TOWN OF TEWKSBURY

ZONING BYLAW

MAY 2025

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1. PURPOSE AND AUTHORITY

1.1 TITLE

This Bylaw shall be known and may be cited as the "Zoning Bylaw of the Town of Tewksbury, Massachusetts," (this Bylaw).

1.2 PURPOSES

This Bylaw is enacted in order to promote the general welfare of the Town of Tewksbury (Town); to protect the health and safety of its inhabitants; to support the most appropriate use of land throughout the Town: to further the goals of the Tewksbury Master Plan: and to preserve and increase the amenities of the Town, all as authorized but not limited by the provisions of the Massachusetts Zoning Act, G.L. c. 40A, as amended, and Section 2A of Chapter 808 of the Acts of 1975.

1.3 AUTHORITY

This Bylaw is enacted under the authority of Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts (Commonwealth) and in accordance with G.L. c 40A, as amended.

1.4 APPLICABILITY

All buildings or structures erected, constructed, reconstructed, altered, enlarged, or modified, and the use of all premises in the Town, after the effective date of this Bylaw shall conform with the provisions of this Bylaw. No building, structure, or land shall be used for any purpose or in any manner other than as expressly permitted within the district in which it is located. Where this Bylaw imposes greater restrictions than those imposed by any other regulations, permits, restrictions, easements, covenants, or agreements, the provisions of this Bylaw shall control.

1.5 AMENDMENT

This Bylaw may from time to time be changed by amendment, addition, or repeal by the Town Meeting in the manner provided for in G.L. c. 40A, § 5.

1.6 SEVERABILITY

The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision.

2. DEFINITIONS

For the purpose of this Bylaw and unless the context of usage clearly indicates another meaning, the following terms shall have the following meanings:

A. Words used in the present tense include the future.
B. The singular includes the plural and the plural includes the singular.
C. The word “and” includes “or” unless the contrary is evident from the text.
D. The word “includes” or “including” shall not limit a term to specified examples. It is intended to extend its meaning to all other instances, circumstances, or items of like character or kind.
E. The words "used" or "occupied" include the words "designed," "arranged," "intended," or "offered," to be used or occupied; the words "building," "structure," "lot," "land," or "premises" shall be construed as though followed by the words "or any portion thereof"; and the words "shall" is always mandatory and not merely directory.
F. Terms and words not defined in this Section 2 or elsewhere in this Bylaw but defined in the State Building Code shall have meanings given there unless a contrary intention clearly appears in this Bylaw. Words not defined in either place shall have the meaning given in the most recent edition of Webster's Unabridged Dictionary.

ABANDONMENT: The cessation of a use or structure accompanied by an intent to abandon and voluntary conduct whether affirmative or negative. Time is not a controlling factor of abandonment, although the lapse of time may be evidence of an intent to abandon, and where it is accompanied by acts of abandonment, it may be considered in determining whether there has been abandonment. Abandonment may arise from a single act or a series of acts.

ACCESSORY STRUCTURE: A structure located on the same lot with the main building, detached or attached, and customarily incidental and subordinate to the use of the main building.

ACCESSORY USE: A use that is customarily incidental and subordinate to the main building or use of land and located on the same lot and under the same ownership in all respects.

ACCESS DRIVEWAY: The travel lane that allows motor vehicles ingress from the street and egress from the site and includes the area between the sideline of the street to the lot where the access driveway is no longer within the minimum parking area setback required.

ADULT DAY CARE: A social day care or adult day health facility as those terms are defined by the Massachusetts Department of Elder Affairs.

ADULT USES. The following terms and definitions shall apply to Adult Uses.

ADULT USE ESTABLISHMENT: An establishment having a substantial or significant portion of its business activity, stock in trade, or other materials for sale, rental or display, which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual conduct as defined in G.L. c. 272, § 31, including but not limited to the following: any adult bookstore, adult cabaret, adult motion picture theater, adult paraphernalia store or adult video store as defined below:

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

ADULT CABARET: A nightclub, bar, restaurant, tavern, dance hall, or similar commercial establishment which present: (a) persons who appear in a state of nudity as defined in G.L. c. 272, § 31; or (b) live performances which are characterized by an emphasis depicting anatomical areas specified as less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola, and human genitals in a state of sexual arousal, or relating to sexual conduct or sexual excitement as defined in G.L. c.

272, § 31; or (c) films, motion pictures, video cassettes, slides, photographic reproductions, or any other visual media which are characterized by the depiction or description of anatomical areas specified as above, or relating to sexual conduct or sexual excitement as defined in G.L. c. 272, § 31.

ADULT MOTION PICTURE THEATER: An enclosed building used for presenting material (including, but not limited to, motion picture films, video cassettes, cable television, slides, or any other such visual media) distinguished by an emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in G.L. c. 272, § 31.

ADULT PARAPHERNALIA STORE: An establishment having as a portion of its stock devices, objects, tools, or toys which are distinguished by their association with sexual activity, including sexual intercourse, sexual conduct or sexual excitement as defined in G.L. c. 272, § 31.

ADULT VIDEO STORE: An establishment having as a substantial or significant portion of its stock in trade, for sale or rent, motion picture films, video cassettes, and similar audio/visual media, which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in G.L. c. 272, § 31.

SUBSTANTIAL OR SIGNIFICANT PORTION: The terms "substantial or significant portion" shall mean any of the following: (a) 20% or more of the business inventory or stock of merchandise for sale, rental distribution, or exhibition during any period of time; or (b) 20% or more of the annual number of gross sales, rentals, or other business transactions; or (c) 20% or more of the annual gross business revenue; or (d) 20% or more of the hours during which the establishment is open.

SIGN, ADULT USE ADVERTISEMENT: An advertising sign or devise which advertises an adult use establishment, adult bookstore, adult video store, adult cabaret, adult paraphernalia store, or adult motion picture theater and/or advertises the trade, rental or sale of material, distinguished by an emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in G.L. c. 272, § 31.

AFFORDABLE HOUSING: A dwelling unit restricted for sale or rent to a low- or moderate-income household and eligible for listing in the Chapter 40B Subsidized Housing Inventory as determined by the Massachusetts Department of Housing and Community Development (DHCD).

AGRICULTURE, EXEMPT: Use of land for commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture as defined under G.L. c. 128, § 1A and exempt from zoning under G.L. c. 40A, § 3.

AGRICULTURE, NONEXEMPT: Agricultural activities limited to cultivating and harvesting general crops, including the storage of necessary farm equipment and the raising of livestock, not exempt under G.L. c. 40A, § 3.

ALTERATION: As applied to a building or structure, alteration shall mean a change or rearrangement in the structural parts or in the existing facilities, or an enlargement whether by extending on a side or by increasing in height, or the moving from one location or position to another.

ARTIST LOFT or LIVE-WORK UNITS: See DWELLINGS.

ASSISTED LIVING RESIDENCE: See HOUSING FOR OLDER ADULTS.

BANQUET, EVENT, OR CONFERENCE FACILITY. A place of assembly for special events such as weddings, banquets, and other formal meetings which may include catering facilities and other amenities except for lodging.

BATTERY ENERGY STORAGE SYSTEMS (BESS). Devices that enable energy including from renewables, like solar and wind, to be stored and then released when power is needed most.

BED AND BREAKFAST: See LODGING.

BUILDING. The following terms and definitions pertain to Buildings. (See also, STORY and STORY, HALF.)

BUILDING: An independent structure having a roof supported by columns, or walls, resting on its own foundations, and designed for the shelter, housing, or enclosure of persons, animals, or property of any kind.

BUILDING COVERAGE: The percentage of the lot or plot area covered by the roof area of a building or buildings.

BUILDING HEIGHT: The vertical distance from grade plane to the average height of the highest roof surface. Not included are spires, cupolas, antennae, or similar parts of structures which do not enclose potentially habitable floor space.

BUILDING, PRINCIPAL: A building in which is conducted the main or principal use of the lot on which the building is situated.

BUILDING COMMISSIONER: The administrative chief of the building department, meeting the minimum qualifications in G.L. c. 143, § 3 and certified in accordance with 780 CMR R7, with responsibility for administering and enforcing 780 CMR in the Town.

BUSINESS OR PROFESSIONAL OFFICE: A building or part thereof for the transaction of business or the provision of services exclusive of the receipt, sale, storage, or processing of merchandise, including, but not limited to, offices of banks and financial institutions, medical offices, medical clinics, and the like.

CAR WASH: Any building or premises or portions thereof charging a fee for washing automobiles, or offering such service accessory to a commercial operation.

CHILD CARE OR DAY CARE. The following terms and definitions pertain to day care facilities for children:

CHILD CARE CENTER: As defined in G.L. c. 15D, s. 1A and licensed by the Commonwealth.

FAMILY CHILD CARE HOME: A private residence, licensed by the Commonwealth to provide care for up to 6 children, which on a regular basis receives children under 7, or children under 16 with special needs, for temporary custody and care during part or all of the day, as defined in G.L. c. 15D, § 1A.

FAMILY CHILD CARE HOME, LARGE: A family child care home as defined in G.L. c. 15D, § 1A, licensed to provide care for up to 10 children.

CLEARING: The removal and/or cutting of trees, shrubs, bushes, or bush, or grubbing.

COLD STORAGE WAREHOUSE. A specialized storage facility equipped with temperature-controlled environments. Its primary function is to store temperature-sensitive products, often perishable goods like pharmaceutical products, ensuring their quality, and proper air temperature. Product storage is often for extended periods of time and is generally delivered to final consumers instead of distributors.

COMMERCIAL RECREATION, INDOOR: A structure for recreational, social, or amusement purposes, which may include as an accessory use the consumption of food and drink, including all connected rooms or space with a common means of egress and entrance. Places of assembly shall include theatres, concert halls, dance halls, skating rinks, bowling alleys, health clubs, dance studios, or other commercial recreational centers conducted for or not for profit.

COMMERCIAL RECREATION, OUTDOOR: Drive-in theatre, golf course/driving range, bathing beach, sports club, horseback riding stable, boathouse, game preserve, marina or other commercial recreation carried on in whole or in part outdoors, except those activities more specifically designated in this Bylaw.

COMMERCIAL VEHICLE, LIGHT: Any vehicle under 10,000 lbs. gross vehicle weight which is used in construction or other commercial enterprise. This does not include other equipment used for landscaping and/or construction or cube vans, step vans, or buses.

COMMERCIAL VEHICLE, HEAVY: Any vehicle over 10,000 lbs. gross vehicle weight which is used in construction or other commercial enterprise. This includes, but is not limited to, other equipment used for landscaping and/or construction or cube vans, step vans, and buses.

CONTRACTOR'S YARD: Land used for the storage of commercial construction equipment, materials, and supplies and for the parking of registered commercial vehicles.

CORNER LOT: See LOT.

DATA STORAGE CENTER (DATA CENTER). A physical location that stores computing machines and their related hardware equipment. It contains the computing infrastructure that IT systems require, such as servers, data storage drives, and network equipment. It is the physical facility that stores a company's digital data.

DEBRIS: Accumulated fragments, ruins, or rubbish; used motor vehicle and heavy equipment parts; or demolition materials from buildings and other structures.

DRIVE-THROUGH SERVICE: A commercial facility that provides a service directly to a motor vehicle or where the customer drives a motor vehicle onto the premise and service is provided to the customer through a window or mechanical device, or by an agent of the facility without the customer exiting the vehicle. This shall not include the selling of fuel at a gasoline filling station or the accessory functions of a carwash facility such as areas designated for vehicle vacuum cleaning.

DWELLINGS. The following terms and definitions shall apply to the variety of Dwellings provided for in this Bylaw. (See also, HOUSING FOR OLDER ADULTS.)

DWELLING: A building, or portion thereof, designed exclusively for residential occupancy, including single-family, two-family, or multiple family dwelling (apartments), but not including hotels, motels, boarding homes, trailers, or structures primarily for transient or overnight occupancy.

DWELLING UNIT: One or more rooms providing complete living facilities for a single person or one family, including equipment for cooking or provisions for the same and including room or rooms for living, sleeping, and eating.

DWELLING, SINGLE-FAMILY DETACHED: A detached building designed exclusively for occupancy by one family.

DWELLING, TOWNHOUSE: A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation.

DWELLING, TWO-FAMILY: A building designed as a single structure, containing two separate living units, each of which is designed to be occupied as a separate permanent residence for one family.

DWELLING, MULTIFAMILY: A building containing three or more dwelling units.

DEVELOPMENT, MULTIFAMILY: Any combination of the uses identified above.

FAMILY SUITE: An accessory dwelling unit located within a single-family dwelling subordinate in size to the principle unit and separated from it in a manner that maintains the appearance of a single-family dwelling. Brothers, sisters, maternal parents and grandparents, paternal parents and grandparents, in-laws and or children of the residing owners of the principle dwelling unit may only occupy the family suite.

GROUP HOME or RESIDENTIAL CARE FACILITY: A facility operating under a state license to provide primarily nonmedical residential services to one or more unrelated individuals on a 24-hour per day basis, who by reason of

illness, disease, or physical or mental infirmity are unable to sufficiently or properly care for themselves; including substitute care, food, lodging, training, education, supervision, habilitation, rehabilitation, and treatment.

LIVE-WORK UNIT: Buildings or spaces within buildings that are used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work.

EARTH REMOVAL: Extraction of sand, gravel, top soil, or other earth for sale or for use at a site removed from the place of extraction exclusive of the grading of a lot preparatory to the construction of a building for which a building permit has been issued, or the grading of streets in accordance with an approved definitive plan, and exclusive of granite operations.

EDUCATIONAL USE, EXEMPT: Exempt activity as set forth in G.L. c. 40A, § 3.

EDUCATIONAL USE, NONEXEMPT: Educational facilities not exempt from zoning under G.L. c. 40A, § 3.

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

ESSENTIAL SERVICES: Services provided by a public service corporation or by governmental agencies through erection, construction, alteration, or maintenance of gas, electrical, steam, or water or sewer transmission or distribution and collection systems, communication, supply, or disposal systems whether underground or overhand, but not including wireless communications facilities. Facilities necessary for the provision of essential services include poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment in connection therewith.

FAMILY: Any number of individuals living together on the premises of a single housekeeping unit.

FAMILY CHILD CARE HOME: See listing under Child Care Center.

FAMILY SUITE: See DWELLINGS.

FARM STAND, EXEMPT: Sale of farm products on a parcel of five acres, provided that during the months of June, July, August, and September of every year, or during the harvest season of the primary crop, the majority of such products for sale, based on either gross sales dollars or volume, have been produced by the owner of the land containing five or more acres in area on which the facility is located; or to parcels two acres or more if the sale of products produced from the agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture use on the parcel annually generates at least $1,000 per acre based on gross sales dollars in areas not zoned for agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture. For such purposes, land divided by a public or private way or a waterway shall be construed as one parcel.

FARM STAND, NONEXEMPT: Facility for the sale of produce, wine, and dairy products on property not exempted by G.L. c. 40A, § 3.

FLOODPLAIN DISTRICT, the following terms and definitions are exclusive to the Floodplain District:

DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

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

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for

the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls or a structure.

HISTORIC STRUCTURE means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(1) By an approved state program as determined by the Secretary of the Interior or

(2) Directly by the Secretary of the Interior in states without approved programs.

NEW CONSTRUCTION means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the community, including any subsequent improvements to such structures. New construction includes work determined to be substantial improvement.

RECREATIONAL VEHICLE means a vehicle which is:

(a) Built on a single chassis;

(b) 400 square feet or less when measured at the largest horizontal projection;

(c) Designed to be self-propelled or permanently towable by a light duty truck; and

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY – SEE FLOODWAY

SPECIAL FLOOD HAZARD AREA means a land area subject to flood hazards as shown on FIRM or other flood hazard map as Zone A, AE, A1-30 , A99, AR, AO, or AH.

START OF CONSTRUCTION means the date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of pilings or construction of columns. Permanent construction does not include land preparations (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement,

the actual start of construction means the first alteration of any wall, ceiling or floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

SUBSTANTIAL REPAIR OF A FOUNDATION. When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR.

VARIANCE means a grant of relief by a community from the terms of a flood plain management regulation.

VIOLATION means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3 is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

FRONTAGE: See LOT.

FRONT BUILDING LINE: A line drawn parallel to and along the front wall of a building extended to the property line.

FUNERAL HOME: Facility for the conducting of funerals and related activities such as embalming.

GAME COURT: Any specially prepared play area whose surface, topography, size, shape, and configuration are associated with recreational games such as basketball, volleyball, badminton, tennis, horseshoes, and archery.

GARAGE FOR AUTOMOTIVE STORAGE: See MOTOR VEHICLE USES.

GAS STATION: See MOTOR VEHICLE USES.

GOLF COURSE: A course laid out for the sport of golf which may include accessory and incidental uses such as a function hall, snack bar, restaurant, club house, tennis courts, and the like.

GRADE PLANE: A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet (1,829 mm) from the building, between the building and a point six feet (1,829 mm) from the building.

GROUNDWATER PROTECTION DISTRICT, the following terms and definitions are exclusive to the Groundwater Protection District

AQUIFER: Geologic formation composed of rock, sand or gravel that contains significant amounts of potentially recoverable water.

GROUNDWATER PROTECTION DISTRICT: A zoning district defined to overlay other zoning districts in the Town of Tewksbury. The groundwater protection district may include specifically designated recharge areas and specifically designated groundwater use restriction areas.

IMPERVIOUS SURFACE: Material or structure on, above, or below the ground that does not allow precipitation or surface water to penetrate directly into the soil.

MINING: The removal or relocation of geologic materials such as topsoil, sand, gravel, metallic ores, or bedrock.

POTENTIAL DRINKING WATER SOURCES: Areas which could provide significant potable water in the future.

RECHARGE AREAS: Areas that collect precipitation or surface water and carry it to aquifers. Recharge areas may include areas designated as Zone I, Zone II, or Zone III.

SUTTON BROOK DISPOSAL AREA (SBDA) BUFFER ZONE: A zoning district defined to overlay other zoning districts in the Town of Tewksbury. The SBDA Buffer Zone may include specifically designated use restriction areas. It encompasses an area within five hundred feet of the outer boundary of the SBDA Plume Area, where activities may impact the effectiveness of the Selected Remedy.

SUTTON BROOK DISPOSAL AREA (SBDA) PLUME AREA: A zoning district defined to overlay other zoning districts in the Town of Tewksbury. The SBDA Plume Area may include specifically designated use restriction areas. It encompasses an area underlain by groundwater that has been shown to be contaminated by toxic or hazardous material at or from the Sutton Brook Disposal Area Superfund Site which pose a risk to human health and the environment.

SUTTON BROOK DISPOSAL AREA (SBDA) SUPERFUND SITE (SITE), RECORD OF DECISION (ROD) and SELECTED REMEDY: Approximately 100 acres of land off South Street on the eastern boundary of the Town of Tewksbury, Middlesex County, Massachusetts with a small portion of land in the Town of Wilmington known as the SBDA Superfund Site (the "Site"). The Site is subject to the United States Environmental Protection Agency's (EPA's) Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the National Contingency Plan (NCP) (40 CFR Section 300). In a document entitled, "Record of Decision, Sutton Brook Disposal Area Superfund Site," dated September 27, 2007 (the "ROD"), on file at the EPA Region I Record Center located at Five Post Office Square, Boston, Massachusetts ("EPA Region 1 Record Center"), EPA, with the concurrence of MassDEP, selected one or more response actions (collectively, the "Selected Remedy") for the Site pursuant to CERCLA and the NCP. Due to the fact that hazardous substances, pollutants, or contaminants remain at or from the Site above levels that allow for unlimited use and unrestricted exposure (UU/UE), EPA requires the establishment of institutional controls to ensure the protectiveness of its Selected Remedy.

TOXIC OR HAZARDOUS MATERIAL: Any substance or mixture of physical, chemical, or infectious characteristics posing a significant, actual, or potential hazard to water supplies or other hazards to human health if such substance or mixture were discharged to land or water in the Town of Tewksbury. Toxic or hazardous materials include, without limitation; synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalis, and all substances defined as Toxic or Hazardous under Massachusetts General Laws (M.G.L.) Chapter(c.) 21C and 21E and 310 CMR 30.00, and also include such products as solvents and thinners in quantities greater than normal household use.

GROUP HOME or RESIDENTIAL CARE FACILITY: See DWELLINGS.

GROSS FLOOR AREA: The floor area within the inside perimeter of the exterior walls of a building, without deducting for stairways, ramps, closets, the thickness of interior walls or other features.

GRUBBING: The removal of stumps and/or roots from the soil.

HOME OCCUPATION: A business that is clearly and customarily incidental to, and conducted within, a dwelling unit or in a building or other accessory structure by a resident thereof, such as a room or rooms as a professional office or personal service or a studio or for other customary home occupation.

HOSPITAL: An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, and other conditions, and related facilities, such as laboratories, outpatient facilities, training facilities, offices, and staff residences.

HOTEL: See LODGING.

HOUSING FOR OLDER ADULTS. The following terms are used in this Bylaw in association with housing for older adults:

ASSISTED LIVING RESIDENCE: As defined in G.L. c. 19D, § 1, and certified by the Massachusetts Department of Elder Affairs under 651 CMR 12.00.

CONGREGATE RESIDENCE FOR OLDER ADULTS: A congregate living residence for people 55 and over, containing independent living quarters suitable for single- or double-person occupancy, with centralized kitchen and common dining facilities and limited cooking facilities in private rooms or suites. Residents receive limited services such as laundry, housekeeping, and transportation. Congregate living residences may also include full dwelling units with kitchens for occupancy by older adults or by on-site personnel and management, and such dwelling units may be contained in attached or detached buildings.

CONTINUING CARE RETIREMENT COMMUNITY (CCRC): A residential community for people 62 years and over, guaranteeing lifetime housing, social and leisure activities, and increased levels of care as needs change with age. A CCRC provides a tiered approach to senior residential living. It typically includes independent living units such as single-family homes and multifamily apartments or condominiums, together with an assisted living/memory care component and skilled nursing care.

INTERIOR DRIVEWAY: A travel lane located within the perimeter of a parking lot which is not used to directly enter or leave parking spaces, and which is exclusive of any part of the access driveway.

JUNKYARD OR AUTOMOBILE SALVAGE YARD: The use of any area or any lot, whether inside or outside of a building, for the storage, keeping, or abandonment of junk, scrap, or discarded materials, or the dismantling, demolition, or abandonment of automobiles, other vehicles, machinery, or parts thereof.

KENNEL, COMMERCIAL: A commercial establishment in which more than three dogs or domesticated animals are housed, groomed, bred, boarded, trained, or sold; with or without outdoor training facilities.

LODGING. The following terms and definitions shall apply to the types of lodging facilities provided for in this Bylaw:

BED AND BREAKFAST: A transient lodging establishment located in or on the same premises as an owner-occupied single-family dwelling, primarily engaged in providing overnight or temporary lodging for up to four guest rooms for the general public, and which may provide meals for compensation.

BOARDING HOUSE OR LODGING: A dwelling in which more than five unrelated people are housed or lodged by the day, week, or month, either with or without meals.

HOTEL: A building intended and designed primarily for transient or overnight occupancy, divided into separate units within the same building, with or without public dining facilities, with access to units primarily from interior lobbies, courts, or halls.

MOTEL: A building intended and designed primarily for transient or overnight occupancy, divided into separate units within the same building, with or without public dining facilities, and characterized by direct access to every unit from an automobile, parking spaces, or facility (includes motor hotels and motor inns).

LIGHT INDUSTRIAL WAREHOUSE. facility for the storage and distribution of smaller millwork items, electronics, appliances, furnishings, and other small goods utilizing van or small box truck for transit. Tractor trailer use limited to delivery only, no overnight parking or distribution via tractor trailer.

LIMOUSINE OR TAXICAB BUSINESS: A facility or terminal making available for hire a limousine, taxicab, van, or livery business.

LOT. The following terms and definitions pertain to Lots:

LOT: A parcel of land used or set aside and available for use as the site of one or more buildings and accessory buildings or for any other definite purpose, in one ownership and not divided by a street, nor including any land within the limits of a public or private way upon which lot abuts.

CORNER LOT: A lot bounded by more than one street which has an interior angle of 135 degrees or less formed by the tangents or straight segments of street lines between the side or rear lines of such a lot or by an extension of such street lines. A lot bounded by one street shall be considered a corner lot when the tangents or straight segments of the street line between the side lines of the lot form, or would form if extended, an interior angle of 105 degrees or less.

FRONTAGE, LOT: The lot line coinciding with the sideline of a street which provides both legal rights of vehicular access and physical vehicular access to the lot, the line shall be measured continuously along a single street or along two intersecting streets if their angle of intersection is greater than 120 degrees. Vehicular access to a building site on the lot shall be exclusively through the legal frontage of the lot.

MANEUVERING AISLE: A travel lane located within the perimeter of a parking lot by which motor vehicles directly enter and leave parking spaces.

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

MAJOR PROJECT, TOWN CENTER: Any development of 25,000 square feet or more inclusive of all structures and paved areas.

MARIJUANA ESTABLISHMENTS. The following terms and definitions apply to marijuana establishments:

CANNABIS CULTIVATION: The use of land and/or buildings for planting, tending, improving, harvesting, processing and packaging, the preparation and maintenance of soil and other media and promoting the growth of cannabis by a cannabis cultivator, micro-business, research facility, craft marijuana cultivator cooperative, registered marijuana dispensary or other entity licensed by the Commission for cannabis cultivation. Such use is not agriculturally exempt from zoning. The cultivation and processing of medical marijuana in accordance with these regulations is considered to be a manufacturing use and is not agriculturally exempt from zoning. Note this term is not defined in 935 CMR 500.

CANNABIS OR MARIJUANA OR MARIHUANA: All parts of any plant of the genus Cannabis, not excepted in 935 CMR 500.002: Cannabis or Marijuana or Marihuana(a) through (c) and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; clones of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in M.G.L. c. 94G, § 1; provided that cannabis shall not include:

(a) 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, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;

(b) hemp; or the weight of any other ingredient combined with cannabis or marijuana to prepare topical or oral administrations, food, drink or other products.

CANNABIS OR MARIJUANA PRODUCTS: Cannabis or marijuana and its products unless otherwise indicated. These include products have been manufactured and contain cannabis or marijuana or an extract from cannabis or marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that

are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

CEASES TO OPERATE: Marijuana Establishment closes and does not transact business for a period greater than 60 days with no substantial action taken to reopen. The Commission may determine that an establishment has ceased to operate based on its actual or apparent termination of operations.

COMMISSION: The Massachusetts Cannabis Control Commission established by M.G.L. c. 10, § 76, or its designee. The Commission has authority to implement the state marijuana laws, which include, but are not limited to, St. 2016, c. 334 as amended by St. 2017, c. 55, M.G.L. c. 94G, and 935 CMR 500.000.

COMMUNITY HOST AGREEMENT: An agreement, pursuant to General Laws, Chapter 94G, Section 3(d), between a Cannabis Establishment and a municipality setting forth additional conditions for the operation of a Cannabis Establishment, including stipulations of responsibility between the parties and a up to 3% host agreement revenue sharing. Note this term is not defined in 935 CMR 500.

CRAFT MARIJUANA COOPERATIVE: A Marijuana Cultivator comprised of residents of the Commonwealth and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the Commonwealth. A cooperative is licensed to cultivate, obtain, manufacture, process, package and brand cannabis or marijuana products to transport marijuana to Marijuana Establishments, but not to consumers.

HEMP: The plant of the genus Cannabis or any part of the plant, whether growing or not, with a delta-9-tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis of any part of the plant of the genus Cannabis, or per volume or weight of cannabis or marijuana product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus Cannabis regardless of moisture content.

HOST COMMUNITY: A municipality in which a Marijuana Establishment is located or in which an applicant has proposed locating an establishment.

MARIJUANA INDEPENDENT TESTING LABORATORY: A laboratory that is licensed by the Commission and is:

(a) accredited to the International Organization for Standardization 17025 (ISO/IEC 17025: 2017) by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Commission;

(b) independent financially from any Medical Marijuana Treatment Center (RMD),

(c) Marijuana Establishment or licensee for which it conducts a test; and qualified to test cannabis or marijuana in compliance with 935 CMR 500.160 and M.G.L. c. 94C, § 34.

LICENSEE: A person or entity licensed by the Commission to operate a Marijuana Establishment under 935 CMR 500.000.

MANUFACTURE: To compound, blend, extract, infuse or otherwise make or prepare a cannabis or marijuana product.

MARIJUANA CULTIVATOR: An entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other Marijuana Establishments, but not to consumers. A Craft Marijuana Cooperative is a type of Marijuana Cultivator.

MARIJUANA ESTABLISHMENT: A Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Marijuana Independent Testing Laboratory, Marijuana Research Facility,

Marijuana Transporter, or any other type of licensed marijuana-related business, except a medical marijuana treatment center. Marijuana establishments permitted in accordance with these regulations are considered to be a commercial and/or manufacturing use and are not considered being subject to any agricultural exemptions under zoning.

MARIJUANA MICROBUSINESS: A collocated Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator or Product Manufacturer or both, in compliance with the operating procedures for each license. A Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of marijuana per year from other Marijuana Establishments.

MARIJUANA PROCESS OR PROCESSING: To harvest, dry, cure, trim and separate parts of the cannabis or marijuana plant by manual or mechanical means, except it shall not include manufacture as defined in 935 CMR 500.002.

MARIJUANA PRODUCT MANUFACTURER: An entity licensed to obtain, manufacture, process and package cannabis or marijuana products and to transfer these products to other Marijuana Establishments, but not to consumers.

MARIJUANA RESEARCH FACILITY: An entity licensed to engage in research projects by the Commission.

MARIJUANA RETAILER: An entity licensed to purchase and transport cannabis or marijuana product from Marijuana Establishments and to sell or otherwise transfer this product to Marijuana Establishments and to consumers. Retailers are prohibited from delivering cannabis or marijuana products to consumers; and from offering cannabis or marijuana products for the purposes of on- site social consumption on the premises of a Marijuana Establishment.

MARIJUANA TRANSPORTER: An entity, not otherwise licensed by the Commission, that is licensed to purchase, obtain, and possess cannabis or marijuana product solely for the purpose of transporting, temporary storage, sale and distribution to Marijuana Establishments, but not to consumers. Marijuana Transporters may be an Existing Licensee Transporter or Third Party Transporter.

MEDICAL MARIJUANA TREATMENT CENTER, also known as a Registered Marijuana Dispensary (RMD): An entity registered under 105 CMR 725.100: Registration of Registered Marijuana Dispensaries, that acquires, cultivates, possesses, processes (including development of related products such as edible cannabis or marijuana products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing cannabis or marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical use. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of cannabis or marijuana for medical use.

PROPAGATION: The reproduction of cannabis or marijuana plants by seeds, cuttings, or grafting.

PROVISIONAL MARIJUANA ESTABLISHMENT LICENSE: A certificate issued by the Commission confirming that a Marijuana Establishment has completed the application process.

RMD APPLICANT: A previously Registered Marijuana Dispensary with a final or provisional certificate of registration in good standing with the DPH.

MASSAGE SERVICE ESTABLISHMENT: Any building, room, place, or establishment other than a regularly licensed hospital or dispensary where nonmedical and nonsurgical manipulative exercises are practiced on the human body for other than cosmetic or beautifying purposes with or without the use of mechanical or bathing devices by anyone not a physician or surgeon or similarly registered status.

MASSAGE THERAPY (LICENSED): The practice and license of Massage as defined in 269 CMR 2.00. No person shall engage or hold himself/herself out as being engaged in the practice of Massage Therapy without a license issued by the Commonwealth.

MEDICAL CENTER OR CLINIC: A building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

MEMBERSHIP ORGANIZATION, CLUB OR LODGE: Buildings, structures, and premises used by a nonprofit social or civic organization, or by an organization catering exclusively to members and their guests for social, civic, recreational, or athletic purposes which are not conducted primarily for gain and provided there are no vending stands, merchandising, or commercial activities except as may be required generally for the membership and purposes of such organization.

MIXED USE OR MIXED-USE DEVELOPMENT: A building containing more than one use or a development with two or more buildings containing more than one use. For a mixed-use building in a nonresidential district, the ground floor of the front façade shall be used for allowed nonresidential uses only.

MOBILE HOME and or MANUFACTURED HOME (HUD): Any vehicle without motor power designed, constructed, reconstructed or added to by means of accessories in a manner to permit the use and occupancy as a one family dwelling unit; whether resting on wheels, foundation structures, or other support; but constructed so as to permit its occasional movement over a street or highway.

MOTEL: See LODGING.

MOTOR VEHICLE USES. The following terms and definitions apply to motor vehicle services and facilities.

GARAGE FOR AUTOMOTIVE STORAGE: A structure which is accessory to a commercial or industrial establishment and is primarily for the parking and storage of vehicles operated by the customers, visitors, and employees of such an establishment.

GAS STATION or AUTOMOTIVE REFUELING STATION: Any building, structure, or area of land used for the retail sale of automobile fuels, oils, and accessories, where repair service, if any, is incidental; excluding storage of abandoned motor vehicles on the premises. May include the sale of propane or kerosene as accessory uses.

GREEN MOTOR VEHICLE: A vehicle that can be powered by alternative fuels and advanced vehicle technologies and include but are not limited to hybrid electric vehicles, plug-in hybrid electric vehicles, battery electric vehicles, compressed-air vehicles, hydrogen and fuel-cell vehicles, flexible-fuel vehicles, natural gas vehicles, clean diesel vehicles, and blends of biodiesel and ethanol fuel or gasohol.

MOTOR VEHICLE GENERAL AND BODY REPAIR SERVICES: An establishment, garage or work areas enclosed within a building for the servicing and repair of motor vehicles, but not including (1) installing new parts or accessories that are not replacements for existing parts or accessories (e.g., customizing), or (2) towing or storing a motor vehicle, or (3) storage of vehicles for the cannibalization of vehicle parts, or (4) fuel sales, or (5) indoor or outdoor sale and rental of motor vehicles, box truck, cargo van, motorcycle, trailer, all-terrain vehicle, snowmobile, boat or personal water craft.

MOTOR VEHICLE ROUTINE MAINTENANCE: Premises for the supplying of fuel, oil, lubrication, washing, or minor repair services, but not to include body work, painting, or major repairs.

MUNICIPAL FACILITY: Any use of land or structures owned by the Town.

NURSING HOME: Any place or institution for aged, infirm, chronic or convalescent, whether conducted for charity or for profit, which is established to render domiciliary care, custody, treatment, or lodging of three or more unrelated persons who require or receive assistance in ordinary daily activities of life, or who are confined to bed or chair. As used in this Bylaw, “nursing home” shall not include hospitals, clinics, and similar institutions devoted primarily to the diagnosis and treatment of disease or injury, maternity cases, or mental illness.

ONE HUNDRED YEAR FLOOD: The flood that has a one percent chance of being equaled or exceeded in any given year, as shown on the base flood elevation designated on the Flood Insurance Rate Maps.

PARKING AREA: A public parking area or a private parking area that is open to the parking of motor vehicles by customers and employees of an establishment.

PERSON: Shall include an individual corporation, society, association, partnership, trust, or other entity, public or private.

PERSON WITH A DISABILITY: one who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment.

PERSONAL SERVICE ESTABLISHMENT: A facility providing personal services such as hair salon, barber shop, tanning beds, dry cleaning, print shop, photography studio, and the like.

PET SERVICES - INDOOR: Animal grooming; pet stores; indoor animal training centers; animal day-care; or similar services, operated on a day-time basis only. No overnight boarding of animals shall be allowed, except for animals for sale by a commercial retail pet store.

PREMISES: A lot together with all structures, buildings, and uses.

PRINCIPALLY GARAGED: The principal location where a registered vehicle is garaged as set forth in the Massachusetts Registry of Motor Vehicles RMV-I form, or any other form promulgated by the Commonwealth, for the purpose of registering a motor vehicle.

PROFESSIONAL OFFICE: The office of one engaged in such generally recognized professions as physician, dentist, veterinarian, attorney-at-law, engineer, architect, landscape architect, interior designer, and accountant.

PUBLIC WAY: Shall include a private way that is open to public use.

RELIGIOUS USE: Exempt activity as set forth in G.L. c. 40A, § 3.

REMOVAL OF LOAM, SAND OR GRAVEL: Extraction of sand, gravel, loam, top soil, or other earth for sale or for use at a site removed from the place of extraction exclusive of the grading of a lot preparatory to the construction of a building for which a building permit has been issued, or the grading of streets in accordance with an approved definitive plan, and exclusive of granite operations.

RESTAURANT: A building, or portion thereof, containing tables or booths for at least two thirds of its legal capacity, which is designed, intended and used for the indoor sales and consumption of food prepared on the premises, except that food may be consumed outdoors in landscaped terraces, designed for dining purposes, which are adjuncts to the main indoor restaurant facility.

RETAIL: The selling of goods and commodities directly to the ultimate consumer.

SERVICE AREA: A room or rooms in a building used to house electrical or mechanical equipment necessary to provide central utility service to the building, such as a boiler room.

SIGN: The following terms and definitions pertain to Signs. (See Section 6.2 SIGNS and Section 6.3 OFF PREMISES SIGNS)

BILLBOARD: An advertising sign or other commercial sign that directs attention to a business, commodity, service or attraction sold, offered or existing elsewhere than upon the same lot where the sign is displayed. This is also known as an off-premises commercial sign.

SIGN: Any device designed to inform or attract the attention of persons not on the premises on which the device is located. Any building surfaces other than windows which are internally illuminated or decorated with gaseous tube or other lights are considered "signs." The following, however, shall not be considered signs in this Bylaw:

(a) Flags and insignia of any government except when displayed in connection with commercial promotion.

(b) Legal notices, or informational devices erected or required by public agencies.

(c) Temporary displays inside windows, covering not more than 30% of window area, illuminated by building illumination only.

(d) Standard gasoline pumps bearing in usual size and form the name, type, and price of gasoline.

(e) Integral decorative or architectural features of a building, except letters, trademarks, moving parts, or parts internally illuminated or decorated with gaseous tube or other lights.

(f) Devices identifying a building as distinct from one or more of its occupants, such device being carved into or attached in such a way as to be an integral part of the building, not illuminated separate from building illumination, without color contrasting with sign background, and not exceeding four square feet in area.

(g) Address identification through numerals or letters not exceeding three inches in height.

SIGN, ACCESSORY: Any billboard, sign or other advertising device that advertises, calls attention to, or indicates the person occupying the premises on which the sign is erected or the business transacted therein, or advertises the property itself or any part thereof as for sale or to let, and which contains no other advertising matter.

SIGN, A-FRAME OR SANDWICH BOARD SIGN: A sign consisting of two faces in an “A” shape, connected at the top that sits on, but is not secured to, the ground.

SIGN, AREA OF: The area of a sign shall be considered to include all lettering, wording and accompanying designs and symbols, together with the background on which they are displayed, any frame around the sign and any "cutouts" or extensions but shall not include any supporting structure or bracing. The area of a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window, shall be considered to be that of the smallest rectangle or triangle which encompasses all of the letters and symbols.

SIGN, BLADE SIGN: A projecting sign that is wholly or partly dependent on the building for support and that is fixed perpendicular to the wall on which it is mounted.

SIGN, BANNER: A sign on a textile, synthetic, plastic or similar material that is affixed and secured to a building or to a permanent pole, such as support pole for a building canopy or a parking lot light pole.

SIGN, ELECTRONIC MESSAGE BOARD: A sign capable of displaying words, images, symbols and figures utilizing a series or grid of lights that may be changed through electrostatic means using light emitting diodes (LEDs) or other similar technology.

ELECTRONIC MESSAGE CENTER: An off-premises electronically activated changeable message sign whose variable message or graphic presentation capability can be electronically programmed. EMCs typically use Light Emitting Diodes (LEDs) as a lighting source.

SIGNS, FEATHER BANNER OR WIND FLAG: A temporary sign of flexible, lightweight fabric, or similar material that is supported along one edge and mounted to a ground base or staked into the ground and intended to blow in the wind to attract attention.

SIGN, FREE-STANDING MONUMENT SIGN: A free-standing sign that is mounted on the ground, or on a wall or other base situated directly on the ground.

SIGN, FREE-STANDING POLE SIGN: A sign that is not attached to any building but is mounted on a pole or poles or other similar support where the bottom edge of the sign is elevated off of the ground.

SIGN, NONACCESSORY: Any billboard, sign or other advertising device that does not come within the foregoing definition of an accessory sign.

SIGN, OFF-PREMISES: A permanent sign erected, maintained, or used in the outdoor environment for the purpose for the display of commercial or noncommercial messages not appurtenant to the use of, or products sold on, the property where the sign is located.

SIGN, ON-PREMISES: A sign erected, maintained, or used in the outdoor environment for the purpose of the display of commercial and noncommercial messages appurtenant to the use of, or products sold on, the premises on which it is located.

OUTDOOR ADVERTISING: Any outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster, billboard, or other thing that is designed, intended, or used to advertise or inform; any part of the advertising or information contents of which are visible from any public way, public park, or public reservation.

SPECIAL PERMIT GRANTING AUTHORITY (SPGA): The board with authority to grant special permits, which shall be the Planning Board unless some other board is so designated in this Bylaw.

STEEL FABRICATION: The fabrication of steel components typically used in the construction of buildings, bridges or other structures. This includes stairs, railings, miscellaneous metal and other structural components.

STEEL STORAGE UNIT: Something that is generally portable or movable.

STORY: That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above (see “Basement,” “Building height,” “Grade plane” and “Mezzanine”). A story is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

STORY ABOVE GRADE PLANE. Any story having its finished floor surface entirely above grade plane, or in which the finished surface of the floor next above is: 1. More than six feet (1,829 mm) above grade plane; or 2. More than 12 feet (3,658 mm) above the finished ground level at any point.

STORY, HALF: A partial story under a gable, gambrel or hip roof, the wall plates of which on any two sides do not rise more than four feet above the floor of such partial story.

STREET: An accepted Town way, or a way established by or maintained under county, state, or federal authority, or a way established by a subdivision plan approved in accordance with the subdivision control law, or a way determined by the Planning Board to have sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

STRUCTURE: Anything erected at a fixed location on the ground to give support, provide shelter or satisfy other purposes (includes the term "building").

TRAILER: A vehicle without motor power designed to be drawn by a motor vehicle, used for hauling or living purposes and standing on wheels or rigid supports. (Does not include "mobile home", which is defined above).

TRANSPORTATION OR FREIGHT TERMINAL: Terminal facilities open or enclosed, for handling the movement of goods or persons from one place to another by a carrier.

TRUCK STOP: Any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products directly into motor vehicles and the sales of accessories or equipment for trucks or similar commercial vehicles. A truck stop shall also be defined to include those overnight accommodations and restaurant facilities primarily for the use of truck crews.

TRUCKING COMPANY: A commercial or industrial enterprise using heavy commercial vehicles to deliver goods, freight, or construction materials such as sand, gravel, loam, and the like.

VARIANCE: An authorization by the Zoning Board of Appeals to locate a structure pursuant to G.L. c. 40A, § 10.

VETERINARY AND ANIMAL CLINIC OR HOSPITAL: An establishment maintained and operated by a licensed veterinarian for the diagnosis and treatment of diseases and injuries of animals and the boarding of animals receiving veterinary services.

WAREHOUSE: A building used primarily for the storage of goods and materials, for distribution, but not for sale on the premises.

WETLAND: Any perennially wet area, including all lands which are subject to the provisions of G.L. c. 131, § 40.

WIRELESS COMMUNICATIONS, the following terms and definitions pertain to wireless communications:

ANTENNA: The device that transmits and/or receives radio frequency emissions in free space. Antenna can be modified by the addition of a clarifying term, such as GPS Antenna, or Personal Wireless Service Antenna, that delineates the specific type or purpose of the Antenna.

ANTENNA SUPPORT STRUCTURE: Any structure whose purpose is primarily to support an Antenna, which includes such structures as Towers, masts, posts, poles, and the like.

BASE STATION: The equipment for one or more personal wireless services installed at a site to transmit and receive wireless communications. Typically, a Base Station is connected to a set of wireless antennas at the site of the Base Station, except in the case of the Base Station for a Distributed Antenna System, which is housed remotely from the antennas.

BASE STATION FACILITY: The place within which one or more wireless services install Base Stations that support the operation of a Distributed Antenna System without relying on wireless antennas at the site of the Base Station Facility.

DISTRIBUTED ANTENNA SYSTEM ("DAS"): A geographically diversified Wireless Communications Facility with which the Base Station equipment is located remotely from the facility's antennas. Typically, the Base Station is contained in a Base Station Facility at one location, and the antennas are placed on utility poles at other locations; the antennas are driven by Radio Access Nodes ("RAN"), which are electronics cabinets mounted on the utility poles, and are interconnected to the Base Station Facility by cables, usually fiber optic.

PERSONAL WIRELESS SERVICES: Means the same as in 47 U.S.C. 332(c)(7)(C)(i), "commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services."

STEALTH TREATMENT: Any construction that is compatible with its surroundings that conceals or camouflages Antennas, wireless communications buildings, devices, facilities and/or Towers, such as, but not limited to: monopoles, trees, light poles, flag poles.

TOWER: An Antenna Support Structure that measures 12 feet or more in height and is used by a Personal Wireless Service Provider to provide Personal Wireless Services.

WIRELESS COMMUNICATIONS BUILDING: A building or structure built or occupied for the primary purpose of providing Personal Wireless Services.

WIRELESS COMMUNICATIONS DEVICE: Any antenna, dish, appurtenance, wiring or equipment used by a Personal Wireless Service provider to provide Personal Wireless Services. This term does not include Towers or other structures intended to house or support Wireless Communications Devices. It also does not include Personal Wireless Service components placed within a building to serve the occupants of the building, as well as personal, portable, and mobile Personal Wireless Service devices.

WIRELESS COMMUNICATIONS FACILITY: The installation consisting of any of the following at a site that is intended to provide Personal Wireless Services: any and all materials, equipment, buildings, Towers, Wireless Communications Devices and structures.

YARD: An unoccupied space open to the sky on the same lot with a building or structure.

ZONING BOARD OF APPEALS: The Zoning Board of Appeals (ZBA) in the Town pursuant to G.L. c. 40A, § 12, as amended.

3. ADMINISTRATION AND ENFORCEMENT

3.1 BUILDING COMMISSIONER

A. The Building Commissioner shall interpret and enforce this Bylaw.

B. The Building Commissioner may require any plans and specifications as necessary to determine compliance with all pertinent laws of the Commonwealth and may request advisory reviews by other municipal boards and officials.

C. Buildings, structures, or signs may not be erected, substantially altered, moved, or changed in use and land may not be substantially altered or changed with regard to size or shape or principal use unless in compliance with this Bylaw, and all necessary permits have been received under federal, state, or local law.

D. No premises, and 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 a certificate of occupancy or certificate of zoning compliance issued by the Building Commissioner. No certificate of occupancy or certificate of zoning compliance shall be issued until the premises, structure, and its uses and accessory uses comply in all respects with this Bylaw. If applicable, a site plan certificate of completion shall be issued.

3.2 ENFORCEMENT; PENALTY

A. The Building Commissioner or his or her designee shall institute and take any and all action as may be necessary to enforce full compliance with any and all of the provisions of this Bylaw and of permits, special permits, variances, and site plan approval issued thereunder, including notification of noncompliance and request for legal action through the Town Manager to Town Counsel.

B. The penalty for violation of any provision of this Bylaw, or of any conditions under which a permit, special permit, or site plan approval decision has been issued, shall be $300 for each offense. Each day that each violation continues shall constitute a separate offense.

C. The provisions of this Bylaw may also be enforced by non-criminal disposition, as provided in G.L. c. 40, § 21D. The penalty for each violation shall be $300. Each day that each violation continues shall constitute a separate offense.

3.3 APPEAL

An appeal to the Zoning Board of Appeals may be taken by any person aggrieved by reason of inability to obtain a permit or enforcement action from the Building Commissioner, as provided in G.L. c. 40A, § 8, as amended.

3.4 ZONING BOARD OF APPEALS

3.4.1. Establishment.

There shall be a Zoning Board of Appeals (ZBA) consisting of three members and two associate members appointed by the Select Board. The appointment, service, and removal or replacement of members and associate members and other actions of the ZBA shall be as provided for in G.L. c. 40A.

3.4.2. Powers

The ZBA shall have the following powers:

A. To hear and decide appeals in accordance with G.L. c. 40A, § 8, as amended.

B. To hear and decide, in accordance with the provisions of G.L. c. 40A, § 9, applications for special permits when designated as the special permit granting authority.

C. To hear and decide, in accordance with the provisions of G.L. c. 40A, § 6, requests to change, alter, or extend lawfully pre-existing non-conforming uses and structures to the extent allowed by Section 8.1.

D. To hear and decide petitions for variances in accordance with G.L. c. 40A, § 10.

E. To hear and decide applications for comprehensive permits for construction of low- or moderate-income housing, as set forth in G.L. c. 40B, §§ 20-23.

3.4.3. Regulations

The ZBA shall adopt regulations for the administration of its powers and shall file a copy of its regulations with the Town Clerk. The Board's regulations shall include rules and procedures for hiring outside consultants in accordance with G.L. c. 44, § 53G.

3.4.4. Fees

The ZBA may adopt reasonable application fees and fees for employing outside consultants to assist the Board with is review of special permits, variances, administrative appeals, and applications for comprehensive permits in accordance with its regulations.

3.5 SPECIAL PERMITS

3.5.1. Special Permit Granting Authority

In this Bylaw, the Planning Board, Zoning Board of Appeals, and Select Board shall have the power to grant special permits. Unless specifically stated otherwise, the special permit granting authority shall be the Planning Board.

3.5.2. Procedures

A. Application for a special permit and accompanying plans and documentation shall be filed in accordance with the regulations of the special permit granting authority and G.L. c. 40A.

B. The special permit granting authority shall hold a public hearing within 65 days of receipt of a special permit application and shall issue a decision no later than 90 days from the date of close of the public hearing. Notification requirements for a public hearing shall be in accordance with G.L. c. 40A, § 11.

3.5.3. Criteria

Special permits shall be granted by the special permit granting authority only upon its written determination that the benefit to the Town and the neighborhood outweigh the adverse effects of the proposed use, taking into account the 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 Bylaw, the determination shall include consideration of each of the following:

A. Social, economic or community needs which are served by the proposal;

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

C. Adequacy of utilities and other public services;

D. Neighborhood character and social structures;

E. Consistency with the purposes of the district as described in Section 5 of this Bylaw;

F. Impacts on the natural environment; and,

G. Potential fiscal impact, including impact on Town services, tax base, and employment.

3.5.4. Special Permit Conditions

Special permits may be granted with reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the special permit granting authority may deem necessary to serve the purposes of this Bylaw.

3.5.5. Recording; Lapse

A. Special permits shall not take effect until recorded with the Middlesex North Registry of Deeds or Registry District of the Land Court, as applicable, as provided in G.L. c. 40A, § 11. Proof of recording shall be presented to the Building Commissioner.

B. Special permits shall lapse within three years, which shall not include time required to pursue or await the determination of an appeal under G.L. c. 40A, § 17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause, or, in the case of a special permit for construction, if construction has not begun by such date except for good cause.

3.6 SITE PLAN REVIEW

3.6.1. Purposes

A. Site Plan Review (SPR) by the Planning Board is intended to protect the public interest by evaluating site plans for uses and structures that are permitted in the applicable zoning district, which may have some impacts within the site and on adjacent properties and streets; on pedestrian, cyclist and vehicular traffic; public services and infrastructure; abutting properties; and similar aspects of the site and adjoining properties and to ensure:

1. compliance with all applicable requirements of this Bylaw;

2. that development proposals are examined in a comprehensive manner while also providing an efficient review process;

3. that the design and construction of development will have limited or no impacts on the surrounding areas;

4. that development is in harmony with the neighboring area;

5. the prevention or minimization of conflicts among uses;

6. the use of best practices in site planning, architectural integrity, and urban design;

7. consistency in application of development review regulations and guidelines; and,

8. appropriate enforcement of the provisions of this Bylaw.

B. Conditions. The Planning Board may impose reasonable conditions and mitigation measures in order that the proposed use or development meets the purposes of this section.

3.6.2. Applicability

SPR shall be used to evaluate uses identified as permitted uses in the Table of Use Regulations under Section 5, Use Regulations. No building permit for construction, exterior alteration, relocation, or change in use except where noted, shall be granted for any development or use requiring Site Plan Review until the requirements of this Section 3.6 have been fulfilled and approval has been granted.

A. SPR Required. A Site Plan Review approval shall be required for:

1. New construction of any nonresidential or multifamily structure; or

2. Alteration of any existing nonresidential or multifamily structure involving more than 1000 square feet of gross floor area, including any related accessory structures, but excluding single- and two-family houses and any accessory structures related thereto; or

3. The construction or expansion of a parking lot of 10 or more spaces or the alteration of any entrance or exit, or any internal drive aisle.

B. Minor SPR. A minor site plan review shall be required if the proposed construction or site alteration includes any of the following:

1. Exterior alteration of 1,000 square feet or less of horizontal or vertical area that is limited to doors, awnings, railings, steps, handicapped ramps, small additions, landscaping changes, or other similar minor changes; or

2. Redevelopment or alteration of 1,000 square feet or less that would result in increased trips, noise, site lighting, or other actions that may increase impacts on abutting properties.

3.6.3. SPR with a Special Permit

Where proposed construction, use change, or site alteration requires both a SPR and a special permit issued by the Planning Board, the applicant shall submit both applications simultaneously and the Planning Board shall conduct its review of the applications contemporaneously.

3.6.4. Procedure and Decision

A. Application. An application for SPR shall be submitted in accordance with the following and all applicable requirements in the Planning Board's Regulations.

1. The application shall be submitted to the Town Clerk and the Community Development Department.

2. Within 10 days of receipt of the application for SPR, the Community Development Department shall transmit copies of the application and accompanying plans to the appropriate Town boards, commissions, and departments. These boards, commissions, and departments shall have 25 days to review and report in writing their recommendations to the Planning Board. The Planning Board shall not take final action on a SPR until it has received these reports or the 25-day period has elapsed.

3. The Planning Board shall schedule a public hearing for all SPR applications to be held within 45 days of the date of submittal. The public hearing shall be advertised in the local newspaper once in each of two successive weeks, posted in Town Hall, and notice of the hearing shall be sent to property owners within 300 feet of the subject property.

4. Within 25 days of the close of the hearing, the Planning Board shall act on the Site Plan Review application and file its written decision with the Town Clerk no later than 10 days thereafter. The applicant may request and the Planning Board may agree to an extension of the time limits in this section, provided that the agreement is in writing and filed with the Town Clerk.

5. A majority vote of a quorum of the Planning Board shall be required for a decision on a site plan application. The Planning Board's written decision shall consist of either:

   a. Approval of the site plan based on a determination that the proposed project meets all requirements of this Section 3.6.

   b. Denial of the site plan based on a determination that either: i) insufficient information was submitted with the application in order for the Planning Board to adequately review the proposal, or, ii) a determination that the project does not meet the requirements of this Section 3.6 and no reasonable conditions can accomplish the goal of having the application meet those requirements.

   c. Approval of the site plan subject to conditions, modifications, and reasonable restrictions necessary to ensure compliance with the requirements of this Section 3.6 and to minimize or eliminate impacts on adjacent properties and streets.

6. The Planning Board shall endorse appropriate copies of the approved site plan. One endorsed copy, along with the decision of the Planning Board, shall be transmitted to the Building Commissioner prior to the issuance of a building or occupancy permit.

7. The Site Plan Review decision shall be recorded with the Registry of Deeds or Land Court Registry prior to issuance of a building permit.

8. The applicant shall comply with all conditions imposed by the Planning Board on the approval prior to issuance of the occupancy permit, unless otherwise provided for in the approval.

9. If the public hearing is not convened or a decision is not rendered within the time allowed under this Section 3.6, unless the time has been extended by mutual agreement between the Planning Board and the applicant, the

application shall be deemed to have been allowed and the site plan approval decision shall be issued. The procedures that apply to constructive approval under G.L. c. 40A, § 9, shall apply to this Section 3.6.

B. Waivers. If requested by the applicant, the Planning Board may waive one or more of the submission requirements or the review criteria for SPR. Any waiver shall be based on just cause and a finding by the Planning Board that the waiver or waivers will not be detrimental to the purpose of this section.

C. Review Criteria. All applications for SPR shall meet the following criteria unless specifically waived by the Planning Board, and those waivers shall be in writing.

1. Adequacy of the capacity of adjacent streets to accommodate the traffic to be generated by the proposed use.

2. Adequacy of the public infrastructure to serve the project and the area in the immediate vicinity of the site.

3. Harmonious relationship of the proposed structures and open space to the existing buildings, natural landscapes, and other community assets in the adjacent area, considering the proposed structure's architectural integrity, relationship to its context and to the street, and relationship to desirable structures elsewhere in Town.

4. In the Town Center District, conformance with Section 6.4 of this Bylaw, and the degree to which the proposed site layout, building design, landscaping, amenities, and other components of the project address the Town Center Design Guidelines, which shall be maintained on file with the Town Clerk and Department of Community Development.

5. The proposed use shall have adequate ingress and egress to the property, adequate travel lanes within the property, and shall maximize automotive, pedestrian and bicyclist safety and convenience, off-street parking and loading, traffic flow and control, and access for fire and safety equipment. The design of the site shall minimize hazardous turning movements.

6. Convenience and safety for people with disabilities, including provision of appropriate parking spaces, handicapped ramps, and other facilities as required by federal and state law.

7. Protection of adjacent and nearby properties from detrimental site impacts from drainage, flooding, undue and loud sounds, odors, dust, light pollution, and diminished air quality. No point discharges to abutting properties will be created or expanded.

8. Protection of adjacent properties by minimizing the intrusion of lighting, including parking lot and building exterior lighting, through the use of cut-off luminaries, light shields, lowered height of light poles, screening or similar solutions. Except for architectural and interior-lit signs, all exterior site lighting shall be downcast and shall be directed or shielded to eliminate light trespass onto any street or abutting property and to eliminate direct or reflected glare perceptible to persons on any street or abutting property. All site lighting, including architectural, sign, and parking lot lighting, shall be kept extinguished outside of those business hours established under an approved plan, except for lighting determined to be necessary for site security and the safety of employees and visitors.

9. Adequacy of parking, loading spaces and bike racks.

10. Adequacy of the methods for disposal of waste and recycling, including adequate screening of these facilities.

11. Provision of appropriate landscaping and other site amenities to enhance the visual quality of the property, to provide a landscaped green space parallel to the property frontage, and to provide screening as necessary of adjacent properties.

12. Adequacy of the soil erosion plan and any plan for protection of steep slopes, both during and after construction.

13. If there is more than one building proposed, buildings shall relate harmoniously to each other in architectural style, site location, and building exits and entrances.

14. Minimizing impacts to tenants and adjacent properties through appropriate restrictions on the hours of operation, deliveries, noise levels, removal of trash and recyclables, or by other appropriate means as determined by the Planning Board.

15. Demonstrated compliance with all applicable sections of this Bylaw.

D. SPR Lapse. A SPR approval shall lapse within three years from its issuance if substantial use or construction has not commenced within the three year period, except for good cause. The Planning Board may grant a one-time extension of the approval for a one-year period upon a finding of good cause, at the written request of the applicant. Such request shall be submitted to the Planning Board prior to the expiration of the SPR approval.

E. Consultant Fees. The Planning Board may require an applicant to pay a consultant fee upon a finding that additional information is necessary prior to making a decision and that information requires the expertise of an outside consultant. Any applicant aggrieved by the Board's selection of an outside consultant may appeal such decision to the Select Board. The appeal shall be limited to: a) a claim that the consultant has a conflict of interest, or b) the consultant either does not possess an educational degree in or related to the field at issue or does not have 3 or more years of practice in or related to the field. Any unused portion of the fee shall be returned to the applicant.

F. Bond. For the purposes of securing performance of all proposed work, the Planning Board may require the submission of any of the following: a) a performance bond; b) deposit of money; c) bank passbook; or, d) letter of credit; in an amount determined by the Planning Board to be sufficient to cover the cost of all or a portion of the required improvements.

G. Appeal. Any person aggrieved by a decision of the Planning Board on a SPR application may appeal the decision within 20 days of the date the decision was filed with the Town Clerk, in accordance with G.L. c. 40A, § 17.

3.6.5. Minor Site Plan Review

A. Administrative Review. The designee of the Town Manager shall review and act on a Minor SPR application. The Town Manager's designee may include reasonable conditions as part of any approval.

B. Minor SPR Submittal Procedures. The Applicant shall submit to the Community Development Department, one electronic copy and six sets of plans showing the following:

1. A written narrative explaining the proposed changes;

2. Photographs of the existing site or area to be altered; and,

3. A rendering, site plan, plot plan or sketch

C. Review & Referral to Planning Board. The Town Manager's designee shall submit copies of the application and plans to the appropriate Town departments for their review and comments. They shall have 25 days to respond with comments. The Town Manager's designee may choose to refer any minor site plan review application to the Planning Board, within 30 days of the submission of the application, for Planning Board review and decision. In the event that the Town Manager's designee refers a minor site plan review application to the Planning Board, the Planning Board shall hold a public hearing with notice and issue a written decision to approve, approve with conditions, or deny the site plan within thirty (30) days of receipt of the referral. Alternatively, the applicant may request a minor site plan review to proceed directly to the Planning Board in accordance with the requirements of Section 3.6.4.

D. Decision. The decision of the Town Manager's designee to approve, approve with conditions, or refer the plan to the Planning Board shall be in writing, and shall be made within 30 days of receipt of a complete application for minor SPR. A copy of the decision shall be filed with the Town Clerk with a copy provided to the applicant.

E. Building Permit. The Minor SPR application shall not be considered complete, and a building or occupancy permit shall not be issued, until a written approval is issued by the Town Manager's designee. Failure by the Town Manager's designee to take final action or refer the application to the Planning Board within 45 days of receipt shall be deemed to be constructive approval of the Minor SPR, in which case the Building Commissioner may issue a building permit for the proposed use.

F. The Minor SPR decision need not be filed with the Registry of Deeds.

G. Appeal. Any person aggrieved by a decision of the Town Manager's designee on a minor site plan review application may appeal such decision to the Planning Board within 20 days of the date the decision was filed with the Town Clerk.

3.6.6. Site Plan Modifications

A. Requests for modifications to an approved site plan shall be processed in accordance with the same procedures as an original SPR application:

1. any relocation or shifting of structures or parking areas;

2. any increase in the gross floor area of structures greater than 1,000 square feet;

3. any increase in parking areas by 10 or more spaces;

4. any changes that require additional water or sewage use or the relocation of utilities;

5. any increase of impervious area by more than 250 square feet; or

6. any substantial changes to the architecture of the structures, including changes in building materials, design, and colors.

3.7 REQUEST FOR REASONABLE ACCOMMODATION

3.7.1. Purpose

Under the Federal Fair Housing Act of 1968 (FFHA), as amended, 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 Americans with Disabilities Act of 1990, as amended (ADA), which also addresses nonresidential facilities providing services to persons with disabilities. 42 U.S.C. 12112(b)(5). The purpose of this Section 3.7 is to facilitate housing or services for people with disabilities and to comply fully with the spirit and the letter of the FFHA and the ADA.

3.7.2. Applicability

A. A request for reasonable accommodation under the FFHA or ADA may be made by any person with a disability, their representative, or any entity, when the application of this Bylaw acts as a barrier to fair housing opportunities.

B. A request for reasonable accommodation may include a modification or exceptions to the rules, standards, and practices for the siting, development and use of housing, including housing with supportive services that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

C. A request for a reasonable accommodation does not affect a person's or provider's obligations to comply with other applicable laws and regulations not at issue in the requested accommodation.

3.7.3. Submission Requirements and Procedures

A. All requests for reasonable accommodation under the FFHA or the ADA shall be submitted to the ZBA.

B. 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).

C. If necessary to reach a decision on the request for reasonable accommodation, the ZBA may request further information from the applicant consistent with the FFHA or ADA, specifying in detail the information required.

D. Procedures Within 45 days from the date of application. Any deadlines imposed may be extended upon the request of the applicant and the approval of the Board. The ZBA may seek information from other Town boards, commissions, and departments 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.

3.7.4. Decision

A. After conducting an appropriate inquiry into the request for reasonable accommodation, the ZBA may by majority vote:

1. Grant the request;

2. Grant the request subject to specified conditions; or

3. Deny the request.

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

3.7.5. Appeal

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

3.7.6. File

The ZBA shall maintain a file of all requests for reasonable accommodation under the FFHA 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.

4. ESTABLISHMENT OF DISTRICTS

4.1 DISTRICTS

For purposes of this Bylaw, the Town is divided into the following districts:

4.1.1. Use Districts

A. Residential

1. Farming (F)

2. Residence 40 (R40)

3. Multifamily (MF)

4. Village Residential (VR)

B. Business

1. Town Center (TC)

2. Mixed-Use Business (MUB)

3. South Village Business (SB)

4. Westside Neighborhood Business (WNB)

5. General Business (GB)

6. Limited Business (LB)

C. Office-Industrial

1. Office-Research (OR)

2. Industrial 1 (I1)

3. Industrial 2 (I2)

D. Other Districts

1. Park (P)

2. Transition (TD)

4.1.2. Overlay Districts

A. Flood Plain (FP) District

B. Ground Water Protection (GWP) District

C. Interstate Overlay (IO) District

4.2 ZONING MAP

Zoning districts are shown on a map entitled "Zoning Map of the Town of Tewksbury" (the Zoning Map) on file in the Office of the Town Clerk. The district boundaries shown on the Zoning Map are part of this Bylaw. Changes to the Zoning District boundaries are made the same way as amendments to the text of the Zoning Bylaw are made. The Zoning Map may include geographical features, streets, notations, and other information to keep the map current and to facilitate orientation.

The Floodplain District is herein established as an overlay district. The Flood Plain District includes all special flood hazard areas within the Town designated as Zone A and AE, on the Middlesex County Flood Insurance Rate Map (FIRM) dated July 8, 2025 issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The exact boundaries shall be defined by the 1%-chance base flood elevation shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) dated July 8, 2025. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Commissioner, Conservation Commission and the Town Engineer.

4.2.1. Interpretation of District Boundaries

The location of district boundaries shown on the Zoning Map shall be determined as follows:

A. Where the district boundary lines as shown on the map as approximately following the street lines, of public and private ways or railways, the centerlines of such ways shall be the boundary lines.

B. Where the district boundary lines are shown approximately on the location of property lot lines and the exact location of property, lot or boundary lines is not indicated by means of dimensions shown in figures, then the property or lot lines shall be the boundary lines.

C. District boundary lines located outside of street lines and shown approximately parallel thereto shall be regarded as parallel to such street lines. Dimensions shown in figures on the map between boundary lines and street lines are the distance in feet between them; such distances being measured at right angles to the street lines unless otherwise indicated.

D. In all cases not covered by other provisions of this Section 4.2.1, the location of district boundary lines shall be determined by the distance in feet, if given, from other lines upon said map, by the use of identifications as shown on the map, or by the scale of the map.

E. Where the district boundary line follows a stream, lake or other body of water, the boundary line shall be construed to be at the thread or channel of the stream; or at the limit of the jurisdiction of the Town unless otherwise indicated.

F. Where a district boundary line divides any lot existing at the time the line is adopted, the regulations of any district in which the lot has frontage on a street may be extended not more than 20 feet into the other district.

G. Whenever any uncertainty exists as to the exact location of a district boundary line, the location of such line shall be determined by the Building Commissioner, provided, however, that any person aggrieved by his decision may appeal to the ZBA.

5. DISTRICT REGULATIONS

5.1 GENERAL PROVISIONS

No building or structure shall be erected and no building, structure, land, or water area shall be used for any purpose or in any manner except in accordance with this Bylaw.

5.2 DISTRICT PURPOSES

5.2.1. Residential Districts

The Town has established four residential districts to accommodate a variety of single-family, two-family, and multifamily dwellings, as well as offices in some cases, in locations that are appropriate for the permitted uses and density of development.

A. Farming (F). The Farming district is the lowest-density district in Town. It includes the historic Tewksbury State Hospital property and surrounding agricultural lands near the center of Town. Development in this district is limited to single-family homes on relatively large lots and some residential accessory uses.

B. Residence 40 (R40). The R40 district is a low-density residential district intended primarily for development of single-family residential development. The Town discourages intensive land uses, uses that would detract from the single-family residential character of R40 neighborhoods, and uses that would otherwise interfere with the intent of this Bylaw.

C. Multifamily (MF). The MF district occurs in nodes along Main Street and other main roads in Tewksbury. This district provides for townhouse and multifamily condominium development to ensure that Tewksbury has a variety of housing opportunities for young and senior citizens alike, including affordable housing. All principal uses except single-family and two-family dwellings require SPR with design review by the Planning Board.

D. Village Residential (VR). The VR district is located in nodes along Main Street approaching the Town Center and around other key intersections on Route 38. It is intended to accommodate a mix of uses, primarily residential, at a higher density than the Town allows in R40 single-family neighborhoods. The higher residential density in VR is designed to encourage compact neighborhoods close to goods and services and the Town Center, and to encourage new, higher-value mixed-use development in these locations. To promote high-quality architectural and site design in these compact neighborhoods, all principal uses except single-family and two-family dwellings require Site Plan Review with design review by the Planning Board.

5.2.2. Business Districts

The Town has established six business districts to accommodate a variety of commercial, residential, and office uses, mixed uses, and in some cases light industrial uses in settings that range from Main Street to secondary roads and

transitional areas between districts. In most cases, permitted uses require SPR by the Planning Board under Sec. 3.4 prior to issuance of a building permit.

A. Town Center (TC). The Town Center is the civic, social, cultural, and governmental hub of the Town. Development here is intended to respect and enhance the historic architectural fabric of the Town Center, to provide a high quality of goods and services, particularly specialty goods, and to encourage shopping, socializing, and lingering in the district.

B. Mixed-Use Business (MUB). The MUB is a mixed-use business district located intermittently along Route 38 outside the Town Center. It functions as a commercial gateway and neighborhood business zone, so the intended physical form and use mix in this district are intentionally set to support and enhance, not duplicate, the historic Town Center.

C. South Village Business (SB). The South Village Business District includes a node of neighborhood commercial activity around the Shawsheen Street/Route 38 and South Street/Route 38 intersections. It is intended to support small-scale, attractive, neighborhood-focused development and business uses that do not require high traffic volume locations.

D. Westside Neighborhood Business (WNB). The Westside Neighborhood Business district is located along the Woburn Street corridor, which services neighborhoods as well as commuter traffic using Interstate I-495 and the commuter train station nearby in Billerica. This district is intended to promote well-designed, pedestrian-friendly small business development, attract new investment in larger sites along the corridor, and support the Town's tax base.

E. General Business (GB). The General Business district includes portions of Main Street/Route 38 that are not zoned for other purposes. This district can support a variety of stores and restaurants serving local and regional customers, and it is intended to provide a significant contribution to the Town's tax base.

F. Limited Business (LB). The Limited Business District is a small crossroads business district serving residents of South Tewksbury. It provides for a limited mix of business uses and residential uses at a lower density than the Town allows in the commercial and mixed-use districts along Route 38.

5.2.3. Industrial Districts

The Town has established 3 districts for office, research, and industrial development.

A. Office-Research (OR). The Office-Research District is intended for office park or technology park development. It generally encourages office, research and development, high tech, or bioscience uses, especially in "campus" style office and research parks that also offer amenities for employees. The Town discourages uses that would detract from and potentially conflict with the high-value development sought for this district.

B. Industrial 1 (I1). The Industrial 1 district is a traditional industrial zone for a variety of office, manufacturing, warehouse and distribution, and related uses. Its main purposes are to encourage industries to locate and remain in Tewksbury. Uses that could create a high risk of conflict with industrial operations – mainly but not only residential uses – are prohibited.

C. Industrial 2 (I2). The Industrial 2 district is a small district with use regulations very similar to those for I1 with a few exceptions, mainly that motor vehicle body repair facilities are allowed in I2 but not in I1. It is an industrial district and as such, it supports job creation and retention and is intended to enhance the Town's tax base. Uses that could create a high risk of conflict with industrial operations – mainly but not only residential uses – are prohibited.

5.2.4. Other Use Districts

The Town has established the Park and Transition district to achieve the following purposes.

A. Park (P). The Park District is intended primarily for parks and other types of public outdoor spaces.

B. Transition (TD). The Transition District is a small district on Route 38 south of the Town Center. It functions as a residential-limited neighborhood services area. The Town discourages uses that generate high traffic volumes or the level of activity normally associated with commercial areas.

5.3 COMMUNITY DESIGN, DIMENSIONAL, AND DENSITY REQUIREMENTS

5.3.1. General Requirements

A. Lots

1. Except as otherwise provided in this Bylaw, not more than one principal structure may be placed on any lot.

2. No structure may be constructed on any lot that does not have an area in which a circle, the diameter of which is 80% of the minimum lot frontage, tangent to the lot frontage and within all other lot lines, may be located.

3. No existing conforming or nonconforming lot shall be changed in size or shape except through a public land taking or donation for road widening, drainage, or utility improvements or except where otherwise permitted herein, so as to create a nonconformity or increase the degree of nonconformity that presently exists. If land is subdivided, conveyed, or otherwise transferred in violation of this Section 5, no building or other permit shall be issued for the transferred land until the lot retained meets the requirements of this Bylaw.

4. Lots of 10,000 square feet or less on which the existing primary residence was erected prior to March 18, 1992, may reduce the 15-foot side and rear setback requirement to 10 feet providing proof is submitted to the Building Commissioner that the lot existed prior to March 18, 1992.

5. Not more than 50% of the required minimum lot area shall be a wetland resource area subject to protection under G.L. c. 131, § 40. Proposed structures shall be located on the upland portion of the lot.

B. Setbacks

1. The front yard setback shall be measured from the front building line of any structure to the street line.

2. Side and rear yards shall be measured from any structure used for a principal use to the nearest lot line, except where the lot line is a street, i.e., a corner lot. In this case, the side setback shall be as required for front yard setback.

C. Building Height. The limitations on height in feet shall not apply to chimneys, ventilators, skylights, tanks, bulkheads, penthouses, towers, and other building features usually carried above roofs if these features are not used for living purposes; provided, however, that the ZBA may grant a special permit for features higher than 50 feet. This provision shall not apply to wireless communications facilities under the Federal Telecommunications Act or to spires or steeples associated with a religious use.

D. Corner Lot Clearance. On corner lots, no structures, fence, tree or shrub shall prevent vision clearance in the space between two and eight feet above ground, and these provisions shall apply to the space between the corner and the line joining the two points 15 feet from the corner, measured on the lot lines.

E. Accessory Structures

1. An accessory building or structure shall not exceed 1-1/2 stories nor 20 feet in height to the highest roof surface above the average grade around the structure.

2. No accessory building or structure, except a permitted sign or roadside stand, shall be located within a required front yard setback.

3. A detached accessory structure shall be located on the same lot and behind the front building line of the principal building; and further, it shall not be located nearer than 10 feet from the principal building and shall be located at least 10 feet from any side or rear lot line.

4. An accessory building attached to its principal building or within 10 feet of it shall be considered an integral part thereof and as such shall be subject to the front, side, and rear yard requirements applicable to the principal building.

5. Fences not exceeding seven feet and flag poles not exceeding 20 feet shall be exempt from the setback requirements of this Section. Fences that serve as a buffer between abutting residential and industrial /commercial uses and between industrial and commercial uses may exceed seven feet with approval of the Planning Board and are not subject to setback requirements. In no event shall a fence over seven feet in height be permitted on a residential property abutting another residential use.

6. Swimming pools, game courts, and the like are accessory structures and shall comply with the State Building Code and all applicable setback requirements of this Bylaw.

7. No swimming pool shall be maintained, constructed, or installed unless it has a fence at least four feet in height completely enclosing the pool or the pool is at least four feet above grade.

5.3.2. Residential Districts

The dimensional and density requirements in this Section apply to principal and accessory uses and structures in the Residential Districts. Where exceptions and additional requirements apply to a district or set of districts, they are placed immediately following the tables to which they relate.

DISTRICT	Minimum Lot Area	Minimum Frontage (Ft)	Minimum/Maximum Front Setback (Ft)	Minimum Side & Rear Setbacks (Ft)
F	1.5 acres	150	50/NA	15
R40	1.0 acre	150	25/NA	15
MF[F]	1.0 acre	150[A]	25[B]NA	15
VR	1.0 acre [E]	50	20/40	10[D]
DISTRICT	**Maximum Height (Stories)[F]**	**Maximum Height (Ft)[F]**	**Minimum Open Space (% Lot Area)**	**Maximum Building Coverage (% Lot Area)**
F	2.5	35	N/A	20%
R40	2.5	35	N/A	15%[C]
MF	3.0	45	20%	N/A
VR[F]	2.5	35	15%	30%

NOTES:
[A] May be reduced to 40 feet by special permit.
[B] Does not apply to multifamily dwellings by special permit.
[C] For a lawfully preexisting lot with 15,000 square feet or less of land, the maximum building coverage shall be 20 %.
[D] May be reduced to 0 feet by special permit to accommodate “zero lot line” development.
[E] May be reduced to a minimum of 7,500 square feet by special permit.
[F] Planning Board may approve a maximum height increase to 4 stories and 50 feet encourage a mix of housing and affordable housing.

5.3.3. Business Districts

The dimensional and density requirements in this Section apply to principal and accessory uses and structures in the Business Districts. Where exceptions and additional requirements apply to a district or set of districts, they are placed immediately following the tables to which they relate.

A. Table of Requirements

DISTRICT	Minimum Lot Area	Minimum Frontage (Ft)	Minimum/Maximum Front Setback (Ft)[A, B]	Minimum Side & Rear Setbacks (Ft)[C]
TC				
Major Project	40,000 sq. ft.	150	--- / 20	15 / 25
All Other	10,000 sq. ft.	80	--- / 20	10 / 10
MUB	10,000 sq. ft.	50	25 / NA	15 / 10
SB	15,000	100	25 / NA	15
WNB	1.0 acre	150	25 / NA	15
GB	1.0 acre	150	25 / NA	15
LB	1.0 acre	150	25 / NA	15
DISTRICT	**Minimum Lot Width-Depth Ratio**	**Additional Side/Rear Setback for 4th Story (Ratio)[D]**	**Minimum Open Space (% Lot Area)**	**Maximum Building Coverage (% Lot Area)**
TC				
Major Project	1:4	0.60	20%	30%
All Other	1:3	---	10%	30%
MUB	---	---	15%	30%
LB	---	---	25%	20%
WNB	---	---	30%	25%
SB	---	---	30%	30%
GB	1:3	---	20%	30%
DISTRICT	**Maximum Height (Stories)[E]**	**Maximum Height (Ft)[F]**	**Minimum/Maximum Ground Floor Height (Ft) [E, F]**	**Minimum Upper-Story Height,[F]**
TC				
Major Project	4	48	12 / 15	10
All Other	3	40	12 / 15	10
MUB	2.5	40	12 / 15	10
SB	2.5	40	----	----
WNB	2.5	35	----	----
SB	2.5	35	----	----
GB	2.5	35	----	----
LB	2.5	35	----	----
		----------Window Transparency ----------		
DISTRICT	**Minimum Façade Buildout (% Frontage)**	**Ground Front**	**Ground Side (%)**	**Upper-Story Front/Side (%)**
TC				
Major Project	80%	75%	25%	25%
All Other	75%	65%	25%	25%
MUB	75%	50%	20%	20%
SB	-----	----	----	----

WNB	-----	----	----	----
GB	60%	40%	20%	----
LB	-----	----	----	----
DISTRICT	**Street-Facing Entrances, Maximum Separation (Ft)**	**Minimum Depth, Commercial Tenant Spaces (Ft)**	**Maximum Length Blank Wall (Ft)**	
TC				
Major Project	50	30	20	
All Other	40	25	30	
MUB	50	25	36	
SB	----	----	40	
WNB	----	----	40	
GB	---	25	40	
LB	----	----	40	

A. Measured from the curb to the front building line.
B. In a development with more than one building in the TC and MUB, the maximum front setback shall not apply to any building located behind another building as long as the forward most buildings on the lot comply with the maximum front setback. A single building with a large flagship tenant, such as a theatre, may also have a deeper front setback if the entrance to the large tenant is wrapped with liner shops that comply with the subdistrict's front setback requirement.
C. Minimum rear setback shall be 50' on lots abutting the R40 District.
D. Ratio is the additional side or rear yard length (feet) to the height (feet) of the 4th story.
E. Upper stories shall be at least 2/3 of the floor area of the first story. On a 4-story building in the TC district, the 4th floor stepped back a minimum of six feet. A height of five stories and 60 feet may be allowed by special permit from the Planning Board if stepped back from the 4th floor by a minimum of six feet.
F. In the Business Districts, height in feet shall be measured floor to floor.

B. Supplemental Regulations for Business Districts

1. Development in the Town Center District shall comply with the additional requirements in Section 6.4. Where any conflict exists between this Section 5.33 and Section 6.4, the latter shall control.

2. Structures may be allowed in the Business Districts in excess of 35 feet or 2 ½ stories by special permit from the Planning Board. In no event shall a special permit be issued for structures exceeding 60 feet or 5 stories.

3. No automobile sales agency or any retail business establishment catering principally to the automobile trade shall locate or park any motor vehicle(s) less than 15 feet from any property line or locate any stands or structures less than 50 feet from any established street line, except for signs as regulated elsewhere in this Bylaw.

4. More than one principal nonresidential structure may be erected on a lot by special permit from the Planning Board, subject to Section 3.4 of this Bylaw and the following conditions:

a. No principal building shall be located in relation to another principal building on the same lot, or on an adjacent lot, so as to cause danger from fire;

b. All principal buildings on the lot shall be served by access ways suitable for fire, police, and emergency vehicles;

c. All of the multiple principal buildings on the same lot shall be accessible via pedestrian walkways connected to the required parking for the premises, and to each principal building.

5.3.4. Industrial Districts

The dimensional and density requirements in this Section apply to principal and accessory uses and structures in the Industrial Districts. Where exceptions and additional requirements apply to a district or set of districts, they are placed immediately following the tables to which they relate.

A. Table of Requirements

DISTRICT	Minimum Lot Area	Minimum Frontage (Ft)	Minimum/Maximum Front Setback (Ft)	Minimum Side & Rear Setbacks (Ft)[A]
OR	1.0 acre	150	50	25
I1	1.0 acre	150	50	25
I2	1.0 acre	150	50	25
DISTRICT	**Maximum Height (Stories)[B]**	**Maximum Height (Ft)[B]**	**Minimum Open Space (% Lot Area)**	**Maximum Building Coverage (% Lot Area)**
OR	3	40	25	40
I1	3	40	20	35
I2	3	40	20	35
A. Where lots abut the R40 district, the minimum side and rear setback shall be 100 feet. B. Except that in the I1, I2 and OR districts, the Planning Board may grant a special permit to increase the maximum building height to five stories and 60 feet.				

B. Supplemental Regulations for Industrial Districts

1. More than one principal structure may be erected on a lot by special permit from the Planning Board, subject to 3.4 of this Bylaw and the following conditions:

a. No principal building shall be located in relation to another principal building on the same lot, or on an adjacent lot, so as to cause danger from fire;

b. All principal buildings on the lot shall be served by access ways suitable for fire, police, and emergency vehicles;

c. All of the multiple principal buildings on the same lot shall be accessible via pedestrian walkways connected to the required parking for the premises, and to each principal building.

5.3.5. Other Use Districts

The dimensional and density requirements in this Section apply to principal and accessory uses and structures in the Transition District (TD) and Park District (P). Where exceptions and additional requirements apply to a district or set of districts, they are placed immediately following the table.

DISTRICT	Minimum Lot Area	Minimum Frontage (Feet)	Minimum/Maximum Front Setback (Feet)	Minimum Side & Rear Setbacks (Feet)
TD	1.0 acre	150	25	15
P	1.0 acre	150	50	15
DISTRICT	**Maximum Height (Stories)**	**Maximum Height (Feet)**	**Minimum Open Space (% Lot Area)**	**Maximum Building Coverage (% Lot Area)**
TD	2.5	35	20	15

DISTRICT	Minimum Lot Area	Minimum Frontage (Feet)	Minimum/Maximum Front Setback (Feet)	Minimum Side & Rear Setbacks (Feet)
P	2.5	35	-----	-----

5.4 USE REGULATIONS

5.4.1. Permitted in All Districts

The following uses are permitted in all districts:

A. Federal government use.

B. State government uses to the extent that this Bylaw would prohibit the exercise of an essential government function.

C. Uses to the extent protected or exempt pursuant to G.L. c. 40A, § 3 or other state law.

D. Municipal uses.

5.4.2. Prohibited Uses

A. Any use not listed in Section 5, Appendix A, or otherwise allowable under the provisions of this Bylaw shall be deemed prohibited.

B. All uses that pose a present or potential hazard to human health, safety, welfare, or the environment through emission of smoke, particulate matter, noise or vibration, or through fire or explosive hazard, or glare, are expressly prohibited in all districts.

C. The following uses are specifically prohibited:

1. Garbage and refuse incineration or disposal otherwise of material not originating on the premises.

2. Distillation of bones, rendering of fat or reduction of animal matter.

3. Manufacturing of glue; oil refining; bulk storage of petroleum products.

4. Foundries, manufacture of large machine parts, metal working.

5. Tanneries.

6. Manufacture of cement products and cement mixing.

7. Processing, storage and distribution of asphalt products;

8. Sorting, baling and storage of waste paper, rags or junk.

9. The dismantling of motor vehicles.

10. Slaughterhouses.

11. Custom Slaughterhouses that are not exempt from regulation under 105 CMR 500.000.

12. Sand, gravel and stone processing plants.

13. Trailer parks and mobile homes.

14. Airports.

15. Solid waste resource recovery facility, recycling, waste transfer stations.

16. Piggeries. [except in the Farming District as per AG 12/23/03 Case # 2713]

17. Transportation or freight terminals.

18. Truck stops.

5.4.3. Table of Uses

See Appendix A for the Table of Uses for all districts.

5.4.4. Classification under More than One Use

Where an activity may be classified as more than one of the principal uses listed in the Table of Uses. The more specific classification shall determine permissibility. If equally specific, the more restrictive shall govern.

5.4.5. Accessory Uses and Structures; General

A. An accessory use shall not alter the character of the premises on which it is located or have an adverse impact on the surrounding area.

B. Permitted accessory uses. The following accessory uses are specifically permitted as of right or by special permit in any district:

1. Accessory scientific uses. Whether or not located on the same parcel as activities permitted as a matter of right, uses that are necessary in connection with scientific research or scientific development or related production may be allowed by special permit from the Planning Board provided the Board finds that the proposed use does not substantially derogate from the public good.

2. Boarders in single-family dwelling. The renting of rooms or furnishing of board to not more than two people in an owner-occupied single-family dwelling shall be a permitted accessory use.

3. A satellite dish for reception of microwave signals from geostationary satellites is allowed subject to the following regulations:

   a. The satellite dish shall consist of a parabolic reflector (microwave dish) with a microwave receiver at the reflector focus. Satellite dishes are permitted in any district provided that they shall not exceed two feet in diameter. In districts other than R40 a satellite dish larger than two feet in diameter may be authorized by special permit from the ZBA.

   b. The satellite dish shall be permanently mounted on the ground on a concrete slab or piers and set back from lot lines as an accessory structure in conformance with this Bylaw;

   c. The manufacturer or a structural engineer shall certify to the Building Department that the satellite dish and its support is satisfactory to withstand wind speeds to 100 miles per hour without being carried away;

   d. The antenna and its base shall not be located in the front yard or within 50 feet of any public way.

   e. For lots 20,000 square feet or less, the Building Commissioner shall require screening such as fences or shrubs where the antenna is visible from abutting lots.

C. Nonresidential accessory uses.

1. Any use permitted as a principal use is also permitted as an accessory use, unless allowed elsewhere in this Bylaw, provided the use is customarily incidental to the main or principal building or use of the land. Any use

authorized as a principal use by special permit may also be authorized as an accessory use by special permit provided the use is customarily incidental to the main or principal building or use of the land. Accessory uses are permitted only in accordance with lawfully existing principal uses. In all instances where SPR is required for a principal use, the addition of any new accessory use to the principal use, where the addition exceeds the thresholds in Section 3.4 shall also require SPR.

2. The outdoor display and/or storage of goods and merchandise for sale is permitted only when the display and/or storage is wholly incidental and secondary to the primary use conducted within the permanent structure on the lot. No such display and/or storage may occur in delineated parking spaces, traffic lanes, crosswalks, sidewalks or public ways. No additional signs are permitted except as otherwise provided.

D. Prohibited accessory uses. The following accessory uses are specifically prohibited.

1. A truck box, Conex box, or steel storage unit shall not be deemed a permissible accessory structure or use.

2. Accessory use of any premises and in any zone shall not be construed to mean more than one unregistered vehicle and no more than 1 unregistered vehicle may be placed, parked or maintained on any property in the Town in any zone, unless the owner of such property has a Class I, II or III license in accordance with G.L. c. 140, §§ 57-69 inclusive. No unregistered motor vehicle may be stored or maintained upon any premises within 50 feet from a street, public way or way laid out on a recorded plan. The ZBA may, by special permit, vary these requirements.

3. No trailer, trailer coach, trailer coach parks, mobile home, or other closed vehicle furnished for housekeeping and designed to be pulled behind another vehicle shall cause the same to be placed upon any premises in any district in Tewksbury except when a residence destroyed by fire or natural disaster is being rebuilt in accordance with G.L. c.40A, § 3. However, nothing in this section shall prevent the Building Commissioner from granting permission to locate a mobile home or trailer home on a construction site for use as a temporary office for not more than six months or until such time that the construction has been completed as determined by the Building Commissioner. A recreational camper or mobile trailer used only for recreational purposes is a permitted accessory residential use provided that it shall not be inhabited or used as a dwelling.

4. Where accessory to a principal residential use, the following are prohibited:

   a. Commercial kennels;

   b. Contractor's yard for the storage of building materials, equipment, and/or commercial vehicles over 10,000 pounds gross vehicle weight;

   c. Commercial landscaping equipment, materials, supplies, and/or commercial vehicles over 10,000 pounds gross vehicle weight;

   d. Commercial auto repair or service.

5.5 FLOODPLAIN DISTRICT

5.5.1. Purposes

Statement of Purpose. The purposes of the Floodplain District are to:

A. Ensure public safety through reducing the threats to life and personal injury.
B. Eliminate new hazards to emergency response officials;
C. Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;

D. Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
E. Eliminate costs associated with the response and cleanup of flooding conditions;
F. Reduce damage to public and private property resulting from flooding waters.

5.5.2. Floodplain District Boundaries

The Floodplain District is herein established as an overlay district and consists of all areas shown on the Zoning Map under Section 4.2. The District includes all the special flood hazard areas within the Town of Tewksbury Middlesex County Flood Insurance Rate Map (FIRM) dated July 8, 2025 issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program (NFIP). The exact boundaries of the District shall be defined by the 1% chance base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated July 8, 2025. The FIRM and FIS are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Commissioner, Conservation Commission and the Town Engineer.

5.5.3. Base Flood Elevation and Floodway Data

A. Floodway data. In Zone A, A1-30 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 levels within the community during the occurrence of the base flood discharge.

B. In Zone AE, along watercourses that have a regulatory floodway within the Town of Tewksbury as designated on the Middlesex County Flood Insurance Rate Maps, encroachments are prohibited including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

C. Requirement to submit new technical data. If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:

NFIP Program Specialist-Federal Emergency Management Agency, Region I

NFIP State Coordinator, MA Dept. of Conservation & Recreation

5.5.4. Notification of Watercourse Alteration

In a riverine situation, the Building Commissioner shall notify the following of any alteration or relocation of a watercourse:

A. Adjacent Communities, especially upstream and downstream

B. NFIP State Coordinator-Massachusetts Department of Conservation and Recreation

C. NFIP Program Specialist-Federal Emergency Management Agency, Region I

5.5.5. Variances

A. Variance to building code floodplain standards. The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files. The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

B. Variances to local Zoning Bylaws related to community compliance with the National Flood Insurance Program (NFIP). A variance from these floodplain bylaws must meet the requirements set out by State law, and may only be granted if: 1) Good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.

5.5.6. Other Use Regulations

A. Permits are required for all proposed development in the Floodplain District. The Town requires a permit for all proposed construction or other development in the floodplain district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties. Existing contour intervals of site and elevations of existing structures must be included on plan proposal.

B. Assure that all necessary permits are obtained. Town's permit review process includes the use of a checklist of all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain district. The proponent must acquire all necessary permits, and must submit the completed checklist demonstrating that all necessary permits have been acquired.

C. Subdivision proposals. All subdivision proposals and development proposals in the floodplain overlay district shall be reviewed to assure that:

1) Such proposals minimize flood damage.

2) Public utilities and facilities are located & constructed so as to minimize flood damage.

3) Adequate drainage is provided.

D. Base flood elevation data for subdivision proposals. When proposing subdivisions or other developments greater than 50 lots or five acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.

E. Unnumbered A Zones. In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, for flood proofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

F. Recreational vehicles. In A and AE Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

5.5.7. Administration and Enforcement

A. In order to insure the proper administration of the Floodplain District, the Town of Tewksbury hereby designates the Building Commissioner to be the official floodplain administrator for the Town of Tewksbury.

B. Enforcement. See Section 3.2 of this Bylaw.

5.5.8. General Provisions

A. The floodplain management regulations found in this Floodplain District section shall take precedence over any less restrictive conflicting local bylaws or regulations.

B. The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.

C. If any section, provision or portion of this bylaw is deemed to be unconstitutional or invalid by a court, the remainder of the bylaw shall be effective.

5.6 GROUNDWATER PROTECTION DISTRICT (including the SBDA Plume Area and the SBDA Buffer Zone districts)

5.6.1. Purpose

The purpose of this Groundwater Protection District (including the SBDA Plume Area and the SBDA Buffer Zone districts) is to promote the health, safety, and general welfare of the community by ensuring an adequate quality and quantity of drinking water for the residents, institutions, and businesses of the Town; preserve and protect existing and potential sources of drinking water supplies; conserve the natural resources of the Town; prevent temporary and permanent contamination of the environment; and prohibit or limit certain groundwater activities or uses within the SBDA Plume Area and the SBDA Buffer Zone that may impair the protectiveness of the federal Selected Remedy for the Sutton Brook Disposal Area Superfund Site.

5.6.2. Scope of Authority

A. Overlay. The Groundwater Protection District is an overlay district superimposed on the zoning districts. This overlay district shall apply to all new construction, reconstruction, or expansion of existing buildings and new or expanded uses. Applicable activities or uses in a portion of one of the underlying zoning districts which fall within the Groundwater Protection District must additionally comply with the requirements of this district. Uses prohibited in the underlying zoning districts shall not be permitted in the Groundwater Protection District.

B. Location. The Groundwater Protection District shall be defined as all lands within the Town that are delineated as Zone II on the map titled "Town of Tewksbury Zone II Delineation" and dated September 2001, which map(s), as amended from time to time, shall be kept on file with the Town Clerk, the Planning Board, the Building Commissioner, the Board of Health, and the Town Engineer. Additionally, a section in the southeasterly part of Town protecting a Town of Wilmington aquifer is included in the Groundwater Protection District.

The SBDA Plume Area shall include all lands within the Town of Tewksbury near the Sutton Brook Disposal Area Superfund Site that are so delineated on the map titled "SBDA Plume Area and SBDA Buffer Zone Properties" and dated February 2021 prepared by GEOSyntec Consultants, as approved by EPA. The extent of the SBDA Plume Area is expected to change based on performance of the Selected Remedy. EPA will periodically re-evaluate this district until such time as groundwater Performance Standards are met for the Site and, if necessary, provide an updated map. In the event that EPA provides an updated map, this bylaw will be amended to replace the then current map with the updated map.

The SBDA Buffer Zone shall include all lands within the Town of Tewksbury near the Sutton Brook Disposal Area Superfund Site that are so delineated on the map titled "SBDA Plume Area and SBDA Buffer Zone Properties" and dated February 2021 prepared by GEOSyntec Consultants, as approved by EPA. The extent of the SBDA Buffer Zone is expected to change based on performance of the Selected Remedy. EPA will periodically re-evaluate this district until such time as groundwater Performance Standards are met for the Site and, if necessary, provide an updated map. In the event that EPA provides an updated map, this bylaw will be amended to replace the then current map with the updated map.

C. If the location of the District, the SBDA Plume Area and/or the SBDA Buffer Zone boundary in relation to a particular parcel is in doubt, resolution of boundary disputes shall be through a special permit application to the Planning Board. Any application for a special permit for this purpose shall be accompanied by adequate documentation as determined by the Planning Board. The burden of proof shall be upon the owner(s) of the land to show where the bounds should be located. At the request of the owner(s), the Town may engage a professional engineer, hydrologist, geologist, or soil scientist to determine more accurately the boundaries of the district, the SBDA Plume Area and/or the SBDA Buffer Zone with respect to individual parcels of land, and may charge the owner(s) for the cost of the investigation. Any changes to the Zone II or Zone III delineation via this process must occur in conformance with the criteria set forth in 310 CMR 22.00 and must be approved by the Massachusetts Department of Environmental Protection (MassDEP).

5.6.3. Development Regulations

In the Groundwater Protection District, the following regulations shall apply.

A. Permitted Uses. The following uses are permitted within the Groundwater Protection District, provided that all necessary permits, orders, or approvals required by local, state, or federal law are also obtained:

1. Conservation of soil, water, plants, and wildlife.

2. Outdoor recreation, nature study, boating, fishing, and hunting where otherwise legally permitted.

3. Foot, bicycle and/or horse paths, and bridges.

4. Normal operation and maintenance of existing water bodies and dams, splash boards, and other water control, supply and conservation devices.

5. Maintenance, repair, and enlargement of any existing structure, subject to Section B (prohibited uses) and Section C (special permitted uses).

6. Residential development, subject to section b (prohibited uses) and section c (special permitted uses).

7. Farming, gardening, nursery, conservation, forestry, harvesting, and grazing, subject to Section B (prohibited uses) and Section C (special permit uses).

8. Construction, maintenance, repair, and enlargement of drinking water supply related facilities such as, but not limited to, wells, pipelines, aqueducts, and tunnels.

9. Underground storage tanks related to these activities are not categorically permitted.

B. Prohibited Uses. The following uses are prohibited in the Groundwater Protection District:

1. Landfills and open dumps as defined in 310 CMR 19.006.

2. Automobile graveyards and junkyards, as defined in G.L. c. 140B, §1.

3. Landfills receiving only wastewater and/or septage residuals including those approved by the Department pursuant to G.L. c. 21, §26 through 53; G.L. c. 111, §17; G.L. c. 83, §6 and 7, and regulations promulgated thereunder.

4. Facilities that generate, treat, store, or dispose of hazardous waste that are subject to G.L. c. 21C and 310 CMR 30.00, except for the following:

a. Very small quantity generators as defined under 310 CMR 30.000;

b. Household hazardous waste centers and events under 310 CMR 30.390;

c. Waste oil retention facilities required by G.L. c. 21, § 52A; and,

d. Water remediation treatment works approved by DEP for the treatment of contaminated ground or surface waters.

5. Petroleum, fuel oil, and heating oil bulk stations and terminals including, but not limited to, those listed under North American Industry Classification System (NAICS) Code 454310. NAICS Codes are established by the U.S. Office of Management and Budget (OMB) and may be determined by referring to the most recent edition of the *NAICS Manual*, available from the U.S. Census Bureau.

6. Storage of liquid hazardous materials, as defined in G.L. c. 21E, or liquid petroleum products unless such storage is:

a. Above ground level, and,

b. On an impervious surface; and,

c. Either: (i) in container(s) or above ground tank(s) within a building, or; (ii) outdoors in covered container(s) or above ground tank(s) in an area that has a containment system designed and operated to hold either 10%of the total possible storage capacity of all containers, or 110% of the largest container's storage capacity, whichever is greater; and,

- 310 CMR allows for the replacement of existing tanks/systems for the keeping, storage or dispensing of gasoline; and,

- 310 CMR exempts above-ground home heating oil systems from the containment requirement, and indoor tanks on impervious surfaces such as a basement floor, are allowed.

7. Storage of sludge and septage, unless such storage complies with 310 CMR 32.30 and 310 CMR 32.31.

8. Storage of deicing chemicals unless such storage, including loading areas, is within a structure designed to prevent the generation and escape of contaminated runoff or leachate.

9. Storage of animal manure unless covered or contained in accordance with the specifications of the Natural Resource Conservation Service.

10. Earth removal, consisting of the removal of soil, loam, sand, gravel, or any other earth material (including mining activities) to within four feet of historical high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey, except for excavations for building foundations, roads, or utility works.

11. Discharge to the ground of non-sanitary wastewater including industrial and commercial process waste water, except:

a. the replacement or repair of an existing treatment works that will not result in a design capacity greater than the design capacity of the existing treatment works;

b. treatment works approved by the Department of Environmental Protection designed for the treatment of contaminated ground or surface water and operating in compliance with 314 CMR 5.05(3) or 5.05(13); and,

c. publicly owned treatment works.

12. Stockpiling and disposal of snow and ice containing deicing chemicals brought in from outside the district.

13. Storage of commercial fertilizers, as defined in G.L. c. 128, § 64, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate.

14. The rendering impervious of greater than 15% or 2,500 square feet of any lot, whichever is greater, except under the special permit provisions of Subsection C below.

C. Uses and Activities Requiring a Special Permit in the Groundwater Protection District. The following uses and activities are permitted in the Groundwater Protection District only upon the issuance of a special permit by the Planning Board who may impose conditions to ensure compliance with Section 5.6.

1. Enlargement or alteration of existing uses that do not conform to the Groundwater Protection District.

2. Activities that involve the handling of toxic or hazardous materials in quantities greater than those associated with normal household use, permitted in the underlying zoning (except as prohibited under Subsection B above). These activities shall require a special permit to prevent contamination of groundwater.

3. A system of storm water management and artificial recharge of precipitation must be designed, and approved by the Planning Board to: prevent untreated discharges to wetland and surface water; preserve hydrologic conditions that closely resemble pre-development conditions; reduce or prevent flooding by managing peak discharges and volumes of runoff; minimize erosion and sedimentation; not result in significant degradation of groundwater; reduce suspended solids and other pollutants to improve water quality and provide increased protection of sensitive natural resources. These standards may be met using the following or similar best management practices:

a. For lots occupied, or proposed to be occupied, by single- or two-family residences, recharge shall be attained through site design that incorporates natural drainage patterns and vegetation in order to maintain pre-development stormwater patterns and water quality to the greatest extent possible. Stormwater runoff from rooftops, driveways and other impervious surfaces shall be routed through grassed water-quality swales, as sheet flow over lawn areas, or into constructed stormwater wetlands, sand filters, organic filters and/or similar systems capable of removing nitrogen from stormwater.

b. For lots occupied, or proposed to be occupied by other uses, a stormwater management plan shall be developed which provides for the artificial recharge of precipitation to groundwater through site design that incorporates natural drainage patterns and vegetation, and through the use of constructed (stormwater) wetlands, wet (detention) ponds, water quality swales, sand filters, organic filters, or similar site-appropriate best management practices capable of removing nitrogen and other contaminants from stormwater. The stormwater management plan shall meet the Stormwater Management Standards and technical guidance contained in the most recent version of the Massachusetts Department of Environmental Protection's Stormwater Management Handbook, for the type of use proposed, and the soil types present on the site. Such runoff shall not be discharged directly to rivers, streams, and other surface water bodies, wetlands, or vernal pools. Dry wells shall be prohibited.

c. Except when used for roof runoff from non-galvanized roofs, all infiltration facilities (including wetlands, ponds, and swales) shall be preceded by oil, grease and sediment traps or other best

management practices to facilitate control of hazardous materials spills and removal of contamination, and to avoid sedimentation of treatment and leaching facilities.

d. All artificial recharge systems shall be maintained in full working order by the owner(s), under the provisions of an operations and maintenance plan approved by the Planning Board to ensure that systems function as designed. Artificial recharge systems shall be located at least 100 feet from drinking water wells. Any infiltration basins or trenches shall be constructed with a minimum separation of 3 feet between the bottom of the structure and maximum groundwater elevation. The Planning Board may allow for a reduction of this separation based upon the submittal of sufficient information so long as it would not exceed the requirements of the Department of Environmental Protection's Stormwater Management Policy in effect at the time of the application.

D. Prohibited Uses in the SBDA Plume Area District. The following additional activities and uses are prohibited in the SBDA Plume Area district; except if performed by or on behalf EPA or MassDEP pursuant to CERCLA or Chapter 21E, the Performing Parties as required pursuant to the Consent Decree, or the operator of the existing solar energy facility as permitted by MassDEP:

1. Extraction, consumption or utilization of groundwater for any purpose, including without limitation extraction for potable, industrial, irrigation or agricultural use.

2. Construction of groundwater infiltration and/or injection structures for storm water and surface water management.

3. Any activity or use which would interfere with, or would be reasonably likely to interfere with, systems and studies to monitor implementation of the CERCLA Selected Remedy for the Site, or to provide long-term environmental monitoring of on-site groundwater including all monitoring wells.

E. Uses and Activities Requiring a Special Permit in the SBDA Buffer Zone District. The following uses and activities are permitted in the SBDA Buffer Zone, only upon the issuance of a Special Permit by the Planning Board under such conditions as they may require:

1. Extraction, consumption or utilization of groundwater for any purpose, including without limitation extraction for potable, industrial, irrigation or agricultural use.

2. Construction of groundwater infiltration and/or injection structures for storm water and surface water management.

5.6.4. Administrative Procedures

A. The special permit granting authority under this Section 5.6 shall be the Planning Board. Submission requirements shall be in accordance with the Planning Board's Rules and Regulations and Section 3.5 of this Bylaw.

1. The Planning Board shall require any person applying for a special permit for activities in the SBDA Buffer Zone district to submit a duplicate of such application to EPA Region 1 (to the attention of the Project Manager for Sutton Brook Disposal Area Superfund Site, Massachusetts Superfund Section), with a copy to MassDEP (to the attention of the Bureau of Waste Site Cleanup-Boston, Federal Sites Program) 30 days in advance of filing such application and to include a written, dated acknowledgement of receipt from each agency. The Planning Board shall not consider any such application to be complete for purposes of review without such acknowledgement.

2. EPA, after a reasonable opportunity for MassDEP review and comment, will then submit a letter to the Planning Board for consideration prior to the end of the 35 days referenced in subsection 5.6.4.B.

B. Upon receipt of the special permit application, the Planning Board shall transmit one copy each to the Board of Health, the Conservation Commission, Fire Department, Police Department, Building Commissioner, Town

Manager, Planning Board and Department of Public Works for their written recommendations. Each agency listed shall, within 35 days after the plan is filed, report to the Planning Board, in writing, their approval or disapproval of the subject application. In the event of disapproval, the agencies shall make specific findings and reasons therefore, and, where possible, shall make recommendations for the adjustment thereof.

C. The Planning Board may grant a special permit if it determines, in conjunction with the Board of Health, the Conservation Commission, and the Department of Public Works, that the requirements of this Section 5.6 are met, provided that the Board finds that the proposed use meets the following standards, those specified in Section 5.6.3, and any regulations or guidelines adopted by the Board. The proposed use must:

1. In no way, during construction or thereafter, adversely affect the existing or potential quality of quantity of water that is available in the Groundwater Protection District; and,

2. Be designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site to be developed.

D. The Planning Board shall not grant a special permit under this Section 5.6 unless the petitioner's application materials include, in the Board's opinion, sufficiently detailed, definite, and credible information to support positive findings in relation to the standards given in this section. The Planning Board shall document the basis for any departures from the recommendations of the other Town boards or agencies in its decision.

E. For those activities or uses proposed in the SBDA Buffer Zone district, in addition to the requirements set forth above, each application shall include the following:

1. an evaluation by an appropriately trained and licensed professional of the impact of any proposed extraction or infiltration of groundwater to demonstrate that it would not substantially alter the then existing groundwater elevation contours (zone of influence and/or groundwater mounding) or the then existing boundary of the SBDA Plume Area, and

2. sampling and analysis by an appropriately trained and licensed professional of any groundwater proposed for extraction as necessary to demonstrate that use of such groundwater for its intended purpose would not violate any applicable health or safety requirement.

F. For those activities using or storing such hazardous materials, a hazardous materials management plan shall be prepared and filed with the Director of Emergency Management, Fire Chief, and Board of Health. The plan shall include:

1) provisions to protect against the discharge of hazardous materials or wastes to the environment due to spillage, accidental damage, corrosion, leakage, or vandalism, including spill containment and clean-up procedures;

2) provisions for indoor, secured storage of hazardous materials and wastes with impervious floor surfaces;

3) evidence of compliance with the Regulations of the Massachusetts Hazardous Waste Management Act 310 CMR 30, including obtaining an EPA identification number from the Massachusetts Department of Environmental Protection.

4) proposed down-gradient location(s) for groundwater monitoring well(s), should the Planning Board deem the activity a potential groundwater threat.

G. Written notice of any violations of this Section shall be given by the Building Commissioner to the responsible person as soon as possible after detection of a violation or a continuing violation. Notice to the assessed owner of the property shall be deemed notice to the responsible person. Such notice shall specify the requirement or restriction violated and the nature of the violation and may also identify the actions

necessary to remove or remedy the violations and preventive measures required for avoiding future violations and a schedule of compliance. A copy of such notice shall be submitted to the Building Inspector, the Board of Health, Conservation Commission, Town Engineer/Department of Public Works, and Water Department. The cost of containment, clean-up, or other action of compliance shall be borne by the owner and operator of the premises.

5.7 INTERSTATE OVERLAY DISTRICT

5.7.1. Purpose

The purpose of the Interstate Overlay District is to provide for the controlled development and utilization of those portions of land located within the Town that are intersected by roadways that are part of the Federal Interstate Highway System.

5.7.2. Scope of Authority

A. The Interstate Overlay District is an overlay district that may be superimposed on the Industrial, Westside Business, Office Research, Mixed Use, and General Business Districts. All uses permitted or allowed by special permit in the underlying districts shall be allowed in the Interstate Overlay District.

B. The following additional uses shall also be allowed in the Interstate Overlay District by special permit from the Planning Board:

1. Automotive Refueling Station and accessory uses incidental thereto.

2. Car Wash.

3. Motor Vehicle Rental or Leasing Agencies, as an accessory use only.

C. Limitations. The Planning Board may approve pursuant to this Section 5.8 not more than one additional special permit for the operation of an automotive refueling station during any subsequent calendar year, January 1 – December 31. Approvals shall be in addition to those automotive refueling stations (a/k/a gas stations) existing on the effective date of this Zoning Bylaw that are authorized by special permit or do otherwise exist on said date as a lawfully preexisting nonconforming use. This limitation shall not be deemed to impair or prevent the renewal of any license, special permit, or other governmental approval necessary to operate and maintain an automotive refueling station use granted prior to the effective date of this Section 5.8.

D. Retail marijuana sales are authorized in the Interstate Overlay District subject to a license by the Select Board in accordance with Chapter 5.10 of the Town General Bylaws and a Site Plan Review by the Planning Board.

5.7.3. Location

The boundaries of the Interstate Overlay District shall be as shown on the Zoning Map under Section 4.2.

5.7.4. Dimensional Regulations

Dimensional Regulations. All dimensional regulations in the Interstate Overlay District shall be in accordance with the regulations of the underlying district(s).

5.7.5. General Regulations

Parking and loading, signs, and landscaping and screening shall be in accordance with the requirements of the underlying districts.

5.7.6. Special Site Design Considerations

Applicants requesting to sell diesel fuel shall provide site design and sign standards that are designed to deter and exclude sale of diesel fuel to tractor trailers in combination, including but not limited to low canopies and slow rate pumps for the sale of diesel fuel, "No Tractor Trailer Service" signs, and on-site landscaping and parking, as approved by the Planning Board.

6. SITE DEVELOPMENT STANDARDS

6.1 OFF-STREET PARKING AND LOADING AREA REQUIREMENTS

6.1.1. Purposes

The purposes of this Section 6.1 are to:

A. Provide for safe and convenient vehicular and bicycle parking areas and delivery areas; and,

B. Promote safety for pedestrians, bicyclists, motor vehicle occupants, and property and business owners.

6.1.2. Applicability

A. Required Parking. No building or structure shall be located upon any lot and no activity shall be conducted upon any lot unless the required parking facilities are provided on site or as otherwise provided in accordance with this section.

B. Change of use. The use of any land or structure shall not be changed from a use described in one section of the Appendix A, Table of Uses to a use described in another section of the Table of Uses, nor shall any net floor area of the building be increased in any manner unless the number of parking spaces for the new use are provided.

C. Undetermined uses. In the case where the use of the building(s) has not been determined at the time of application for a building permit or special permit, the parking requirements applicable to the most intensive use allowed in the zoning district where the undetermined use is to be located shall apply.

D. Town Center. Where any provisions of this Section 6.1 conflict with Section 6.4, Town Center Development Standards, the latter shall control.

E. The Planning Board in considering a project under a Site Plan Review may allow for waivers of Section 6.1, Off-Street Parking and Loading Area Requirements, with the exception of Section 6.1.11.D. The waiver request must be specific in nature and the Planning Board must make specific findings to waive any of these requirements. Consideration will be given as to the necessity to meet the realistic requirements of the proposed development and satisfy the objectives of this Bylaw. The Planning Board will base its findings on the stated requirements of those sections of the bylaw listed above as well as standards that are established by other professional organizations, such as, but not limited to, parking standards published by the Institute of Transportation Engineers, standards of the American Society of Highway and Transportation Officials, Commonwealth agencies (DEP Stormwater Policy, for example) Urban Land Institute publications, and American Planners Association publications.

6.1.3. Off-Street Parking Requirements

A. Minimum Number of Spaces. The minimum number of off-street parking spaces shall be provided in accordance with the Table of Parking Requirements below, except for personal service establishment, business or professional office, restaurant, fast-food or drive-in and retail showroom where there shall be no less than two spaces per use in addition to the Table of Parking Requirements or as determined otherwise by this Bylaw.

B. Parking for Unspecified Uses. Off-street parking requirements for a use not specifically listed below shall be as determined by the Building Commissioner based on a listed use of similar characteristics of parking demand generation. For projects subject to Site Plan Review or requiring a special permit, the determination shall be made by the Planning Board.

C. Parking a Greater Distance Than 500 Feet. Parking spaces located more than 500 feet from the building entrances they serve shall not be counted toward meeting the parking requirements unless the Planning Board determines that circumstances justify the inclusion of this parking in meeting the minimum parking requirements.

TABLE OF PARKING REQUIREMENTS

PRINCIPAL USE	MINIMUM REQUIRED SPACES
CONSERVATION, RECREATION USES	
Commercial agriculture, including farm stand	2 spaces per 500 square feet of gross floor area in the farm stand or farm store
Commercial agriculture, non-exempt, including farm stand	2 spaces per 500 square feet of gross floor area in the farm stand or farm store
Forestry management	No minimum parking required
Non-profit outdoor recreation, e.g., swimming, hiking, picnicking, fishing	1 space for the first 2 acres and 1 space for each additional acre. Additional parking shall be provided for each additional facility or land use in the park or recreation area, as per Institute of Transportation Engineering standards.
Camp, day camp only, e.g., summer camp for children	1 space per 3 children of camp program capacity
Municipal use	1 space per 2 employees plus 2 spaces per 300 square feet for visitors. For facility with indoor meeting space, add 1 space per 3 seats of seating capacity in each meeting room or area.
RESIDENTIAL USES	
Single-family or two-family dwelling	2 spaces for each dwelling unit
Townhouse, multifamily dwelling, units above the ground floor of a commercial building, or artist loft	1.5 spaces per unit for one- and two-bedroom units, plus 2 spaces per unit for units with 3 or more bedrooms, plus 10 percent for visitor parking
Assisted living facility, nursing home or convalescent home, or other long-term care facility	0.5 spaces per unit, plus 1 space per 4 units for visitor parking plus 1 space per employee on the largest shift
Continuing care retirement community	1 space per independent living unit plus 0.5 spaces per assisted living or memory care unit plus 1 space per 4 units for visitor parking plus 1 space per employee on the largest shift
Independent living residence	1 space per independent living unit plus 1 space per 4 units for visitor parking
USES EXEMPT (SEC. 5.4.1) AND PUBLIC/PHILANTHROPIC OR INSITUTIONAL USES	
Religious use	1 space for every 3 seats of seating capacity

PRINCIPAL USE	MINIMUM REQUIRED SPACES
Educational use, public or non-profit	1 space for each staff position plus 1 space for each 5 persons of rated capacity of the largest auditorium plus 1 space for each student vehicle which can be expected at any time on the premises
Child care facility	1 space per 300 sq. feet.
Agriculture	Not applicable, except that for a farm stand, there shall be 1 space per 500 square feet of display area, whether indoor or outdoor
Cemetery (with or without crematorium)	Per Institute of Transportation Engineering standards.
Hospital	1 space per 5 inpatient beds, plus 1 space per 2 beds for visitors, plus 1 space per 2 employees on the largest shift, plus 1 space per 3 outpatient exam/service rooms, plus 1 space per 4 emergency room beds.
Nursing home, long-term congregate care, adult day care	1 space per 2 beds plus 1 space per 2 employees on the largest shift. With adult day care, add 1 space per 4 participants of total program capacity plus 1 space per 2 employees. For example, a program designed to accommodate 16 adult day care clients needs at least 4 parking spaces plus 2 spaces for 4 employees.
Function hall, community center, other place of assembly	1 space per 3 seats of seating capacity or as per Institute of Transportation Engineering standards
COMMERCIAL USES	
Retail Uses	
Retail store, shopping center, retail sale of alcoholic beverages, greenhouse	5 spaces/1000 square feet for the first 10,000 sq. feet. of gross floor area; plus 2.5 spaces/1000 square feet of gross floor area between 10,001 square feet and 25,000 square feet; plus 2 spaces/ 1000 square feet of gross floor area over 25,000 square feet
Automotive sales, leasing, and rental, used or new	1 space per 1,000 square feet of gross outdoor sales area, plus 1 space per 300 square feet of indoor sales area
Gasoline service station, with or without convenience store; or car wash, auto body shop	3 spaces for each service bay, pump, or work station. If including a convenience store, add 5 spaces per 1,000 sq. ft.
Commercial parking lot or garage, or taxi or limousine service	As per Institute of Transportation Engineering standards
Personal service establishment	1 space per 200 feet of gross floor area
Business or professional office	1 space per 300 feet of gross floor area
Hospitality, Food Services	
Restaurant	1 space for every 2.5 seats plus 1 space for every employee on the largest shift
Restaurant, fast-food or drive-in	1 space per 200 feet of gross floor area
Bed and Breakfast	1 space per sleeping unit plus 2 spaces for the dwelling unit
Inn, hotel or motel	1 space per sleeping unit plus 1 space for each employee on the largest shift
Public Service Uses	
Child care center	1 space per 8 children in a designated temporary parking area plus 1 per employee in a designated employee parking area.
Postal service	1 space per 300 square feet of gross floor area
Fraternal or membership organization; professional or trade organization	1 space per 3 seats plus 1 space per employee on the largest shift
Funeral home	1 space per 3 seats in the largest assembly area
Non-exempt educational use	1 space for each staff position plus 1 space for each 5 persons of rated capacity of the largest auditorium plus 1 space for each student vehicle which can be expected at any time on the premises
Sheltered bus stop	As per Institute of Transportation Engineering standards
Essential services	No minimum parking requirement
Culture, Entertainment Uses	

PRINCIPAL USE	MINIMUM REQUIRED SPACES
Museum or art gallery	1 space per 300 square feet of gross floor area
Cinema or theatre for live performances	1 space per 3 seats of seating capacity
Commercial Recreation	
Indoor commercial recreation, gym or athletic club, other fitness facility	1 space per 200 feet of gross floor area
Golf course	8 spaces per hole plus requirements for other facilities on the premises
Miniature golf	2 spaces per 1,000 square feet lot area
Camping facility with accommodations for tents, trailers/RVs	1 space per tent or RV site plus 1 per 300 square feet for other facilities on the premises
Other Commercial Uses	
Adult use establishment	1 space per 3 seats plus 1 space per employee on the largest shift
Veterinarian, Animal clinic or hospital with kennel	1 space per 200 feet of gross floor area
Pet services	1 space per 300 square feet of gross floor area
Kennel, commercial	1 space per 300 square feet of gross floor area
Self-storage facility	1 space per 3 storage bays
INDUSTRIAL USES	
Research laboratories, high-tech biotech manufacturing, other manufacturing	1 space per 500 feet of gross floor area
Welding shop, storage, warehouse, distribution	1 space per 1000 feet of gross floor area
Transportation or freight terminal	1.0 spaces per 2000 square feet of gross floor area and for waiting area, if applicable, 6.5 spaces per 1000 square feet of gross floor area
Wireless communications facility	1 space
Plant, storage, substations for public utilities, or storage and sale of heating fuel	1 space per employee
Retail showroom and sale of products manufactured on the premises	1 space per 200 feet of gross floor area devoted to retail
Contractor's yard	1 space per employee
Stone or monument works	1 space per employee
Sale of lumber, farm supplies, similar products, including outdoor storage and sales	4 spaces per 1000 square feet of gross floor area
Accessory dwelling for use as watchperson's quarters only	1 space per dwelling unit

6.1.4. Mixed Use Requirements

In the case of mixed uses, the requirements shall be the sum of the requirement calculated separately for each area of use, so that adequate space shall be provided to accommodate the cars of all persons on the premises at any one time. Parking spaces for one use shall not be considered as providing the required spaces for any other use, except when it can be clearly demonstrated that the need for parking occurs at different times in accordance with Section 6.1.6.B.

6.1.5. Parking Requirement Relief

The Planning Board may by special permit authorize a decrease in the number of parking spaces required to be provided under this Section provided that:

A. The decrease in the number of parking spaces is no more than 30% of the total number of spaces required. The number of parking spaces approved for a decrease shall be set aside and shall not be required to be immediately provided. These spaces shall be labeled as "Reserve Parking" on the site plan.

B. Any decrease in the number of required parking spaces shall be based upon documentation of a special nature of a use or building.

C. The parking spaces labeled "Reserve Parking" on the site plan shall be properly designed as an integral part of the overall parking layout, located on land suitable for parking development and in no case located within an area counted as buffer, parking setback, or open space.

D. The decrease in the number of required spaces will not create undue congestion or traffic hazards and that relief may be granted without substantial detriment to the neighborhood and without derogating from the intent and purpose of this Bylaw.

E. If, at any time after the Certificate of Occupancy is issued for the building or use, the Building Commissioner determines that additional parking spaces are needed, the Commissioner shall notify the Planning Board, in writing, of that finding and the Planning Board may require that all or any portion of the spaces shown on the approved site plan as "Reserve Parking" be constructed.

6.1.6. Remote or Shared Parking

The Planning Board may grant a special permit for either nonresidential remote parking or nonresidential shared parking based on the following criteria:

A. Remote Parking

1. The property to be used for remote parking shall be owned or leased by the owner of the use being served by the remote parking, or the owner shall have a written agreement allowing for the remote parking to be used for the use served. Any written agreement shall be subject to approval by the Planning Board.

2. Except where valet parking or other transportation between the subject use and the remote parking is provided, the maximum distance between the site of the use and the remote parking shall be 500 feet.

3. The remote parking area and access from the remote parking area to the site of the use shall have reasonable and safe access, including adequate lighting, at all hours the remote parking area is in use.

4. The remote parking area shall be located on non-residentially zoned property.

B. Shared Parking

1. Shared spaces shall be available to jointly serve two or more uses on the same site that are not normally open or used during the same time or uses that do not have overlapping peak parking demands. The applicant shall show that peak parking demand, operating hours, and other similar factors for the uses justify the approval of shared space.

2. Not more than 50 % of the parking spaces serving the use or facility shall be counted as shared spaces.

3. A written agreement executed by all parties who are subject to the use of joint parking and that defines all aspects and responsibilities of the joint parking arrangement shall be approved by the Planning Board.

6.1.7. Parking Dimensions

Off-street parking facilities shall be laid out and striped in compliance with the following minimum provisions:

ANGLE OF PARKING (degrees)	WIDTH OF PARKING STALL (ft.)	PARKING STALL LENGTH OF LINE (ft.)	WIDTH OF MANEUVERING AISLE (ft.)
90 (two-way)	9.5	18.5	24
60 (one-way)	9.5	24.0	18
45 (one-way)	9.5	28.0	14

Parallel (one-way)	8.0	22.0	14
Parallel (two-way)	8.0	22.0	18

6.1.8. General Design Requirements for Parking Facilities

A. Backing Out. Parking facilities shall not be designed in a manner that requires backing out into a public way.

B. Pavement. All parking spaces and driveways except for those serving single-family dwellings shall be paved. The Planning Board may approve a special permit to waive this requirement where circumstances justify a waiver and where the unpaved surfaces will not cause dust, erosion, a hazard, and unsightly conditions.

C. Dead End Aisles. Dead end aisles shall not serve more than five parking spaces on either side of the aisle unless waived by the Planning Board.

D. Curbing. Continuous curbing shall be provided around the edges of a parking lot and around landscaped islands within the parking lot to control access and drainage. The Planning Board may approve a special permit to waive this requirement where circumstances justify a waiver and where the lack of curbing will not result in a safety hazard.

E. ADA & AAB Compliance. Curb stops, planting strips, or other similar means shall be provided to maintain a minimum usable sidewalk width of four feet or the minimum width required by the Americans with Disabilities Act. All parking facilities shall meet the requirements of the ADA and the Massachusetts Architectural Access Board Regulations at 521 CMR 23:00.

F. Lighting. All lighting fixtures designed to illuminate the parking facility shall use cutoffs or directional lighting or similar in a manner designed to preclude direct light impacts on the adjoining streets and adjoining properties.

6.1.9. Residential Parking Facilities & Driveway Requirements.

A. Tandem Spaces. One parking space may be provided directly behind another for each dwelling unit, provided that each stall shall meet the width and depth requirement of Section 6.1. Parking stalls more than two deep shall not consider the spaces that are in addition to the two spaces in computing the required parking.

B. Driveways. Each driveway shall service not more than one lot. Subject to the granting of a special permit from the Planning Board, a driveway may be shared by not more than two lots. Each shared driveway shall be governed by a maintenance agreement running in perpetuity with the land. The frontage and area of a common driveway shall be in addition to the minimum frontage and area required under Section 5 of the bylaw.

6.1.10. Nonresidential Driveway Requirements

A. Access Driveway. Each lot may have one access driveway which shall be at least 24 feet wide at its narrowest point but not more than the required width for safe vehicle movements onto the adjacent roadway, without entering into the opposing lane. Each lot may have one additional access driveway for each 200 feet of frontage provided all access driveway(s) shall be at least 200 feet apart on the lot measured from the centerline of each access driveway. The minimum width of a one-way only access driveway may be reduced to 14 feet at its narrowest point.

B. Access Driveway. Entrance and exit driveways shall be designed and located the maximum practicable distance from any intersection so as to minimize conflict with traffic and provide clear visibility and sight distances for the observation of approaching vehicular, bicycling and pedestrian traffic provided that no portion of an entrance or exit driveway at the edge of the street pavement shall be closer than 50 feet to a street intersection. The Planning Board may waive this requirement if it finds that practicable difficulties with the lot size or shape would result in no driveway being allowed under this provision.

C. Uses shall arrange for shared egress if necessary to meet these requirements, unless the Planning Board determines that circumstances justify otherwise.

D. Common Private Access Ways in the Business or Industrial Districts. To the extent feasible, lots and parking areas shall be served by common private access ways in order to minimize the number of curb cuts in these districts. Common access ways shall be in conformance with the standards of the Department of Public Works. Proposed documentation (in the form of easements, covenants, or contracts) shall be submitted with the site plan demonstrating that proper maintenance, repair, and apportionment of liability for the common access way and any shared parking areas has been agreed upon by all lot owners proposing to use the common access way.

E. Common private access ways may serve any number of adjacent parcels deemed appropriate by the Planning Board. Common private access ways shall not be wider than 24 feet at any point where it crosses required open space or any required parking setback area.

F. Interior Driveways. Interior driveways may be reduced to no less than 20 feet for two-way traffic and 14 feet for one-way traffic upon approval of a special permit by the Planning Board.

G. Industrial Districts. In the I Districts, each lot shall have access only at designated driveways. Each lot may have not more than 1 access driveway and one 1 additional driveway for each 200 feet of street frontage above the minimum required. Driveways shall conform to this Section 6.1.10.

H. Driveways on State Highways. For proposed access driveways on state highways, refer to Part 11 of the Massachusetts Amendments to the Manual on Uniform Traffic Control Devices.

6.1.11. Requirements for Business, Industrial, or Other Nonresidential Parking Facilities

A. Exemptions. The provisions of the section shall not apply to municipal uses.

B. Construction. Required parking spaces, loading areas, and driveways shall be constructed and maintained with suitable grading, adequate drainage, and paved services.

C. Buffers. Unless otherwise provided for in this Section 6.1, no parking space or other paved surface, other than access driveway(s) or walkways, shall be located within 10 feet of any lot line, or within 20 feet of a property line abutting a street right-of-way, and no parking space or other paved surface, other than access driveway(s) or walkways, shall be located within the limits of a landscape buffer area required by Section 6.1.

D. Sidewalks. Sidewalks are required within the site where necessary for safe pedestrian access and circulation. There shall be a marked pedestrian aisle at each entrance to the building served by the parking lot. Sidewalks are required along all public ways to which the site abuts and must be connected to the sidewalks and pedestrian aisles within the site to provide safe access to entrance(s) to the building from the public way(s). Sidewalks shall be constructed in accordance with standards set forth by the Department of Public Works (DPW). It may be determined by the DPW during the pre-hearing interdepartmental review that a predetermined fee for use on the public way may be more advantageous to the Town at the time of permitting. This determination rests solely with the DPW.

E. Parking Distance Limitation. Parking spaces more than 500 feet from the building entrance they serve may not be counted toward fulfillment of parking requirements unless the Planning Board determines that circumstances justify this greater separation of parking from the use and approves the distance under Section 6.1.6 A.

F. Snow Storage. Parking facilities with 20 or more spaces shall designate a separate snow storage area exclusive of required landscaping and paved parking areas. For lots greater than 100 spaces, snow storage is required at 5,000 square feet of area per 43,560 square feet (one acre) of parking lot shown on a plan. The Planning Board may allow for a reduction of the required snow storage area based on approval of a snow removal plan.

G. A minimum of one van accessible handicap parking space shall be provided at any nonresidential or mixed-use parking facility.

6.1.12. Landscaping Requirements

A. General Standards. All parking lots and loading facilities shall be suitably landscaped to minimize their visual impact on the lot and upon adjacent property by the use of existing vegetation where appropriate and by the use of new trees, shrubs, walls, fences or other landscape elements.

B. Any parking lot with more than 40 parking spaces shall include a landscaped area(s) not less than 5% of the total area of the parking lot. Landscaped area(s) shall be provided with a minimum width of at least 10 feet, curbing and native shade trees of at least 12 feet in height or such other landscaping as may be required by the Planning Board.

C. Planted Area Requirements. Areas shall be planted with native plant species and shall contain an appropriate mix of flowers, shrubs, hedges and trees. Native plant species shall be appropriate to proposed use, siting, soils, and other environmental conditions. Where the Planning Board determines that the planting of trees is impractical, the applicant may substitute native shrubbery for trees.

D. Shrubs and Hedges. Native shrubs and hedges shall be at least two feet in height at the time of planting and have a spread of at least 18 inches.

E. Grass. Grass is preferable to mulch where practical.

F. The use of pollinators is encouraged.

G. Tree Preservation. Existing trees with a caliper of six inches or more shall be preserved wherever feasible.

H. Tree Requirements. Native deciduous trees shall be at least two inches in caliper as measured six inches above the root ball at time of planting. Deciduous trees shall be expected to reach a height of 20 feet within eight years after planting. Native evergreens shall be a minimum of eight feet in height at the time of planting.

I. Buffers. The following buffer requirements shall apply.

1. Nonresidential and Residential. Where nonresidential uses abut single-family residential districts, a landscape buffer of a minimum of 20 feet in depth may be required by the Planning Board. This landscape buffer shall be planted to mitigate the impact of the commercial, business, or industrial uses on the abutting residential districts. This provision may be construed to include residential districts located across a public way from the commercial, business or industrial use.

2. Multifamily and Single-family Residential. Where multifamily uses abut single-family residential districts, a landscape buffer of a minimum of 20 feet in depth may be required by the Planning Board. This landscape buffer shall be planted to mitigate the impact of the commercial, business, or industrial uses on the abutting residential districts. This provision may be construed to include residential districts located across a public way from the commercial, business or industrial use.

3. Maintenance of Landscaped Areas. The owner of the nonresidential use shall be responsible for the maintenance, repair, and replacement of all landscaping materials installed in accordance with this section. All plant materials shall be maintained in a healthy condition. Dead limbs, refuse, and debris shall be promptly removed. Dead plantings shall be replaced with new live plantings at the earliest appropriate season. Bark mulch and non-plant ground surface materials shall be maintained so as to control weed growth.

J. Screening Maintenance. Plantings that are installed to serve as a screening buffer according to an approved site plan shall be maintained as a screening buffer by the owner in perpetuity.

6.1.13. Bicycle Parking

A. Bicycle parking spaces shall be provided for any development or any use requiring eight or more vehicle parking spaces under Section 6.1.3.

B. The requirements of this section may be modified by the Board if it finds that for the use and location, a modification is appropriate and in the best interest of the Town.

C. When bicycle parking is required, there shall be one bicycle parking space per 15 motor vehicle spaces under Section 6.1.3. The computed number of bicycle parking spaces will be rounded up to the nearest whole number of bicycle spaces. Bicycle parking spaces shall be provided in addition to motor vehicle parking spaces.

D. When bicycle parking is required, a minimum of two spaces shall be provided, and not more than 25 bicycle spaces will be required at a single site.

E. A bicycle rack or bicycle storage fixture or structure shall be proved to accommodate bicycles. Bicycle racks or storage fixtures must be secured against theft by attachment to a permanent surface. Bicycle parking apparatus shall be installed in a manner that will not obstruct pedestrians or motor vehicle traffic.

F. To the extent feasible, bicycle parking shall be separated from motor vehicle parking to minimize the possibility of bicycle/vehicle conflicts.

G. The following uses are exempt from bicycle parking requirements: cemetery, funeral home, automotive repair shop, car wash, or gas station.

6.1.14. Loading Areas

One or more off-street loading areas shall be provided for any business that may be regularly served by tractor trailer trucks or other similar delivery vehicles, so that adequate areas shall be provided to accommodate all delivery vehicles expected at the premises at any one time. Loading areas shall be located at either the side or rear of each building and shall be designed to avoid traffic conflicts with vehicles using the site or vehicles using adjacent sites.

6.2 SIGNS

6.2.1. Purpose

A. The purposes of Section 6.2 are:

1. to protect the public's health, safety, welfare, and convenience;

2. to protect and enhance the visual and aesthetic environment of the Town for a well maintained and attractive community;

3. to enhance traffic safety by preventing sign overload excessive lighting, and clutter;

4. to preserve and expand the economic vitality of the town;

5. to encourage the effective use of signs as a means of communication, information, and advertisement; and,

6. to assure that the benefits and burdens of sign regulation in the Town are equally distributed in keeping with the rights of free speech under the constitutions of the Commonwealth and the United States.

B. This bylaw is hereby declared to be remedial and protective and is to be so construed as to secure the beneficial interests and purposes thereof. This bylaw is adopted pursuant to the Town Charter and the Massachusetts Home Rule Amendment.

6.2.2. Administration

A. Sign Officer. The Building Commissioner is designated as the Sign Officer and is charged with the enforcement of this Bylaw. The Sign Officer and any duly authorized agents shall, if permitted by the owner or otherwise lawfully authorized representative, or as otherwise permitted by law, and at reasonable times and upon presentation of credentials, enter upon the premises on which any sign is erected or maintained for the purpose of inspecting for compliance with the provision of Section 6.2.

B. Permit Required. No sign shall be erected or installed until a permit is issued by the Sign Officer, except as otherwise provided in this Section 6.2. A sign permit application shall be filed with the Sign Officer containing all information, including photographs, plans, and scale drawings, as specified on the application form. The sign permit shall be issued if the Sign Officer determines that the sign complies or will comply with all applicable provisions of this Section 6.2. A schedule of content-neutral fees for sign permits shall be as determined by the Select Board.

C. Commercial and Non-commercial Signs. Wherever and however this Section 6.2 permits commercial signs, noncommercial messages, without restriction on content, shall also be permitted. No provision of this bylaw shall be interpreted or administered in a manner that regulates or restricts signs containing non-commercial messages more stringently than signs advertising business or commercial activities and uses, or that prohibits noncommercial messages on signs permitted for commercial purposes.

D. Sign Waivers. The Planning Board, acting as the SPGA, may approve, approve with conditions, or disapprove, requests to waive the requirements of Section 6.2 if the Board makes all of the findings in numbers 1. through 5. below.

1. The Board shall not issue a waiver solely to allow larger signs or more signs than would otherwise be allowed. Prohibited signs listed in Section 6.2.4 shall not be subject this waiver provision.
2. There are conditions unique to the property and exceptional circumstances that warrant the granting of a waiver.
3. Waivers of the provisions would not be contrary to the purpose and intent of Section 6.2
4. The architecture of the building, the location of the building or property, or the proposed use of the property is such that a waiver could be granted without detracting from the character of the site building or development and nearby properties and businesses, would not impact traffic or pedestrian safety, and would not be contrary to the public interest.
5. There are no reasonable alternatives within the requirements of the sign bylaw to address the circumstances being put forth to justify a sign waiver.

6.2.3. Exempt Signs

The following are exempted from the provisions of Section 6.2, unless otherwise noted.

A. The message of a sign.

B. Agricultural signs which are accessory to agricultural uses protected under G.L. c. 40A, § 3.

C. Traffic control signs and safety signs, including disability access signs.

D. Temporary signs. See Sections 6.2.5. and 6.2.6

E. Outward facing signs painted or placed on the inside of a window provided that the aggregate area of all the signs in the window shall not exceed 30%of the window area.

F. Signs, banners, or markers required or erected by local, state, or federal government.

G. Public utility identification markings.

H. Address signs in residential districts which do not contain advertising copy.

I. Names on private residences not used for business purposes.

J. Flags which are not used for advertising or commercial purposes.

K. Customary signs on gasoline pumps indicating in standard size and form the name and type of gasoline and the price.

L. Legal notice signs such as “no trespassing” and similar.

M. Any sign limited solely to directing traffic or providing direction, such as arrows or entrance and exit signs or setting out restrictions on the use of parking areas and not exceeding 4 square feet in area.

N. Electronic message board signs which serve as menu boards for the purpose of communicating an establishment’s available products and services with associated prices for commercial facilities with drive-through service. The electronic message board menu must be located within the drive-through window pathway, may not exceed seven feet in height, and each menu board panel may not exceed 12 square feet. Any proposals which do not meet this exception are subject to special permit requirements.

See Section 6.2.9 for Transition District requirements.

6.2.4. Prohibited Signs.

The following signs are prohibited:

A. Tethered, floating, or inflated devices of any kind.

B. Signs on parked motor vehicles and where the Sign Officer determines that a vehicle’s primary use is for the display of signage and not for transportation.

C. Revolving, moving, flashing, or blinking signs, signs that appear to be in motion, animated signs, or signs with visible moving parts, except for signs which display public service information such as time and temperature.

D. Signs or parts that contain or consist of animated parts, ribbons, streamers, spinners, or similar moving or fluttering devices, including feather banner and wind flag signs.

E. Roof signs and signs protruding above the roofline of the building to which the sign is attached.

F. Signs that obstruct the view of any traffic sign, signal, or other traffic device, or obstruct the view of a driver entering or exiting a street intersection or driveway intersecting with a street.

G. Banners are prohibited unless specifically authorized under the provisions of Section 6.2

6.2.5. Temporary Signs, Non-commercial.

Temporary non-commercial signs shall be permitted as a matter of right if they satisfy all of the following conditions:

A. No signs shall exceed six square feet in area and no portion of a sign shall be more than four feet in height from ground level.

B. All signs shall be located on private property and a minimum of 10 feet from the edge of the pavement of any street or sidewalk.

C. No signs shall obstruct traffic sight lines or pedestrian traffic.

D. No signs shall be illuminated.

E. Unless otherwise provided for in this section temporary signs shall not be installed for a period to exceed 30 days. The Planning Board may waive this provision in accordance with Section 6.2.2.

F. No event signs shall be installed sooner than 15 days prior to the event and shall be removed within four days of the conclusion of the event.

G. Signs advertising the one-time sale of personal property or household accessories provided the sign shall not be posted more than twice in one year, nor for a period of more than seven days at any one time.

6.2.6. Temporary Signs, Commercial

Temporary commercial signs shall be permitted as a matter of right if they satisfy all of the following conditions:

A. A temporary sign shall be located on private property and a minimum of 10 feet from the edge of the pavement of any street or sidewalk.

B. No sign shall obstruct traffic sight lines or pedestrian traffic.

C. No sign shall be illuminated.

D. Unless otherwise provided for in this section temporary signs shall not be installed for a period to exceed 60 days. The Planning Board may waive this provision in accordance with Section 6.2.2.

E. Temporary real estate signs shall not exceed 8 square feet in area for residential properties and 16 square feet in area for commercial and industrial properties, shall be limited to one sign per lot, and shall be removed 5 days after the sale, rental or lease of the property. If a property is for sale, one additional temporary sign shall be allowed. If a temporary real estate sign is installed on a property which does not have a vacancy, the Building Commissioner or Town Manager Designee may request its removal.

F. Temporary construction signs which advertise the development, and/or the owner, architect, builder, banker, and others responsible for the construction on the lot shall not exceed 32 square feet; shall be limited to 1 sign per lot or 1 sign per 300 feet of frontage of the lot; and shall be removed 25 days after the completion of the development or the construction .If a property is under development or a building under construction, one additional temporary sign shall be allowed.

G. Temporary business signs such as “grand opening”, “going-out-of- business”, “special sale” and similar shall not exceed more than two signs per event. For businesses located within 100 feet of the street, each sign shall not exceed 50 square feet. For businesses located beyond 100 feet from the street, each sign shall not exceed 100 square feet.

H. Temporary business signs other than in subsections E., F., and G. above are limited to two per business.

I. No temporary signs shall be installed 15 days prior to the activity and shall be removed within five days of the conclusion of the activity.

6.2.7. Sign Standards

All signs shall conform to the following standards:

A. Movement. Unless otherwise provided by Section 6.2, no sign shall contain any moving, flashing, or animated lights or visible moving parts of any digital display of variable content.

B. Sign Area. The area of a sign shall include all lettering, wording and accompanying designs and symbols, together with the background on which they are displayed, any frame around the sign and any "cutouts" or extensions, but shall not include any supporting structure or bracing. The area of a sign consisting of individual letters or symbols

attached to or painted on a surface, building, wall or window, shall be considered to be that of the smallest linear boundary which encompasses all of the letters and symbols.

C. Illumination. Signs shall meet the following illumination standards, criteria and prohibitions.

1. No sign shall be illuminated between the hours of 12 a.m. and 6 a.m. unless the premises on which it is located is open for business.

2. Neon lights are prohibited on free-standing and monument signs.

3. Signs may be illuminated only by the following means:

   a. By a white steady stationary light of reasonable intensity shielded and directed primarily at the sign.

   b. By internally illuminated lighting devices of reasonable intensity.

4. Signs containing electronic message boards, which shall mean a digital sign that exhibits changing or moving illumination, or a sign with moving letters, symbols or changing messages which are displayed via light emitting diodes (LED), liquid crystal display (LCD), plasma, or similar display technologies, shall not be allowed except by special permit from the Planning Board based upon the following criteria:

   a. The business(es) utilizing the electronic message board is located on a site of over 10 acres of land.

   b. The buildings and public entrances to the businesses are located at least 125 feet from the street.

   c. There shall be no safety hazards created based on the illumination's effect on traffic patterns, traffic lights or public safety.

   d. Each electronic message sign shall have a light detector which automatically adjusts brightness according to ambient light conditions. The brightness regulator shall not allow the sign to register more than 0.3 light candles over ambient light levels and shall be accompanied by a manufacturer's certification.

   e. The dimensions of the message board area shall not exceed 41" H x 63" W.

   f. Electronic message boards shall not be allowed in the Town Center District.

   g. There shall be no scrolling or flashing, of messages or other displays.

   h. The electronic message board sign letters shall be amber color only, with a black background.

   i. Any message shall be displayed for a period of at least 10 seconds.

   j. The Planning Board may waive criteria 4a.through 4i., above upon making findings of special circumstances that are specific and unique to the property and that waiver of these provisions would not be contrary to the purposes and intent of Section 6.2 and serve a public interest.

D. Sign Electrical Permit. No sign permit shall be issued for an electrically operated sign until the local wiring inspector has issued an electrical permit, if otherwise required, for that sign.

E. Color. No sign shall contain red, amber, or green lights if those colors would, constitute a safety hazard for drivers and/or pedestrians, based on a finding by the Police Chief.

6.2.8. Residence District Requirements

Signs located in the F, VR, and MF Districts shall meet the following requirements.

A. Residential Uses. A permitted residential use located within these zoning districts may erect one or more permanent signs that shall not exceed a total of eight square feet in the aggregate area.

B. Signs may be freestanding, in which case they may not exceed four feet in height and shall be located at least 15 feet from any property boundary, and/or mounted on the building façade, no higher than eight feet from the base level of the building. Free-standing signs shall include the street address.

C. Temporary Signs. Temporary signs may be installed in accordance with the requirements of Section 6.2.5.

D. Nonresidential Uses. A permitted nonresidential use located within these zoning districts shall be allowed a maximum of two signs. All signs on an individual property shall not exceed 30 square feet in size in the aggregate. Signs may include a Freestanding, Monument, or Attached Wall sign. For a Freestanding or Monument sign, the sign shall not exceed six feet in height and shall not be located closer than 15 feet to any property boundary. An Attached wall sign mounted on the building façade shall be no higher than 12 feet from the base level of the building.

E. Residential Development Sign – One sign identifying a subdivision, condominium or apartment development or similar residential development may be located at the entrance to that development. The sign shall not exceed 20 square feet in area and shall not exceed four feet in height. The sign shall be located so as to not block visibility of traffic entering and exiting the development.

6.2.9. Transition District Requirements

Signs located in the Transition District shall meet the following requirements.

A. Attached Wall Signs. One attached wall sign per permitted use not exceeding 15 square feet in size shall be allowed. Attached wall signs shall not contain more than 3 colors. The sign shall not be illuminated from within. Sign lighting shall be extinguished during non-business hours.

B. Secondary Wall Signs. For any permitted use in the Transition District located on a corner lot and where the permitted use faces both streets, a secondary wall sign may be located on the building face fronting the secondary street. This sign shall not exceed 10 square feet in size.

C. Freestanding Signs. Signs identifying entrances and exits may be erected. These signs shall not exceed six square feet in size. No other freestanding signs shall be permitted.

6.2.10. Business, Commercial, and Industrial District Requirements

The following requirements pertain to all base districts except the F, R40, VR, MF, P, and TD Districts:

A. Attached Wall Signs. Attached wall signs may be erected according to the following requirements.

1. The sign shall be firmly affixed to the building.

2. The sign shall not project beyond the face of any other wall of the building or above the highest point of the eave.

3. The sign shall not project more than 12 inches from the face of the wall to which it is attached.

4. For businesses located in a multi-tenanted building along the front façade, the size of the wall sign shall be determined as follows:

   a. Businesses located within 100 feet of the street – One wall sign not to exceed three feet in height and ½ the length of the business façade, with a maximum length of 30 feet.

   b. Businesses located between 100 and 300 feet from the street – One wall sign not to exceed four feet in height and ½ the length of the business's façade, with a maximum length of 40 feet.

c. Businesses located more than 300 feet from the street – One wall sign not to exceed five feet in height and ¾ the length of the business's façade, with a maximum length of 50 feet.

d. No wall sign shall extend above the eave of the roof line of a single-story building; extend higher than the bottom of the window sills of the second story of a building; or in the case of a gabled wall, no higher than a line equal in height to the lowest portion of the lower eave of any adjacent wall.

5. For a single business that occupies the entire first floor of a detached building, the size of the sign shall not exceed ¾ of the length of the front façade with a maximum sign size and height based on the size formula and height requirements of Section 6.2.10.A(4).

B. Directory Sign. For buildings that have uses located above the first floor, a Directory sign identifying those uses in the building may be located adjacent to the main entrance to the building or the entrance to the floors above the first floor. The Directory sign shall only identify the names of the professionals or businesses, their profession or business type, and their floor and room number location. The Directory sign shall not exceed 14 square feet in area.

C. Secondary Wall Signs. For any permitted use in the Business, Commercial, and Industrial districts located on a corner lot and where the permitted use faces both streets, a secondary wall sign may be located on the building face fronting the secondary street. This sign shall not exceed 50% of the permissible size of a sign fronting the primary street.

D. Freestanding Signs or Monument Signs. Freestanding signs or Monument signs may be erected in accordance with the following requirements.

1. Freestanding or Monument signs may not be erected within 15 feet of any street lot line or 10 feet of any side lot line.

2. Freestanding signs are limited to a height of 20 feet from the nearest pavement grade to the top of the sign structure. Monument signs are limited to a height of six feet from the nearest pavement grade to the top of the sign structure.

3. Freestanding and Monument signs may be double faced; however, the permitted area will be measured on one side only.

4. A freestanding sign shall not exceed 50 square feet in sign area. A monument sign shall not exceed 60 square feet in sign area.

5. A professional building shall be limited to one freestanding sign with a maximum size of 50 square feet or one monument sign with a maximum size of 60 square feet.

6. Shopping centers of at least 50,000 square feet in size shall be allowed one freestanding or monument sign at each entrance, but there shall not be more than two freestanding or monument signs in total. Each freestanding sign may be a maximum of 60 square feet. Each monument sign may be a maximum of 80 square feet.

7. All freestanding and monument signs shall be located within a landscape area equal to 125% of the sign area. The landscape area shall be maintained in a continuous manner to prevent the accumulation of weeds and trash. Dead plants, shrubs, and trees shall be replaced within the first growing season after their demise.

E. Projecting Blade Sign.

In the Town Center (TC), Mixed-Use Business (MUB), and General Business (GB) districts, two-sided projecting blade signs may be permitted subject to the following requirements.

1. There shall be only one sign per business and the sign shall be located on the same façade, or section of the façade, as the business advertised on the sign.

2. Only businesses located on the first floor shall be allowed a projecting blade sign.

3. The sign shall not project more than three feet from the building facade.

4. The sign shall not exceed six square feet of surface area per sign side.

5. The sign shall not exceed two inches in width.

6. The bottom of the sign shall not be less than nine feet and the top of the sign shall not be more than 15 feet above the sidewalk over which the sign projects.

7. The sign shall not be internally or externally lit.

8. No projecting blade sign shall be located directly above a public sidewalk, street, or any public area owned or controlled by the Town unless a permit authorizing the sign has been approved by the Select Board.

F. Sandwich Board/A-Frame Signs.

Sandwich Board signs may be allowed in the Town Center (TC), Mixed-Use Business (MUB), and General Business (GB) zoning districts subject to the following requirements.

1. The maximum height of the sign shall be four feet.

2. The maximum area of the sign shall be six square feet per sign face, with no more than two faces allowed.

3. A-frame signs shall not form an angle not less than 15 degrees not more than 30 degrees.

4. Only one sign per business is allowed.

5. The sign shall be located within 15 feet of the business entrance.

6. The sign shall only include advertising for the business for which the sign permit was issued.

7. The sign shall be located so as to provide at least a five foot area of unobstructed walkway for safe pedestrian passage and shall not obstruct pedestrian passage in any way.

8. The sign shall not be illuminated in any manner.

9. The sign shall not obstruct sight lines or vehicular traffic.

10. The sign shall be placed outside the business only during business hours and shall be removed at the end of the business day.

11. The sign shall not be located in landscaped areas

12. The sign shall not include any attachments such as balloons, banners, reflectors, or similar.

13. Signs shall be constructed from durable materials, be weather resistant, and present a finished appearance. Wood and metal are recommended materials. Cardboard or similar flimsy materials are prohibited.

14. The sign shall be free-standing and shall not be attached in any manner to a building or other physical object.

15. The sign shall not be located on a public sidewalk, street or street right-of-way, or any public area owned or controlled by the Town unless a permit authorizing the sign has been approved by the Select Board.

G. Banner Signs. Banner signs may be allowed in any non-residential district subject to the following:

1. The Building Commissioner may grant a temporary sign permit for banner signs for purposes such as grand openings, sales events, and seasonal promotions.

2. Temporary banner sign permits shall be valid for a period of 30 days.

3. A banner sign of textile, synthetic material, or similar, may be either a vertical banner sign or a horizontal banner sign. It shall be affixed and secured to a building or permanent pole, such as a building canopy support pole, or a parking lot light pole.

4. A vertical banner sign shall be no wider than two feet and no longer than 20 feet. A horizontal banner sign attached to the front façade of the business shall be no larger than 20% of the first floor front wall area of the business displaying the banner, with a maximum area in accordance with the following:

   a. A building located within 100 feet of the street – maximum size 100 square feet.

   b. A building located between 100 and 500 feet from the street, a maximum area of 300 square feet.

   c. A building located more than 500 feet from the street, a maximum area of 400 square feet.

5. The number of vertical banner signs shall not exceed the following:

   a. For a commercial or business complex of 1 to 5 businesses: 5 banner signs

   b. For a commercial or business complex of 6 to 20 businesses: 12 banner signs

   c. For a commercial or business complex of more than 20 businesses: 25 banner signs

H. Master Signage Plan. For any development that requires approval of a Site Plan Review or a Special Permit by the Planning Board, a Master Signage Plan shall be submitted as part of the application. If there are two or more buildings or individual business spaces proposed, the Master Plan shall include all proposed sign locations for all buildings and business spaces. The plan shall show the proposed placement, size, materials, framing, illumination, graphics and colors of the proposed signage.

   Once the sign plan is approved no sign permit shall be issued for any individual business unless it is in conformance with the Master Signage Plan.

I. Additional Sign Requirements

1. Awnings. Awnings used as signs shall not project more than 36 inches from the face of the wall to which they are attached. The signage on the awning must comply with the size requirements of this Section.

6.2.11. Other Requirements

A. Billboards and Non-accessory Signs. All billboards and non-accessory signs lawfully erected prior to June 1, 1965, shall be permitted provided no substantial changes are made in location, size, or design of the structure unless the changes are designed to bring the sign into conformance with Section 6.2.

B. Nonconforming Signs. Signs lawfully erected before the adoption of this bylaw which do not conform to the provisions of this Section 6.2 may continue to be maintained and shall be regarded as nonconforming signs.

C. Unsafe or Unlawful Signs. When any sign becomes unsecured, in danger of falling, or otherwise derelict or unsafe, or if any sign shall be unlawfully installed, erected, or maintained in violation of any of the provisions of law, the sign owner or the person or firm maintaining the sign shall, upon written notice of the Building Commissioner, immediately in the case of imminent danger, and in any other case within not more than 10 days, make the sign conform to the provisions this Section 6.2, or shall remove it. If within 10 days the order is not complied with, the Building Commissioner may, in conformance with state law, remove the sign at the expense of the owner or lessee.

D. Derelict Signs. Signs which become decrepit, dilapidated, illegible, or dangerous to the public safety, shall be condemned and removed by the Building Commissioner. Costs may be recovered for the removal from the owner or lessor in the District Court.

E. Maintenance of Signs. All signs permitted under Section 6.2 shall be appropriately maintained. Appropriate maintenance includes the replacement of missing letters, removal of peeling paint and repainting, replacement of any cracked or broken glass or plastic or similar, replacement of any failed lighting, and replacement of any broken, defective, worn out or damaged signs. If the Building Commissioner determines that a sign has not been maintained in accordance with this section, a notice to repair or remove the sign maybe issued to the sign owner to repair or replace the sign within 30 days.

6.3 OFF-PREMISES SIGNS. ELECTRONIC MESSAGE CENTER (EMC) SIGNS AND BILLBOARDS (COLLECTIVELY "OFF-PREMISES SIGNS")

A. Locations. Off-premises signs shall be permitted in the Industrial 1 and Office/ Research Zoning Districts located adjacent to either Interstate 93 or Interstate 495. No off-premises sign edge shall be located closer than 25 feet from the Interstate highway right-of way or within 1,000 feet of a Residential or Multifamily District or use.

B. Special Permit. Off-premises signs are allowed only upon the grant of a special permit by the Select Board. Special permits may be limited to a term of the number of years specified by the Select Board and subject to an agreement executed with the Town.

C. Application and Fee. Each application shall be submitted to the Selectmen accompanied by a filing fee of $2,500. Ten copies of the application filing documents shall be submitted with the information below:

1. Site Plan and area maps identifying the following features:

    a. Location of any existing buildings, parking spaces, and traffic circulation patterns on the subject parcel;

    b. Proximity of nearest residentially used or residentially zoned property, utilizing current area photographs and Tewksbury Assessors Maps;

    c. Specific location of the proposed off-premises sign;

    d. Details of proposed buffer/landscaping areas around the off-premises sign including species and caliper of any trees or shrubbery one foot or more above the ground in height;

    e. Location of any existing off-premises sign(s) on the parcel; and

    f. Photographs or illustrations of the proposed design of the off-premises sign.

2. Additional Information – An application for an off-premises sign shall include the following additional information:

    a. Detailed dimensions and area of any proposed off-premises sign;

    b. Detail sheet of any proposed support structure specifying dimensions and construction type. Upon request by the Selectmen or the Building Commissioner, the applicant shall provide a structural analysis of the support structure, stamped by a licensed structural engineer; and,

    c. Lighting proposal, including specifications of all proposed lighting fixtures to be either attached to the billboard, structure, or affixed to the ground.

3. Additional Requirements:

a. Written authorization from the property owner or lawful occupant (such as a lease with a term of at least five years) granting permission to install the proposed off-premises sign; and

b. Any additional information as may be required by the Selectmen to assist it in determining whether the application complies with the provisions and requirements of this Section 6.4.

D. Dimensional Restrictions and Design Guidelines. All off-premises signs shall be in compliance with the following requirements:

1. All off-premises signs shall be permanently affixed to a main support structure. No portable off-premises signs shall be permitted.

2. Off-premises signs shall not have excessive lighting. EMC signs shall use automatic level controls to reduce light levels at night and under cloudy or other darkened conditions.

3. Exposed backs of off-premises signs, poles, and other support structures shall be of a color and finished so as to present an attractive and finished appearance that will blend with the natural surroundings.

4. The following types of off-premises signs are prohibited:

a. Animated, projected, moving or giving the illusion of movement (including any moving parts), scrolling, flashing, revolving, and blinking, and intermittently flashing illuminated billboards, beacons (or any light directed at any location other than the billboard itself), searchlights, pennants, and inflatable billboards, including balloons;

b. Billboards with physical movements of any kind;

c. EMC signs that change at intervals of less than once every 10 seconds. Changes of image shall be instantaneous as seen the human eye and shall not use fading, rolling, window shading, dissolving or similar effects;

d. Tri-vision billboards;

e. Video billboards or billboards that otherwise give the illusion of video or moving images;

f. Billboards with sound;

g. Billboards with pyrotechnics; and

h. Billboards that by reason of position, wording, illustration, size, shape or color obstruct, impair, obscure, interfere with the view of, or may be confused with, any traffic control signal or device, or that may otherwise obstruct or interfere with traffic.

5. An off-premises sign shall not be located within 1,500 linear feet of any other off-premises sign.

6. An off-premises sign may be double sided. No individual off-premises sign or sign face shall exceed 672 square feet in total area on each side or shall exceed 14 feet in height by 48 feet in width.

7. An off-premises sign shall be mounted on a pedestal or other support structure.

8. No off-premises sign shall be located on any building, whether erected or otherwise placed or painted on the building.

9. No off-premises sign shall be located on or otherwise attached to a tree, utility pole, fence, or rock.

10. Lighting or other illumination related to the off-premises sign shall not project glare or negatively impact abutting properties and shall not shine onto abutting roadways;

11. There shall be a 10-foot wide landscaped buffer installed around the base of the support structure to minimize its visual impact.

E. Criteria for Approval. The Selectmen shall approve an application for a Special Permit under Section 6.4 unless it finds that all of the following conditions are not met. The conditions shall be incorporated into any Special Permit decision:

1. The specific site is an appropriate location for the proposed off-premises sign and the design and layout complies with the standards and requirements set forth in this bylaw;

2. The proposed off-premises sign shall not adversely affect the abutting neighborhood or have the effect of causing a hazard to motorists;

3. The off-premises sign, including supports, braces, guys, and anchors, shall be kept in good repair.

4. All special permit approvals are subject to any necessary approvals, restrictions, and conditions required or issued by the Commonwealth and/or the federal government.

5. The Selectmen, in granting a special permit, may require additional conditions and safeguards as it deems necessary for protection of the public health, safety, and welfare.

F. Off-premises Sign Maintenance and Removal. Off-premises signs shall be maintained and be required to be removed in accordance with the following.

1. All off-premises signs and supporting structures shall be kept in good repair and free of wear and tear, rust, and other indices of deterioration.

2. An off-premises sign permitted under Section 6.4 that is abandoned, discontinued, blank, or is in disrepair for a period of 120 days shall be cause for its removal. For purposes of this section, an off-premises sign will satisfy this condition if:

   a. There is no advertising paid for by a person or company other than the off-premises sign owner or advertising an interest other than specified in the rental agreement of the off-premises sign;

   b. The off-premises sign advertises a business, service, enterprise, or activity that is no longer operating or being offered or conducted; or

   c. The advertising message of the off-premises sign displays becomes illegible in whole or substantial part.

3. The Building Commissioner shall notify the off-premises sign owner, lessee, and manager of the off-premises sign, as the case may be, in writing, specifying a 45-day period to remove or repair the off-premises sign. If the off-premises sign has not been removed or repaired within such time period to the satisfaction of the Building Commissioner, the Building Commissioner may revoke the off-premises sign building permit and take appropriate action forthwith to remove the sign. All expenses for the removal shall be borne by the off-premises sign owner, lessee, and/or manager as determined by the Building Commissioner.

4. If the Building Commissioner determines that an off-premises sign is an immediate threat to public safety irrespective of any stays granted to the off-premises sign owner, lessee, or manager, the Building Commissioner may cause any off-premises sign, abandoned or not, and any portion of its support structure if deemed part of the public

threat, to be immediately removed, or the threatened area to be cordoned off. All expenses for protecting the public, including the removal of the off-premises sign or stabilization of the public safety threat, shall be borne by the off-premises sign owner, lessee, as determined by the Building Commissioner. An off-premises sign that is not abandoned may be returned to its original position, but only after repairs have been made and the public safety threat has been abated, to the satisfaction of the Building Commissioner.

G. Surety. The Applicant shall provide a financial surety to the Town in accordance with G.L. c. 44 § 53G ½, that will secure the full cost of the removal of any off-premises sign which is found to be abandoned, discontinued, blank, or is in disrepair, as determined under Section F(2) above. The Applicant shall deposit with the Town Treasurer a surety in an amount that shall be determined by the Selectmen. Upon removal of the off-premises sign, any remaining funds shall be returned to the Applicant in accordance with G.L. c. 44 § 53G ½.

H. On-premises Signs. Nothing in Section 6.4 shall be applicable to on-premises signs.

6.4 TOWN CENTER DISTRICT DEVELOPMENT STANDARDS

Development in the Town Center District shall conform to the following building and site standards in order to be eligible for site plan approval under Section 3.6 or a special permit from the Planning Board. These standards are supplemental to, not a substitution for, the dimensional and design regulations in Section 5.

A. Setbacks

1. No use or activity other than landscaping, outdoor dining, public art, sidewalks, seating, street furniture, multi-use paths, or signs shall be permitted between the front building line and the curb. Off-street parking shall not be allowed except by special permit from the Planning Board and no special permit shall be granted except for lots with less than 100 feet of frontage.

2. The maximum front setback may be increased to accommodate amenities such as a plaza, square, courtyard, recessed entrance, sidewalk, multi-use path, raised terrace, façade offsets, bike racks or outdoor dining, but not for automobile use.

3. Permitted Encroachments

   a. Low impact stormwater management features may encroach into the first four feet of a required setback. The features may include but are not limited to: rain barrels or cisterns, six feet or less in height; planter boxes; bioretention areas; or similar features with approval from the Planning Board.

   b. Porches, stoops, balconies, marquees, arcades, awnings/canopies, building eaves, roof overhangs, gutters, downspouts, light shelves, and bay windows may encroach up to 2 feet into a required setback.

   c. Structures below and covered by the ground may encroach into a required setback.

B. Height

1. The maximum height limits in Section 5.3.3 do not apply to spires, belfries, cupolas, domes not intended for human occupancy; monuments, water tanks/towers or other similar structures which, by design or function, must exceed the established height limits.

2. The following accessory structures may exceed the height limit by not more than 5 feet:

   a. Chimney, flue or vent stack, spire, smokestack, water tank, windmill;

   b. Rooftop deck, patio, shade structure;

c. Monument, steeple, flagpole;

d. Accessory radio or television antenna, relay tower;

e. Transmission pole, tower or cable;

f. Garden, landscaping;

g. Skylight;

h. Cupola, clock tower, or decorative tower not exceeding 20% of the principal building footprint; or,

i. Solar panel, wind turbine, rainwater collection system.

3. The following accessory structures may exceed the height limit by not more than 10 feet, provided: (1) they do not occupy more than 25 percent of the roof area; and, (2) are set back at least 10 feet from the edge of the roof.

a. Elevator or stairway access to roof;

b. Greenhouse; and,

c. Mechanical equipment.

4. An accessory structure located on the roof shall not be used for any purpose other than a use incidental to the principal use of the building.

C. Sidewalks

1. Except as provided below, any development of 10,000 square feet or more shall provide a sidewalk at least 6 feet wide and a planting zone along the full length of the front lot line, except for the entrance to the driveway. Sidewalks may be located wholly or partially within the street right of way. If on the lot, sidewalks shall be considered part of the minimum required landscaped open space.

2. Sidewalks shall be separated from the road, wherever feasible, with a landscaped buffer/planting zone meeting the requirements of Section E(1) below. The landscaped buffer may contain street design elements such as benches.

3. Outdoor restaurants and café seating, merchandise displays, planters, and sandwich board signs that are located on the sidewalk shall be located no more than 3 feet from the building and shall leave a pathway of at least 4 feet that is free of obstruction.

4. A development of less than 10,000 square feet may provide a sidewalk meeting the minimum specifications of this section or provide a payment in lieu of sidewalk construction to the Tewksbury Sidewalk Fund.

5. In its discretion, the Planning Board may authorize a payment in lieu by special permit for a development of 10,000 square feet or more where construction of a sidewalk is infeasible for physical or economic reasons. The burden of proof shall be on the applicant.

D. Walkways

1. All developments shall provide walkways connecting building entrances to building entrances, buildings to streets, and buildings to sidewalks and adjacent public features such as parks and playgrounds, with minimal interruption by driveways or curb cuts.

2. Parking lot aisles and access and interior driveways shall not count as walkways. Walkways should be designed with wider gathering points that may include special features such as water elements or public art. The

Planning Board may require benches and other places for people to wait, bicycle racks, stroller bays, and other sheltered spaces near building entrances.

3. Wherever possible, walkways should have some degree of enclosure achieved through the use of building fronts, trees, low hedges, arcades, trellised walks, or other means in order to define the pedestrian space.

4. Walkways and related pedestrian amenities shall be considered part of the minimum required landscaped open space.

E. Landscaping

1. There shall be a minimum planting zone of 4 feet between the sidewalk in front of a building and the curb. Shade trees and other plantings shall be incorporated in the landscaping plan to help to soften the building façade, create a protective barrier between the street and sidewalk, reduce solar glare, reduce stormwater runoff, absorb pollutants, provide shade, create an appealing environment, and contribute to a sense of place. Selection of shade trees and street trees shall conform to Planning Board guidelines. Landscaping shall be organized in clusters of plantings rather than in a rigid linear arrangement along the front lot line.

2. Wherever possible, unity of landscape design shall be achieved by repetition of certain plant varieties and other materials and, where appropriate, by correlation with adjacent properties.

3. Side yards and rear yards shall be landscaped with trees, shrubs, walls, fences, or other landscape elements to reduce the visual impact of the principal use on adjacent property. On lots abutting a single-family residential district, landscaping shall consist of a substantially sight-impervious screen of evergreen foliage at least 8 feet in height or planting of shrubs and trees complemented by a sight-impervious fence of at least 5 feet, but not more than 8 feet, in height, or such other type of landscaping as may be required by the Planning Board.

4. Wherever possible, existing trees and mature, healthy vegetation shall be preserved and changes to the natural topography of a site shall be minimized.

5. Site landscaping shall not block a driver's view of oncoming traffic.

F. Exterior Lighting. Throughout the TC District, the goal of an exterior lighting plan shall be to light sidewalks and walkways, building entrances, and parking areas in a consistent, attractive, safe, and unobtrusive manner that minimizes off-site impacts. Toward these ends, exterior lighting shall conform to the following standards, and shall be in accordance with a lighting plan approved by the Planning Board.

1. Pedestrian Lighting

   a. Pedestrian lighting shall be designed to add to the character, aesthetic appeal, and safety of a development and thereby promote greater pedestrian activity.

   b. Pedestrian lighting shall use consistent fixtures, source colors, and illumination levels. To prevent glare and light pollution, light fixtures shall be downcast or full cutoff fixtures.

   c. When pedestrian lighting is used in conjunction with street lighting, the pedestrian lighting shall be clearly distinguishable from the ambient street lighting to clearly define the pedestrian path of travel.

   d. Placement of fixtures shall facilitate uniform light levels and work with the placement of sidewalks, landscaping, signage, building entries, and other features to contribute to the overall continuity of the streetscape and development. The Planning Board prefers the use of a greater number of low fixtures in a well-organized pattern over the use of minimum number of tall fixtures.

2. Parking Areas

a. Within parking areas, there shall be a unified lighting system that provides functional, attractive lighting throughout the lot.

b. Fixtures shall be full cutoff and designed to minimize spill light and glare onto adjacent properties. Parking area lighting adjacent to residential districts shall direct the light away from residential properties and limit off-site light levels.

c. Parking area lighting shall be turned off one hour after the close of business except as needed to provide for minimum security levels.

d. Parking area lighting shall complement the lighting of adjacent streets and properties and shall use consistent fixtures, source colors, and illumination levels. When adjacent to pedestrian circulation and gathering areas, parking area lighting shall not overpower the quality of pedestrian area lighting.

G. Access and Parking

1. No vehicular driveway or parking lot shall be placed between the front building line and front lot line, or in front of a building as seen from the street if the building is located on a different lot than the driveway or parking lot. A driveway and parking lot may be placed in the front of a building that is located in the rear of another building when viewed from a street. No driveway or parking lot shall be located between a pedestrian gathering space and a street except for a pedestrian gathering space located behind a building when viewed from a street. No driveway or parking lot shall intersect or be mixed with a pedestrian gathering space.

2. Vehicular driveways and parking lots may be located to the side and rear of buildings, to the rear of a pedestrian gathering space, or underground. Where parking is located to the rear of buildings with additional buildings behind, a quadrangle effect should be created to allow parking, landscaping, and walkways or bikeways surrounded on all sides by shops and activity centers.

H. Buildings

1. On any lot abutting Route 38/Main Street the main entrance shall be on the front façade, which shall face the street.

2. Blank walls facing a public street or pedestrian plaza are prohibited. Walls or portions of walls where windows are not provided should have architectural treatment, exceptional design elements such as masonry elements that provide texture and color, decorative tile work, artwork, opaque or translucent glass, or lighting fixtures.

3. Rooflines shall provide visual interest, be in keeping with the surrounding character, and be used to break up massing wherever appropriate. When the gable end of a building faces the street, it must be peaked and not flat. Modulating rooflines is encouraged, such as with dormers, varying the direction of the slope, having different projecting architectural elements, or using a variety of exterior cladding materials.

4. The building front facades shall be articulated to achieve a human scale and interest, especially at the ground floor of the building. The application of different textures, shadow lines, and detailing shall be required for site plan approval.

5. Upper-story exteriors shall be accentuated with balconies, terraces, or porches to provide depth to the building and enliven the façade.

6. The ground floor of the front of buildings facing the street shall be designed for occupancy by businesses that are essential for a high-level activity zone, e.g., retail and restaurants. Large buildings that face Main Street but are set back via a courtyard may have a wider variety of ground floor nonresidential uses, such as commercial entertainment, health care, or business services.

7. The main business entrance to each ground floor business, identified by larger doors, signs, canopy, or similar means of accentuation, shall be from the building front.

8. Ground floor display windows shall be framed on all sides by the surrounding wall and shall be highlighted with frames, lintels, and sills or equivalent trim features, or may instead be recessed into the wall or projected from the wall.

9. The main features of the architectural treatment of the building front facades, including the materials used, shall continue on all sides of the building that are visible from a street or a pedestrian gathering space.

10. Accessory structures, air conditioning equipment, electric utility boxes, satellite dishes, trash receptacles, and other ground level utilities shall not be visible from the street and adjacent lots.

11. Rooftop mechanical equipment shall be screened from public view by the use of architecturally compatible materials.

12. Applicants shall incorporate sustainable design principles wherever possible.

13. Where first-floor residential uses are allowed, access to the units shall be via a stoop or porch unless such access conflicts with architectural access requirements in the State Building Code. An elevated entrance shall not be required for live/work units.

I. Additional Requirements for Town Center Major Developments

1. Pedestrian Gathering Spaces. Any development of 25,000 square feet or more shall provide one or more pedestrian plazas or similar gathering spaces for outdoor dining, public art, or social or cultural activities. The purpose of pedestrian gathering spaces is to encourage residents, customers, and employees of Route 38 businesses to linger, shop, and socialize, and to experience the commercial corridor on foot wherever possible. Pedestrian gathering spaces shall be open to the general public.

a. The pedestrian gathering space (or combined spaces if more than one) shall measure at least 5% of the net floor area on the lot, but not more than a total of 2,500 square feet and shall be required. At least one pedestrian gathering space shall measure 1,500 square feet or more with a minimum side dimension of 20 feet. No pedestrian gathering space shall measure more than 3,000 square feet. The Planning Board may grant a special permit for a smaller pedestrian gathering space if it meets the purposes of this Section.

b. The pedestrian gathering space shall be a natural gathering spot at the street level in front of a building, on the side of a building, or in between buildings, which is to be used exclusively by pedestrians and shall connect to the sidewalk and walkways. For purposes of this Section, a landscaped pedestrian arcade located within a building footprint and open to the outdoors may be counted toward the minimum area required for a pedestrian gathering space.

c. Where possible, the pedestrian gathering space shall be open on one side to an adjacent larger space, natural view, or activity area such as an outdoor cafe, coffee cart, food stand, game tables, or playground. Within the pedestrian gathering space, at least one seating area or activity pocket shall be placed along the edge of the space looking into the plaza. The pedestrian gathering space shall provide pedestrian amenities such as benches, kiosks, and other partly enclosed outdoor structures to facilitate waiting or group activities. For a gathering space with sitting walls, they shall be no higher than 20 inches and at least 12 inches wide. Creativity is encouraged in the design of the pedestrian gathering space and the activities it supports. Efforts should be made to align open spaces with adjoining properties.

d. Shade trees, ornamental trees, and other landscaping shall be included to provide shelter from the sun, to reduce noise, to beautify/enhance the appearance of the district, and to mitigate exhaust fumes. All landscaping shall use species that are tolerant to the climate conditions in Tewksbury and shall be designed to facilitate ongoing maintenance and watering.

e. Nothing in this Bylaw shall prohibit the serving of foods and drinks at outdoor tables in a pedestrian gathering space.

f. A pedestrian gathering space shall be considered part of the minimum required landscaped open space. The area required for a sidewalk shall not be included in the pedestrian gathering space.

7. SPECIAL USE REGULATIONS

7.1 FAMILY SUITE

A Family Suite is allowed as an accessory use in a single-family dwelling in R40, F, TD, MF and VR districts in accordance with the following requirements and by special permit of the Planning Board. Except as noted, these requirements are not subject to relief through a variance.

A. A family suite may have a maximum floor area not to exceed 1000 square feet upon approval by the Planning Board through Site Plan Review.

B. Common entries and open decks shall not be included in the square footage calculation of the family suite.

C. A family suite can have a maximum of 2 bedrooms.

D. The family suite shall be contiguous with the single-family dwelling with direct access or connected with a common closed entry.

E. The family suite shall not have its own front door, however, it may have a side or rear exit with an open deck and egress.

F. Any structural addition of a family suite must meet all front, side, and rear setbacks and lot coverage requirements for the district unless variances are granted by the ZBA in accordance with G.L. c. 40A, § 10.

G. No more than 3 related persons shall occupy the family suite.

H. A minimum of one additional off-street parking space shall be provided, but a separate driveway is not permitted.

I. Annual certification by notarized affidavit shall be provided to the Town Clerk's Office that the owner of the property, except for bona fide temporary absence, occupies one of the two dwelling units as a primary residence. Failure to provide a certified affidavit on an annual basis shall be sufficient cause for the Planning Board to revoke Special Permit. Failure to provide a certified affidavit on an annual basis shall represent sufficient cause for the Building Commissioner to issue a Notice of Zoning Violation to the owner and to undertake such remedial action as the Building Commissioner may determine is necessary.

J. The property with a family suite must comply with Title V of the State Environmental Code. Hook-up to Town sewer shall be required if the service is available and, if not, as soon as Town sewer becomes available.

K. Only one family suite may be constructed in any dwelling.

L. The Planning Board may impose any conditions it deems appropriate to satisfy the Town's interest in limiting the number and degree of persons who may occupy a family suite at any one time, together with such other conditions as it may deem appropriate, if any, including but limited to, provisions calling for the termination of the special permit and all rights granted thereunder in the event of a foreclosure sale of the premises for which the special permit has been granted by a mortgagee or any lien holder of record with priority over the special permit.

M. Notwithstanding anything else contained in this Bylaw to the contrary, if the owner or a child of the owner has a disability and requires assistance with Activities of Daily Living (ADLs), the family suite may be occupied by a personal care attendant who need not be related to the owner. In such case, a letter from a licensed physician, verifying the disability and the need for assistance with ADLs shall be submitted to the Building Commissioner.

N. The Planning Board may impose such special conditions, safeguards, and limitations on time and use as it deems appropriate.

7.2 HOME OCCUPATION

A. In any Residential district, a customary home occupation, incidental to the principal residential use, is permitted as of right only if all of the following conditions are met:

1. No nonresident shall be employed therein;

2. There shall be no stock in trade kept nor commodities sold on the premises except for goods produced by the owner of the business or by immediate family members residing on the premises;

3. Not more than 25% of the existing gross floor area of the dwelling unit in the principal building, not to exceed 600 square feet, is devoted to such use;

4. There shall be no display of goods or wares visible from the street;

5. All advertising devices visible from off the lot are specifically prohibited;

6. No equipment, machinery, or materials other than types normally found in or compatible with a dwelling shall be allowed;

7. The buildings or premises occupied shall not have a detrimental impact on the neighborhood due to exterior appearance, emission of odor, gas, smoke, dust, noise, electrical disturbance, or in any other way. In a structure containing more than one dwelling unit, the use shall not become objectionable or detrimental to any residential use within the structure;

8. Any such building shall include no feature of design not customary in buildings for residential use; and,

9. The minimum required parking for the residential use shall not be reduced or made unusable by the home occupation.

B. Home Occupation by Special Permit. A home occupation may be allowed by special permit issued by the Zoning Board of Appeals, provided that it:

1. Fully complies with subsections (A)(4), (A)(6), and (A)(7) above;

2. 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 one additional employee;

3. Does not exhibit any exterior indication of its presence, or any variation from residential appearance, except for a sign or name plate in conformance with Section 6.2.

4. A special permit for such use is granted by the Zoning Board of Appeals, 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 5 years, or the transfer of the property, whichever first occurs.

7.3 ADULT USES

7.3.1. Purpose

The purpose of this section is to regulate the location of the adult use establishments; to prevent the associated secondary effects of these establishments; and to protect and promote the general welfare, health and safety of the residents of Tewksbury.

7.3.2. Special Permit Required

The operation of an adult use establishment shall require a special permit from the Planning Board. The Planning Board may impose conditions, safeguards and limitations as it deems appropriate to protect the neighborhood or the Town including, but not limited to:

A. Screening of parking areas or other parts of the premises from adjoining premises or from the street by specified walls, fences, plantings or other devices;

B. Modification of the exterior features or appearances of the structure(s);

C. Limitation of size, number of occupants, method and time of operation and extent of facilities;

D. Regulation of number, design and location of access drives, drive-up windows and other traffic features;

E. Requirement for performance bonds or other security; and,

F. Installation and certification of mechanical or other devices to limit present or potential hazard to human health, safety, welfare, or the environment resulting from smoke, odor, particulate matter, toxic matter, glare, noise, vibration, or any other objectionable impact generated by the use of land.

7.3.3. Conditions

Development or operation of adult use establishments shall meet the following conditions:

A. Adult use establishments shall be restricted to operation only within or in an Industrial district or the Office Research district.

B. There shall be no more than:

1. one adult bookstore permit, adult video permit, or adult paraphernalia permit granted for each 15,000 residents of the Town as listed in the last state census; prior to a second adult bookstore permit being issued there shall be 30,000 residents of the Town as listed in the last state census; or,

2. one adult motion picture theater permit granted for each 24,000 residents of the Town as listed in the last federal census; or,

3. one adult cabaret permit for each 24,000 residents of the Town as listed in the last federal census.

C. No adult use establishment permit shall be granted if the proposed location is within 1320 feet of another presently existing or permitted adult use establishment.

D. No adult use establishment permit shall be granted if the proposed location is within 1320 feet of an establishment licensed under G.L. c. 138, §12; a public school or playground; a municipal building or use; a cemetery; a commercial amusement center or park; a hospital or nursing home; a private or religious, sectarian or denominational school, building or use.

E. No permit shall be granted for an adult use establishment in an area otherwise properly zoned if the specific location is within 1000 foot radius of an interstate highway ramp where the ramp intersects with a Town or state owned roadway.

F. No permit shall be granted for an adult use establishment in an area otherwise properly zoned if the specific location is within a 1320 foot radius of an R40, or MFD District unless the use is physically separated from the residential districts by an interstate right of way, with no direct access from the right of way to the residential, heavy industrial and office research district.

G. No special permit for an adult use establishment shall be granted to any person convicted of violating the provisions of G.L. c. 119, § 63 or G.L. c. 272, § 28.

H. The hours in which adult use establishments are open to the public shall be limited as follows: adult bookstore, adult paraphernalia store, adult video store, or similar adult use establishment between the hours of 9:00 A.M. and 9:00 P.M.; adult motion picture theater, adult cabaret club, or similar adult use establishment between the hours of 4:00 P.M. and 12:00 Midnight.

I. Design Standards. Development or operation of adult use establishments shall meet the following design standards:

1. The yard space, building height, and any other provisions of the Zoning Bylaws applicable to the Commercial districts shall apply to lots within the Adult Entertainment District unless contrary to the provisions contained in this section.

2. A landscaped buffer which shall be a minimum of 60 feet in depth designed to mitigate the impact of the adult use establishment on abutting properties shall be required by the Planning Board between the use and the adjacent properties.

3. No adult use establishment may have any flashing lights visible from outside the establishment or theater.

7.3.4. Signs

A. No adult use establishment shall be eligible to apply for a special permit requesting an accessory sign.

B. The highest point on any adult use advertisement sign may be no higher than 24 feet above ground level.

C. No adult use advertisement sign may contain any moving, flashing or animated lights, or visible moving or movable parts.

7.3.5. Mandatory Findings by the Planning Board

The Planning Board shall not issue a special permit unless, without exception, it finds that:

A. The proposed use is in harmony with the purpose and intent of this Bylaw;

B. The proposed use complies with all applicable requirements of this Bylaw; and,

C. The proposed use will not prove injurious to the safety or general welfare of the neighborhood within which it proposes to locate nor will the proposed use prove destructive of property values.

7.3.6. Regulations and Fees

The Planning Board shall adopt and, from time to time, amend regulations, not inconsistent with the provisions of this Bylaw or G.L. c. 40A or other applicable provision of the General Laws, and shall file a copy of these regulations with the Town Clerk. The regulations shall prescribe as a minimum the size, form, contents, style, the number of copies of plans and specifications, and the Town boards or agencies from which the Planning Board shall request comments. The Planning Board may adopt, and from time to time, amend fees sufficient to cover reasonable costs incurred by the Town in the review and administration of the Special Permit.

7.4 LARGE-SCALE GROUND MOUNTED SOLAR PHOTOVOLTAIC FACILITIES

7.4.1. Purpose

The purpose of this Section 7.4 is to regulate the creation of new large-scale ground-mounted solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification, and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning and removal of these installations. The provisions set forth in this section shall apply to the construction, operation, and/or repair of large-scale ground-mounted solar photovoltaic installations.

7.4.2. Applicability

This section applies to large-scale ground-mounted solar photovoltaic installations proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment. A Large-scale Ground Mounted Solar Photovoltaic Facility shall be defined as a Solar Photovoltaic system that is structurally mounted on the ground, is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC. There shall be no ground mounted Solar Photovoltaic system allowed unless as permitted in this Bylaw.

7.4.3. General Requirements for All Large-Scale Solar Power Generation Installation

The following requirements are common to all solar photovoltaic installations to be sited in specific designated locations.

A. Compliance with laws, bylaws, and regulations. The construction and operation of all large-scale solar photovoltaic installations shall be consistent with, and insofar as pertinent, compliant with all applicable local, state, and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code in force and applicable at any relevant time.

B. Building permit and building inspection. No large-scale ground-mounted solar photovoltaic installation shall be constructed, installed, or modified as provided in this section, nor shall construction or installation be commenced without first obtaining the necessary or appropriate permits.

C. Special Permit. All large-scale ground-mounted solar photovoltaic installations shall require a special permit from the Planning Board prior to the issuance of a building permit.

D. General. All applications for a large-scale ground-mounted solar photovoltaic installation shall be submitted in accordance with the Planning Board's rules and regulations governing site plans as may be amended from time to time. All substantive plans or other technical documents submitted in support of the application shall have been prepared by engineers or surveyors licensed to practice in Massachusetts.

7.4.4. Additional Information

In addition to the information required for a site plan application, the following additional information shall be submitted for each large-scale ground-mounted solar photovoltaic installation:

A. Drawings of the solar photovoltaic installation showing the proposed layout of the system and any potential shading from nearby structures;

B. One- or three-line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;

C. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;

D. Name, address, and contact information for proposed system installer;

E. The name, contact information, and signature of any agents representing the applicant in connection with the special permit application process, or general project oversight following the issuance of any special permit;

F. Documentation of actual or prospective access and control of the project site

G. An operation and maintenance plan;

H. Description of financial surety;

I. Vegetated buffer plan showing size, type, and amount of trees/shrubs to be installed to protect street(s) and residential homes from view of site, which buffer as approved within the reasonable discretion of the Planning Board, is hereby required for any installation pursuant to this section;

J. Site Control. The applicant shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation. Fencing, if installed, shall be subject to approval by the Planning Board, and shall not consist of barbed wire or razor wire;

K. Operations and Maintenance Plan. The applicant shall submit a plan for the operation and maintenance of the large-scale ground-mounted solar photovoltaic installation, which shall include measures for maintaining safe access to the installation as well as general procedures for operational maintenance of the installation and emergency shutdown of the site if needed and,

L. Utility Notification. No large-scale ground-mounted solar photovoltaic installation shall be approved by the Planning Board until satisfactory evidence has been submitted to the Planning Board that the electric utility has been informed of the applicant's intent to install an interconnected customer-owned generator.

7.4.5. Dimension and Density Requirements

For large-scale ground-mounted solar photovoltaic installations, the following dimensional requirements shall apply.

A. Lot Area: The minimum lot or parcel size for any installation shall be 5 acres.

B. Setbacks: 50 feet front and 20 feet side and rear yard setbacks are required, provided that setbacks shall be 200 feet from any adjoining residential lot line unless waived by the Planning Board based upon findings of sufficient buffering and screening and a determination that the waiver is in the best interest of the Town.

C. Height: The height of any or all structures comprising the large-scale ground-mounted solar photovoltaic facility shall not exceed 20 feet above the pre-existing natural grade underlying each particular structure unless waived by the Planning Board based upon findings of sufficient buffering and screening and a determination that the waiver is in the best interest of the Town.

7.4.6. Appurtenant Structures

All structures appurtenant to large-scale ground mounted solar photovoltaic installations shall be subject to the dimensional requirements of the zoning district in which they are located. All appurtenant structures, including, but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible and harmonious with each other. Whenever feasible, in the reasonable opinion of the Planning Board, structures should be sheltered from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

7.4.7. Design Standards

The following standards shall apply to all large-scale ground-mounted solar photovoltaic installations in addition to those contained in the Site Plan Review Regulations.

A. Signage. Signs on large-scale ground-mounted solar photovoltaic installations shall comply with all provisions of this Zoning Bylaw relative to signs. A sign consistent with these provisions shall be required to identify the owner of the premises, as well as the operator of the solar photovoltaic installation, if different from the owner, and provide a 24-hour emergency contact phone number. Solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar photovoltaic installation.

B. Utility connections. Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the electric utility. If an existing above ground connection solution already exists, however, this can be used if it meets the requirements of the electric utility. Electrical transformers for utility interconnections may be aboveground if required by the electric utility concerned with the project.

C. Glare. The plan shall show how the abutting properties and local traffic will be protected from glare or reflected light from the installation.

7.4.8. Safety and Environmental Standards

A. Emergency services. The large-scale solar photovoltaic installation applicant shall provide a copy of the project summary, electrical schematic, and site plan to the local Fire Chief and concerned electric utility. Upon request, the applicant shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The applicant shall identify a responsible person for public inquiries throughout the life of the installation.

B. Solar photovoltaic installation conditions. The large-scale ground-mounted solar photovoltaic installation applicant shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and emergency medical services. The applicant shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.

7.4.9. Abandonment or Decommissioning

Any large-scale ground-mounted solar photovoltaic installation that has reached the end of its useful life or has been abandoned consistent with Subsection 7.4.10 of this section shall be removed. The applicant shall physically remove the installation no more than 150 days after the date of discontinued operations. The applicant shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of all of the following:

A. Physical removal of all large-scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.

B. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.

C. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to existing vegetation. All disturbed areas shall be covered with a minimum of 6 inches of good quality top soil before seeding.

7.4.10. Abandonment

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances deemed reasonable by the written acknowledgment of the Planning Board, which shall not be unreasonably refused, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning Board. The failure to operate shall be conclusively determined based on the records showing the power supplied by the installation to the grid. If the applicant of the large-scale ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town may order the removal of the installation.

7.4.11. Financial Surety

As a condition of the Special Permit, the Planning Board shall require the applicant to provide surety in an amount approved by the Planning Board to be necessary to ensure the proper removal of the installation. The form of the surety shall be through an escrow account, surety bond, or other means of like character acceptable to the Planning Board. The amount of the surety shall be based on a fully inclusive estimate of the costs associated with removal and site restoration, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation or the increased market rate cost of the equipment and services necessary to achieve the removal and site restoration. In no case shall the amount of the surety exceed 125% of the cost of removal and compliance with the additional requirements set forth herein. A surety shall not be required for municipally or state-owned facilities.

7.5 REMOVAL OF SAND, GRAVEL, QUARRY OR OTHER EARTH MATERIALS

No sod, loam, sand, gravel, or quarry stone shall be removed for sale (except when incidental to and in conformity with the construction of a building for which a permit has been issued in accordance with the Building Laws), except by special permit from the ZBA.

7.6 BATTERY ENERGY STORAGE SYSTEMS

7.6.1. Abandonment or Decommissioning

Any Battery Energy Storage System (BESS) which has reached the end of its useful life or has been abandoned shall be removed in a manner consistent with the removal of large-scale ground-mounted solar photovoltaic systems as detailed in Section 7.4.9 and Section 7.4.10 of this Bylaw. Final abandonment and decommissioning may include soil testing and remediation as necessary and as required by the Planning Board.

7.6.2. Financial Surety

As a condition of the Special Permit, the Planning Board shall require the applicant to provide surety in an amount approved by the Planning Board to be necessary to ensure the proper removal of the installation. The form of the surety shall be through an escrow account, surety bond, or other means of like character acceptable to the Planning Board. The amount of the surety shall be based on a fully inclusive estimate of the costs associated with removal and site restoration, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation or the increased market rate cost of the equipment and services necessary to achieve the removal and site restoration. In no case shall the amount of the surety exceed 125% of the cost of removal and compliance with the additional requirements set forth herein. Surety shall not be required for municipally or state-owned facilities. The surety submittal shall be accompanied by a decommissioning plan compliant with state and federal regulations in the event the Town is responsible for the decommissioning and removal of the BESS.

8. OTHER DEVELOPMENT REGULATIONS

8.1 NONCONFORMING USES AND STRUCTURES

8.1.1. Applicability

A. This Bylaw 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, § 5 on this Zoning Bylaw, or any relevant part thereof. Lawfully pre-existing nonconforming uses and structures may continue, provided that no modification of the use or structure shall be allowed unless authorized under this Section 8.1.

B. Nonconforming Uses. The ZBA may issue a special permit to extend a nonconforming use only if it determines that the change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. The ZBA shall not allow an existing nonconforming use to be changed to another nonconforming use.

C. Nonconforming Structures. The ZBA may issue a special permit to reconstruct, extend, alter, or change a nonconforming structure 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.

D. Variance Required. The reconstruction, extension, or structural change of a nonconforming structure in such a manner as to increase an existing nonconformity, or create a new nonconformity, including the extension of an exterior wall at or along the same nonconforming distance within a required yard, shall require the issuance of a variance from the ZBA; provided, however, that this provision shall not apply to nonconforming single-family and two-family residential structures, which shall be governed by Section 8.1.2 below.

8.1.2. Pre-Existing Nonconforming Single and Two Family Residential Structures

A. Pre-Existing Nonconforming single-family and two-family residential structures may be reconstructed, extended, altered, or structurally changed upon the issuance of a building permit if the Building Commissioner determines that the proposed reconstruction, extension, alteration, or change does not increase the nonconforming nature of the structure. The following 5 conditions shall not be deemed to increase the nonconforming nature of a single-family or two-family residential structure and shall be used in the Building Commissioner's determination.

1. Any reconstruction, extension, alteration, or change to a structure which complies with all current setback, yard, building coverage, and building height requirements but is located on a lot with insufficient area, where the reconstruction, extension, or alteration or change will also comply with all of current requirements of this Bylaw.

2. Any reconstruction, extension, alteration, or change to a structure which complies with all current setback, yard, building coverage, and building height requirements but is located on a lot with insufficient frontage, where the reconstruction, extension, or alteration or change will also comply with all current requirements of this Bylaw.

3. Any reconstruction, extension, alteration, or change to a structure which encroaches upon one or more required yard or setback areas, where the reconstruction, extension or alteration or change will comply with all current setback, yard, building coverage, and building height requirements; the provisions of this subsection shall apply regardless of whether the lot complies with current area and frontage requirements.

4. Any extension, alteration, or change to the side or face of a structure which encroaches upon a required yard or setback area, where the extension or alteration or change will not encroach upon such area to a distance greater than the existing structure; the provisions of this subsection shall apply regardless of whether the lot complies with current area and frontage requirements. The setbacks for this provision shall not be less than 25 feet on the front and 10 feet on the side and rear.

5. Any extension, alteration, or change to a nonconforming structure which will not increase the footprint of the existing structure provided that existing height restrictions shall not be exceeded. The setbacks for this provision shall not be less than 25 feet on the front and 10 feet on the side and rear.

B. If the Building Commissioner determines that the nonconforming nature of the structure would be increased by the proposed reconstruction, extension, alteration, or change, the ZBA may allow the proposed reconstruction, extension, alteration, or change if it finds that the proposed modification will not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

8.1.3. Nonconforming Lots; Reduction or Increase

A. Any lot, or open space on a lot, including yards and setbacks, shall not be reduced or changed in area or shape such that the lot, open space, yard, or setback is made nonconforming or more nonconforming unless a special permit has been granted under the provisions of this Bylaw. However, this Section 8.1.3 shall not apply in the case of a lot a portion of which is taken for a public purpose.

B. A nonconforming lot which has come into conformity shall not again be changed to a nonconforming lot.

C. Any off-street parking or loading spaces, if already equal to or less than the number required to serve their intended use, shall not be further reduced in number except as provided in Section 6.1.

8.1.4. Abandonment or Non-Use

A. 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 provisions of this Zoning Bylaw.

B. A nonconforming use shall be considered abandoned when the premises have been devoted to another use, or when the characteristic equipment and the furnishing of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within two years unless other facts show intention to resume the nonconforming use.

8.1.5. Reconstruction after Catastrophe or Demolition

A nonconforming structure may be reconstructed after a catastrophe or after demolition, provided that the owner shall apply for a building permit and start operations for reconstruction on the premises within two years after the catastrophe or demolition, and provided that the building(s) as reconstructed shall be only as great in volume or area as the original nonconforming structure or provided that the building meets all applicable requirements for yards, setback, and height. In the event that the proposed reconstruction would cause the structure to exceed the volume or

area of the original nonconforming structure or exceed applicable requirements for yards, setback, and/or height, a special permit shall be required from the ZBA.

8.1.6. Reversion to Nonconformity

No nonconforming use shall, if changed to a conforming use, revert to a nonconforming use.

8.2 MULTIFAMILY DEVELOPMENTS

8.2.1. Purpose

The purpose of this Section 8.2 is to regulate the development of multifamily dwellings by establishing eligibility requirements and reasonable conditions for construction. This section is not intended to supersede, modify, or conflict with the powers and duties delegated to the Planning Board pursuant to the Subdivision Control Law, G.L. c. 41, §§ 81K - 81GG.

8.2.2. Applicability

This section applies to the construction of multifamily developments in any district in which they are allowed as of right or by special permit from the Planning Board in accordance with Section 5 of this Bylaw.

8.2.3. Submission Requirements and Procedures

Application for a special permit under this Section 8.2 shall be in accordance with the Planning Board's regulations and Section 3.5 of this Bylaw. Where multifamily developments are a permitted use, approval shall be subject to Site Plan Review by the Planning Board under Section 3.6.

8.2.4. Design Standards for Multifamily Developments

Except in the Town Center District, multifamily developments shall meet the following standards:

A. Any site proposed for a multifamily development shall have a minimum lot area of one acre and a minimum frontage of 150 feet on a public or private way that is open for public use. However, the Planning Board may waive the minimum lot frontage to not less than 40 feet on a public way provided that a suitable private access road into the site area can be constructed with the reduced frontage;

B. Maximum density shall be seven units per acre nor more than 14 bedrooms per acre. This will allow for flexibility in the number of bedrooms per unit to vary from one to three bedrooms. The ratio of three-bedroom market rate units to three-bedroom affordable units (as required under Section 8.3) shall be 1 to 1. No more than 5% of the total site area within the wetlands and/or flood plain shall be used in calculating maximum density for the site. If more than 5% of the site is in wetlands or flood plains, the portion that exceeds 5% shall be deleted from the area used to determine maximum density;

C. The maximum coverage of the site available for use by all buildings, including garages, and carports shall not exceed 30% of the site area;

D. Maximum building height shall be 45 feet unless waived by the Planning Board;

E. No building within the development shall be constructed within 50 feet of any perimeter of site;

F. All lighting shall be directed away from adjoining property;

G. Services.

1. All utilities shall be installed underground using standards established by the Planning, Health, Building, and Public Works Departments of the Town. Sewage shall be disposed of by means of adequate connections as required by state and local Departments and Board of Health;

2. If curbside pick-up of trash and recycling materials is not viable, there shall be shared waste disposal facilities (such as dumpsters for household trash and dumpsters for recycling) adequately sized for the development as determined by the Board of Health;

H. The distance between the buildings that are structurally connected by roofing, fencing, or other means but not enclosed or heated shall be determined by the Planning Board. Distance parameters will be determined on the aesthetics, created by the design, practicality of design, and the effect on the development by the design. The Planning Board shall determine any distance parameters between buildings not covered under this Bylaw;

I. Any roadway or access drive located within 50 feet of a property line other than the front property line shall be shielded from the property line by a buffer of trees satisfactory to the Planning Board between the roadway and property line for the entire length of the roadway within the 50-foot area. This planting shall be in addition to any existing vegetation between the property line and the proposed roadway and shall be placed a maximum of 40 feet apart;

J. Walkways, tables, benches, or flowering bushes or trees may be allowed in 50- to 100-foot buffer areas at the discretion of the Planning Board to improve the aesthetics of the site and views from surrounding areas;

K. Television, radio, and communications services shall be supplied by a central system with underground connections;

L. Not less than 60% of the upland area of the site available for use shall be set aside as open space. The open space shall remain free from structures, parking and drives, and this area shall be left either in its natural state, attractively landscaped, or developed for outdoor recreational facilities. Unless waived by the Planning Board, suitable recreational facilities shall be provided within the required open space. The owner or owners shall be responsible for the maintenance of common areas, including but not limited to snow plowing within the site limits and rubbish disposal. No outside burning of rubbish or inside incineration shall be permitted; and,

M. Any application for a Multifamily Development special permit shall comply with Section 8.3 of this Bylaw.

N. Where any requirements in section 8.2.4 conflict with Section 5.3.2, section 5.3.2 shall govern.

8.2.5. Design Standards for Multifamily Developments in the Town Center District

Multifamily Developments shall be subject to Site Plan Review by the Planning Board under Section 3.6 and shall comply with Section 6.4, as applicable, and the following additional requirements. Where any requirements in this section conflict with Section 5.3.3, this section shall govern.

A. The proposed site shall have a minimum lot area of 40,000 square feet and minimum lot frontage of 150 feet on Main Street;

B. Maximum building coverage shall not exceed 35% of the lot area; and,

C. No building within the development shall be constructed within 50 feet of the lot line of an abutting single-family dwelling.

8.2.6. Off-Street Parking

A. Provision shall be made for not less than 2 parking spaces per unit, one of which shall be completely enclosed. Detached parking garages will be permitted and designed so as to complement the building design and site layout, but shall not be constructed within setback areas.

B. Enclosed parking spaces shall be 10 feet wide and 20 feet long and unenclosed parking spaces shall be not less than 9.5 feet wide and 18.5 feet long unless waived by the Planning Board.

C. Additional enclosed or unenclosed parking spaces shall be provided for guests and recreational areas as indicated below:

1. Guest: 1 parking space per 2 dwelling units

2. Tennis Court: 2 parking spaces per court

3. Recreation buildings/swimming pools: 1 parking space per 10 dwelling units, but not less than 10 parking spaces

8.2.7. Criteria for Waivers

Where the Planning Board is specifically authorized to waive a requirement in this Section 8.2, the Board shall base its decision upon findings that the waivers will provide for improved aesthetics created by the design, and practicality of design to lessen environmental, neighborhood, and public service impacts.

8.2.8. Design Guidelines

Whether proposed by special permit or through Site Plan Review, multifamily developments shall comply with design guidelines, if any, adopted by the Planning Board and kept on file with the Town Clerk and Department of Community Development.

8.3 AFFORDABLE HOUSING REQUIREMENTS

8.3.1. Purposes

The purpose of this Section 8.3 is to provide affordable housing choices throughout the Town, and to provide for a diverse, balanced, and inclusive community, with housing for people of all income levels as a matter of basic fairness and social responsibility.

8.3.2. Applicability

A. Any application to the Planning Board for construction of six or more dwelling units on one or more contiguous parcels in the Multifamily District, Town Center District, Mixed-Use Business, or Village Residential District, or for an Open Space Residential Development special permit under Section 8.4, shall be subject to the provisions of this Section 8.3.

B. Development shall not be segmented to avoid compliance with this Section 8.3. Segmentation shall mean one or more divisions of land that cumulatively result in a net increase of three or more lots or dwelling units above the number existing 36 months prior to an application to develop any parcel or set of contiguous parcels held in common ownership or under common control on or after the effective date of this Section.

8.3.3. Basic Requirements

A. Except as provided in subsection (B) below, at least 15% of the units in any development subject to this Section 8.3 shall be affordable housing as defined in Section 2, Definitions. Fractions equal to or greater than 0.5 shall be rounded up to the nearest whole number.

B. In any OSRD development that is subject to this Section 8.3, at least 10% the total dwelling units shall be affordable housing. Fractions equal to or greater than 0.5 shall be rounded up to the nearest whole number.

8.3.4. Methods of Compliance

A. On-site units. Construction of affordable units on the site of the project is the preferred approach to creating affordable housing. On-site units shall be required for any multifamily development or mixed-use development.

B. For an Open Space Residential Development units must be provided on-site until such time that the Town reaches it 10% affordable housing requirement under G.L.c.40B, §§20-23. Once the 10% requirement is achieved, the fee in lieu of affordable units will be allowed at the discretion of the Planning Board and will be deposited in the Tewksbury Affordable Housing Trust Fund. The fee-in-lieu per unit shall be determined by the Select Board or its designee.

8.3.5. Timing of Construction, Provision of Affordable Housing

Affordable units shall be provided coincident to the development of market-rate units, but in no event shall the construction of affordable units or payment of the fee-in-lieu of units be delayed beyond the schedule noted below.

Market-rate Unit %	Affordable Housing Unit %	Mixed Use Commercial (if applicable)
Up to 30%	None required	None required
30% plus 1 unit	At least 10%	At least 25% completion
Up to 50%	At least 30%	At least 50% completion
Up to 75%	At least 50%	
75% plus 1 unit	At least 70%	At least 75% completion
Up to 90%	100%	100% completion

Fractions of units shall not be counted.

8.3.6. Location of Affordable Housing Units

All affordable units constructed or rehabilitated under this Bylaw shall be situated within the development so as not to be in less desirable locations than market-rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the market-rate units. Affordable units within market-rate developments shall be integrated with the rest of the development and shall be compatible in design, appearance, construction, and quality of materials with other units. Interior features of affordable units shall comply in all respects to the minimum design and construction standards of the Department of Housing and Community Development (DHCD) for the Local Initiative Program.

8.3.7. Marketing Plan for Affordable Units

Affordable units shall be rented or sold in accordance with an affirmative fair housing marketing plan approved by DHCD.

8.3.8. Preservation of Affordability; Restrictions on Resale

No building permit shall be issued until the applicant executes an enforceable agreement with the Town, in a form acceptable to Town Counsel, and provides evidence acceptable to the Department of Community Development that the agreement has been recorded at the Middlesex North Registry of Deeds. The agreement shall provide for long-term affordability of the affordable units in the development and for compliance with the requirements of the Local Initiative Program for units eligible for the Subsidized Housing Inventory. “Long-term” shall mean in perpetuity or

the maximum period allowed by law unless the Planning Board approves a shorter term, but in no event shall "long-term" mean less than 30 years.

For an affordable homeownership unit, no certificate of occupancy shall be issued until the applicant submits documentation acceptable to the Department of Community Development that an affordable housing deed rider in a form acceptable to Town Counsel and DHCD has been signed by the homebuyer and recorded at the Middlesex North Registry of Deeds.

8.3.9. Planning Board Regulations

The Planning Board shall adopt regulations to administer Section 8.3, including submission requirements, procedures, and fees, and may also adopt guidance documents to assist in the implementation of this Section.

8.3.10 Mixed-Use Unit Conversion

The Planning Board may grant by special permit the conversion of a previously permitted commercial unit in a mixed-use development to an affordable residential unit to be maintained in perpetuity. The Board shall base its decision upon findings that the conversion will provide for improved practical use of the space and to lessen neighborhood impacts.

8.4 OPEN SPACE RESIDENTIAL DEVELOPMENT

8.4.1. Purpose

The Purposes of OSRD are to:

A. Further the goals and policies of the Town's Master Plan;

B. Allow for greater flexibility and creativity in the design of residential subdivision developments;

C. Encourage preservation of open space, agricultural land, forestry land, wildlife habitat, other natural resources including aquifers, waterbodies and wetlands, and historical resources in a manner that is consistent with Tewksbury's Master Plan;

D. Encourage a more creative and thoughtful approach to land development that decreases burden on municipal economy, minimizes disturbance and loss of undeveloped open space and utilizes and incorporates existing topography and natural features of the land to achieve a more environmentally sound design than with a conventional subdivision approach;

E. Control suburban sprawl and maintain the character of the Town by conserving open space, scenic areas, views, streams, increasing recreational opportunities and other community assets;

F. Promote efficiency and economy of street and utility layout; lessening storm run-off, erosion and sedimentation; retain natural drainage courses and wetlands; and in general promoting the health, safety, convenience and welfare of residential areas and of the Town as a whole; and,

G. Encourage development in harmony with the natural area, and promote alternative construction methods to typical strip residential developments lining roadsides in the Town.

8.4.2. Eligibility

To be eligible for consideration as an OSRD, the proposed tract of land shall consist of at least three acres in the R40 or Farming district. Any pre-existing single-family structure that is included in the calculation of the minimum acreage will be included in the post development total unit count.

8.4.3. Housing Types

Housing Units shall be single family detached units. No common wall or multifamily structures shall be allowed.

8.4.4. Special Permit Required

The Planning Board may authorize an OSRD pursuant to the grant of a Special Permit. Special permits shall be acted upon in accordance with this Section 8.4.

8.4.5. Pre-Application Process

The applicant is strongly encouraged to request a pre-application review at a regular business meeting of the Planning Board. The purpose of a pre-application review is to minimize the applicant's costs of engineering and other technical experts, and to commence negotiations with the Planning Board at the earliest possible stage in the development. At the pre-application review, the applicant may outline the proposed OSRD, seek preliminary feedback from the Planning Board or its technical experts, and set a timetable for submittal of a formal application.

8.4.6. Design Process

At the time of the application for a Special Permit for OSRD, the applicant must demonstrate to the Planning Board that the following design process was performed by a registered landscape architect and considered in determining the layout of proposed streets, house lots, and open space.

A. Step One: Identify Areas of Concern.

1. Protected Land Areas (such as wetlands, riverfront areas, and floodplains regulated by state or federal law); environmentally sensitive land areas including unprotected elements of the natural landscape such as steep slopes, mature woodlands, prime farmland, meadows, wildlife habitats; and culturally significant features such as historic and archeological sites and scenic views shall be identified and delineated as determined by the Conservation Commission, the Planning Board or the Department of Environmental Protection.

2. The Potentially Developable Area will be identified and delineated. To the maximum extent feasible, the Potentially Developable Area shall consist of land outside areas identified as environmentally sensitive.

B. Step Two: Locating House Sites. Locate the approximate sites of individual houses within the Potentially Developable Area and include the delineation of private yards and areas of shared amenities, so as to reflect an integrated community, with emphasis on consistency with the Town's historical development patterns.

C. Step Three: Aligning the Streets. Align streets and driveways in order to access the house sites. Common Driveways may be allowed subject to the requirements of the Planning Board's Regulations.

D. Step Four: Lot Lines. Establish lot lines for each of the individual parcels and open space.

8.4.7. Site Specific Design Standards

A. Basic Maximum Number of Units shall be determined by one of the following methods:

1. Determination of Yield Formula. The Basic Maximum Number shall be derived from the following calculation to determine the total number of lots (or dwelling units):

$$\text{Total Number of Lots} = \frac{TA - (50\text{ percent} \times WA) - (0.1 \times TA)}{\text{Existing minimum lot area (1 acre)}}$$

TA = Total Area of Parcel (Acres)

WA = Wetlands and Riverfront Areas of Parcel (Acres)

The calculation of the number of Basic Maximum Number of Housing Units shall be rounded to the next whole number for units equal to 50% or greater.

OR:

2. Determination of Yield Plan. The Basic Maximum Number shall be derived from a Yield Plan. The Yield Plan shall show the maximum number of lots (or dwelling units) that could be placed upon the site under a conventional subdivision. The proponent shall have the burden of proof with regard to the Basic Maximum Number of lots (or dwelling units) resulting from the design and engineering specifications shown on the Yield Plan.

B. Dimensional Requirements. Lots sizes may be reduced in area from the minimum requirements of the Zoning Bylaw according to the following schedule:

R40 and Farming Districts, 43,560 square feet (one acre) to 10,000 square feet

The Planning Board may waive lot size requirements when significant benefit relating to the Purpose and Intent of the OSRD Special Permit are found as determined by the Planning Board.

C. Flexible Frontage

1. Unless waived by the Planning Board, the combined frontage of the lots of an Open Space Residential Development shall equal or exceed 50 feet for each lot created. For example, in an R40 development, to create a six-lot development, the combined frontage of the parcels must be a minimum of 300 feet, not to include frontage on existing public ways.

2. To the extent feasible, protected open space shall be located adjacent to public ways. Any building lot which fronts on an existing public or private road shall have the frontage normally required in the zoning district.

D. Groups of house lots and location of open space shall be as determined by the Planning Board.

E. Open Space Requirement.

1. A minimum of 50% of the proposed tract of land shall be Open Space.

2. No more than 50% of the designated open space may be comprised of wetlands or land having an average grade greater than 25%.

3. Wastewater and stormwater management systems serving the OSRD may be located within the open space.

4. Open Space Ownership. At the applicant's request and approval of the Planning Board, the open space may be owned by:

a. A private owner for agricultural, horticultural, forestry, or any other purpose not inconsistent with a prepared conservation restriction;

b. A non-profit organization or agency of the Commonwealth, with their consent, whose principal purpose is the conservation of open space for any of the purposes set forth;

c. The Tewksbury Conservation Commission; or,

d. A homeowners' association (HOA) with documentation that is provided by the applicant and reviewed and approved by Town Counsel and the Planning Board.

e. Selection of ownership option (a), (b) or (d) requires:

- The conveyance of a conservation restriction; and,

- The granting of an access easement over this land sufficient to ensure its perpetual maintenance as agricultural, conservation, or recreation land. The easement shall provide that in the event the trust or other owner fails to maintain the open space in reasonable condition, the Town may after notice to the lot owners and public hearing, enter upon the designated open space to maintain it in order to prevent or abate a nuisance. The cost of this maintenance by the Town shall be assessed against the properties within the development and/or to the owner of the open space. Pursuant to G.L. c. 40 § 58 the Town may file a lien against the lot or lots to ensure payment for the maintenance. Pursuant to G.L. c. 40 § 57, the Town may also deny any application for, or revoke or suspend a building permit or any local license or permit, due to neglect or refusal by any property owner to pay any maintenance assessments levied.

5. Open Space Recording. In order to ensure that the corporation, non-profit organization, or trust will properly maintain the unsubdivided land or open space, an instrument(s) shall be recorded with the Middlesex North Registry of Deeds which shall provide as a minimum the following requirements:

a. A legal description of the unsubdivided land or open space;

b. A statement of the purposes for which the unsubdivided land or open space is intended to be used and the restrictions on its use and alienation;

c. The type and name of the corporation, non-profit organization, or trust which will own, manage and maintain the unsubdivided land or open space; and,

d. Provision for the management, maintenance, operation improvement and repair of the unsubdivided land or open space and facilities therein, including provisions for obtaining and maintaining adequate insurance and levying and collecting from the dwelling owners common charges to pay for expenses associated with the subdivided land or open space, including real estate taxes. It shall be provided that common charges are to be allocated among the dwelling owners in proportion to their ownership or beneficial interests in the corporation, non-profit organization or trust, and that each dwelling owner's share of the common charge shall be a lien against the owner's real estate in the cluster development, which shall have priority over all other liens with the exception of municipal liens and first mortgages of record.

8.4.8. Special Permit Procedures and Decision

A. Application. Submission requirements and procedures for an OSRD special permit shall conform to the Planning Board's rules and regulations and Section 3.5 of this Bylaw, and shall include a Sketch Plan. The Planning Board shall adopt regulations relative to the size, form, number, and contents of the Sketch Plan.

B. Relationship Between the OSRD Special Permit and OSRD Definitive Subdivision Plan.

1. The issuance of an OSRD Special Permit allows the applicant to submit an Open Space Definitive Subdivision Plan to the Planning Board for approval under the Subdivision Control Law. Any OSRD Special Permit issued by the Planning Board shall specifically state that the Open Space Definitive Subdivision Plan shall substantially comply with the OSRD Special Permit.

2. An Open Space Definitive Subdivision Plan will be considered not to substantially comply with the OSRD Special Permit if the Planning Board determines that any of the following conditions exist:

a. an increase in the number of building lots;

b. a significant decrease in the open space acreage;

c. a significant change in the lot layout;

d. a significant change in the general development pattern which adversely affects natural landscape features and open space preservation;

e. significant changes to the storm water management facilities;

f. significant changes in the wastewater management systems; and/or,

g. significant change or receipt of information which deviates from the information used as a basis for the approval of the OSRD Special Permit issued by the Planning Board.

3. If the Planning Board determines that the Open Space Definitive Subdivision Plan does not substantially comply with the OSRD Special Permit, the Board may disapprove the OSRD Definitive Subdivision Plan.

4. The Planning Board may conditionally approve an Open Space Definitive Subdivision Plan that does not substantially comply with the OSRD Special Permit. However, such conditional approval must identify where the plan does not substantially comply with the OSRD Special Permit and shall require that the OSRD Special Permit be amended to be in compliance with the significant changes identified by the Planning Board. The Planning Board shall also require that the applicant file an application to amend the OSRD Special Permit within a specified time period.

5. The public hearing on the application to amend the OSRD Special Permit shall be limited to the significant changes identified by the Planning Board in their conditional approval of the Open Space Definitive Subdivision Plan.

C. Other Information. The submittals and permits of this Section 8.4 shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of this Zoning Bylaw. To the extent permitted by law, the Planning Board shall coordinate the public hearing required for an application for a Special Permit for an OSRD with the public hearing required for approval of a Definitive Subdivision Plan.

D. Decision. The Planning Board may grant a special permit for an OSRD that complies in all respects with this Section 8.4 if the Board determines that the proposed OSRD will have a less detrimental impact on the tract than a conventional development proposed for the tract, after considering the following factors:

1. whether the OSRD furthers the goals and policies of the open space/master plan;

2. whether the OSRD achieves greater flexibility and creativity in the design of residential developments than a conventional subdivision plan;

3. whether the OSRD promotes permanent preservation of open space, agricultural land, forestry land, other natural resources including waterbodies and wetlands, and historical and archeological resources;

4. whether the OSRD promotes a less sprawling and more efficient form of development that consumes less open land and conforms to existing topography and natural features better than a conventional subdivision;

5. whether the OSRD reduces the total amount of disturbance on the site;

6. whether the OSRD facilitates the construction and maintenance of streets, utilities, and public service in a more economical and efficient manner.

7. whether the OSRD and its supporting narrative documentation complies with all sections of this bylaw;

8. whether the OSRD complies with the recommendations of the Department of Public Works, the Board of Health and the Conservation Commission and,

9. whether it appears that because of soil characteristics, drainage, traffic, or other conditions, the granting of a special permit would be detrimental to the health, safety or welfare of the neighborhood or Town or inconsistent with the intent of the OSRD bylaw.

8.5 WIRELESS COMMUNICATIONS FACILITIES

8.5.1. Purpose

The purpose of this Section 8.5 is to provide for a special permit process for the siting of wireless communications facilities while minimizing adverse visual impacts on adjacent properties, residential neighborhoods, and areas of high scenic and artistic value; to limit the overall number and height of such facilities to what is essential to serve the public convenience and necessity; and to promote shared use of facilities to reduce the need for new facilities.

8.5.2. Applicability

A. Towers and structures for Wireless Communication Facilities shall be subject to the issuance of a Wireless Communications Facilities Special Permit by the Planning Board.

B. Nothing in this Section 8.5 shall be construed to regulate or prohibit amateur radio towers used solely by a federally licensed amateur radio operator or wireless communications structures and devices used expressly and exclusively for television reception. Nothing in this Section 8.5 shall be construed to regulate or prohibit a wireless communication facility based on environmental effects of radio frequency radiation (RFR) emissions.

8.5.3. Siting and Height Requirements.

A. Wherever feasible, Wireless Communications Devices shall be located on existing towers or other existing structures and be subjected to stealth treatment appropriate for the context of the facility.

B. Wireless communications facilities may be located on the same lot as other structures or uses lawfully in existence, subject to the provisions of Section 8.5.

C. The minimum distance from the base of a tower, including towers with stealth treatment to any property line, road, right-of-way, power line easement, or railroad right-of-way shall be at least equal to the height of the Tower. The Planning Board may waive this requirement up to the front, side, or rear zoning district set-back upon findings that the waiver will result in a design more compatible with the surrounding area.

D. A Tower shall be setback a minimum distance of 400 feet from an abutting residential district, except that this distance may be reduced for Towers if the Planning Board finds that reduction in the setback distance would produce a better result (aesthetically) to the neighborhood than alternative proposals, but in no event shall the setback minimum distance be less than 100 feet from a residential district. This requirement shall supersede Subsection C above, where applicable. This requirement may be waived subject to a grant of the Special Permit Waiver.

E. The maximum allowed height of a tower shall not exceed 100 feet unless the applicant demonstrates that a greater height is required to allow for provision of the wireless communications services and the Planning Board finds that a height over 100 feet is desirable based on a balanced review of aesthetics and wireless coverage for the area.

8.5.4. Design Requirements

A. Wherever feasible and appropriate, wireless communications facilities, including their constituent devices and towers, shall be subjected to stealth treatment appropriate for the context of the facility.

B. All building-mounted wireless communications devices that are visible from the ground or another property shall be designed and located so as to appear to be an integral part of the existing architecture of the building and shall be of colors that are compatible with those of the building or landscape.

C. The wireless communications facility may be fenced to control access, as determined by the Planning Board. Fencing shall be compatible with and of similar materials and character of surrounding buildings, structures and neighborhood.

D. There shall be no signs or advertisements at any wireless communications facility, except for no trespassing signs and a required sign giving a phone number where the responsible party can be reached on a 24-hour basis.

E. If a building is needed for the equipment associated with the use of the device that building shall be of similar style and materials as the other buildings on the site, or nearby site, as determined by the Planning Board.

8.5.5. Application Process

A. The Planning Board encourages applicants for a Special Permit under this Section 8.5 to have a preliminary discussion with the Board before submitting a formal application. Applications for a special permit for siting wireless communications facilities shall be submitted in accordance with Section 3.5 Special Permits, and additionally to the Select Board and Town Manager, and shall further include the following:

1. To site a wireless communications facility at an existing tower or nonresidential structure, the applicant shall be required to comply with Section 8.5.3 above, except that the Planning Board may waive some of the requirements if it finds that they are not applicable or not reasonably necessary to evaluating the proposal.

8.5.6. Approval

A. The Planning Board may grant a special permit for a wireless communications facility only upon making the findings required by G.L. c. 40A, § 9 and the following:

1. That the applicant has demonstrated to the satisfaction of the Planning Board that the requirements of this Section 8.5 have been met.

2. That the size and height of the structure are the minimum necessary, taking into account the applicant's objectives and any proposed collocation.

3. That adverse impact on adjacent properties, residential neighborhoods, historic and artistic structures or scenic views is minimized to the extent practical.

4. That there will be no nuisance or serious hazard associated with the use.

5. That any reasonable alternatives identified in the pre-application meeting have been determined not to be preferable or feasible.

B. When suitable and appropriate as determined by the Planning Board, collocation is encouraged. As a condition of the special permit for a wireless communication facility, the Planning Board may require that the structure and/ or facility be designed and built so that it is able to accommodate future wireless communications devices operated by another carrier with little or no modification, provided that collocation does not materially interfere with the transmission or reception of communications signals to or from the existing facility, and provided that there are no structural or other physical limitations that make it impractical to accommodate the proposed additional wireless communications device. At the request of Town officials, the Planning Board may require the applicant to provide reasonable access to the facility for municipal communications.

C. Any expansion or extension of wireless communications facilities or construction of new or replacement towers or facilities shall require an amendment to the special permit. An increase in the number of antennas or the size

of the antennas beyond that applied for and approved in the special permit, if the antennas are visible or if it changes the character of the stealth treatment, also requires amendment to the special permit.

D. Any special permit granted under this section shall automatically lapse within 3 years of the date of the grant, not including the time required to pursue or await the termination of an appeal, if construction has not commenced, except if the applicant applies to the Planning Board and it determines good cause to grant a one-year extension.

8.5.7. Conditions of Use

A. The applicant shall be required to maintain and keep in good repair all facilities, devices and towers.

B. Based on the nature of the facility, the Planning Board may require the applicant to post a bond for the removal of wireless communication antenna support structures in the event of non-operation. The amount of the surety shall be established by a consultant for the Town, such as an engineer, architect, or other qualified professional registered to practice in the Commonwealth.

8.6 Small Wireless Facilities Outside of Rights of Way

8.6.1 Purpose
The purpose and intent of this bylaw section is to permit regulation of the installation of Small Wireless Facilities outside of rights-of-way so as to respect the neighborhood characteristics in which they are proposed to be installed consistent with the purposes set forth in this bylaw and with federal and state law.

8.6.2 Site Plan Approval
All installations of Small Wireless Facilities outside of rights-of-way require a site plan approval from the Planning Board.

8.6.3 Policies and Procedures
The Planning Board shall adopt and from time to time amend policies and regulations relative to the issuance of a site plan approval for a small wireless facility. A copy of the policies and regulations shall be on file with the Town Clerk. The policies and regulations shall prescribe the form, contents, style, and number for application forms, the fees collectible with the applications, the process by which the application will be reviewed, the design and location criteria for approval, the time within which the Planning Board will issue a decision, and requirements for recertification.

8.7 Marijuana Establishments and Medical Marijuana Treatment Centers

8.7.1. Purpose

It is recognized that the nature of the substance cultivated, processed, by marijuana establishments may have objectionable operational characteristics and should be located in such a way as to ensure the health, safety, and general well-being of the public as well. The specific and separate regulation of Marijuana Establishments (ME) and Medical Marijuana Treatment Centers (MMTC) is necessary to advance these purposes and ensure that such facilities are not located within close proximity of minors and do not become concentrated in any one area within the Town.

Subject to the provisions of this Bylaw, G.L. c. 40A, G.L. c. 94G and 105 CMR 725.000, Marijuana Establishments and MMTCs will be permitted to provide the opportunity for the legal 1) cultivation, 2) product manufacturing of

marijuana and 3) research and testing laboratories for recreational marijuana use, as well as the dispensing of medical marijuana products in a manner that complies with state regulations.

8.7.2. Applicability

A. Nothing in this section shall be construed to supersede federal and state laws governing the sale and distribution of marijuana. This section shall not be construed to prevent the conversion of a medical marijuana treatment center licensed or registered no later than July 1, 2017 engaged in the cultivation, manufacture or sale of marijuana or marijuana products to a Marijuana Establishment, provided, however, any such medical marijuana treatment center obtains a special permit pursuant to this Section for any such conversion to an adult use Marijuana Establishment.

B. This bylaw does not apply to the cultivation of industrial hemp as is regulated by the Massachusetts Department of Agricultural Resources pursuant to G.L. c. 128, Sections 116-123.

C. These requirements do not apply to the retail sale of marijuana, which is governed by Chapter 5.10 of the Town General Bylaws.

8.7.3. Additional Requirements/Conditions

In addition to the standard requirements for uses permitted By-right or requiring a Special Permit or Site Plan Approval, the following shall also apply to all Marijuana Establishments:

A. Use:

1. Any type of Marijuana Establishment may only be involved in the uses permitted by its definition and may not include other businesses or services.

2. No marijuana shall be smoked, eaten or otherwise consumed or ingested within the premises.

3. The hours of operation shall be set by the Planning Board, but in no event shall an RMD or OMMD facility be open to the public, and no sale or other distribution of marijuana shall occur upon the premises or via delivery from the premises, between the hours of 8:00 p.m. and 8:00 a.m.

4. No marijuana establishment may commence operation or apply for a building permit prior to its receipt of all required permits and approvals including, but not limited, to its Final License from the Cannabis Control Commission.

B. Physical Requirements:

1. All aspects of the any marijuana establishment, except for the transportation of product or materials, relative to the acquisition, cultivation, possession, processing, products containing marijuana, related supplies, or educational materials must take place at a fixed location within a fully enclosed building (including greenhouses) and shall not be visible from the exterior of the business. They may not be permitted to be located in a trailer, storage freight container, motor vehicle or other similar type potentially movable enclosure.

2. No outside storage is permitted.

3. Ventilation – all marijuana establishments shall be ventilated in such a manner that no:

a. Pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere, and

b. No odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the medical marijuana business or at any adjoining use or property.

4. Signage shall be displayed on the exterior of the marijuana establishment's entrance in plain sight of the public stating that "Access to this facility is limited to individuals 21 years or older." in text 2 inches in height.

   All other signage must comply with all other applicable signage regulations in this Bylaw and 935 CMR 500.

5. Cannabis plants, products, and paraphernalia shall not be visible from outside the building in which the cannabis establishment is located and shall comply with the requirements of 935 CMR 500. Any artificial screening device erected to eliminate the view from the public way shall also be subject to a vegetative screen and the Planning Board shall consider the surrounding landscape and viewshed to determine if an artificial screen would be out of character with the neighborhood.

C. Location.

1. Marijuana establishments are encouraged to utilize existing vacant buildings where possible.

2. No marijuana establishment shall be located on a parcel which is within 500 feet (to be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the Marijuana Establishment is or will be located) of a parcel occupied by a pre- existing public or private school (existing at the time the applicant's license application was received by the Cannabis Control Commission) providing education in kindergarten or any of grades 1-12.

3. No marijuana establishment shall be located inside a building containing residential units, including transient housing such as motels and dormitories.

4. No marijuana establishment is permitted to utilize or provide a drive-through service.

D. Reporting Requirements.

1. Prior to the commencement of the operation or services provided by a marijuana establishment, it shall provide the Police Department, Fire Department, Building Commissioner and the Planning Board with the names, phone numbers and email addresses of all management staff and key- holders, including a minimum of two operators or managers of the facility identified as contact persons to whom one can provide notice if there are operating problems associated with the establishment. All such contact information shall be updated as needed to keep it current and accurate.

2. The Building Commissioner, Board of Health, Police Department, Fire Department and the Planning Board shall be notified in writing by the marijuana establishment facility owner/operator/ manager:

   a. A minimum of 30 days prior to any change in ownership or management of that establishment.

   b. A minimum of 12 hours following a violation or potential violation of any law or any criminal or potential criminal activities or attempts of violation of any law at the establishment.

3. Permitted marijuana establishments shall file an annual written report to, and appear before, the Planning Board no later than January 31st of each calendar year, providing a copy of all current applicable state licenses for the facility and/or its owners and demonstrate continued compliance with the conditions of the Special Permit.

4. The owner or manager of a marijuana establishment is required to respond by phone or email within 24 hours of contact by a Town official concerning their marijuana establishment at the phone number or email address provided to the Town as the contact for the business.

E. Issuance/Transfer/Discontinuance of Use

1. Special Permits/Site Plan Approvals shall be issued to the marijuana establishment owner.
2. Special Permits/Site Plan Approvals shall be issued for a specific type of marijuana establishment on a specific site/parcel.
3. Special Permits/Site Plan Approvals shall be non-transferable to either another marijuana establishment owner or another site/parcel.
4. Special Permits/Site Plan Approvals shall have a term limited to the duration of the applicant's ownership/control of the premises as a marijuana establishment, and shall lapse/expire if:
    a. the marijuana establishment ceases operation (not providing the operation or services for which it is permitted) for 365 days, and/or
    b. the marijuana establishment's registration/license by the Cannabis Control Commission expires or is terminated.
5. The marijuana establishment shall notify the Building Commissioner and the Planning Board in writing within 48 hours of such lapse, cessation, discontinuance or expiration or revocation.
6. A marijuana cultivation or product manufacturing establishment shall be required to remove all material, plants equipment and other paraphernalia prior to surrendering its state registration/license or ceasing its operation.
    a. Prior to the issuance of a Building Permit for a marijuana establishment the applicant is required to post with the Town Treasurer a bond or other form of financial security acceptable to the Treasurer in an amount set by the Planning Board. The amount shall be sufficient to cover the costs of the town removing all materials, plants, equipment and other paraphernalia if the applicant fails to do so. The Building Commissioner shall give the applicant 45 days written notice in advance of taking such action. Should the applicant remove all materials, plants, equipment and other paraphernalia to the satisfaction of the Building Commissioner prior to the expiration of the 45 days written notice, said bond shall be returned to the applicant.

8.7.4 Application Requirements

Applications for Special Permits and Site Plan Approvals for marijuana establishments will be processed in the order that they are filed with the Town. The approval of a Special Permit for any marijuana establishment is up to the discretion of the Planning Board who will be making its determination based on selecting the marijuana establishments that it finds are in the best interests of the Town and best comply with the standards and intent of this Bylaw.

In addition to the standard application requirements for Special Permits and Site Plan Approvals, such applications for a marijuana establishment shall include the following:

A. The name and address of each owner and operator of the marijuana establishment facility/operation.

B. A copy of an approved Host Agreement.

C. A copy of its Provisional License from the Cannabis Control Commission pursuant to 935 CMR 500.

D. If it's in conjunction with an approved RMD, a copy of its registration as an RMD from the Massachusetts Department of Public Health in accordance with 105 CMR 725.000 or from the Cannabis Control Commission in accordance with 935 CMR 500.

E. Proof of Liability Insurance Coverage or Maintenance of Escrow as required in 935 CMR 500.

F. Evidence that the Applicant has site control and right to use the site for a marijuana establishment facility in the form of a deed or valid purchase and sales agreement or, in the case of a lease a notarized statement from the property owner and a copy of the lease agreement.

G. A notarized statement signed by the marijuana establishment organization's Chief Executive Officer and corporate attorney disclosing all of its designated representatives, including officers, directors, shareholders, partners, members, managers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of all such responsible individual persons.

H. In addition to what is normally required in a Site Plan, details showing all exterior proposed security measures for the marijuana establishment including lighting, fencing, gates and alarms, etc. ensuring the safety of employees and patrons and to protect the premises from theft or other criminal activity.

I. A detailed floor plan identifying the areas available and functional uses (including square footage).

J. All signage being proposed for the facility.

K. A pedestrian/vehicular traffic impact study to establish the marijuana establishment's impacts at peak demand times, including a line queue plan to ensure that the movement of pedestrian and/or vehicular traffic, including but not limited to, along the public right of ways will not be unreasonably obstructed.

L. An odor control plan detailing the specific odor-emitting activities or processes to be conducted on-site, the source of those odors, the locations from which they are emitted from the facility, the frequency of such odor-emitting activities, the duration of such odor-emitting activities, and the administrative of odor control including maintenance of such controls.

M. A Management Plan including a description of all activities to occur on site, including all provisions for the delivery of marijuana and related products to marijuana establishment or off-site direct delivery.

N. Individual written plans which, at a minimum comply with the requirements of 935 CMR 500, relative to the marijuana establishment's:

1. Operating procedures
2. Marketing and advertising
3. Waste disposal
4. Transportation and delivery of marijuana or marijuana products
5. Energy efficiency and conservation
6. Security and Alarms
7. Decommissioning of the marijuana establishment including a cost estimate taking into consideration the community's cost to undertake the decommissioning of the site.

8.7.5. Findings

In addition to the standard Findings for a Special Permit or Site Plan Approval the Planning Board must also find all the following:

A. The Marijuana Establishment is consistent with and does not derogate from the purposes and intent of this Section and the Zoning Bylaw.
B. That the marijuana establishment facility is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest;
C. That the marijuana establishment facility demonstrates that it meets or exceeds all the permitting requirements of all applicable agencies within the Commonwealth and will be in compliance with all applicable state laws and regulations;
D. That the applicant has satisfied all of the conditions and requirements of this Section and other applicable Sections of this Bylaw;
E. That the marijuana establishment facility provides adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals, and that the storage and/or location of cultivation is adequately secured on-site or via delivery.
F. That the marijuana establishment facility adequately addresses issues of traffic demand, circulation flow, parking and queuing, particularly at peak periods at the facility, and its impact on neighboring uses.

Section 5.4.3
APPENDIX A. TABLE OF USES

DISTRICTS & USES	F	R40	MF	VR	MUB	TC	LB	WNB	SB	GB	I1	I2	OR	TD	P
A.1 CONSERVATION, RECREATION															
A. **COMMERCIAL AGRICULTURE, INCLUDING FARM STAND**	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
B. **COMMERCIAL AGRICULTURE, NON-EXEMPT, INCLUDING FARM STAND**	Y	N	N	N	N	N	N	N	N	N	N	PB	PB	N	N
C. **FORESTRY MANAGEMENT**	Y	Y	N	N	N	N	N	N	N	N	SP	N	N	Y	Y
D. **OUTDOOR RECREATION, NOT INCLUDING COMMERCIAL OUTDOOR RECREATION**	Y	SP	N	N	N	N	N	N	N	N	N	N	N	Y	Y
E. **CAMP, DAY CAMP ONLY, E.G., SUMMER CAMP FOR CHILDREN**	Y	SP	N	N	N	N	N	N	N	N	N	N	N	Y	Y
F. **MUNICIPAL USE**	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
A.2 RESIDENTIAL															
Residential: Principal															
A. **SINGLE-FAMILY DWELLING, DETACHED**	Y	Y	Y	Y	N	N	Y	N	N	N	N	N	N	Y	N
B. **TOWNHOUSE**	N	N	Y	Y	N	N	N	N	N	N	N	N	N	N	N
C. **TWO-FAMILY DWELLING**	N	N	Y	Y	N	N	N	N	N	N	N	N	N	N	N
D. **MULTIFAMILY DWELLING, UP TO 7 UNITS; SEC. 8.2**	N	N	Y	Y	PB	PB	N	N	PB	N	N	N	N	N	N
E. **MULTIFAMILY DWELLING, 8 OR MORE UNITS; SEC. 8.2**	N	N	N	N	N	PB	N	N	N	N	N	N	N	N	N
F. **MULTI-FAMILY DEVELOPMENT**	N	N	PB	PB	PB	PB	N	N	PB	N	N	N	N	N	N
G. **DWELLING UNITS ABOVE THE GROUND FLOOR OF A COMMERCIAL BUILDING**	N	N	N	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N
H. **LIVE/WORK UNITS OR ARTIST LOFT**	N	N	PB	Y	Y	Y	PB	PB	Y	PB	N	N	N	N	N
I. **OPEN SPACE RESIDENTIAL DEVELOPMENT (OSRD); SEC. 8.4**	PB	PB	PB	N	N	N	N	N	N	N	N	N	N	N	N
J. **CONGREGATE RESIDENCE**	N	N	Y	Y	PB	PB	N	PB	PB	PB	PB	N	PB	N	N
K. **ASSISTED LIVING RESIDENCE**	N	N	Y	Y	N	PB	N	N	PB	PB	PB	N	PB	N	N
L. **CONTINUING CARE RETIREMENT COMMUNITY**	N	N	PB	PB	Y	N	N	N	N	PB	PB	N	PB	N	N
Residential: Accessory															
M. **FAMILY SUITE; SEC. 7.1, SEC. 3.6**	PB	PB	PB	PB	N	N	N	N	N	N	N	N	N	PB	N
N. **HOME OCCUPATION; SEC. 7.2**	Y/SP	Y/SP	Y/SP	Y/SP	Y/SP	Y/SP	N	N	Y/SP	N	N	N	N	Y/SP	N
O. **FAMILY CHILD CARE HOME**	Y	Y	Y	Y	SP	N	N	N	N	N	N	N	N	Y	N
P. **FAMILY CHILD CARE HOME, LARGE**	SP	SP	SP	SP	SP	N	N	N	N	N	N	N	N	N	N

DISTRICTS & USES	F	R40	MF	VR	MUB	TC	LB	WNB	SB	GB	I1	I2	OR	TD	P
Q. **ROOM AND BOARD FOR NOT MORE THAN TWO BORDERS**	Y	Y	Y	Y	SP	N	N	N	SP	N	N	N	N	N	N
R. **PARKING OF ONE LIGHT COMMERCIAL VEHICLE**	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	SP	SP	SP	SP	N
S. **PARKING OF TWO LIGHT COMMERCIAL VEHICLES (THREE IS PROHIBITED)**	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	N
T. **PRIVATE GAME COURT**	PB	Y	PB	PB	N	N	N	N	N	N	Y	Y	Y	N	N
A.3 PUBLIC, INSTITUTIONAL, PHILANTHROPIC															
A. **RELIGIOUS OR EXEMPT EDUCATIONAL USE**	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
B. **CEMETERY, WHICH MAY INCLUDE A CREMATORIUM**	N	SP	N	N	N	N	N	N	N	N	SP	SP	N	N	N
C. **HOSPITAL**	PB	PB	N	N	N	N	N	N	N	PB	PB	PB	N	N	N
D. **NURSING HOME, REST HOME, SIMILAR LONG-TERM RESIDENTIAL-CONGREGATE CARE, WHICH MAY INCLUDE ACCESSORY ADULT DAY CARE**	N	N	PB	N	N	PB	N	N	PB	PB	PB	N	PB	N	N
E. **ADULT DAY CARE AND/OR RESPITE CARE SERVICES**	N	N	PB	PB	N	PB	N	N	PB	PB	PB	N	PB	N	N
F. **FUNCTION HALL, COMMUNITY CENTER, SIMILAR NON-COMMERCIAL PLACE OF ASSEMBLY**	PB	N	N	PB	PB	PB	N	N	PB	PB	N	N	N	N	N
A.4 COMMERCIAL															
Retail															
A. **RETAIL STORE**															
1. **Up to 1,500 sq. ft.**	N	N	N	Y	Y	Y	N	PB	Y	Y	PB	PB	N	N	N
2. **Up to 7,500 sq. ft.**	N	N	N	PB	Y	Y	N	PB	Y	Y	PB	PB	N	N	N
3. **Up to 15,000 sq. ft.**	N	N	N	N	N	PB	N	N	Y	Y	N	N	N	N	N
4. **Over 15,000 sq. ft.**	N	N	N	N	N	N	N	N	PB	PB	N	N	N	N	N
B. **SHOPPING CENTER**	N	N	N	N	N	N	N	PB	PB	PB	N	N	N	N	N
C. **RETAIL SALE OF ALCOHOLIC BEVERAGES**	N	N	N	N	PB	PB	N	PB	PB	PB	Y	PB	PB	N	N
GREENHOUSE	N	N	N	PB	PB	N	N	N	PB	PB	PB	N	N	N	N
D. **NEW AUTOMOTIVE SALES, LEASING AND RENTAL**	N	N	N	N	PB	N	N	PB	PB	PB	PB	PB	N	N	N
E. **PRE-OWNED AUTOMOTIVE SALES**	N	N	N	N	N	N	N	N	N	N	N	PB	N	N	N
F. **PRE-OWNED GREEN VEHICLES SALES**	N	N	N	N	N	N	N	N	N	PB	N	N	N	N	N
G. **GASOLINE SERVICE STATION, WHICH MAY INCLUDE A CONVENIENCE STORE NOT EXCEEDING 2,500 SQ. FT. OR ACCESSORY LIGHT AUTO SERVICE**	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
H. **CAR WASH**	N	N	N	N	N	N	N	N	PB	PB	N	N	N	N	N

DISTRICTS & USES	F	R40	MF	VR	MUB	TC	LB	WNB	SB	GB	I1	I2	OR	TD	P
I. **AUTO BODY SHOP, AUTO REPAIR FACILITY**	N	N	N	N	N	N	N	N	N	N	N	PB	N	N	N
J. **COMMERCIAL PARKING LOT OR PARKING GARAGE**	N	N	N	N	N	PB	N	N	N	N	Y	PB	Y	N	N
J. **RETAIL MARIJUANA SALES**	N	N	N	N	N	N	N	N	Y	Y	N	Y	N	N	N
K. **TAXI OR LIMOUSINE SERVICE**	N	N	N	N	SP	N	SP	N	SP	SP	SP	SP	N	N	N
Office, Professional Use															
L. **PERSONAL SERVICE ESTABLISHMENT**	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	PB	N
M. **BUSINESS OR PROFESSIONAL OFFICE**	N	N	N	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	N
Hospitality, Food Service															
N. **RESTAURANT, WHICH MAY INCLUDE OUTDOOR SEATING ON AN ADJACENT PATIO; NO DRIVE-THROUGH SERVICE**	N	N	N	N	Y	Y	N	PB	Y	Y	PB	PB	PB	N	N
O. **RESTAURANT WITH DRIVE-THROUGH SERVICE**	N	N	N	N	PB	N	N	N	N	PB	PB	PB	PB	N	N
P. **FOOD ESTABLISHMENT, NOT EXCEEDING 1,200 SQ. FT.**	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N
Q. **BED & BREAKFAST**	N	PB	PB	Y	Y	Y	Y	PB	Y	Y	N	N	N	N	N
R. **INN**	N	N	N	Y	Y	Y	PB	N	PB	Y	N	N	N	N	N
S. **HOTEL OR MOTEL, WITH OR WITHOUT CONFERENCE FACILITIES**	N	N	N	PB	PB	PB	N	N	N	PB	PB	PB	PB	N	N
T. **BANQUET, EVENT, OR CONFERENCE FACILITY**	N	N	N	N	N	N	N	N	N	N	N	N	PB	N	N
Public Services															
U. **CHILD CARE CENTER**	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
V. **POSTAL SERVICE**	N	N	N	N	PB	Y	PB	N	Y	Y	PB	PB	PB	N	N
W. **FRATERNAL OR MEMBERSHIP ORGANIZATION; PROFESSIONAL OR TRADE ORGANIZATION**	N	N	N	N	Y	Y	N	PB	Y	PB	PB	PB	N	N	N
X. **FUNERAL HOME**	N	N	N	N	PB	PB	N	N	PB	PB	PB	PB	N	N	N
Y. **NON-EXEMPT EDUCATIONAL USE**	N	N	N	N	PB	N	PB	PB	Y	Y	PB	PB	PB	N	N
Z. **SHELTERED BUS STOP**	SP	SP	SP	SP	Y	Y	SP	SP	Y	Y	Y	Y	Y	N	N
AA. **ESSENTIAL SERVICES**	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Culture, Entertainment Uses															
BB. **MUSEUM OR ART GALLERY**	PB	N	N	Y	Y	Y	Y	Y	Y	Y	Y	PB	Y	N	N
CC. **CINEMA**	N	N	N	PB	PB	PB	N	N	PB	Y	Y	N	PB	N	N
DD. **THEATRE FOR LIVE PERFORMING ARTS (DANCE, MUSIC, DRAMATIC PRODUCTIONS, ETC.)**	N	N	N	PB	PB	PB	N	N	PB	PB	PB	PB	PB	N	N
Commercial Recreation															
EE. **LARGE COMMERCIAL INDOOR RECREATION (INC.**	N	N	N	PB	PB	N	N	N	PB	PB	PB	PB	N	N	N

DISTRICTS & USES	F	R40	MF	VR	MUB	TC	LB	WNB	SB	GB	I1	I2	OR	TD	P
BOWLING, ICE SKATING, ROLLER SKATING RINK)															
FF. **GYM OR ATHLETIC CLUB, FITNESS FACILITY**	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N
GG. **GOLF COURSE**	N	PB	N	N	PB	N	N	N	N	N	N	N	N	N	PB
HH. **MINIATURE GOLF**	N	N	N	N	N	N	N	N	N	PB	N	N	N	N	N
II. **CAMPING FACILITY WITH ACCOMMODATIONS FOR TENTS, CAMP TRAILERS/RECREATIONAL VEHICLES, TRAVEL TRAILERS**	N	N	N	N	N	N	N	N	N	N	N	N	N	N	PB
Other															
JJ. **ADULT USE**	N	N	N	N	N	N	N	N	N	N	PB	PB	PB	N	N
KK. **VETERINARIAN, ANIMAL HOSPITAL**	PB	N	N	PB	Y	Y	PB	PB	PB	Y	PB	PB	PB	N	N
LL. **PET SERVICES**	N	N	N	N	Y	Y	PB	PB	PB	Y	N	N	N	N	N
MM. **KENNEL, COMMERCIAL**	N	N	N	N	PB	PB	PB	N	PB	PB	PB	N	N	N	N
NN. **SELF-STORAGE FACILITY**	N	N	N	N	N	N	N	PB	N	N	PB	PB	PB	N	N
OO. **MARIJUANA CULTIVATION**	N	N	N	N	N	N	N	PB	N	N	PB	PB	PB	N	N
PP. **MARIJUANA RESEARCH**	N	N	N	N	N	N	N	PB	N	N	PB	PB	PB	N	N
QQ. **MARIJUANA MANUFACTURING**	N	N	N	N	N	N	N	PB	N	N	PB	PB	PB	N	N
RR. **MEDICAL MARIJUANA TREATMENT CENTER**	N	N	N	N	N	N	N	N	N	PB	N	N	N	N	N
A.5 INDUSTRIAL															
A. **RESEARCH & DEVELOPMENT, LABORATORY, WHICH MAY INCLUDE ACCESSORY MANUFACTURING OF PRODUCTS IN TESTING AND DEVELOPMENT**	N	N	N	N	N	N	N	Y	N	N	Y	Y	Y	N	N
B. **HIGH-TECH/BIOTECH MANUFACTURING**	N	N	N	N	N	N	N	N	N	N	PB	PB	Y	N	N
C. **MANUFACTURING**	N	N	N	N	N	N	N	PB	N	N	PB	PB	PB	N	N
D. **MACHINE, WELDING SHOP**	N	N	N	N	N	N	N	N	N	N	Y	Y	N	N	N
E. **WAREHOUSE/DISTRIBUTION FACILITY**	N	N	N	N	N	N	N	PB	N	N	PB	PB	N	N	N
F. **TRANSPORTATION OR FREIGHT TERMINAL**	N	N	N	N	N	N	N	N	N	N	PB	PB	N	N	N
G. **WIRELESS COMMUNICATION FACILITY**	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB
H. **PLANT, STORAGE, SUBSTATIONS FOR PUBLIC UTILITIES, OR STORAGE AND SALE OF HEATING FUEL**	N	N	N	N	N	N	N	N	N	N	PB	PB	N	N	N
I. **RETAIL SHOWROOM AND SALE OF PRODUCTS MANUFACTURED ON THE PREMISES**	N	N	N	N	N	N	N	N	N	PB	Y	Y	N	N	N
J. **CONTRACTOR'S YARD**	N	N	N	N	N	N	N	N	N	N	PB	PB	N	N	N

DISTRICTS & USES	F	R40	MF	VR	MUB	TC	LB	WNB	SB	GB	I1	I2	OR	TD	P
K. **STONE OR MONUMENT WORKS**	N	N	N	N	N	N	N	N	N	N	PB	PB	N	N	N
L. **SALE OF LUMBER, FARM SUPPLIES, SIMILAR PRODUCTS, INCLUDING OUTDOOR STORAGE AND SALES**	N	N	N	N	N	N	N	N	N	PB	PB	PB	N	N	N
M. **ACCESSORY DWELLING FOR USE AS WATCHPERSON'S QUARTERS ONLY**	N	N	N	N	N	N	N	N	N	PB	PB	PB	PB	N	N
N. **BATTERY ENERGY STORAGE SYSTEMS (BESS)**	N	N	N	N	N	N	N	N	N	N	PB	PB	PB	N	N
O. **DATA STORAGE CENTER (DATA CENTER)**	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N
P. **COLD STORAGE WAREHOUSE**	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N
Q. **LIGHT INDUSTRIAL WAREHOUSE**	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N

NOTES: (1) Many of the uses classified as "Y" may require Site Plan Review under Section 3.6 prior to issuance of a building permit. (2) Legend: Y = permitted as of right (but may be subject to Site Plan Review); PB = Planning Board special permit; SP = ZBA special permit. (3) For specifically prohibited uses, see Section 5.4.2.

RECORD OF REVISIONS – ZONING BYLAW

No.	Description	Town Meeting	AG Approval
1.	Recodification	Art. 29 – 5/2/22 ATM	10/28/22
2.	Delete Section 5.4.2.C.19 prohibiting retail marijuana sales	Art. 9 – 10/3/22 STM	1/9/23
3.	Insert Section 5.7.2.D authorizing retail marijuana sales in Interstate Overlay District	Art. 9 – 10/3/22 STM	1/9/23
4.	Amend Section 8.7.2, Insert C to exempt retail marijuana sales uses from the provisions of this section	Art. 9 – 10/3/22 STM	1/9/23
5.	Insert A.4.J Retail Marijuana Sales to Appendix A, Use Table	Art. 9 – 10/3/22 STM	1/9/23
6.	Insert Section 5.3.4.A., B., B.1 to allow multiple principal structures in industrial zones	Art. 35 – 5/1/23 ATM	8/2/23
8.	Amend definition of Major Project, Town Center	Art. 35 – 5/1/23 ATM	8/2/23
9.	Amend Section 6.2.10 to clarify sign dimensional requirements	Art. 35 – 5/1/23 ATM	8/2/23
10.	Insert Section 8.3.10 to allow conversion of commercial space to affordable residential units	Art. 36 – 5/1/23 ATM	10/13/23
11.	Insert Section 8.2.4.N to clarify governing dimensional requirements for multifamily developments	Art. 37 – 5/1/23 ATM	8/2/23
12.	Amend Section 5.7.2 to superimpose the Interstate Overlay District to certain areas in the Westside Neighborhood Business District, Office Research, and Mixed Use Business Districts	At. 22 –10/3/23 STM	1/8/24
13.	Amend Sections 2, 4.2, and 5.5 for compliance with the Federal Emergency Management Agency requirements to remain in the National Flood Insurance Program.	Art. 28 – 5/7/25 ATM	9/23/25
14.	Amend Section 2 to Insert New Definitions for Commercial and Industrial Uses	Art. 30 – 5/7/25 ATM	11/17/25
15.	Amend Section 5.4.3 Appendix A Table of Uses to Insert New Uses and Amend R&D	Art. 30 – 5/7/25 ATM	11/17/25
16.	Insert New Section 7.6 related to BESS	Art. 30 – 5/7/25 ATM	11/17/25
17.	Insert New Section 6.2.3.N for ECM sign exemptions	Art. 31 – 5/7/25 ATM	9/23/25
18.	Amend Section 6.2.6.E for Temporary Real Estate Signs	Art. 31 5/7/25 ATM	9/23/25
19.	Insert New Section 5.3.1.E.7 for Accessory Residential Uses	Art. 32 – 5/7/25 ATM	9/23/25

RECORD OF REVISIONS – ZONING MAP

No.	Description	Town Meeting	AG Approval
1.	Recodification	Art. 30 – 5/2/22 ATM	10/28/22
2.	Amend to superimpose Interstate Overlay District to certain areas in the Westside Neighborhood Business, Office Research, and Mixed Use Business Districts	Art. 23 –10/3/23 STM	1/8/24
3.	Amend Floodplain Overlay District for compliance with the Federal Emergency Management Agency requirements to remain in the National Flood Insurance Program	Art. 29 –5/7/25 ATM	9/23/25
4.	Amend Town Center District and Change certain parcels to the R40 and Multifamily Districts	Art. 33 – 5/7/25 ATM	9/23/25