan.

14. Information and details for all site and directional on-site signage shall be submitted.

15. Elevation and facade treatment plans of all proposed structures. Color renderings are required for new construction.

16. Information on the location, size and type of parking, loading, storage and service areas. A parking calculation schedule noting existing, required and proposed spaces for the entire site shall be provided.

17. Details and specifications (if applicable) for proposed site amenities, including, but not limited to fences, recreation facilities, walls or other barrier materials; and special paving materials.

10.7.6 Decision. The Planning Board may approve, approve with conditions, or deny an application for site plan approval. In making its decision, the Board shall be guided exclusively by G.L. c.40A, s. 3. The Board shall file a written decision with the Town Clerk within 90 days of receipt of the application. Failure to file a decision within ninety (90) days shall constitute approval of the site plan.

10.7.7 Appeal. Any appeal of the Planning Board's decision shall be made pursuant to G.L. c. 40A, s. 17, to a court of competent jurisdiction.

10.8 REQUEST FOR REASONABLE ACCOMMODATION.

10.8.1 Purpose. Under the FHA, it is a discriminatory practice to refuse to make "a reasonable accommodation in rules, policies, practices, or services when such accommodation may be necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling." 42 U.S.C. § 3604(f)(3)(B). The same standard applies under the ADA, which *also* addresses nonresidential facilities providing services to persons with disabilities. 42 U.S.C. 12112(b)(5). The purpose of this Section is to facilitate housing and/or services for persons with disabilities and to comply fully with the spirit and the letter of the FHA and, where applicable, the ADA.

10.8.2 Request. Any person eligible under the FHA or any provider of housing to persons eligible under the FHA, or any person eligible to operate a nonresidential facility providing services to persons eligible under the ADA, may request a Reasonable Accommodation as provided by the Fair Housing Act and/or the ADA. A Request for a Reasonable Accommodation does not affect a person's or provider's obligations to act in compliance with other applicable laws and regulations not at issue in the requested accommodation.

10.8.3 Zoning Board of Appeals. All requests for Reasonable Accommodation under the FHA and/or the ADA shall be submitted to the Zoning Board of Appeals (ZBA).

10.8.4 Information. All requests for Reasonable Accommodation shall be in writing and provide, at a minimum, the following information:

1. Name and address of person (s) or entity requesting accommodation;

2. Name and address of property owner;

3. Name and address of dwelling or facility at which accommodation is requested;

4. Description of the requested accommodation and specific regulation or regulations for which accommodation is sought;

5. Reason that the requested accommodation may be necessary for the person or persons with disabilities to use and enjoy the premises; and

6. If the requested accommodation relates to the number of persons allowed to occupy a dwelling, the anticipated number of residents, including facility staff (if any).

7. If necessary to reach a decision on the request for Reasonable Accommodation, the ZBA may request further information from the applicant consistent with the FHA and/or ADA, specifying in detail the information required.

10.8.5 ZBA Procedures. The ZBA shall consider the request for a reasonable accommodation at an open meeting with notice as set forth in G.L. c. 40A, ss. 11 and 15. The deadlines imposed in G.L. c. 40A, s. 11 or s. 15 may be extended upon the request of the applicant and the approval of the ZBA. The ZBA may seek information from other Town agencies in assessing the impact of the requested accommodation on the rules, policies, and procedures of the Town. Upon written notice to the ZBA, an applicant for a Reasonable Accommodation may withdraw the request without prejudice. The ZBA shall consider the following criteria when deciding whether a request for accommodation is reasonable:

1. Whether the requested accommodation would require a fundamental alteration of a legitimate Town policy; and

2. Whether the requested accommodation would impose undue financial or administrative burdens on the Town government.

10.8.6 Decision. After conducting an appropriate inquiry into the request for Reasonable Accommodation, the ZBA may:

1. Grant the request;

2. Grant the request subject to specified conditions; or

3. Deny the request.

The ZBA shall issue a written final decision on the request in accordance with G.L. c. 40A, s. 15. If the ZBA fails to render its decision on a request for Reasonable Accommodation within the time allotted by G.L. c. 40A, s. 15, the request shall be deemed granted. The ZBA's decision shall be filed with the Town Clerk and sent to the applicant by certified mail.

10.8.7 Appeal. The ZBA's decision pursuant to this Section may be appealed to a court of competent jurisdiction in accordance with G.L. c. 40A, s. 17 or otherwise.

10.8.8 File. The ZBA shall maintain a file of all requests for Reasonable Accommodation under the FHA and/or the ADA and a file of all decisions made on such requests. The file(s) may be reviewed in the Office of the ZBA upon request during regular business hours.

10.8.9 Other Laws. While a request for Reasonable Accommodation is pending, all laws and regulations otherwise applicable to the premises that is the subject of the request shall remain in full force and effect.

10.8.10 Effective Date. The provisions of this Section shall apply only to requests for Reasonable Accommodation made after May IO, 2017. Any person who has previously submitted a request for Reasonable Accommodation may resubmit the request for processing pursuant to the procedures set forth in this Section.

10.9 REPETITIVE PETITIONS.

Repetitive petitions shall be governed by the provisions of G.L. c. 40A, s. 16.

SECTION 11.0 DEFINITIONS

For the purposes of this By-Law, the following words and terms as used herein shall have the meanings or limitations of meaning herein defined, explained or assigned:

Abandonment: The discontinuance or non-use for a period of two (2) years or more, of any nonconforming use of a structure or land, or both, shall constitute the abandonment of such use.

Adult Social Day Care: An accessory use that focuses on social activities, therapeutic recreation, meals, and some health-related services such as medication monitoring and blood pressure checks. May also provide assistance with daily activities such as toileting and walking. but not an adult day health facility or site as regulated by 404 CMR 402.

Adult Use: Shall mean the following types of facilities regulated in Section 9.4.

Adult Bookstore: An establishment having a substantial or significant portion of its stock in trade, books, magazines, videos and other matter which are distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in M.G.L. Chapter 272, Section 31.

Adult Cabaret: A nightclub, bar, restaurant, tavern, dance hall or similar commercial establishment

which regularly features a person who appears in a state of nudity; or live performances which are characterized by an emphasis depicting anatomical areas specified as less than completely and opaquely covered human genitals, pubic region, buttocks 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 M.G.L. Chapter 272, Section 31.

Adult Motion Picture Theater: An enclosed building used for presenting material distinguished by an emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement as defined in M.G.L. Chapter 272. Section 31.

Adult Paraphernalia Store: An establishment having as a substantial or significant portion of its stock devices, objects, tools, or toys which are distinguished or characterized by their association with sexual activity, including sexual intercourse, sexual conduct or sexual excitement as defined in M.G.L. Chapter 272, Section 31.

Adult Video Store: An establishment having as a substantial or significant portion of its stock in trade, videos, movies or other film material which are distinguished by or characterized by their emphasis depicting, describing or related to sexual conduct or sexual excitement as defined in M.G.L. Chapter 272, Section 31.

Age Restricted Units: Units restricted to occupancy by persons fifty-five years of age or older and that are consistent with and in compliance with Senior Housing Laws.

Agriculture: The cultivation of ground for purpose of producing fruits and vegetables for the use of man and beast, or the act of preparing the soil, sowing and planting seeds, dressing plants and removing crops, and includes gardening, horticulture, silviculture and raising or feeding of cattle and other livestock.

Alteration: Any construction, reconstruction or other action resulting in a change in the structural parts or height, number of stories or exits, size, use or location of a building or other structure.

Apartment Building: A free standing building exclusively for residential use with three (3) or more apartment units.

Apartment Unit: Any room or suite of rooms comprising one complete housekeeping unit, with its own cooking and food storage equipment and facilities and its own bathing and toilet facilities wholly within such room or suite of rooms.

Basement: A portion of a building, partly below grade, which has more than one half of its height, measured from finished floor to finished ceiling, above the average finished grade of the ground adjoining the building. A basement is not considered a story unless its ceiling is 4.5 feet or more above the finished grade or one-half of the total height above finished grade, whichever is greater.

Bedroom: Any area in a dwelling unit which is or could be used for the provision of private sleeping accommodations for residents of the premises, whether such area is designated as a bedroom, guest room, maid's room, dressing room, den, loft, study, library, or by another name. Any room intended for regular use by all occupants of the dwelling unit such as a living room, dining area, or kitchen shall not be considered a bedroom, nor shall bathrooms, halls, or closets.

Building: The word "building" shall include the word "structure" unless the context unequivocally

indicates otherwise. "Building" shall also mean any three-dimensional enclosure by any building materials of any space for any use or occupancy, temporary or permanent, and shall include foundations in the ground, also all parts of any kind of structure above ground, except fences and field or garden walls or embankment retaining walls.

Building, Accessory: A detached building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building to which it is accessory.

Built, Erected: The words "built" and "erected" shall each contain in the other and shall include the words "constructed", "reconstructed", "altered", "enlarged", "moved" and any others of like significant.

Business Office or Service: A business establishment, which does not offer a product or merchandise for sale to the public but offers a professional service to the public. However, personal services, such as barber and beauty shops, and repair shops, such as radio, television, and automotive, are not to be included in the definition of business offices.

Camper Trailer: A folding structure, mounted on wheels and designed for travel, creation, and vacation use. Child Care Center: A child care center as that term is defined in G.L. c. 15D, s. 1A.

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

Child Care Center: A child care center as that term is defined in G.L. c. 1 *SD,* s. 1A.

Community Facilities: Premises owned and operated by a governmental or chartered nonprofit organization, but not including fraternal, sports, or similar membership organizations.

Condominium: A structure in which an individual owns separately one or more single dwelling units in a multi-unit building. He and the owners of other units have an undivided interest in the common areas and facilities that serve the project. The Common areas include such items as land, roof, floors, main walls, stairways, lobby, hall, parking space, and community and commercial facilities.

Countable Units: Units qualifying and countable towards the Commonwealth of Massachusetts mandated minimum affordable housing requirements under Massachusetts General Laws in particular Section 40B ss. 20-23 and the Massachusetts DHCD guidelines. Such units shall be available to groups such as veterans, senior citizens, municipal employees, and others who meet the state income regulations for moderate to low income housing.

Drive-In Restaurant: A drive-in restaurant is defined as any establishment whose business is the sale of food or beverages in a ready-to-consume state and whose business operation includes the service of food and beverage to a costumer in a motor vehicle. Subject to Site Plan Review before the Holbrook Planning Board.

Driveway: An open space, located on a lot, built for access to a garage, off-street parking or loading space. A driveway may not be more than 24 feet in width in Residential, Residential I, and Business Neighborhood Zones, and not more than 36 feet in width in Business, Industrial, Eleemosynary, and

Municipal Zones. Each driveway shall service no more than one lot.

Dwelling Unit: Any room or suite of rooms comprising one complete housekeeping unit with its own. cooking and food storage equipment and facilities and its own bathing and toilet facilities wholly within such room or suite of rooms.

Essential Services: Services provided by public utility or governmental agencies through erection, construction, alteration, or maintenance of underground or overhead gas, electrical, steam, or water transmission or distribution systems and collection, communication, supply, or disposal systems, excluding power plants or transfer stations. Facilities necessary for the provisions of essential services include poles, wires, mains, 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 and general welfare.

Family: Any number of individuals living together in one housekeeping unit and using in common among them one set of cooking and food storage equipment and facilities.

Family Support Living Space: An additional living space within an existing single family dwelling which may include sleeping, cooking, and sanitary facilities that are substantially contained within the structure of a single family dwelling. The intended occupant(s) of this living space is the extended family of the property owner.

Fast Order Food: Food which is (a) primarily intended for immediate consumption; (b) available upon a short waiting time; (c) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold; (d) served on disposables or in paper containers, consumed with plastic utensils; and (e) of a self-service nature, that is, no waitresses or waiters are involved. Patrons place their order at a counter or remotely and take it to a table on the premises or leave the premises.

Fast Order Food Establishment: An establishment whose primary business is the sale of fast order food for consumption on or off the premises.

Front Yard: An open space extending the entire width of a lot from lot sideline to lot sideline and extending in depth at a right angle from the street boundary of such lot to such depth as may be specified.

Frontage: The greatest uninterrupted linear or curvilinear distance measured along a front lot line where it is co-linear with the right-of-way of an abutting street or way, such that:

1. Where a single lot abuts a street at more than one location (as with a U-shaped lot) or abuts more than one street (as with a corner lot), the greatest uninterrupted linear or curvilinear measurement of a front lot line along one side of one street shall be considered the frontage.

2. On lots abutting curved streets or cul-de-sacs, the arc length between the side lot lines will be considered the frontage.

3. The ends of streets without a turning circle shall not be considered frontage.

Funeral Home: Facility for the conducting of funerals and related activities such asembalming.

General Service Establishment: Shop for lawn mower or small appliance repair, upholstery or furniture repair, bicycle repair person, shoe repair, printer, blacksmith, builder, carpenter, caterer, electrician, lawn mower service person, mason, painter, plumber or roofer.

Greenhouse: A structure and establishment for the growing of plants for wholesale or retail sale, otherwise not exempt as an agricultural use pursuant to G.L. c. 40A, s. 3.

Habitable Space: These areas within the exterior walls of a dwelling which have headroom of not less than seven feet, measure vertically upward from the top of the finished floor, but excluding basement areas and excluding areas in any accessory structure attached to any dwelling.

Half Story: That portion of a building next beneath a sloping roof and in which there are less than four feet vertically between the top of the floor and the intersection of the bottoms of the rafters with the interior faces of the walls.

Height: Measured as the vertical distance from the mean grade of the natural ground contiguous to the building, as such ground existed prior to construction at the location of existing or proposed exterior walls ("Grade Plane"), to the mean height of the highest roof surface. For new subdivisions the Grade Plane shall be calculated based upon finished grades as shown on site plans approved by the Planning and Zoning Board. The limitation shall not apply to chimneys, vents, and other similar features provided such features do not cover more than fifteen (15) percent of the area of the roof of the building or other structure and in no way are used for human occupancy.

Home Occupation: An accessory use which by custom has been carried on entirely within a dwelling unit by the occupant(s) thereof, or within an accessory building thereto.

Hospital: A building providing 4-hour in-patient or animal services for the diagnosis, treatment or other care of human or animal ailments including, where appropriate, a sanitarium, nursing home, convalescent home, and veterinarian services.

Hotel or Motel: A building or group of attached or detached buildings containing ten (1O) or more rental sleeping rooms per building (with or without cooking facilities) each rental unit having its own private bathroom and its own separate outside entrance.

Junk Yard: A yard, field or other area used as a place for storage for more than thirty days for three or more unserviceable, discarded, worn-out, or junk motor vehicles. Also a yard, field, or other area used as a place of storage for (a) discarded, worn-out or junk plumbing, heating supplies, household appliances or furniture and/or (b) discarded, scrapped or junk lumber and/or (c) old scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste, and/or scrap metal.

Kennel: An establishment as defined in G.L. c. 140, s. 137A.

Loading Space: An off-street space used for loading or unloading not less than fourteen (14) feet in width, 45 feet in length, and 14 feet in height, and containing not less than 1,300 square feet including

both access and maneuvering area.

Lodging Unit: One or more rooms for the use of one or more individuals not living as a single housekeeping unit and not having cooking facilities. A "lodging unit" shall include rooms in boarding houses, tourist houses, or rooming houses.

Lot: An area of land in one ownership, or one leasehold, with ascertainable boundaries established by deed or deeds of record or a segment of land ownership defined by lot boundary lines on a land division plan duly approved by the Planning Board under the subdivision control statue.

Lot Front: On any lot bounded on more than one side by a street, the street boundary that is to be the lot "Front" shall be so designated in any application for a permit to build on such lot.

Lot Frontage: The lot frontage shall be measured as the distance between the side lot lines at the street front lot boundary. The minimum lot frontage must be continuous.

Lot Width: The width of any lot shall be measured wholly within such lot at the front yard depth along a line parallel to a straight line connecting the intersections of the street front lot boundary with the side lines of such lot.

Manufacturing: A use engaged in the basic processing and manufacturing of materials, or the manufacture from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products.

Massage Service Establishments: Massage shall mean any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of external parts of the human body with the hands or with the aid of any mechanical or electric apparatus or appliances, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment or other such similar preparations commonly used in the practice of massage under such circumstances that it is reasonably expected that the person to whom the service is provided, or some third person on his or her behalf, will pay money or give any other consideration or any gratuity therefor. The practice of massage shall not include the following individuals while engaged in the personal performance of duties or their respective professions:

1. Physicians, surgeons, chiropractors, osteopaths, or physical therapists or massage therapists who are duly licensed to practice their respective professions in the Commonwealth of Massachusetts.

2. Nurses who are registered under the laws of the Commonwealth of Massachusetts.

3. Barbers and beauticians who are duly licensed under the laws of the Commonwealth of Massachusetts, except that this exclusion shall apply solely to the massage of the neck, face, scalp and hair of the customer or client for cosmetic or beautifying purposes.

Medical Clinic: A facility as defined in 105 CMR 145.020, including a mobile clinic.

Medical Marijuana Overlay District: For the purposes of Section 9.2, the following definitions shall

apply:

Marijuana or Marihuana: All parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination.

Marijuana-Infused Product (MIP): A product infused with marijuana that is intended for use or consumption, including but not limited to edible products, ointments, aerosols, oils, and tinctures.

Marijuana, Medical: Any marijuana intended for medical use which meets all requirements for medical marijuana contained in the bylaw, the General Laws of the Commonwealth of Massachusetts, and the Code of Massachusetts Regulations (CMR).

Marijuana, Registered Dispensary (RMD): A not-for-profit entity registered under the Code of Massachusetts Regulations, that acquires, cultivates, possesses, processes (including development of related products such as edible MIPs, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

Membership Club: A social, sports or fraternal association or organization which is used exclusively by members and their guests which may contain bar facilities.

Multifamily Dwellings: The following definitions shall apply in Section 8.4:

Age Restricted Units: Units restricted to occupancy by persons fifty-five years of age or older and that are consistent with and in compliance with Senior Housing Laws.

Bedroom: Any habitable room in a dwelling unit other than a living room, dining room, kitchen, utility room, or bathroom.

Countable Units: Units qualifying and countable on the Subsidized Housing Inventory of the Department of Housing and Community Development.

Dwelling Unit: Any room or suite of rooms comprising one complete housekeeping unit with its own cooking and food storage equipment and facilities and its own bathing and toilet facilities wholly within such room or suite of rooms.

Multifamily Dwelling: A free standing building with three or more dwelling units.

Multiple Unit Development: A development consisting of two or more Multifamily

Dwellings on a single parcel or adjacent parcels of land.

Open Space: An area left in its natural vegetated state, designated and maintained exclusively for recreational use, or landscaped to the satisfaction of the Planning Board and not used for building, parking, or other related purposes.

Senior Housing Laws: Collectively and separately, the Fair Housing Act, 42 USC Section 3607(b), 24 CFR Subtitle B, Ch. I, Section 100.300 et seq. and G.L. c. 151B, Section 4.

Site Roadway: A roadway serving the site shall be designed to conform with the roadway and sidewalk standards of the Regulations for Subdivision of Land of the Planning Board or any other standards of the Town of Holbrook.

Non-Medical Marijuana Overlay District: For the purposes of Section 9.5, the following definitions shall apply:

Act: Commonwealth's Regulation and Taxation of Marijuana Act, enacted November 8, 2016.

Marijuana and Marijuana Product: The meanings set forth in the Act.

Marijuana Establishment: Includes shall include "Marijuana Retailer", "Marijuana Cultivator", "Marijuana Testing Facility", "Marijuana Product Manufacturer" or any type of licensed marijuana facility as those terms are defined in the Act.

Offices: Space or rooms used for professional, administrative, clerical, and similar uses.

One-Family Dwelling: A free standing building exclusively, for residential use by one family.

Open Space: An area left in its natural vegetated state, designated and maintained exclusively for recreational use, or landscaped to the satisfaction of the Holbrook Planning Board and not used for building, parking, or other related purposes.

Personal Service Establishment: Establishment serving personal and local needs, such as barber shop, beauty shop, nail salon, repair, self-service laundry, dry cleaning or pick-up agency, massage establishment, or tattoo provider.

Place for Manufacturing, Assembling, or Packaging of Goods: Those used primarily for heavy or light industry or the manufacture or assembly of a product including processing, blending, fabrication, assembly, treatment and packaging.

Principal Site Roadway: A Roadway serving the site shall be designed to conform with the roadway and sidewalk standards of the Regulations for Subdivision of Land 6fthe Town of Holbrook and or any other standards of the Town of Holbrook.

Rear Yard: An open space extending the entire width of a lot from sideline to sideline and extending. at a right angle from the rear line of such lot to such depth as may be specified.

Research Laboratory: Laboratory or research establishments including biotechnology companies, but excluding laboratories categorized as Level 4 by the National Institutes for Health.

School Aged Child Care Program: A school aged child care program as that term is defined in G.L. c. 15D, s. IA.

Senior Housing Facility: For the purposes of Section 8.5, the following definitions shall apply:

Assisted Living Facility: A residential development subject to certification by the Executive Office of Elder Affairs under G.L. c. 19D and 651 CMR 12.00.

Continuing Care Facility: A facility regulated by G.L. c. 93, s. 76.

Independent Living Facility: A facility providing apartments for rent, with optional services on the site for the convenience of residents, including but not limited to transportation, barber/beauty services, sundries for personal consumption, laundry services and other amenities, provided such uses serve primarily the residents and staff of the facility.

Long Term Care Facility: A facility, including a convalescent or nursing home, rest home, infirmary maintained in towns, and charitable homes for the aged, as defined and regulated in 105 CMR 150.001.

Senior Housing: Housing restricted under applicable federal and state laws to persons over the age of 55.

Side Yard: An open space extending along a sideline of a lot (between the front yard and the rear yard on such lot) and extending at a right angle from the sideline of such lot to such depth as may be specified.

Sign: Any permanent or temporary representation used as, or which is in the nature of, an advertisement, announcement, or direction, or is designed to attract the eye by intermittent or repeated motion or illumination, provided however, that the following shall not be included in the application of the regulation herein:

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

2. Legal notices, identification, informational or directional signs erected or required by government bodies.

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

Site Plan Approval: For the purposes of Section 10.6, the following definitions shall apply:

Appearance: Shall include the character, layout, and general composition of the site,

including, but not limited to, the kind, color, and texture of such materials as plantings, fences, stone walls, retaining walls, paving, benches, site-lighting, freestanding signs, utility structures, and all other appurtenant items.

Exterior Architectural Appearance: Shall include the architectural character and general composition of the exterior of the building, including, but not limited to, the kind, color, and texture of building materials, including paint color, and the type, design, and character of all windows, doors, light fixtures, signs, awnings, utility and ventilation structures, and all other appurtenant elements, however the authority of the Planning Board to regulate the exterior design and appearance of the buildings shall not be exercised in a manner that is inconsistent with the State Building Code.

Story: That portion of a building contained between any floor and the floor or roof next above it, but not including any portion so contained if more than one-half of such portion vertically is below the average finished grade of the ground adjoining such building.

Street: A way which is over twenty-four (24) feet in right-of-way width which is dedicated or devoted to public use by legal mapping or by any other lawful procedure. A street includes all public ways, a way which the Town Clerk certified is maintained and used as a public way, a way shown on a plan approved and endorsed in accordance with the "Subdivision Rules and Regulations in Easton, 2-11 Massachusetts" and a way having in the opinion of the Easton Planning and Zoning Board sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed uses of the land abutting thereon or served thereby and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

Structure: A combination of materials assembled at a fixed location that is safe and stable to give support or shelter, such as a building, bridge, trestle, tower, framework, retaining wall, tank, tunnel, tent, stadium, reviewing stand, platform, bin, sign, fence, flagpole, swimming pool, shelters, sheds, or the like.

Trade Shop: Plumbing, electrical or carpentry shop or other similar service or repair establishment.

Trailer: Any vehicle which is designed primarily to be portable, and is arranged, intended, designed, or used temporarily for sleeping, eating, or business use in conjunction with construction, or is a place in which persons may congregate including a manufactured home, a tent trailer, travel trailer, motor home, or camper.

Two-Family Dwelling: A free standing building exclusively for residential use by two families, but not more than two families.

Wetlands: The term "wetlands", as used in this By-Law, shall mean wet meadows, marshes, swamps, bogs, areas where groundwater, flowing or standing surface water or ice provide a significant part of the supporting substrate for a plant community for at least five months of the year; emergent and submergent plant communities in inland waters; that portion of any bank which touches any inland waters, or the most recent definition of the term "freshwater wetlands" found in M.G.L. c. 131, s. 40. Where these definitions conflict, the definition found in M.G.L. c. 131, s. 40 shall apply.

Yard: A portion of a lot, upon which the principal building is situated, unobstructed artificially from the ground to the sky, except as otherwise provided herein. A court shall not be considered to be a yard or any part thereof.

APPENDIX A

Table of Use Regulations

Principal Uses	**Res I**	**Res II**	**Res III**	**Res IV**	**Res V**	**Bos I**	**Bos II**	**BV**	**BC**	**I**
A. Residential Uses										
1. Single family dwelling	y	y	y	y	y	N	N	N	N	N
2. One two-family or one duplex dwelling on a separate lot	N	N	N	y	N	N	N	N	N	N
3. Multifamily dwelling/multiple unit development (See Section 8.4)	N	N	N	PB	N	N	N	N	N	N
4. Flexible Development (See Section 8.1)	PB	PB	PB	PB	PB	N	N	N	N	N
5. Senior Housing Facility (See Section 8.5)	PB	PB	PB	PB	N	PB	N	N	PB	N
6. Mixed Use	N	N	N	N	N	N	N	PB	N	N

Principal Uses	Res I	Res II	Res III	Res IV	Res V	Bus I	Bus 11	BV	BC	I
B. Institutional and Public Uses										
I. Use of land or structures for religious purposes	y	y	y	y	y	y	y	y	y	y
2. Use of land or structures for educational purposes on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation	y	y	y	y	y	y	y	y	y	y
3. Governmental buildings and related or supporting facilities	y	y	y	y	y	y	y	y	y	y
4. Cemeteries	y	y	y	y	y	y	y	y	y	y
5. Public park or playground, public recreational building or facility	y	y	y	y	y	y	y	y	y	y
6. Essential Services	y	y	y	y	y	y	y	y	y	y
7. Private non-profit libraries or museums	y	y	y	y	y	y	y	y	y	y
8. Private non-profit community center building, settlement house, adult education center or other similar facility provided indoor or outdoor noisy activities shall be not less than one hundred (100) feet from any lot line and shall be not detrimental to the neighborhood by reason of noise in any season	PB	PB	PB	PB	PB	y	y	y	y	y
9. Hospital or clinic	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB
10. Child care center or school aged child care program	y	y	y	y	y	y	y	y	y	y

Principal Uses	Res I	Res II	Res III	Res IV	Res V	Bus I	Bus II	BV	BC	I
C. Agricultural Uses										
I. Agricultural, horticulture, viticulture, silviculture or floriculture on parcels of five or more acres or two or more qualified acres	y	y	y	y	y	y	y	y	y	y
2. On parcels of less than five acres or less than two qualified acres, farms growing vegetables, fruits and other plants or crops; the raising of livestock or poultry but not swine provided that any building housing livestock or poultry be not less than one hundred fifty (150) feet from the property boundary	y	y	y	y	N	N	N	N	N	y
3. One roadside stand per farm for the sale of agricultural or horticultural products the major portion of which are grown or produced on the premises	y	y	y	y	y	y	y	y	y	y
4. Farmstand authorized by M.G.L. Chapter 40A, s. 3	y	y	y	y	y	y	y	y	y	y

Principal Uses	Res I	Res II	Res III	Res IV	Res V	Bus I	Bus II	BV	BC	I
D. Offices and Laboratory										
1. Business, financial, professional or governmental offices but no retail business, no manufacturing and no processing	N	N	N	N	N	y	y	y	y	N
2. Offices for medical, psychiatric or other health services for the examination or treatment of persons as outpatients, including ouly laboratories that are part of such offices or clinic	N	N	N	N	N	y	y	y	y	N
3. Laboratory or research facility providing that any manufacturing or processing of an accessory nature does not occupy more than twenty-five (25) percent of the gross floor area	N	N	N	N	N	N	y	N	y	y
4. Laboratory or research facility	N	N	N	N	N	N	N	N	y	y
5. Radio or television studio	N	N	N	N	N	y	y	y	y	y
6. Commercial radio or television transmission facility but not studios and not communications towers and wireless communications towers for transmission of signals to and from portable telephones, cell phones or cellular phones	N	N	N	N	N	PB	PB	PB	PB	PB
7. Drive-in bank ATM or window; drive in or drive through facility	N	N	N	N	N	PB	PB	PB	PB	PB

Principal Uses	Res I	Res II	Res III	Res IV	Res V	Bus I	Bus II	BV	BC	I
E. Retail Business and Consumer Service Establishments										
I. Store for retail sale of merchandise provided all display, storage and sales of materials are conducted within a building and provided there be no manufacturing or assembly on the premises	N	N	N	N	N	y	y	y	y	PB
2. Store for retail sale of merchandise provided all display, storage and sales of materials are conducted within a building which may include manufacturing or assembly on the premises	N	N	N	N	N	N	N	N	y	PB
3. Space for the manufacture, assembly or packaging of consumer goods provided that at least fifty (50) percent of such merchandise is sold at retail on the premises and that all display, sales and storage is conducted within a building and further provided that not more than twenty-five (25) percent of the floor area is devoted to the manufacturing, assembly or packaging of consumer goods and that not more than five (5) persons are employed at any one time for the manufacturing, assembly or packaging of such goods	N	N	N	N	N	N	y	PB	y	N
4. Space for the manufacture, assembly or packaging of consumer goods provided that all display, sales and storage is conducted within a building and further provided that no business will be allowed that would create a nuisance or hazard to safety, health or environment	N	N	N	N	N	N	N	N	y	PB
5. Personal Service Establishment	N	N	N	N	N	y	y	y	y	PB
6. General Service Establishment	N	N	N	N	N	y	y	y	y	PB
7. Private non-profit membership club or lodge	N	N	N	N	N	y	y	y	y	y

	Res I	Res II	Res III	Res IV	Res V	Bus I	Bus II	BV	BC	I
8. Trade, professional or other school conducted s a private business for gain	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB
9. Outdoor sports facility conducted for profit	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB
10. Country, golf, swimming, tennis or other recreational facility not conducted as a business for gain	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB
II. Entertainment and recreational facilities operated as a business for gain including but not limited to, restaurants bowling alley, theatre or sport arena or dance hall provided that such use is housed indoors in sound-insulated structure that protects the neighborhood from inappropriate noise in any season	N	N	N	N	N	y	y	y	y	PB
12. Hand laundry, dry cleaning or tailoring or other similar use, printing shop, caterers or other similar uses provided personnel is limited to not more than five (5) persons at any one time on the premises	N	N	N	N	N	y	y	y	y	N
13. Hotel and Motel	N	N	N	N	N	y	y	N	y	N
14. Studios for arts and handicrafts provided personnel is limited to not more than five (5) persons at any one time on the premises	N	N	N	N	N	y	y	y	y	N
15. Indoor places solely for eating and drinking, no dancing or live entertainment permitted *Outdoor seating by special permit allowed from PB	N	N	N	N	N	Y*	Y*	Y*	Y*	PB
16. Drive-In Restaurants	N	N	N	N	N	PB	PB	PB	PB	PB
17. Mortuary, undertaking or funeral establishment	N	N	N	N	N	y	y	y	y	y
18. Veterinary establishment, and/or kennel or similar establishment, provided that in business zone animals are kept wholly indoors	y	N	N	N	N	y	N	N	y	N

	Res I	Res II	Res III	Res IV	Res V	Bus I	Bus II	BV	BC	I
19. Store for outdoor retail sale of merchandise such as but not limited to lumber yards and building supply yards where merchandise is stored in the open provided that all merchandise so stored is screened from ground level view from any abutting street or abutting property at the property line	N	N	N	N	N	N	N	N	y	y
20. Self Service Storage Warehouse providing warehouse storage services directly to the general public, but provided that all storage be contained within buildings, and provided that there be no storage or bailing of junk scrap metal, rags, waste paper or used rubber, and provided that the Planning Board grants a Special Permit approval pursuant to Section I0.6 site plan review	N	N	N	N	N	PB	PB	PB	PB	PB
21. Sales places for flowers, garden supplies, agricultural produce, partly or wholly outdoors, including commercial greenhouses	N	N	N	N	N	y	y	y	y	y
22. Place for exhibition lettering or sale of gravestones	N	N	N	N	N	N	N	N	PB	y

Principal Uses	Res I	Res II	Res III.	Res IV	Res V	Bus I	Bos II	BV	BC	I
F. Automotive Service and Open Air Drive-In Retail Services										
1. Gasoline service stations provided no major repair work to be done on the premises	N	N	N	N	N	y	y	N	N	N
2. Sale or rental of automobiles, boats and other motor vehicle and accessory storage of same if conducted entirely within an enclosed sound-insulated structure	N	N	N	N	N	y	y	N	y	N
3. Sale or rental of automobiles, boats and other light motor vehicles and accessory storage conducted partly or wholly on open lots	N	N	N	N	N	y	N	N	y	N
4. Gasoline service stations and automobile repair:										
4.(a) Gasoline service stations and automobile repair shops, provided all work is carried on within the building but excluding all autobody shops and all shops for the painting of motor vehicles	N	N	N	N	N	PB	N	N	PB	y
4.(b) Autobody shops, and shops for the painting of motor vehicles, provided all work is carried on within the building	N	N	N	N	N	N	N	N	N	y
5. Car washing establishments	N	N	N	N	N	N	N	N	N	y
6. Hourly car rental station	N	N	N	N	N	y	y	y	y	y

Principal Uses	Res I	Res II	Res ID	Res IV	Res V	Bns I	Bns II	BV	BC	I
G. industrial, Wholesale and Transportation Uses										
1. Laundries and dry cleaning plants principally for the trade, not mainly retail local service	N	N	N	N	N	N	N	N	N	y
2. Printing, binding, publishing and related arts and trades	N	N	N	N	N	N	N	N	PB	y
3. Light manufacturing	N	N	N	N	N	N	N	N	PB	y
4. Trade shop	N	N	N	N	N	N	N	N	y	y
5. Place for manufacturing, assembly or packaging of goods, provided that all resulting cinders, dust, flashing, fumes, gases, odors, refuse matter, smoke and vapor be effectively confined to the premises or disposed of in a manner that does not create a nuisance or hazard to safety or health	N	N	N	N	N	N	N	N	N	y
6. Wholesale business and storage, each in a roofed structure	N	N	N	N	N	N	N	N	y	y
7. Trucking terminals	N	N	N	N	N	N	N	N	y	y
8. Freight terminals	N	N	N	N	N	N	N	N	y	y
9. Extractive industries	N	N	N	N	N	N	N	N	N	PB

Principal Uses	Res I	Res II	Res III	Res IV	Res V	Bns I	Bos II	BV	BC	I
H. Accessory Uses and Off-Street Parking										
]. Private garage for storage of up to three (3) motor vehicles in Residence Districts	y	y	y	y	y	-	-	-	-	-
2. Outdoor overnight parking in Residence Districts of not more than one commercial vehicle provided that no such commercial vehicle may exceed ten thousand (10,000) lbs. Gross Registered Weight Rating (GVWR)	y	y	y	y	y	-	-	-	-	-
3. Private greenhouses, tennis court, swimming pool for other similar building, accessory to the main use	y	y	y	y	y	N	N	y	y	N
4. The raising or keeping of animals, livestock or poultry as pets or for use by residents of the premises provided that any stable or enclosure for any animals shall be not less than one hundred (I 00) feet from side or rear lot line and not less than fifty (50) feet from any front lot line	y	y	y	y	N	N	N	N	N	N
5. Home occupation (See Section 3.2.1)	Y/PB	Y/PB	Y/PB	*YIPB*	Y/PB	N	N	N	N	N
6. Right-of-way of not less than forty (40) feet in width for vehicular access from a residential zoning district to a public way constructed in accordance with the design and construction standards contained in the Planning Board Subdivision Rules and Regulations	N	N	N	N	N	y	y	y		N
7. On-site infrastructure related to the main use, including without limitation, amenities and off-street parking facilities, structures and garages designed to serve the main use in accordance with existing height limitation by Special Permit	N	N	N	PB	N	N	N	PB	N	N
8. Uses, whether or not the same parcel as activities permitted as a matter of right, access to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB

	Res I	Res II	Res III	Res IV	Res V	Bus I	Bus II	BV	BC	I
9. Family living space	PB	PB	PB	PB	PB	N	N	N	N	N
10. Renting of rooms in an existing dwelling to not more than three (3) boarders	y	y	y	y	y	N	N	N	N	N
11. Family home day care, small	y	y	y	y	y	N	N	N	N	N
12. Family home day care, large	PB	PB	PB	PB	PB	N	N	N	N	N
13. Adult social day care home	PB	PB	PB	PB	PB	N	N	N	N	N

Last Amended: ATM May 18, 2022, Article 11 and Article 12