

**ZONING BYLAW**  
**BOXBOROUGH, MASSACHUSETTS**

**ARTICLE 1      AUTHORITY, PURPOSE, AND REGULATIONS**

**1.1      Purposes**

This Bylaw is enacted to promote the general welfare of the Town of Boxborough, to protect the health and safety of its inhabitants, to support the most appropriate use of land throughout the Town, and to preserve and increase the amenities of the Town, all as authorized but not limited by the provisions of the Zoning Act, G.L. c. 40A, as amended, and Section 2A of Chapter 808 of the Acts of 1975.

**1.2      Authority**

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

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

**1.4      General Regulations<sup>1</sup>**

The provisions of this Bylaw include, but are not limited to, restrictions, prohibitions and regulations concerning:

- (a)      Uses of land, including wetlands and lands deemed subject to seasonal or periodic flooding;
- (b)      Size, height, bulk, location, and use of structures, including buildings and signs except that billboards, signs and other advertising devices are also subject to the provisions of G.L. c. 93, § 29-33, inclusive, and to G.L. c. 93D;
- (c)      Uses of bodies of water, including water courses;

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<sup>1</sup> General Regulations and General Exemptions can be removed. They simply reiterate the statute.

- (d) Noxious uses;
- (e) Areas and dimensions of land and bodies of water to be occupied or unoccupied by uses and structures, courts, yards and open spaces;
- (f) Density of population and intensity of use;
- (g) Accessory facilities and uses, such as vehicle parking and loading, landscaping and open space; and
- (h) The development of the natural, scenic, and aesthetic qualities of the community.

## **1.5 General Exemptions**

Nothing contained in this Bylaw shall be construed to:

- (a) Regulate or restrict the use of materials or methods of construction of structures regulated by the State Building Code;
- (b) Regulate or restrict the interior area of a single family residential building;
- (c) Prohibit, unreasonably regulate or require a special permit for the use of land for the primary purpose of agriculture, horticulture, or floriculture; nor shall they be construed to prohibit or unreasonably regulate the expansion or reconstruction of existing structures thereon for the primary purpose of agriculture, horticulture, or floriculture;
- (d) Prohibit, regulate, or restrict the use of land or structures for religious purposes or for educational purposes on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic, or by a religious sect or denomination, or by a non-profit educational corporation; provided, however, that any land or structures may be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking, and building coverage requirements;

## **1.6 Separability**

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

## ARTICLE 2 ADMINISTRATION

### 2.1 Enforcement

- 2.1.1 Building Permits.** No permit or license shall be granted for a use of a building, structure, or land unless the use conforms in all respects with the provisions of this Bylaw. No building permit shall be issued by the Inspector of Buildings without the written approval of a site plan by the Planning Board, where applicable, or unless 30 days lapse from the date of the close of the public hearing without action by the Planning Board under Section 2.4.
- 2.1.2 Building Inspector.** The Inspector of Buildings shall enforce this Bylaw and shall withhold a permit for the construction, alteration or moving of any building or structure if the building or structure as constructed, altered, or moved would be in violation of any Zoning Bylaw.
- 2.1.3 Procedure.** If the Inspector of Buildings is requested in writing to enforce this Bylaw against any person allegedly in violation of its regulations and they shall decline to act, the Inspector of Buildings shall notify, in writing, the party requesting enforcement of any action or refusal to act, and the reasons therefor, within fourteen days of receipt of the request.
- 2.1.4 Penalty.** Any person who violates any provision of this Bylaw or any of the decisions of the Board of Appeals or Planning Board made under the provisions of this Bylaw shall be punished by a fine of \$100 for the first offense, \$200 for the second offense, \$300 for the third offense, and \$300 for each succeeding offense, in the absence of an express provision for another penalty. Each day that a violation continues shall constitute a separate offense.

**2.2 Board of Appeals.** The Board of Appeals shall consist of five members and two associate members appointed by the Select Board for three-year staggered terms.

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

- (a) To hear and decide appeals in accordance with G.L. c. 40A, § 8, as amended.
- a) To hear and decide, in accordance with the provisions of G.L. c. 40A, § 9, applications for special permits when the Board is designated as the special permit granting authority.
- (b) To hear and decide, in accordance with the provisions of G.L. c. 40A, § 6, applications for special permits to change, alter, or extend lawfully pre-existing non-conforming uses and structures.
- (c) To hear and decide petitions for variances in accordance with G.L. c. 40A, § 10.
- (d) To hear and decide applications for comprehensive permits for construction of low- or moderate-income housing, under G.L. c. 40B, §§ 20-23.
- (e) To hear and decide applications for special permits. Unless otherwise specified herein, the Board of Appeals shall serve as the special permit granting authority, to act in all matters in accordance with the provisions of Section 2.3, unless otherwise specified.

**2.2.2** The Board of Appeals shall not grant use variances.

## **2.3 Special Permits**

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

**2.3.2 Public Hearings.** Special permits shall only be issued following public hearings held within time periods established by G.L. c. 40A, as may be amended.

**2.3.3 Application.** All special permit applications shall conform to the requirements of the Planning Board's Rules and Regulations.

### **2.3.4 Decision**

Following a public hearing in accordance with G.L. c. 40A, § 9 and 15 and subject to reasonable administrative rules and regulations, the Special Permit Granting Authority shall either approve, approve with conditions, or disapprove an application. Where the application also requires site plan approval under Section 2.4 and the Planning Board has approved the site plan with conditions, the Planning Board's conditions shall be incorporated into the issuance, if any, of a special permit by the Board of Appeals.

The Special Permit Granting Authority may grant a special permit only if it determines that the structure(s) or use(s) proposed will not have adverse effects which outweigh its benefits on either the town or the neighborhood, in view of the particular characteristics of the site and of the proposal in relation to that site. The determination shall include consideration of each of the following:

- (a) Social and community needs served by the proposal;
- (b) Traffic flow and safety;
- (c) Adequacy of utilities and other public or private services, including storage or disposal of sewage, refuse or other wastes, and drainage or retention of surface water;
- (d) Density of population, intensity of use, neighborhood character, and social structures;
- (e) Impact on the natural environment;
- (f) Impact on health;
- (g) Potential fiscal impact, including tax contribution, diminution or enhancement of neighboring property values, and creation of new employment opportunities.

**2.3.5 Amendment.** In its decision, the Special Permit Granting Authority may reserve the power to amend the terms and conditions of a special permit on application of the owner, lessee, or mortgagee. All provisions of this Section 2.3 shall apply to any modification or amendment.

**2.3.6 Conditions.** The Special Permit Granting Authority may impose conditions, safeguards, and limitations on time or use to assure that the proposed structure or use will be in harmony with the purposes and intent of this Bylaw.

**2.3.7 Lapse.** All special permits shall lapse within three years (including the time required to pursue or await the determination of an appeal under G.L. c. 40A, § 17) from the grant of the permit if substantial use has not commenced except for good cause or, in the case of permits for construction, if construction has not begun except for good cause.

**2.3.8 Recording.** Upon approval of a special permit, the recipient shall comply with the provisions of G.L. c. 40A, § 11, regarding recording. Proof of recording shall be required of the recipient of a special permit prior to the issuance of any building permit or the beginning of construction.

**2.3.9 Planning Board Associate.** The Planning Board and the Select Board jointly may appoint an associate member as provided for under G.L. c. 40A, § 9. Associate members may be removed for cause by the Planning Board upon written charges and after a public hearing. Vacancies shall be filled for unexpired terms in the same manner as in the case of original appointments.

## **2.4 Site Plan Approval**

**2.4.1 Purpose.** The purpose of site plan approval is to promote public health, safety, and welfare by encouraging the laying out of parking, circulation, and buildings in a safe and convenient manner; to ensure that new developments are designed to protect and enhance the visual and environmental qualities of the Town; and to provide for adequate review of development plans that may have significant impacts on traffic, drainage, town services, environmental quality, and community character.

### **2.4.2 Applicability**

Site plan approval shall be required for any structure used for commercial, business, industrial, office, multifamily, municipal, institutional, utility, fraternal, or recreational purposes. No permit for construction, exterior alteration, relocation, occupancy, or change in use of any building or lot that results in the substantial alteration of an existing building or lot shall be given and no existing use shall be extended without site plan approval from the Planning Board. Site plan approval shall also be required for the resumption of any use discontinued for more than two years or for the expansion of any existing use. Expansion shall include any increase in floor space of 25% or more within a ten-year period.

Upon a written request by the applicant and review by the Planning Board, the Board may vote to waive the applicant's need to apply for Site Plan Approval if the Board determines the proposed changes to the building or lot are minimal and do not require site plan approval.

**2.4.3 Exemptions.** The following shall not require site plan approval:

- (a) In an Industrial-Commercial or Office Park District, or a Business District, construction, alteration or expansion of a building with a gross floor area of less than 500 square feet a proposed expansion of less than 10 percent the existing gross floor area, including the basement, if applicable.
- (b) In all zones, normal maintenance or repair of any building, accessory building, or structure.
- (c) Customary home occupations.
- (d) The construction or enlargement of any single-family dwelling or building accessory to such dwelling.

**2.4.4 Substantial Alteration.** For purposes of this Section 2.4, substantial alteration to a building means alteration of a single building or a group of buildings under one ownership on the same lot or contiguous lots that results in an increase in gross floor area of either 500 square

feet or 10 percent of the existing gross floor area, whichever is less. The calculation of substantial alteration shall be determined based upon the aggregate of all expansions undertaken within a consecutive five-year period.

Substantial alteration to areas for parking, loading or vehicular access shall mean a change in the layout or location of parking spaces, an increase in pavement area of more than 300 square feet, or any relocation, addition or change in driveways. Resurfacing shall not be construed as a substantial alteration unless it involves a change of surface material.

**2.4.5 Submission Requirements.** Applications and plans shall be filed by the petitioner in accordance with Planning Board Rules & Regulations for Site Plan Approval.

**2.4.6 Decision**

Site plan approval shall be granted upon determination by the Planning Board that new buildings or site alterations have been designed in the following manner, after considering the qualities of the specific location, the proposed land use, the proposed building form, grading, egress points, and other aspects of the development. Where the Planning Board renders a decision contrary to the recommendations of the Design Review Board, the Planning Board shall state the reasons in writing.

- (a) The proposal shall comply with the purpose and intent of the Zoning Bylaw and with existing local and regional plans.
- (b) The development shall be integrated into the existing terrain and surrounding landscape and shall be designed to protect abutting properties and community amenities. To the extent possible, building sites shall be designed to minimize the use of wetlands, steep slopes, floodplains, hilltops; minimize obstruction of scenic vistas from publicly accessible locations; preserve unique natural, scenic and historic features; minimize tree, soil and vegetation removal; and maximize open space retention.
- (c) Architectural style shall be in harmony with the prevailing character and scale of buildings in the neighborhood and the Town through the use of appropriate building materials, screening, breaks in the roof and wall lines, and other architectural techniques. Proposed buildings shall relate harmoniously to each other.
- (d) Adequate measures shall be proposed to prevent pollution of surface and ground water, to minimize erosion and sedimentation, to prevent changes in groundwater levels, to minimize potential for flooding, and to provide for stormwater drainage consistent with the functional equivalent of the Planning Board's Subdivision Rules and Regulations.
- (e) Roadways and circulation system shall be designed to promote convenience and safety for both pedestrians and vehicles. Access roads by which the proposed development is reached shall be adequate in width, grade and construction to carry, without danger or congestion, the additional traffic that is generated from the development.
- (f) Adequate buffers shall be provided to protect abutting properties from lighting, sight, sound, dust, and vibration.
- (g) Adequate facilities shall be provided for water supply and for handling and disposal of waste and other production by-products.

- (h) Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment.
- (i) Architectural Standards in the Town Center District Only. Materials shall be harmonious with existing buildings. In the interest of maintaining a sense of history, vertical siding shall be discouraged and synthetic siding shall imitate the character and dimensions of traditional clapboards. Masonry block buildings should be faced in an appropriate material, such as horizontal wooden siding or brick of a traditional red color. Buildings shall fit in with existing architecture in terms of height, massing, roof shapes, and window proportions.<sup>2</sup>

#### 2.4.7 Conditions

The Planning Board may impose reasonable conditions, even at the expense of the applicant, to ensure conformance, including conditions, safeguards, and limitations on time and use upon the applicant, developer or operator(s) of the site as is deemed necessary to assure harmony with the intent of the Zoning Bylaw, including, but not limited to, the following:

- (a) Requirements that the front, side, or rear yard be greater than the minimum required by this Bylaw;
- (b) Requirements that parking areas or other parts of the premises be screened from adjoining properties or from the street by walls, fences, planting, or other devices;
- (c) Modification of the location or of the exterior features of any and all structures on the site; and,
- (d) Limitation on the hours of operation of outdoor lighting.

**2.4.8 Bonding.** Prior to the issuance of an occupancy permit, the Planning Board may require a performance guarantee to ensure compliance with the plan and conditions set forth in their decision.

**2.4.9 Lapse.** Any site plan approval issued under this Section 2.4 shall lapse within two<sup>3</sup> years if a substantial use thereof has not commenced except for good cause.

**2.4.10 Recording.** Upon approval of a site plan, a certificate shall be issued by the Planning Board containing the name and address of the owner, identifying the land affected, and certifying that site plan approval has been granted and stating any conditions thereof. No site plan approval shall take effect until a copy of the certificate has been filed in accordance with G.L. c. 40A, § 11. Proof of recording shall be required of the recipient of site plan approval prior to the issuance of any building permits or the beginning of construction.

**2.4.11 Regulations.** The Planning Board may periodically adopt or amend rules and regulations for the implementation of this Section 2.4, by majority vote of the board.

### 2.5 Design Review

**2.5.1 Purpose.** The intent of this section is to provide for a detailed review of certain structures in the Town; to enhance the natural and aesthetic qualities of the Town; to preserve the value of

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<sup>2</sup> This paragraph mixes “shall” and “should.” It *should* be consistent.

<sup>3</sup> Do you want to make this three years to be consistent with the special permit changes under Chapter 40A?

land and buildings; and to protect and preserve the historic and cultural aspects and heritage of the Town.

**2.5.2 Design Review Board.** The Design Review Board shall be composed of five residents of the town who shall be appointed by the Select Board for three-year terms as designated by the respective organizations as follows:

- (a) One member of the Planning Board or their designee;
- (b) One member of the Select Board or their designee;
- (c) One member of the Historical Commission or their designee; and
- (d) Two members representing the community at-large, who shall be elected by the three designees as listed above and brought forward to the Select Board for appointment.

Partial terms shall be designated by the respective board or commission or elected in the case of the at-large member, and duly appointed by the Select Board.

**2.5.3 Applicability.** Design Review in accordance with this section shall be required for:

- (a) new construction, exterior alteration, or expansion of buildings in the Town Center District (except for pre-existing single-family dwellings as specified in Section 4.4.3) that is subject to site plan approval under Section 2.4 or is subject to a special permit, and;
- (b) new or modified signs in the Town Center District.

**2.5.4 Procedures.** All applications for design review shall conform to the requirements stated in Design Review Board's Rules and Regulations.

**2.5.5 Design Attributes and Guidelines.** The Design Review Board shall review projects based on the following attributes:

- (a) Rhythm of solids and voids
- (b) Façade and openings
- (c) Massing and spacing of buildings
- (d) Placement and orientation of buildings within a lot
- (e) Architectural details, materials, and color
- (f) Roof slopes and shapes
- (g) Signage and lighting
- (h) Landscaping



## ARTICLE 3

## ESTABLISHMENT OF DISTRICTS

### 3.1 Districts

#### 3.1.1 Types of Districts

The Town of Boxborough is divided into the following districts:

- (a) Agricultural-Residential (AR)
- (b) Residential-1 (R1)
- (c) Business (B)
- (d) Business-1 (B1)
- (e) Office Park (OP)
- (f) Town Center (TC)
- (g) Industrial-Commercial (IC)
- (h) Aquifer Protection Overlay
- (i) Flood Plain Overlay
- (j) Wireless Communication Facilities Overlay
- (k) Recreational Marijuana Establishments Overlay

**3.1.2 Location of Districts.** Districts, with the exceptions of the Aquifer Protection, Flood Plain, Recreational Marijuana Establishments, and Wireless Communication Facilities Districts, which are individually mapped, are located and bounded as shown on a map entitled “Zoning Map of Boxborough, Massachusetts” as amended from time to time and on file with the Town Clerk.

**ZONING MAP - SEE APPENDIX B**

## ARTICLE 4 USE REGULATIONS

### 4.1 Use Regulations

#### 4.1.1 General

No structure shall be erected or used or land used except in accordance with Section 4.1.3, “Use Regulation Schedule,” or in Section 4.2, “Accessory Buildings and Uses,” unless exempted by Section 4.2, or by statute. Where a use is not specifically mentioned in Section 4.1.3, that use shall be prohibited.

Symbols employed below shall mean the following:

Y - a permitted use.

N - an excluded or prohibited use.

PB - a use authorized under special permit granted by the Planning Board, as provided under Section 2.3.

BOA - a use authorized under special permit granted by the Zoning Board of Appeals, as provided under Section 2.3.

**4.1.2 Applicability.** When an activity might be classified under more than one of the following uses, the more specific classification shall govern; if equally specific, the more restrictive shall govern.

**4.1.3 Use Regulation Schedule for Principal Uses** (For Accessory Uses see Section 4.2).

#### 4.1.3.a RESIDENTIAL USES

#### DISTRICTS

	AR	R1	B	B1	OP	TC	IC
Single-family dwelling <sup>16</sup>	Y	Y	N	N	N	BOA	N
Two-family dwelling	N	N	N	PB <sup>1</sup>	N	BOA	N
Conversion to two-family dwelling of dwelling in existence on 5/3/65	BOA <sup>14</sup>	BOA	Y	PB <sup>1</sup>	N	Y	BOA
Multi-family dwelling	N	Y <sup>1</sup>	N	PB <sup>1</sup>	N	N	N
Two-family dwelling, reserved exclusively for elderly occupancy	PB	N	N	PB <sup>1</sup>	N	PB	N
Bed and Breakfast	BOA <sup>1</sup>	BOA <sup>1</sup>	N	N	N	BOA <sup>1</sup>	N

**4.1.3.a RESIDENTIAL USES****DISTRICTS**

	<b>AR</b>	<b>R1</b>	<b>B</b>	<b>B1</b>	<b>OP</b>	<b>TC</b>	<b>IC</b>
Trailer or mobile home (but see Section 7.6)	N	N	N	N	N	N	N
Dwelling unit incidental to principal commercial use	Y	Y	N	N	N	BOA	N

**4.1.3.b EXTENSIVE USES****DISTRICTS**

	<b>AR</b>	<b>R1</b>	<b>B</b>	<b>B1</b>	<b>OP</b>	<b>TC</b>	<b>IC</b>
Exempted farm, under G.L. c. 40A, § 3	Y	Y	Y	Y	Y	Y	Y
Farm	Y	Y	Y <sup>15</sup>	Y <sup>15</sup>	Y <sup>15</sup>	Y	Y <sup>15</sup>
Ski Tow and accessory structures	BOA	BOA	Y	Y	BOA	N	BOA
Riding school with less than 20 horses	BOA	BOA	Y	Y	BOA	N	BOA
Private golf course, at least 9 holes, average 300 yds. per hole	BOA	BOA	Y	Y	BOA	N	BOA
Public or private facility providing Tennis, swimming or skating	BOA	BOA	Y	Y	BOA	N	BOA
Commercial earth removal	N	N	N	N	N	N	Y <sup>2</sup>
Conservation area, public park	Y	Y	Y	Y	Y	Y	Y
Airports, heliports, or like facilities (principal or accessory use)	N	N	N	N	N	N	N

**4.1.3.c UTILITY AND PUBLIC SERVICE USES**

**DISTRICTS**

	<b>AR</b>	<b>R1</b>	<b>B</b>	<b>B1</b>	<b>OP</b>	<b>TC</b>	<b>IC</b>
Public utility	BOA	BOA	Y	Y	BOA	BOA	BOA
Small-Wireless Facilities located outside of a right of way	PB <sup>23</sup>	PB <sup>23</sup>	PB <sup>23</sup>	PB <sup>23</sup>	PB <sup>23</sup>	PB <sup>23</sup>	PB <sup>23</sup>
Wireless Communication Facility	-----See Footnote 17-----						
Educational, governmental or religious use	Y	Y	Y	Y	Y	Y	Y
Philanthropic use	N	N	Y	Y	Y	Y	N

**4.1.3.d BUSINESS/INDUSTRIAL USES**

**DISTRICTS**

	<b>AR</b>	<b>R1</b>	<b>B</b>	<b>B1</b>	<b>OP</b>	<b>TC</b>	<b>IC</b>
Convalescent, nursing, or rest home	BOA	BOA	Y	Y	BOA	Y	BOA
Assisted Living Facility	N	N	Y	Y	BOA	N	BOA
Day care center	Y	Y	Y	Y	Y	Y	Y
Animal Shelter <sup>19</sup>	N	N	N	N	N	N	BOA <sup>13,19</sup>
Hospital, Medical Center, sanatorium, funeral home	N	N	Y <sup>3</sup>	Y <sup>3</sup>	BOA <sup>3</sup>	N	BOA <sup>3</sup>
Sports or athletic facility or full-sized public golf course	N	N	Y	Y	BOA	N	BOA
Club	N	N	Y	Y	BOA	N	BOA
Professional or business office	N	N	Y	Y	Y	Y	Y
Kennel	N	N	BOA	BOA	BOA	BOA	BOA

**4.1.3.d BUSINESS/INDUSTRIAL USES**

**DISTRICTS**

	<b>AR</b>	<b>R1</b>	<b>B</b>	<b>B1</b>	<b>OP</b>	<b>TC</b>	<b>IC</b>
Veterinary	N	N	Y	Y	Y	Y	BOA
Research & Development	N	N	Y <sup>3</sup>	Y <sup>3</sup>	Y <sup>3</sup>	N	BOA <sup>3</sup>
Health Care Facility	N	N	Y <sup>3</sup>	Y <sup>3</sup>	Y <sup>3</sup>	Y <sup>3</sup>	Y <sup>3</sup>
Laboratory	N	N	Y <sup>3</sup>	Y <sup>3</sup>	Y <sup>3</sup>	N	BOA <sup>3</sup>
Bank	N	N	Y	Y	Y	Y <sup>4</sup>	Y
Hotel, motel, inn	N	N	Y	Y	Y	N	BOA
Conference center	N	N	N	N	Y	N	BOA
Restaurant	N	N	BOA <sup>5*</sup>	BOA <sup>5*</sup>	BOA*	BOA <sup>5*</sup>	BOA*
Fast-food restaurant	N	N	N	N	N	N	N
Service shops (salon, barber, dry cleaner)	N	N	Y	Y	BOA	Y <sup>6</sup>	BOA
Craft shop or art studio	N	N	Y	Y	BOA	Y <sup>7</sup>	BOA
Printing shop/Copy Shop/ Word Processing center	N	N	Y <sup>12</sup>	Y <sup>12</sup>	Y <sup>12</sup>	N	Y <sup>12</sup>
Retail stores containing more than 25,000 square feet gross floor area	N	N	N	N	N	N	N
Retail stores containing less than 25,000 square feet gross floor area	N	N	Y	Y	N <sup>18</sup>	Y <sup>8</sup>	N <sup>18</sup>
Adult Use	N	N	N	N	N	N	BOA

**4.1.3.d BUSINESS/INDUSTRIAL USES**

**DISTRICTS**

	<b>AR</b>	<b>R1</b>	<b>B</b>	<b>B1</b>	<b>OP</b>	<b>TC</b>	<b>IC</b>
Automobile service station	N	N	N	N	BOA	N	BOA
Repair garage, auto detailing garage or like facility	N	N	BOA	BOA	BOA	N	BOA
Self-storage facility	N	N	N	N	N	N	Y
Car Sales	N	N	BOA <sup>20</sup>	BOA <sup>20</sup>	BOA <sup>20</sup>	N	BOA <sup>20</sup>
Repair shop	N	N	Y	Y	BOA	N	BOA
Warehouse	N	N	N	N	N	N	Y <sup>9</sup>
Specialty Food Shop containing less than or equal to 3,000 feet of gross floor area	N	N	Y <sup>21</sup>	Y <sup>21</sup>	Y21	Y21	N
Specialty Food Shop containing more than 3,000 feet of gross floor area	N	N	BOA <sup>21</sup>	BOA <sup>21</sup>	Y	BOA <sup>21</sup>	N
Wholesale operations	N	N	Y <sup>9</sup>	Y <sup>9</sup>	BOA <sup>9</sup>	N	Y <sup>9</sup>
Light Manufacturing	N	BOA <sub>3</sub> <sup>10</sup>	Y <sup>3,11</sup>	Y <sup>3,11</sup>	Y <sup>3</sup>	N	Y <sup>3</sup>
Manufacturing	N	N	N	Y <sup>3,11</sup>	N	N	Y <sup>3</sup>
Building Trade	N	N	BOA	BOA	N	N	Y
Landscaping Services	N	N	Y <sup>22</sup>	Y <sup>22</sup>	N	N	Y <sup>22</sup>
Landscaping Contractors	N	N	BOA	BOA	N	N	Y
Registered Marijuana Dispensary	N	N	N	N	N	N	BOA

## FOOTNOTES

<sup>1</sup> See Section 5.3.

<sup>2</sup> In accordance with the Earth Removal Bylaw.

<sup>3</sup> Provided these operations do not use Toxic or Hazardous Materials except as an incidental part of their business. The operation shall provide adequate facilities for storage, containment, and safety in accordance with state and federal regulations for the toxic or hazardous materials used. Toxic or Hazardous Wastes shall be stored and disposed of in accordance with state regulations including, but not limited to, 310 CMR 30.000 and federal regulations including, but not limited to, the Resource Conservation and Recovery Act. Hazardous Wastes shall be disposed of off-site by state-registered hazardous waste transport and disposal contractor(s).

<sup>4</sup> Drive-through windows or drive-through ATMs are prohibited.

<sup>5</sup> Hours of operation 6:00 a.m. to 11:00 p.m. only. Serving or use of disposable utensils, drive-through windows, or take out counters of any kind are expressly prohibited.

<sup>6</sup> No dry cleaning shall be done on the premises.

<sup>7</sup> Hours of operation 6:00 a.m. to 10:00 p.m. only.

<sup>8</sup> Hours of operation per footnote 7; all sale and display of merchandise to be within a building. Mixed-use buildings in the Town Center District shall have only retail on the ground floor. (See Section 9.2 for definitions).

<sup>9</sup> Other than hazardous materials. This restriction includes liquid petroleum products, except for those petroleum products stored in an approved manner for on-site heating and refueling.

<sup>10</sup> Provided that five or fewer persons are employed therein.

<sup>11</sup> Provided the major portion of the goods produced is sold to the consumer on the premises by the producer.

<sup>13</sup> This use shall only be located in the Industrial/Commercial Zone District along Codman Hill Road.

<sup>14</sup> The conversion shall not be allowed where the proposed lot is less than 40,000 square feet in area, or where less than 600 square feet of floor space would be provided for each dwelling unit therein.

<sup>15</sup> Dwellings shall be permitted as accessory buildings only in the Agricultural-Residential, Residential 1, and Town Center Districts.

<sup>16</sup> See Section 5.3.

<sup>17</sup> See Section 7.3.

<sup>18</sup> Except retail stores customarily incidental and subordinate to the principal use of the premises.

<sup>19</sup> At any given time, an animal shelter may house no more than 50 animals over the age of 6 months, and not more than 5 litters of puppies and 5 litters of kittens.

<sup>20</sup> See Section 4.8.

<sup>21</sup> A portion of those items prepared or sold in a Specialty Food Shop shall be sourced locally from Massachusetts based farms or food provisioners. Food items prepared or sold may be packaged for takeout or an establishment may include seating for on-site consumption. Food items may not be sold directly to persons remaining in their vehicles, and drive-through windows are prohibited.

<sup>22</sup> There may be small displays of materials for review by customers, but there is no storage or distribution of bulk material at the site.

<sup>23</sup> See Section 7.4

**4.1.4 Prohibited Uses.** No building, structures or premises shall be used for laboratories or manufacturing that use Biological Agents requiring Biosafety Level 3 (BSL-3) containment, or manufacturing that use biological agents requiring Biosafety Level 3 (BSL-3) or Biosafety



Level 4 (BSL-4) containment (see Section 9.2 “Biosafety Level” definition).

## **4.2 Accessory Buildings and Uses**

**4.2.1 General.** Any use permitted as a principal use is also allowed as an accessory use in the same district, as are others customarily accessory and incidental to permitted principal uses. Certain accessory uses shall be subject to special regulations, as follows:

- (a) Home Occupation. A home occupation conducted within the dwelling unit or an accessory building by a resident occupant and employing no persons other than resident occupants on the premises is permitted, provided that no display of goods is visible from any street, and no more than an average of eight round trips per day are generated by the home occupation. The Board of Appeals may authorize by special permit a home occupation which employs up to two non-resident occupants on the premises in accordance with the following criteria:
  - 1) No display of goods shall be visible from any street;
  - 2) No more than an average of 16 round trips per day are generated by the home occupation; and
  - 3) A request for renewal of a home occupation permit shall be submitted every four years. The Board of Appeals may renew a permit with or without a new public hearing.
- (b) Storage of camping trailer or travel trailer, not used as a dwelling, is permitted.
- (c) Accessory Scientific Uses. Uses, whether or not on the same parcel as activities permitted as a matter of right, which are necessary in connection with scientific research or scientific development or related production, may be permitted upon the issuance of a special permit by the Board of Appeals, provided that the board finds that the proposed use does not substantially derogate from the public good.
- (d) Accessory uses in the Town Center district which produce or use hazardous materials in quantities greater than associated with normal facility cleaning or maintenance procedures are prohibited.

## **4.2.2 Accessory Apartment.**

- (a) The Building Inspector may grant a total of five permits each calendar year for accessory apartments. An additional dwelling unit may be allowed as an accessory apartment in a single-family dwelling or existing accessory building located on a lot with a single-family dwelling for the purpose of:
  - 1) providing small additional dwelling units without adding to the number of buildings in the Town or substantially altering the appearance of buildings, the neighborhood, or the Town;
  - 2) increasing the range of housing accommodations;
  - 3) encouraging a greater diversity of population, and;

- 4) encouraging a more efficient and economic use of existing housing stock by enabling owners of single-family dwellings larger than required for their present needs to share space while maintaining the single-family appearance and character of buildings, the neighborhood, and the Town
- (b) The Building Inspector may grant a building permit and a Certificate of Use and Occupancy for an accessory apartment provided that:
- 1) The accessory apartment is attached to or within a single-family dwelling, or is within a detached accessory building in existence on or before March 8, 2007 and
  - 2) No more than one accessory apartment may be located on the lot.
  - 3) The accessory apartment shall be a use secondary and incidental to the single-family dwelling on the lot and shall contain no more than 600 square feet of habitable space.
  - 4) The accessory apartment shall contain no more than 3 rooms, excluding hallways, bathrooms, and closets.
  - 5) The single-family dwelling and the accessory apartment shall be occupied by either the owner of the lot, the owner's family members, or in-home care providers for the owner or their family members. For the purposes of this section, the "owner" shall be one or more individuals holding legal or beneficial title to the lot and for whom the dwelling is the primary residence for voting and tax purposes.
  - 6) The private water and on-site sewage disposal system shall be adequate to serve both the existing single-family dwelling and the accessory apartment.
  - 7) Any entrance required by the inclusion of an accessory apartment shall be clearly secondary to the main entrance of the primary dwelling unit.
  - 8) Any modification to the existing entrances on the front facade of the single-family dwelling shall result in the appearance of a single main entrance.
  - 9) 2 off-street parking spaces shall be provided for the accessory apartment.
  - 10) Curb cuts for the lot shall be limited to those already in existence on or before March 8, 2007, or for new construction, shall be limited to one.
  - 11) The number of occupants in the accessory apartment shall be limited to three people.

### **4.3 Nonconforming Uses and Structures**

#### **4.3.1 General**

Except as otherwise provided, this Bylaw shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building permit or special permit issued before the first publication of notice of the public hearing on this Bylaw required by G.L. c. 40A, § 5. However, this Bylaw shall apply to:

- (a) a change or substantial extension of the use, or
- (b) a building permit or special permit issued after the first notice of the public hearing, or
- (c) any reconstruction, extension, or structural change of such structure, or

- (d) any alteration of a structure begun after the first notice of a public hearing to provide for its use in a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent, except where alteration, reconstruction, extension, or a structural change to a one-family or two-family residential structure does not increase the nonconforming nature of the structure.

**4.3.2 Extension or Alteration of Pre-Existing Nonconforming Structures/Uses.** Pre-existing nonconforming structures or uses may be extended or altered, provided no extension or alteration shall be permitted unless there is a finding by the Board of Appeals that the extension or alteration shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure or use. It is the purpose of this Bylaw to discourage the perpetuity of nonconforming uses and structures when possible.

**4.3.3 Conformance with Bylaw Amendments.** Construction or operations under a building permit or special permit shall conform to any subsequent amendments to this Bylaw unless the use or construction is commenced within a period of 12 months after the issuance of the permit and, in cases involving construction, unless that construction is continued through to completion continuously and expeditiously.

#### **4.3.4 Nonconforming Single-Family Structures**

- (a) Permitted. Alteration, reconstruction, extension, or structural change to a single-family or two-family residential structure that does not increase the nonconforming nature of that structure shall be permitted.
- (b) No alteration, reconstruction, extension, or structural change to a single-family or two-family residential structure that increases the nonconforming nature of that structure shall be permitted unless there is a finding by the Board of Appeals that the proposed alteration, reconstruction, extension, or structural change will not be substantially more detrimental to the neighborhood.
- (c) Any alteration, reconstruction, extension, or structural change that results in a new nonconformity shall be deemed to be an increase in the nonconforming nature of the structure.

#### **4.3.5 Nonconforming Structures other than Single-Family Structures**

- (a) Variance Required – No alteration, reconstruction, extension, or structural change to any structure, other than a single-family or two-family residential structure as set forth above, that increases the nonconforming nature of that structure shall be permitted except by variance.
- (b) Finding Required – Alteration, reconstruction, extension, or structural change to any structure other than a single-family or two-family residential structure that does not increase the nonconforming nature of the structure may be allowed upon a finding by the Board of Appeals that it will not be substantially more detrimental to the neighborhood.

- (c) New Nonconformity – Any alteration, reconstruction, extension, or structural change that results in a new nonconformity shall be deemed to be an increase in the nonconforming nature of the structure.

**4.3.6** This section shall not apply to billboards, signs, and other advertising devices subject to the provisions of G.L. c. 93, § 29-33, inclusive, and to G.L. c. 93D.

#### **4.4 Special Permits in Town Center District**

**4.4.1** In addition to the standards set forth in Section 2.3.4 of this Bylaw, when granting a Special Permit for uses set forth in the Town Center District, the applicant shall demonstrate to the Special Permit Granting Authority that the benefits to the town in allowing the requested use outweigh any adverse affects. Design Review in accordance with Section 2.5 will be conducted prior to granting Special Permits, (but need not be redundant if already accomplished as part of the site plan review). Where the Special Permit Granting Authority shall render a decision contrary to the recommendations of the Design Review Board, the Special Permit Granting Authority shall state the reasons in writing. Additionally, the following shall also be considered in granting special permits in the Town Center District:

- (a) The proposed use shall be located near uses which are compatible to the proposed use, and nearby uses will be likely to benefit from, rather than be damaged by having the proposed activity nearby.
- (b) Any retail services shall be designed to serve the town’s population, rather than the region.
- (c) The proposed use shall contribute to the diversity of services and land uses available in the town center.
- (d) The design of the buildings shall be in harmony with the prevailing character and scale of buildings in the neighborhood and the town through the use of appropriate building materials, screening, breaks in the roof and wall lines and other architectural techniques. The building design shall be responsive to the rural/historic character of the town and the buildings shall be compatible with traditional New England architecture.

#### **4.4.2 Single-Family Dwellings and Two-Family Dwellings Reserved Exclusively for Elderly Occupancy in the Town Center District**

In order to promote mixed uses in the Town Center District and to discourage the conversion of a majority of undeveloped Town Center land to residential uses, single-family dwellings or two-family dwellings reserved exclusively for elderly occupancy shall only be permitted in the Town Center District by special permit in conjunction with non-residential development in a Mixed Use Development.

#### **4.4.3 Applicability**

The Planning Board shall be the special permit granting authority for single-family dwellings or two-family dwellings reserved exclusively for elderly occupancy in the Town Center District. Single-family dwellings in existence prior to the effective date of this Bylaw shall not be subject to this Bylaw nor shall any extension or alteration to any existing single-family dwelling or a single-family dwelling previously approved under this Bylaw,

provided that any extension or alteration complies with the applicable dimensional requirements of the Zoning Bylaw. Building permits for new single-family dwellings or two-family dwellings reserved exclusively for elderly occupancy may be withheld unless the dwellings comply with the provisions of the Bylaw and any special permit rendered hereunder.

New single-family dwellings or two-family dwellings reserved exclusively for elderly occupancy may only be permitted in the Town Center District as part of a Mixed Use Development. Mixed Use Developments may include any use permitted as of right in the Town Center District, or any use for which a special permit has been granted by the Board of Appeals.

#### **4.4.4 Criteria**

Prior to the issuance of a special permit for single-family dwellings or two-family dwellings reserved exclusively for elderly occupancy in a Mixed Use Development, the Planning Board shall find the following:

- (a) The proposal is consistent with the Master Plan;
- (b) The proposal meets all the applicable dimensional requirements of the Zoning Bylaw;
- (c) The proposed commercial uses are compatible the residential uses;
- (d) No more than 30 percent of the Gross Floor Area of the Mixed Use development may be used for residential purposes;
- (e) The commercial development will be constructed at the same or greater pace than the residential development on a square footage basis;
- (f) Each single-family dwelling is located on its own lot;
- (g) Buildings meet the architectural standards for the Town Center District.

#### **4.5 Special Permits for Two-family Dwelling Reserved Exclusively for Elderly Occupancy**

The Planning Board shall be the Special Permit Granting Authority for two-family dwellings reserved exclusively for elderly occupancy. In making its determination with respect to a special permit for a two-family dwelling reserved for elderly occupancy, the Special Permit Granting Authority shall find that the proposal meets the following criteria:

- (a) Occupancy is deed restricted to persons 55 years of age or older or to a person 55 years of age or older and their spouse or live-in aid.
- (b) There are no more than two units per building.
- (c) The maximum number of buildings allowed shall be limited to the number of houses that could be created in a subdivision on the site in full conformance with all zoning, subdivision and other applicable state and local regulations, and without the proposal of extraordinary engineering measures. Where the maximum number is in doubt or dispute, the determination of the Planning Board shall be conclusive for all purposes.
- (d) The proposed site contains a minimum of 10 acres.
- (e) The minimum upland area is 5 acres.
- (f) The maximum density is 2 units per 60,000 square feet.
- (g) Traffic generation is similar or less than what would be generated if the land were developed into single-family dwellings.

- (h) The architectural style of the units is similar in character and appearance to other dwellings in the neighborhood.
- (i) Adequate landscaped buffers are provided around the development.

#### **4.6 Special Permits for Residential Uses in the B1 District**

The Planning Board shall be the Special Permit Granting Authority for residential uses in the B1 district. Prior to the issuance of a special permit for a residential use in the B1 district, the Special Permit Granting Authority shall, in addition to other requirements specified in Section 2.3.4, find that the proposal meets the following criteria and conditions:

- (a) The proposed residential use in the B1 district is compatible with existing or allowed business uses;
- (b) Adequate landscaped and natural buffers are provided, and, where appropriate, physical buffers, such as berms, fences or walls are proposed between residential and commercial uses;
- (c) The proposal, to the maximum extent possible, protects the existing tree canopy on Massachusetts Avenue (Route 111);
- (d) The proposal retains or preserves unique natural, historical or cultural resources located on the site, if any;
- (e) The proposal conforms, to the maximum extent possible, the applicable standards set forth in Section 2.5 Design Review under Section 2.5.5 Design Attributes and Guidelines.

The Board shall require, as a condition of a special permit granted under this section, a reference to the Business 1 Zone District, their uses and characteristics in the Special Permit and in any deed, condominium or homeowners documents developed as a part of the residential project. Additionally, the Board may place additional conditions in the Special Permit to ensure conformance with the Design Guidelines in Section 2.5.5 and compatibility with the surrounding area.

#### **4.7 Special Permits for Conversions**

In making its determination with respect to a special permit for the conversion of dwellings in any Agricultural-Residential District, the Special Permit Granting Authority shall, in addition to other requirements specified in Section 2.3.4 of this Bylaw, deny any permit therefor where the conversion would substantially alter the external appearance of the structure from that of a single family dwelling.

#### **4.8 Special Permit for Car Sales**

In making its determination with respect to a special permit for “car sales” in the Business, Business 1, Office Park or Industrial-Commercial District, the Special Permit Granting Authority shall, in addition to other requirements specified in Section 2.3.4 of this Bylaw find the following:

- (a) No more than 20 vehicles will be stored or for sale on the site;
- (b) No cars will be parked in the front yard setback area;
- (c) Only passenger vehicles or light trucks will be for sale on the site;

- (d) No large trucks or campers will be for sale on the site;
- (e) Outdoor display areas contain adequate landscape buffers.

#### **4.9 Special Permits for Restaurants**

In making its determination with respect to a special permit for a restaurant in the Business or Business1 District, the Special Permit Granting Authority shall, in addition to other requirements specified in Section 2.3.4 of this Bylaw, consider each of the following factors before the issuance of a special permit:

- (a) Suitability of the site for the proposed restaurant.
- (b) The effect on traffic flow and safety and the impact of traffic on neighboring streets.
- (c) Compatibility of proposed building design, scale, and size with community & neighborhood character.
- (d) Adequacy of plans to reduce or eliminate noise, smells, and litter.
- (e) Sale of food for take out service is expressly prohibited.

#### **4.10 Special Permit for Alternate Access**

The Planning Board shall be the Special Permit Granting Authority for the issuance of special permits in the case where an applicant requests to access a lot through a portion of the same lot which is not the legal frontage for the lot. In addition to the standards set forth in Section 2.3.4 of this Bylaw, the Special Permit Granting Authority shall also consider each of the following factors before the issuance of a special permit:

- (a) Whether alternate access shall be along a way currently maintained by a Town, County, or State, or along ways shown on the Definitive Plans of approved subdivisions which have been secured or constructed and the street has been determined by the Planning Board to provide adequate access for fire, police, and emergency vehicles.
- (b) Whether the minimum width of the lot from the alternate access road to the building shall be more than 50 feet.
- (c) Whether the proposed driveway location minimizes impacts to wetlands compared to a driveway access through the legal frontage.
- (d) Whether the proposed driveway provides a safer alternative than a driveway through the legal frontage in that it reduces the number of curb cuts on more heavily traveled roads; and it has adequate sight distances.
- (e) Whether the proposed driveway preserves shade trees and stone walls along designated scenic roads.
- (f) Whether in the opinion of the Planning Board, the issuance of a special permit will not allow the creation of more building lots than would be allowed without the special permit.

#### **4.11 Special Permit for Adult Uses**

No special permit for an Adult Use shall be granted unless the use complies with the following public safety standards:

- (a) No adult use special permit shall be issued to any person convicted of violating the provisions of G.L. c. 119, § 63 or G.L. c. 272, § 28.
- (b) No lot containing an Adult Use shall be located within 750 feet of an Agricultural-Residential District or an existing residential use.
- (c) No lot containing an Adult Use shall be located within 750 feet of the Town line.
- (d) No lot containing an Adult Use shall be located within 1,500 feet of any building or lot owned and operated by the Boxborough Public Schools, or the Acton-Boxborough Regional School District, or any public school operated by any abutting Town or Regional School District.
- (e) No lot containing an Adult Use shall be located within 1,000 feet of any other lot containing an Adult Use. The hours of operation of an Adult Use shall be limited as follows: adult bookstore, adult paraphernalia store, adult video store or similar Adult Use between the hours of 9:00 a.m. - 9:00 p.m., 12:00 noon - 9:00 p.m. on Sunday;
- (f) adult motion picture theater, adult entertainment or similar Adult Use between the hours of 3:00 p.m. and 12:00 midnight.
- (g) The special permit granting authority may impose reasonable conditions, safeguards, and limitations on time and use of any special permit granted for an adult use, and shall specify that any special permit granted shall be personal to the applicant, shall not run with the land, and shall expire upon expiration of the applicant's lease or upon sale or transfer of the subject property.
- (h) A special permit issued for an adult use shall automatically expire after a period of three calendar years from its date of issuance and shall be automatically renewable for successive three-year periods thereafter, provided that a written request for each renewal is made to the special permit granting authority prior to expiration, and that no objection to renewal is made and sustained by the special permit granting authority based upon the public safety factors and standards applied at the time that the original special permit was granted.



## ARTICLE 5 DIMENSIONAL REQUIREMENTS

### 5.1 General Dimensional Requirements

- 5.1.1** No structure shall be erected or used, premises used, or lot changed in size or shape except in conformity with the requirements of this section, unless exempted by this Bylaw or by statute (see especially G.L. c. 40A, § 6).
- 5.1.2** Dimensional Schedule. No building hereafter may be erected, occupied as a dwelling or placed on a lot having less than the minimum requirement set forth below; nor shall any existing lot be changed as to size or shape so as to result in a violation of the requirements set forth below:

#### DISTRICTS

	AR	R1	B	B1	OP	TC	IC
Minimum lot area (sq. ft. x 1000)	60	80	40	40	160	40	80
Minimum upland lot area sq. ft. x 1000	20	20	20	20	--	20	--
Minimum upland lot area % of total lot area	--	--	--	--	20%	--	20%
Minimum lot frontage (ft.) <sup>9</sup>	150 <sup>6</sup>	150	100	100 <sup>8</sup>	200	100	200
Minimum lot width (ft.) <sup>7</sup>	100	125	100	100	125	100	125
Minimum front setback (ft.)	40	40	50	50 <sup>8</sup>	50	25 <sup>2</sup>	50
Minimum side setback (ft.)	30	30	30	30 <sup>8</sup>	50	20 <sup>2</sup>	50
Minimum rear setback (ft.)	40	40	40	40 <sup>8</sup>	50	20 <sup>2</sup>	50
Maximum stories	3	3	3	3	3	3	3
Maximum building height (ft.)	45	45	45	30	45	45	45
Maximum lot coverage (%) by buildings, structures, and impervious surfaces	--	--	50	50	30 <sup>1</sup>	35 <sup>3</sup>	30 <sup>1</sup>
Floor area ratio	--	--	--	--	0.1	-.5	0.1
Minimum Open Space (%)	--	--	--	--	--	65 <sup>4</sup>	--

#### FOOTNOTES

<sup>1</sup> Unless drainage retention structures such as filtered catch-basins, impoundments, etc., are constructed which will ensure that the recharge rate will not be reduced by an amount more than the 30% coverage would produce.

<sup>2</sup> From lot line. Minimum setbacks from Stow Road and Burroughs Road are 50 feet. Minimum setbacks from Massachusetts Avenue (Route 111) are 75 feet. Where the lot line in the Town Center District abuts the Agricultural-Residential District, the minimum building setback for a residential building shall be 40 feet; the

minimum building setback for a nonresidential building shall be 75 feet; and, the minimum parking lot setback shall be 50 feet. Parking shall not be allowed in the front yard, and all parking shall be screened from ways and adjacent properties by vegetative buffers. For commercial or mixed use structures in the Town Center District, there shall be no front or side minimum setback.

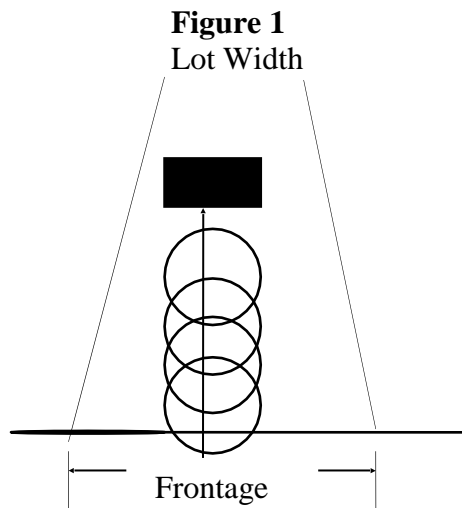
<sup>3</sup> As calculated for the entire site as shown on a Site Plan in accordance with Section 2.4, excluding sidewalks.

<sup>4</sup> Maintained as open space or sidewalks. Open space shall be protected by adequate covenants to run with the land or by conveyance, lease, or dedication approved by the Planning Board.

<sup>5</sup> Maximum Building Size: No building shall exceed 8,000 square feet gross floor area. Notwithstanding the above, any building in excess of 8,000 square feet gross floor area, but less than 15,000 square feet gross floor area may be allowed by special permit of the Board of Appeals under Section 2.3 of this Bylaw.

<sup>6</sup> When a lot shall abut more than one street, the lot must have a minimum of 150 feet combined, continuous frontage on one or more streets and shall not be required to have a minimum frontage on each of the streets.

<sup>7</sup> No building lot shall be laid out, and no building shall be erected on a lot, unless the center of a circle having a minimum diameter for the particular zoning district can be passed along a continuous line from the Lot Frontage to at least one point of the building or proposed building site without the circumference intersecting any side lot line. This subsection shall not apply to an existing building or lot, or a building for which a building permit has been issued, as of May 11, 1992, or to any alteration, extension, or structural change thereto. (See Figure 1 below.)



<sup>8</sup> For residential developments, the minimum setback for residential units from adjacent existing business and industrial/commercial zoned property lines shall be 100 feet; the minimum setback from Massachusetts Avenue shall be 50 feet. The Special Permit Granting Authority may reduce the setbacks from lot lines if an adjustment enhances the overall site design and still provides protection to adjacent business and industrial/commercial development.

<sup>9</sup> Lot frontage shall be measured continuously along one street line between side lot lines, or, in the case of corner lots, between one side lot line and the mid-point of the corner radius except in the Agricultural/ Residential district. Lots with interrupted or discontinuous frontage must demonstrate that the required length along the street may be obtained from one continuous frontage section, without any totaling of discontinuous frontage sections.

## 5.2 Reduced Frontage Lots

The Board of Appeals may grant a special permit for construction on a reduced frontage lot subject to the requirements below. It is the intent of this Section 5.2 that the intensity

regulations, set forth below, be used only at the discretion of the Board of Appeals in those cases where the use of the intensity regulations of Section 5.1 will not serve the best interests of the Town. Reduced frontage lots shall only be permitted in the Agricultural-Residential District.

- (a) The lot shall have a minimum of 120,000 square feet
- (b) Where the lot has an area of at least 120,000 square feet, but not more than 200,000 square feet, the frontage requirement shall be 75 feet. Lots greater than 200,000 square feet. may have frontage of not less than 50 feet.
- (c) The building line shall be at least 150 feet.
- (d) Setbacks shall be 40 feet. for front yards, 30 feet. for side yards, and 40 feet. for rear yards.
- (e) No building shall exceed 3 stories or 45 feet. in height.
- (f) The minimum lot width from the street frontage to the building line shall at no point be less than the minimum frontage required.

### **5.3 Supplementary Intensity Regulations**

- (a) For bed and breakfast in AR, R1, and TC district, not to exceed 4 guest rooms per acre, and to be designed as a single-family structure.
- (b) For dwelling unit incidental to commercial use in TC or B1 district, density of the dwelling units shall not exceed 2 units per acre, and the proposed commercial use shall not adversely affect the residential units.
- (c) For a multi-family dwelling located in a Residential - 1 District, the number of units shall not exceed a maximum density of 3 units per 80,000 square feet of land area.
- (d) For a multi-family dwelling located in the B1 District, the number of units shall not exceed a maximum density of 3 units per 40,000 square feet of land area.
- (e) No more than one single-family dwelling may be located on a lot.

### **5.4 Intensity Regulations for Structures Other Than Buildings**

In all districts, no structures may be hereafter erected or used:

- (a) on a lot that does not comply with the minimum area requirements, and;
- (b) unless it meets at least one-half of the minimum setback requirement.

### **5.5 Location of Accessory Buildings**

No accessory buildings shall be located within the required front yard area. No accessory building shall be located in any side area nearer to the side lot line than 10 feet, or in a rear area nearer to the rear lot line than 10 feet, or nearer to another principal or accessory building than 10 feet. For the purpose of this Bylaw, a garage attached to a dwelling shall be considered an accessory building, provided that there is no occupiable or living space, that does not conform to the minimum setback for residential dwellings, above any part of the garage footprint.

### **5.6 Height restrictions for tall structures and roof-attached structures, except as covered under Section 7.3 Wireless Communication Facilities**

**5.6.1** Tall structures are defined as any freestanding man-made device (tower, antennae, wind turbine, lattice, etc.) which exceeds 45 feet in height from ground level. Tall structures may be allowed by special permit from the Board of Appeals in accordance with the following requirements:

- (a) A tall structure shall not be located within a front or side yard setback;
- (b) A tall structure shall be set back from all lot lines a minimum of the structure's height;
- (c) A tall structure shall not degrade scenic vistas; and
- (d) No lot shall contain more than one tall structure.

**5.6.2** Roof mounted or attached structures are permitted provided that they do not exceed 10 feet above the uppermost part of the building to which it is attached or 45 total height from ground level whichever is less.

## **5.7 Lot Regularity**

**5.7.1** Except for Reduced Frontage Lots, no building lot shall be created in the Agricultural-Residential District or the Residential 1 District after the effective date of this Bylaw that does not conform to the following requirements:

- (a) The lot contains a quadrangle, which includes 70 percent of the lot area required for the district in which the lot is located; and
- (b) All principal buildings, accessory buildings and structures and their above and underground appurtenances, with the exception of signs, driveways, utility service connections, drainage, fences and light standards are located within the quadrangle.

**5.7.2** Requirements of this section shall not apply to building lots shown on plans endorsed or recorded before the effective date of this amendment. Lots that do not conform to this subsection shall not be considered to be nonconforming for other applicable sections of this Bylaw.

## **ARTICLE 6      GENERAL REGULATIONS**

### **6.1      Parking and Off-Street Loading Requirements**

**6.1.1** General. Any use of a building, structure or land hereafter constructed, erected or altered in kind or extent shall provide and maintain sufficient off-street parking area to accommodate all vehicles using the premises.

**6.1.2** Location. Except as provided for in Section 6.1.3, the required off-street parking shall be located on the same lot as the principal use and no off-street parking area shall be reduced in capacity because of a change in the principal use, or for any other reason, except in compliance with Section 6.1.6.

#### **6.1.3      Common Parking Areas**

Common parking areas may be permitted for the purpose of serving two or more principal uses on the same or separate lots provided that:

- (a) The combined amount of parking is not less than the sum of the requirement for each use separately, except where it can be demonstrated that the parking need for the uses occurs at different times; and
- (b) That it is evident that the common facility will remain available for the several buildings or uses; and
- (c) That the several buildings or uses are so closely related, such as in a shopping center or an industrial park, that it is unlikely that any one or more principal uses will change in kind or extent so as to substantially increase the parking requirement of the common facility; and
- (d) That where any use does not directly abut a common parking facility, the use shall not be located at a distance greater than 600 feet away from the common parking facility.
- (e) The number of spaces required in a common parking facility may be reduced by the Planning Board on site plan review where it is reasonably demonstrated that the hours of day of peak parking need of the individual users are sufficiently different so that a lower total will adequately serve the parking needs of the use.

#### **6.1.4      Surface, Circulation, and Landscaping Requirements**

Parking areas shall be graded, surfaced, and drained to the satisfaction of the Inspector of Buildings to the extent necessary to avoid nuisance from dust, erosion, or excessive surface water runoff across any public way or any adjacent property line. Each automobile space shall be no less than 10 feet by 20 feet. Variations in the required parking space size to accommodate different types of vehicles and traffic may be permitted in the site plan approval process. Areas not immediately needed for graded parking may be left in a natural or landscaped state. Internal circulation lanes shall be adequate, as determined by the Planning Board, for two-way traffic, turning and backing. No curb cut for parking entrances or exits shall exceed 25 feet in width, unless authorized by the Massachusetts Highway Department (MassHighway). Parking areas shall be landscaped and screened as required in Section 6.3 of this Bylaw.

**6.1.5** Computation. For the purpose of computing the parking requirements of different uses, the

number of spaces required shall be the largest whole number obtained after increasing all fractions upwards to one. Employees shall include the largest number of owners, managers, full and part-time workers, and volunteers that may normally be expected to be employed on the premises during any single shift or portion thereof. The number of seats in benches, pews, or other continuous seating arrangements shall be calculated at 20 inches per seat.

**6.1.6** Parking Schedule. The following parking ratios shall apply to uses or to types of uses similar to those listed below. In every case, these shall be the minimum requirements:

**OFF-STREET PARKING REQUIREMENTS**

<b>Use</b>	<b>Minimum Off-Street Parking Ratios</b>
Residential uses, including single family, two family, and multi-family	Two spaces per dwelling
Home Occupations	In addition to the spaces required for the dwelling, number of any spaces necessary to accommodate the proposed use
Hotel, Motel, Inn	1 space per guest room, plus 1 space per employee, plus a number of spaces as required elsewhere herein for restaurants, assembly halls, and similar functions if provided on the premises
Animal Shelter	2 spaces plus 1 space per employee
Manufacturing, Wholesale Operations, Public Utility Buildings other than Business Offices, Warehouses and similar uses not normally visited by the general public	1 space per employee, plus 1 space for each vehicle used in the operation
Assembly area without fixed seats, including sports fields, field house and similar uses	1 space per 50 square feet of assembly or spectator area
Assembly area with fixed seats including auditoriums, places of worship, and similar uses including funeral parlors	1 space per 4 seats
Bowling alleys	4 spaces per lane
Banks, Libraries, and Post Office	1 space per 250 feet of gross floor area devoted to public use, plus one space per employee
Business and Professional Offices, Office Buildings Governmental Uses , Philanthropic Uses, Repair Shops, Research and Development Facilities, Light Manufacturing	1 space per 250 feet of gross floor area

## OFF-STREET PARKING REQUIREMENTS

Use	Minimum Off-Street Parking Ratios
and Office of a Wholesale Operation including sales space	
Clubs, Lodges and Association Buildings	1 space per 2 memberships
Convalescent, Nursing or Rest Home, Hospital or Sanitarium	1 space per 3 beds plus 1 space per employee, plus 1 space per 2 visiting staff members
Assisted Living Facility	2 spaces per unit plus additional spaces as required for additional uses, i.e., nursing home, community center, health services.
Medical and Dental Offices and Clinics	4 spaces per doctor, dentist and allied professional person
Veterinary	3 spaces per doctor plus 1 space per employee on the largest shift
Kennel	2 spaces plus 1 space per employee
	1 space per 2 seats, based on the legal seating capacity of the facility
Retail Stores or Service Shops, Printing Shop/Copy Center/ Word Processing Center	1 space per 250 feet of gross floor area of sales space with a minimum of 4 spaces per establishment
Craft Shop or Art Studio	1 space per 250 feet of gross floor area of the sales space
Bed and Breakfast	2 spaces, plus 1 additional space for each rooming unit
Day Care Center	1 space per 2 employees
Recreational Use	1 space per 3 seats of rated capacity or 1 space per 4 persons normally expected on the premises at the time of maximum use, plus additional spaces for the number of employee vehicles which can be reasonably expected at any one time on the premises
Educational Use	1 space for each staff person plus 1 space for each 5 persons of rated capacity of the largest auditorium
Conference Center	1 space per 2 seats in the largest assembly area, plus additional spaces for the number of employee vehicles which can be reasonably expected at any one time on the premises

## OFF-STREET PARKING REQUIREMENTS

Use	Minimum Off-Street Parking Ratios
Automobile Service Station, Repair or Storage Garage	3 spaces for each service bay plus 1 space for each employee on the largest shift
Car Sales	1 space per 1,500 square feet of gross floor area of indoor and outdoor display area
Building Trade	1 space per 1,000 square feet of gross floor area or 1 space per employee on the largest shift, whichever is greater
Landscaping Services, Landscaping Contractors	1 space per each vehicle or trailer used in the operation and 1 space per 3 employees
Any other use; or any use involving a combination of functions similar to or listed herein	A number of spaces as determined by the Inspector of Buildings by application of the ratios above or most nearly similar to the above

**6.1.7** Off-Street Loading Requirements. Off-street loading space shall be provided for any building, as provided herein, that is erected, constructed, or altered, enlarged or moved, hereafter. Loading space shall be an all weather surface separately provided and maintained from any off-street parking area. The requirements for off-street loading shall be as follows:

## OFF-STREET LOADING REQUIREMENTS

Use	Minimum Off-Street Parking Ratios
For industrial plants, wholesale establishments, storage warehouses, spaces for building freight terminals and other uses normally handling large quantities of goods	One space for building 5,000 to 8,000 sq. ft. gross floor area. Two spaces for building 8,000 - 20,000 sq. ft. gross floor area. One space per additional 20,000 sq. ft. gross floor area or fraction thereof
For uses occupying greater than 5,000 sq. ft. not normally handling goods in large quantities including hospitals, office buildings, restaurants, auditoriums, hotels, motels, funeral homes and similar uses	One space for buildings of 5,000 - 50,000 sq. ft. gross floor area and one bay per each additional 50,000 sq. ft. gross floor area or fraction thereof

**6.1.8** Off-Street Waiting Requirement. Any drive-in use including car wash, bank window, filling station, theater, or similar use, shall provide sufficient off-street waiting or standing space



equal to a minimum of three times the number of vehicles which can be served simultaneously.

- 6.1.9** Reduction of Paving Requirements. The number of parking spaces required and the amount of off-street loading space required to be paved may be reduced by the Planning Board in the site plan approval process where it is sufficiently demonstrated that a lower number of parking spaces or a smaller amount of off-street loading space will adequately provide for the parking or loading requirements of the intended users; provided that the site has sufficient reserve area, suitable for conversion to graded, surfaced and drained paving areas, to meet the requirements of Section 6.1.6 and Section 6.1.7.

## **6.2 Access, Driveways, and Private Ways**

- 6.2.1** Location. Access over private ways to business, office park, and industrial-commercial uses and private parking for these uses shall be completely contained within the same district as the business, office park, or industrial-commercial use.

- 6.2.2** Off-Street Waiting Space. Off-street waiting space shall be provided in accordance with Section 6.1.8.

### **6.2.3 Multiple Buildings on One Lot**

Where one or more than one building is proposed to be built upon a lot, the plan shall be reviewed by the Planning Board who shall make a finding with respect to the adequacy of ways furnishing access to each building site, and make recommendations to the Inspector of Buildings to provide for access in the same manner as otherwise required for lots in a subdivision. No building permit shall be issued unless the following conditions have been met:

- (a) 30 days have expired since the submission of the site plan to the Planning Board with no recommendations received from that board; or
- (b) Until adequate bond agreements, or other binding assurances have been received by the Inspector of Buildings that any conditions as set by the Planning Board, with respect to the ways or access, have been met.

- 6.2.4** Private/Common Driveways in the Agricultural-Residential (AR) Districts shall be allowed only by special permit by the Planning Board. Private/Common Driveways shall comply with the Driveway Approach Bylaw as adopted June 29, 1964, and as subsequently amended.

- (a) No more than 3 lots shall be accessed by a Private/Common Driveway. The Driveway shall lie entirely within one or more of the lots being served.
- (b) Frontage requirements for each lot shall be along a town, county, state or approved subdivision road. Frontage along the length of the Private/Common Driveway shall in no way be used to satisfy frontage requirements as specified in the Zoning Bylaw.
- (c) No more than 3 Private/Common Driveways shall be located on a dead- end street.
- (d) Copies of all easements, covenants, and agreements which shall be recorded with the Registry of Deeds, shall be submitted to the Planning Board. These easements, covenants and agreements shall indicate that the Town, under no circumstances, shall now or in the future, be held liable for construction, reconstruction, maintenance, repairs, or snow removal on these Private/Common Driveways.

- (e) Applications for a Private/Common Driveway special permit in the AR District shall adhere to the extent feasible to those construction standards set forth in the Planning Board Private/Common Driveway Guidelines. These guidelines are for advisory purposes only and shall not be binding on the applicant or the Planning Board.

**6.2.5** Private/Common Driveways may also be allowed in the B, B1, OP, TC, and IC Zoning Districts by special permit by the Planning Board after the Board finds that:

- (a) The use of a Private/Common Driveway improves safety, convenience, and traffic flow on any road in Boxborough.
- (b) The Private/Common Driveway is in conformance with the purpose and intent of the Zoning Bylaw.
- (c) The Private/Common Driveway is consistent with the Master Plan.
- (d) The Private/Common Driveway shall comply with the Driveway Approach Bylaw as adopted June 29, 1964, and as subsequently amended.
- (e) Frontage requirements for each lot served by the Private/Common Driveway shall be along a town, county, state, or approved subdivision road. The Private/ Common Driveway shall in no way be used to satisfy frontage requirements as specified in the Zoning Bylaw.
- (f) Copies of all easements, covenants, and agreements which shall be recorded with the Registry of Deeds, shall be submitted to the Planning Board for review and approval prior to recording. These easements, covenants and agreements shall indicate that the Town, under no circumstances, shall now or in the future, be held responsible for construction, reconstruction, maintenance, repairs or snow removal on these Private/Common Driveways.
- (g) Applications for a Private/Common Driveway special permit in the B, B1, OP, TC, and IC Districts shall adhere to the extent feasible to those construction standards set forth in the Planning Board Private/Common Driveway Guidelines. These guidelines are for advisory purposes only and shall not be binding on the applicant or the Planning Board.

**6.3 Landscaping, Screening, and Outdoor Lighting**

**6.3.1** Yards

Except as provided elsewhere in this Bylaw, every required front yard, as defined herein, shall be maintained as permanent open space in grass, ground cover, trees, plantings, shrubs, and natural elements of the site, and shall remain free of any buildings, accessory buildings, or parking areas.

- (a) In any Business, Office Park, or Industrial-Commercial District, the required front yard setback may not be used for parking.
- (b) A landscaped area shall be required for at least the depth of the front yard setback beginning at the street line and extending the full length of the frontage uninterrupted except for permitted entrance and exit drives.
- (c) In a Business District the side and rear yard setbacks may be used for parking provided that no parking is located within 10 feet of the lot line.
- (d) In an Office Park or Industrial-Commercial District the side and rear yard setbacks shall not be used for parking.

- (e) In the Business, Town Center, Office Park, or Industrial- Commercial Districts, parking may be located within the side or rear yard without any setback along the shared boundary in those instances where a private/common driveway is used for access to a shared common parking area as provided in Section 6.1.3. The parking located within the side or rear yard of one lot must share a common lot boundary with the parking located in the side or rear yard of the adjacent lot.

**6.3.2 Screening**

Where any of the uses listed below occur adjacent to any residential or institutional use, or to a lot in a residential district, there shall be provided a dense screen within the required yard area, or around the particular use, whichever is appropriate as determined by the Inspector of Buildings. All screening shall be maintained by the owner in a slightly condition at all times. The Board of Appeals may, by special permit, waive or reduce the above required screening requirements where it is evident that, because of topography or other conditions peculiar to the site, a lesser amount of screening would not tend to increase nuisance, reduce property values or amenities, or increase hazards to life, health or public safety.

**6.3.3 The following uses shall be screened as provided herein:**

- (a) Parking areas or off-street loading areas.
- (b) Open lot storage or sales areas for new or used automobiles, building supplies, road salt, sand or other bulk materials, discarded materials or similar materials.
- (c) Parking or storage of two or more school buses, commercial vehicles or items of contractor equipment.
- (d) Sanitary landfills or other waste treatment facilities, heating plants, waste storage areas, laundries or kitchens accessory to permitted uses, maintenance shops and garages other than garages for residences, and similar principal or accessory use.

**6.3.4 The screen shall consist of:**

- (a) Natural materials on the site, including existing trees and woods, or evergreen plantings, at least three feet in height at the time of planting and which will normally at maturity reach at least five feet in height; or,
- (b) A wall or fence not more than eight feet high constructed of durable materials at least fifty percent opaque, supplemented with plantings, trees, grass, and other landscape elements.

**6.3.5** Where the proposed use is located in the Office Park or the Industrial- Commercial District, a continuous buffer, landscaped utilizing natural features and plantings to provide an effective screen for the proposed operation, shall be maintained within all required yards or setback areas. Notwithstanding anything in this Bylaw to the contrary, no parking area shall be contained within this buffer.

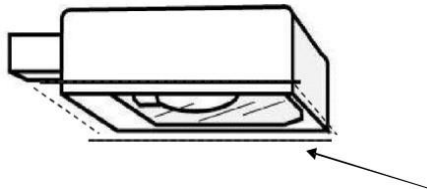
**6.3.6** Curbs. In all Districts, excluding Agricultural-Residential Districts, curbs shall be provided to prevent motor vehicles from being parked within any yard area or required landscaped strip. For parking areas of less than ten vehicles, the Inspector of Buildings may, at their discretion, permit suitable wheel stops in lieu of continuous curbing.

**6.3.7** Outdoor Lighting. Outdoor lighting from any source, including sign illumination, shall be

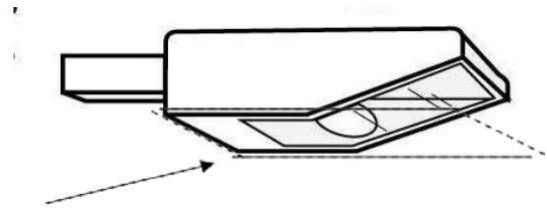
dark sky compliant with a continuous white light installed or shielded so as to cast no direct beam on a public way, pedestrian way, or on adjacent property or cause a glare or reflection that may constitute a traffic hazard or a nuisance. Uplighting of landscaping, the operation of search lights for advertising purposes, and the use of building floodlighting (except for floodlighting used on public safety buildings) are prohibited.

- 6.3.8** To prevent unnecessary sky glow and other glare, particularly but not limited to that interfering with astronomical research, all outdoor lighting fixtures shall be shielded from above so as to prevent direct glare from the light source from interfering with the vision of motorists or pedestrians passing in the street or streets abutting the premises and as to prevent direct glare from the light source from lighting neighboring properties, particularly residences, and so that,
- (a) all illumination is restricted to an area 15 degrees below the horizontal, and
  - (b) except for street lights, direct rays from the light source are confined to the property boundaries.
- 6.3.9** High pressure sodium lamps shall not be used for outdoor lighting.
- 6.3.10** Customary holiday lighting and lamps of low luminosity and low intensity serving primarily as markers or as low level illumination for entrances and exits or similar use need not be shielded. Requirements for shielding, filtering and type of light need not be met for emergency lighting required by a public agency in the performance of its duties.
- 6.3.11** Outdoor lighting shall be of substantially minimum intensity needed at the particular time; parking area lighting, in particular, shall be reduced or eliminated outside business hours. Materials, such as blacktop, which reflect a relatively small fraction of incident light, shall be the surface preferred for lighted areas.
- 6.3.12** The mounting height of lighting fixtures shall not exceed 30 feet above the ground plane.
- 6.3.13** All artificial lights used to illuminate tennis or paddle tennis courts, swimming and wading pools and other non-residential privately-owned facilities or public recreation areas shall be extinguished by 11:00 p.m.
- 6.3.14** Exemption. Any lighting fixture in existence on June 8, 1976, shall be exempt from these conditions.
- 6.3.15** Outdoor Lighting Regulations for Special Permit. Developments and redevelopments requiring a Special Permit or an amendment thereof, shall comply with the standards for outdoor lighting unless otherwise permitted by the Special Permit Granting Authority.
- 6.3.16** Lighting Tables and Figures

**FIGURE  
1A**



**FIGURE  
S**

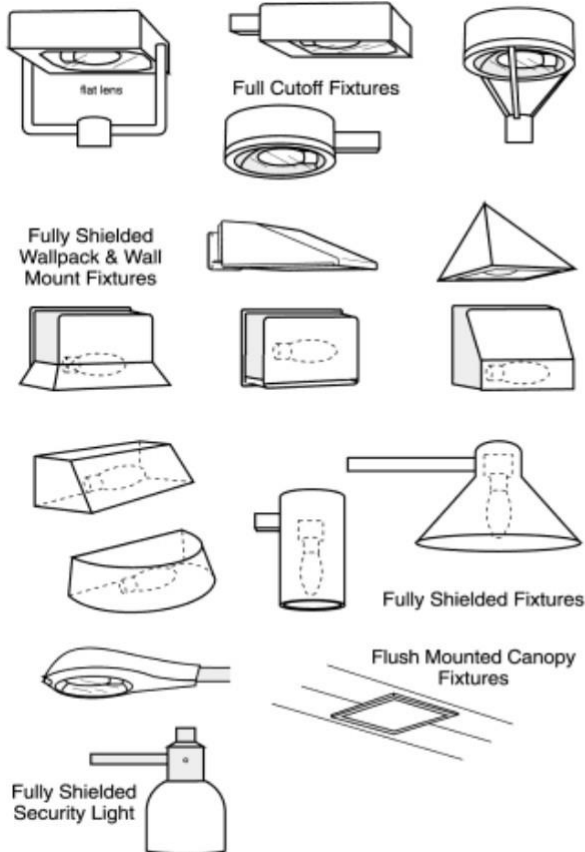


Horizontal plane

**Figure 1A. Fully Shielded. No light emitted above a horizontal plane through the lowest direct-light-emitting part of luminaire.**

**Figure 1B. Not Fully Shielded. Light is emitted above a horizontal plane through the lowest direct-light-emitting part of luminaire.**

**Examples of FULLY SHIELDED**



**Examples of LUMINAIRES that are**

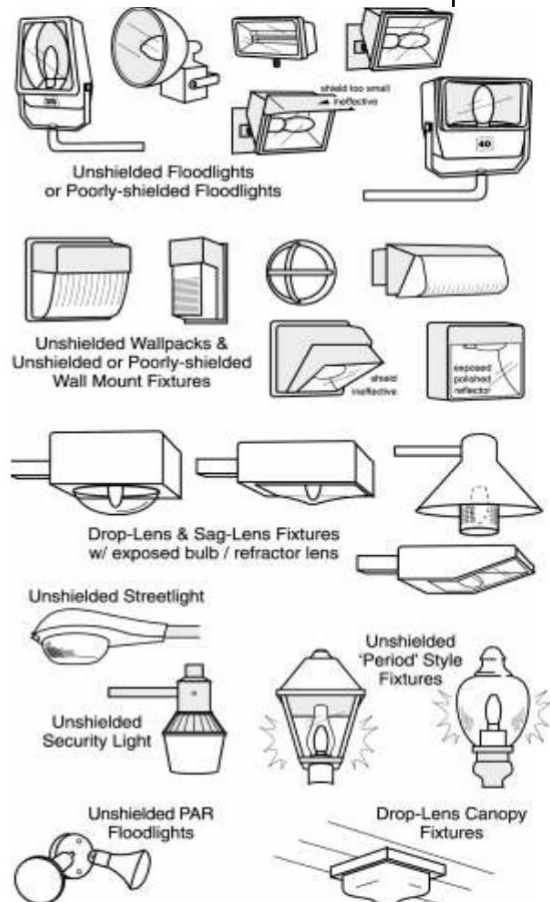


FIGURE  
2

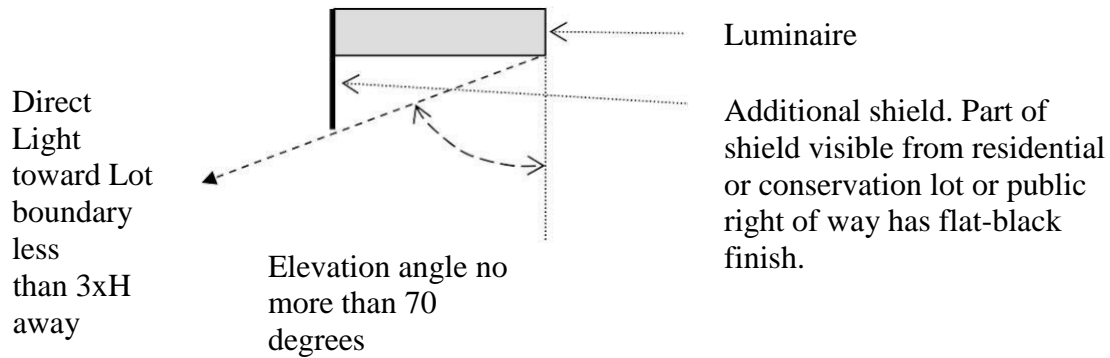


Figure 2. Any outdoor luminaire whose distance from the lot boundary is less than three times its height shall be shielded so that all direct light cast in the direction of residential or conservation lots and public rights-of-way is cut-off at an angle no more than 70 degrees measured from a vertical line directly below the luminaire.

FIGURE 3

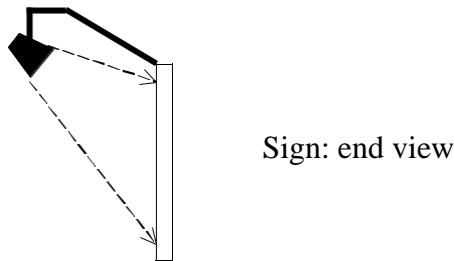


Figure 3: Lighting for externally illuminated signs shall be projected downward from above. The luminaire shall be shielded.

FIGURE 4

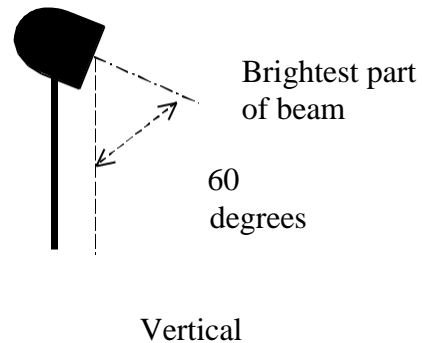
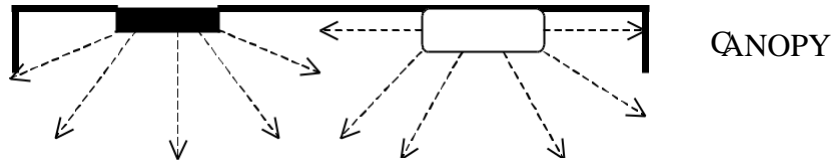


Figure 4: Illumination for outdoor recreational facilities shall be shielded luminaires and shall be mounted at sufficient height and aimed so that the brightest part of the beam is elevated no more than 60 degrees above a point directly vertically below the luminaire

FIGURE 5



FULLY SHIELDED LUMINAIRE – Yes    Unshielded LUMINAIRE - No

Figure 5: Building canopies, overhangs, roof eaves and similar types of construction shall not be considered as the means for providing the light cutoff. The cutoff characteristics shall be achieved by the luminaire itself.

Table 2. Shielding Requirements

Luminaires whose lamp wattage exceeds the values in Column A of this table shall be shielded. Luminaires whose lamp wattage exceeds the values in Column B of this table shall be fully shielded.

Lamp type	A – SHIELDED	B – FULLY SHIELDED
Incandescent, Halogen	60 watts	120 watts
High Pressure Sodium, Metal Halide, Mercury Vapor, other High Intensity Discharge (HID)	35 watts	35 watts
Fluorescent, Low Pressure Sodium	13 watts	20 watts
LED30 (<3000K)	-	70 watts
LED60 (<3000K)	-	135 watts
LED90 (<3000K)	-	205 watts

## 6.4 Signs

6.4.1 Purpose. The purposes of this section of the Zoning Bylaw are to promote the public health, safety, and welfare of users of Boxborough's streets, roads, and highways; to prevent visual distractions and obstructions from signs which can create traffic hazards; to enhance the visual quality of signage; to provide for adequate identification of the occupants or use of the premises; and to limit indiscriminate advertising.

6.4.2 Administration. No sign shall be erected, displayed, altered, or enlarged until an application has been filed and a permit for such an action has been issued. All applications for signs shall conform to the requirements stated in Planning Board's Rules and Regulations. Whenever a sign is proposed for a residential subdivision or on a building requiring site plan approval, the sign location, size, and illumination shall be approved by the Planning Board prior to the issuance of a sign permit by the Inspector of Buildings. Unless otherwise specified, sign permits shall be issued by the Inspector of Buildings if it is determined that the sign complies with all applicable sections of this Bylaw and the State Building Code, Article 14.

### 6.4.3 General Requirements

Signs shall be consistent with or complement the building's construction materials. The use of materials such as wood or stone is encouraged. Sign lettering should complement the style and period of the building and should be compatible with the architectural style of the buildings. Signs should not obscure important architectural features or details such as transoms, windows, sills, moldings, and cornices. Traditional block and curvilinear styles which are easy to read are preferred. Signs on adjacent storefronts shall be coordinated in height, proportion, and design. Colors shall complement the facade color of the building. Generally signs should not contain more than 3 colors except when an illustration is used. Fluorescent colors are prohibited.

(a) All signs shall be maintained by the owner in a clean, safe, and sanitary condition. The Inspector of Buildings may order removal of any signs that are not maintained or erected in accordance with the provisions of this section.

(b) Any sign which shall have been abandoned for a period of 60 days, or which advertises a product or identifies a business or activity which has not been sold or conducted on the premises for 60 days shall be removed within 30 days of notification to take such action from the Inspector of Buildings.

(c) Sign Illumination. Any illuminated sign shall employ only white light of constant intensity and shall conform with Section 6.3 of this Bylaw. No sign shall be illuminated for more than 30 minutes before opening or after the closing of any store or business. Internally lit signs are discouraged in Industrial-Commercial, Business, Business-1 and Office Park Districts and are prohibited in the Agricultural-Residential, Residential-1 and the Town Center District.

(d) Except as otherwise provided herein, illumination for any sign shall be provided through a stationary external light source, with the light projected downward from above. In no case shall the illumination of a sign cause blinding or otherwise obstruct the safe vision of any traffic participant anywhere. Sign illumination through an external source shall always be white or off-white.

(e) Should an internally lit sign be deemed permissible in the Industrial- Commercial, Business, Business-1 and Office Park Districts, the following types of signs with internal or quasi-internal illumination shall comply with all applicable standards of the previous section as well as the lighting



controls below. The word “opaque” as used in the following subsections shall mean that the opaque object shall appear black when the sign is lit at night.

#### 6.4.4 Internal or Quasi-Internal Sign Types:

- (a) Opaque individual letter signs or symbols, backlit with a white and concealed light source, thereby creating an effect by which the letters or symbols are silhouetted against a wall illuminated by said light source.
- (b) Signs featuring individual letters or symbols which are cut out from an opaque facing and back-lit with a white and concealed light source, thereby creating an effect by which the facing, from which the letters or symbols are cut out, is silhouetted against a wall illuminated by said light source.
- (c) Back-lit awning signs with the light source internal or concealed from public view.
- (d) Individual letter signs with translucent letter faces, internally illuminated with a soft-glow light source; or signs with an opaque sign face with cutout translucent letter surfaces which are internally illuminated with a soft-glow light source.

#### 6.4.5 For the sign types identified in Section 6.4.4, the following controls shall apply:

- (a) Internally lit signage shall not be illuminated longer than 30 minutes before opening of after closing of the store or business.
- (b) The display area of an illuminated sign shall not exceed an average illuminance of 50 foot-candles measured directly on the surface of the sign.
- (c) Where possible, the light fixtures used for sign illumination should be classified as "energy efficient," as defined by the power utility company serving the lot.

#### 6.4.6 Prohibited Signs

- (a) No sign shall be erected that creates a traffic hazard or obstructs sight lines or distracts from signs regulating traffic.
- (b) No sign shall contain or be lighted by, any moving, flashing or animated lights, or visible moving parts excepting portions of signs that may indicate the time of day, or the outdoor temperature for information of the general public.
- (c) Trailer type signs, roof signs, off-premises signs, and billboards are strictly prohibited.
- (d) Any sign not specifically covered in Section 6.4.

#### 6.4.7 General Exemptions

The following signs shall not require a sign permit.

- (a) Signs erected or posted and maintained for public safety and welfare or under any governmental function, law, Bylaw, or other regulation.
- (b) A bulletin board or similar sign not exceeding 20 square feet in display area per side, in connection with any place of worship, museum, library, school, or similar public or semi-public structure.
- (c) Signs relating to trespassing and hunting, not exceeding 2 square feet in area per side.
- (d) Temporary non-illuminated political signs.
- (e) Temporary, non-commercial event signs in connection with any event sponsored or hosted by a place of worship, school, museum, library, charitable organization, the town, or similar public or semi-public institution, provided the sign is removed within 7 days following the completion of the event.
- (f) The provisions of this Bylaw shall not apply to any accessory sign lawfully in existence at the

time of adoption of this Bylaw (March 20, 1967) or the adoption of any amendments.

(g) Off-site and on-site temporary signs associated with a yard sale, garage sale, estate sale, etc. provided they are 6 square feet or less per side, are posted no more than 5 days in advance of the event, and shall be removed within 24 hours following the completion of the event.

(h) Off-site temporary signs associated with a real estate open house provided they are 6 square feet or less per side, are posted no more than 5 days in advance of the event, and shall be removed within 24 hours following the completion of the event.

6.4.8 Signs associated with an agricultural use as defined in G.L. c.40A, §3, offering for sale produce and other products shall not require a sign permit, provided the following:

(a) The sign may indicate only the name of the farm, products for sale or the price of products;

(b) The sign is designed to be portable, such as an A-frame, H-frame or T- frame sign placed on the surface of the ground or temporarily staked into the ground;

(c) Only 2 such signs may be located on a property without a sign permit;

(d) The sign is located on the same property on which the agricultural use is conducted;

(e) The sign is displayed only when the agricultural use is open to the public for purchase of products;

(f) The sign is not illuminated or inflatable.

6.4.9 Temporary signs associated with tradesmen business shall not require a sign permit, provided:

(a) The sign may indicate only the name of the business and contact information such as address, phone, email or web address;

(b) The sign shall be 6 square feet or less per side;

(c) The sign is designed to be portable, such as an A-frame, H-frame or T- frame sign placed on the surface of the ground or temporarily staked into the ground;

(d) Only one double-faced sign per tradesmen may be located on a property;

(e) The sign is located on the same property on which the tradesmen is currently conducting business;

(f) The property owner shall ensure that the sign is removed within 7 days following the completion of the work.

6.4.10 Temporary signs associated with a retail business shall not require a sign permit, provided:

(a) The sign may indicate only the name of the business, the special event or sale of a product and price;

(b) The sign shall be 6 square feet or less per side;

(c) The sign is designed to be portable, such as an A-frame, H-frame or T- frame sign placed on the surface of the ground or temporarily staked into the ground;

(d) Only one double-faced sign per business may be located on a property;

(e)

(f) The sign is located on the same property on which the business is conducted; The sign is displayed only when the business is open to the general public;

(g) The sign is not illuminated or inflatable and does not have any moving parts.

(h) The sign may be displayed during the first 6 months after the new business initially opens, but subsequent to that time not more than 10 days a month.

6.4.11 Signs Permitted in Residential Districts shall include:

- (a) One sign displaying the street number or name of the occupant of the premises or pertaining to a permitted home occupation or accessory use, provided that the sign is no greater than one square foot in area per side.
- (b) One temporary sign pertaining to the lease or sale of the premises. The sign may be no greater than 6 square feet in area per side, and shall be removed within 7 days of the lease or sale thereof.
- (c) One bulletin or announcement board, identification sign, or entrance marker pertaining to a permitted use on the premises other than a dwelling or accessory use thereto or pertaining to a use permitted by the Board of Appeals, provided that the sign shall not exceed 10 square feet in area per side.
- (d) One non-illuminated subdivision identification sign per street entrance provided that the sign shall not exceed 10 square feet in area per side.
- (e) Historical markers erected or placed by a bonafide historical association or a governmental agency.

6.4.12 Signs Permitted in Business Districts, Office Park Districts, and Industrial- Commercial Districts shall include:

- (a) One wall sign per street frontage for each business or industrial establishment within. The aggregate of all such wall signs shall not exceed ten percent of the surface area of the wall to which the sign or signs is (are) attached and no wall sign shall extend above or beyond its wall.
- (b) One directory of establishments occupying a building at each public entrance thereto, not exceeding one square foot per establishment.
- (c) Temporary freestanding or ground signs may be erected on the premises to identify any building under construction, its owner, architect, builders, or others associated with it, provided that such sign shall not exceed 32 square feet in area per side and 10 feet in height. Such sign shall be removed within 7 days of issuance of an occupancy permit.
- (d) A temporary freestanding pole or ground sign not exceeding 32 square feet per side advertising the sale, lease or rental of the premises; however such sign shall be removed within 7 days of the sale, lease or rental thereof.
- (e) One freestanding, ground sign or signs affixed to poles or other ground supports may be permitted on special permit by the Board of Appeals. A sign shall not be placed so as to obstruct sight lines along the public way, and shall not exceed 32 square feet in area per side nor 10 feet in height above mean sea level elevation of the undisturbed ground directly beneath it. If necessary, a sign may be placed at the discretion of the Board of Appeals to afford visibility, providing it does not obstruct sight distances, traffic flow or roadway maintenance.
- (f) Accessory signs on the premises not greater than 6 square feet in size may be permitted by special permit by the Board of Appeals.
- (g) Historical markers erected or placed by a bonafide historical association or a governmental agency.

6.4.13 Signs Permitted in the Town Center District

Any new sign or alterations to existing signs shall require Design Review in accordance with Section 2.5. Signs in the Town Center District should be oriented to the pedestrian. Buildings' facades shall not be cluttered with signs and signs shall not overpower the facades to which they are attached.

- (a) One projecting or wall sign per street frontage for each business establishment. The aggregate of all such signs shall not exceed 1.5 square feet of total sign area per linear foot of storefront or ten percent of the wall area to which they are attached, whichever is less. No wall sign shall extend

above or beyond its wall, and projecting signs shall have a minimum clearance of 8 feet from the bottom of the sign.

(b) One sign displaying the street number or name of the occupant of the premises provided that such sign is no greater than 1 square foot in area.

(c) One directory of establishments occupying a building at each public entrance thereto, not exceeding 1 square foot per establishment.

(d) Temporary freestanding or ground signs may be erected on the premises to identify any building under construction, its owner, architect, builders, or others associated with it, provided that such sign shall not exceed 20 square feet in area per side and 10 feet in height. Such sign shall be removed within 7 days of issuance of an occupancy permit.

(e) A temporary freestanding pole or ground sign not exceeding 20 square feet per side advertising the sale, lease or rental of the premises; however such sign shall be removed within 7 days of the sale, lease or rental thereof.

(f) One freestanding, ground sign or signs affixed to poles or other ground supports may be permitted on special permit by the Board of Appeals. Such sign shall not be placed so as to obstruct sight lines along the public way, and shall not exceed 20 square feet in area per side nor 10 feet in height above mean sea level elevation of the undisturbed ground directly beneath it. If necessary, a sign may be placed at the discretion of the Board of Appeals to afford visibility, providing it does not obstruct sight distances, traffic flow or roadway maintenance.

(g) Historical markers erected or placed by a bonafide historical association or a governmental agency.

(h) Materials such as wood or stone shall be used. Plastic signs and internally lit signs are not appropriate in the Town Center and are expressly prohibited.

## 6.5 Environmental Protection

### 6.5.1 General

Evidence of conformity with these Environmental Protection Standards may be required by the Inspector of Buildings when, in their judgment, a proposed use or structure, including equipment, processes, materials, and services provided or utilized therein, may result in a violation. The Inspector of Buildings may require testing in accordance with State and Federal Regulations which may be a major source of potential emissions. The instruments for this testing are to be operated and maintained by the applicant at their expense and shall be available to the Inspector of Buildings or the Inspector of Buildings' agents at reasonable times.

The following standards shall apply to the issuance of building permits and certificates of use and occupancy, and shall be enforced in a manner consistent with other laws of the Town of Boxborough, the Commonwealth of Massachusetts and the United States Government, and any regulations adopted pursuant thereto.

### 6.5.2 Nuisances

No use of any building, structure, or land shall be lawful in any district if the proposed use is reasonably likely to be injurious to the neighborhood by reason of the emission of smoke, dust, dirt, odor, fumes, sewage, gas, refuse, noise, excessive vibration or other cause. No process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltages in excess of ten percent off the premises. No land or structure shall be used in any district as:

(a) a rendering plant, a slaughter house, a junk yard, a commercial dump, a farm for fox, mink or

other fur bearing animals, or;

(b) a tank farm, so called, which shall mean the above ground storage of more than 5,000 gallons of liquid, or; 5,000 cubic feet of gas, except where the storage of liquid or gas is incidental to a business or industrial-commercial use.

### 6.5.3 Storage of Waste or Refuse

(a) All facilities used wholly or partly for storage of flammable and explosive materials shall be provided with adequate safety devices and adequate fire suppression and fire fighting equipment and devices approved by the Fire Department. When stored outdoors, materials and activities shall be properly enclosed with a nonclimbable fence with any entry ways securely locked when not in use. Materials such as refuse, garbage, offal, and similar noxious items which may be attractive to insects, rodents or other pests shall, when stored outdoors, be kept in closed containers and regularly removed from the premises.

(b) If any trash receptacle exceeds 55 gallons or if the aggregate of trash on a lot exceeds 150 gallons, it shall be screened from public view. Temporary trash receptacles are exempt from these provisions provided that they are on site for no longer than 60 days. Temporary trash receptacles used for construction activities are exempt from these provisions during the duration of the site's building permit, or for 60 days, whichever is longer.

(c) Hazardous Waste. No land or structure shall be used in any district as a facility for hazardous waste or disposal of hazardous waste as defined by G.L. c. 21C, § 2, or for the garaging or temporary storage of vehicles used in the transportation of hazardous waste.

(d) Junk Cars. Unregistered motor vehicles, which are unfit for use, permanently disabled, or have been dismantled or are otherwise inoperative, may not be stored, parked, or placed on any lot in the Town unless placed within a building or in an area where the vehicles are not visible from any town accepted road or lot line. This section shall not apply to areas properly approved for storage of motor vehicles by persons licensed under G.L. c. 140, § 57-59.

### 6.5.4 Environmental Standards in the Industrial-Commercial District

No use in the Industrial-Commercial District shall be constructed, erected, extended, moved, placed, reconstructed, altered, enlarged, occupied, or otherwise established or changed without compliance with the following standards:

(a) Noise. Maximum permissible noise levels in dB(A)\* at the locations indicated below, for noise radiated without interruption for at least a time period of one hour from any source other than from moving traffic or from a construction site or other temporary activity.

Point of Measurement	Weekdays: 7:00 AM – 6:00 PM	All other times
At the lot line of any lot in an Agricultural- Residential District or any Residential or Institutional Use	60 dB(A)	50 dB(A)
At the lot line of any lot in a Business District	65 dB(A)	55 dB(A)
At the lot line of the premises, within any Industrial- Commercial or Office Park District and not bordering any of the above district lines or uses.	70 dB(A)	60 dB(A)

(b) \*dB(A) shall mean the A-weighted sound pressure level in decibels as measured by a general purpose sound level meter complying with the provision of American Standards for General Purpose Sound Level Meters (S1.4-1971), American National Standards Institute, properly calibrated, and operated on the "A" weighted network. Reference pressure shall be 0.0002 microbars.

- (c) Vibration. No continuous or steady-state vibration shall be permitted which is detectable without instruments at the lot line of any lot in an Agricultural- Residential District or the lot line of any Residential or Institutional use.
- (d) Glare. No continuously radiated direct or sky reflected glare whether from flood lights or from high temperature processes such as combustion or welding, or otherwise, shall be permitted so as to be perceptible at the lot line of a lot in an Agricultural-Residential District, the lot line of any Residential or Institutional use in any District; or along any public way.
- (e) Odors. No emission of odorous gases or other odorous matter shall be permitted in quantities as to be readily detectable at the lot line without instruments.
- (f) Other Forms of Air Pollutants. All resulting particulate matter, cinders, dust, vapors, gases, heat, smoke, radioactive emissions, refuse matter, or other air pollutants shall be effectively confined, controlled, regulated, and treated on the premises and disposed of so as to avoid any nuisance or hazard to the public health or safety. The emission of any material to the atmosphere shall be controlled within the limits of Regulations as Amended for the Control of Air Pollutants in the Metropolitan Boston Air Pollution Control District, September 1, 1972, and any subsequent amendments thereto as set forth by the Department of Public Health acting under the authority of G.L. c. 111, § 142D.
- (g) Water Pollutants. No discharges into any stream, watercourse, water body, or water supply source so as to endanger the public health shall be permitted in violation of any Town, State or Federal regulation or law.

## ARTICLE 7 SPECIAL REGULATIONS

### 7.1 Aquifer Protection District

7.1.1 Purpose. The purpose of the Aquifer Protection District is to promote the health, safety, and welfare of the community by protecting, preserving and maintaining the groundwater supply and groundwater recharge areas within the known aquifers of the Town; and preserving and protecting sources of water supply for the public health and safety; and protecting the groundwater and groundwater recharge areas of the Town from development or land use practices adverse to their future purity, viability, and accessibility for use.

7.1.2 Overlay District. The Aquifer Protection District is an overlay district and shall be superimposed on the other Districts established by this Bylaw. Any land lying within the Aquifer Protection District shall also be subject to the development and use regulations of the underlying district in which the land is situated but only to the extent not inconsistent with the regulations for the Aquifer Protection District.

### 7.1.3 Location of Aquifer Protection Districts

For the purposes of these districts, there are hereby established within the Town certain aquifer protection areas, consisting of aquifers or aquifer recharge areas, which are delineated on a map at a scale of 1 inch to 400 feet, prepared for the Town of Boxborough by Boston Survey Consultants and dated December 1978, and modified by IEP, Inc., September 1981 to show "Significant Aquifer Areas." This map is hereby made a part of this district and of the Town Zoning Bylaw and is on file in the Office of the Town Clerk. Where the bounds as delineated are in doubt or dispute, the applicant may submit a written request to the Planning Board to review the Aquifer delineation.

The Planning Board will engage a professional geologist, hydrogeologist, or engineer trained and experienced in hydrology to determine more accurately the location and extent of the aquifer or recharge area which constitutes a portion of the Aquifer Protection District. This study shall be paid for by the applicant. The Board of Appeals may grant a special permit waiving some or all of the requirements set forth below where the results of the investigation indicate, to the satisfaction of the board, that the proposed development shall not occur within or over any recharge area.

### 7.1.4 Use Regulations

Symbols employed below shall mean the following:

Y - a permitted use.

N - excluded or prohibited use.

BOA - a use authorized under special permit granted by the Zoning Board of Appeals as provided under Section 2.3.

### AQUIFER PROTECTION DISTRICT USE REGULATIONS

Use of sodium salts except on public highways in minimum amounts consistent with Public Highway Safety N

Storage of road salt or other de-icing chemicals, unless housed to prevent leaching from rain water or snow melt N

Dumping of snow brought in from outside the Aquifer Protection District N

Industrial uses which discharge process wastewater on-site, except for the treatment of sanitary waste N

Use of any septic tank additives, except for sulphuric acid or other biodegradable treatment performed by a licensed professional and supervised by the Board of Health N

Subsurface disposal of liquid or leachable waste or other than sanitary waste N

Disposal of sanitary waste to a subsurface disposal system in quantities exceeding the limit calculated as described below or construction of a sanitary waste system exceeding the limit as described below where the disposal system or its leaching field is wholly or partly within an Aquifer Protection District:

(a) When a lot is entirely within this district, sanitary waste disposal in excess of 440 gallons per day per acre N

(b) When a lot is partially within this district, sanitary waste disposal in excess of 440 gallons per day per acre of Aquifer Protection District contained within the lot, except as provided in this table. N

Rendering impervious of more than 20% of any lot except as provided below in this table. N

Permanent removal of earth, sand, and gravel closer than 10 feet above historical high groundwater table except as required for construction and maintenance of structures, drainage facilities, or ponds N

Storage of uncovered manure in excess of 16 cubic yards per parcel of land as defined by the assessors N

Automotive, motor, engine or mechanical repair, or service shops except automotive electronic repair shops only N

Storage of petroleum or other refined petroleum products except within the buildings which it will heat or in vaulted tanks equipped with monitoring systems and not to exceed 2,500 gallons except that up to 10,000 gallons of #2 or more viscous heating oil is allowed N

Any intensive use of fertilizer, herbicides, or pesticides or any outside storage of these materials except for a public health emergency certified by the Board of Health N

Storage or disposal of hazardous wastes N

Junk-yard, salvage, or material recycling facility unless housed to prevent leaching from rainwater and snow melt N

Application, production, storage, or use of hazardous materials in quantities greater than associated with normal cleaning or maintenance procedures and in no case totaling more than 20 kilograms N

Disposal of solid waste, other than brush and stumps; landfills and open dumps as defined in 310 CMR 19.006; landfilling of sludge or septage as defined in 310 CMR 32.05 N

Disposal of sanitary waste from single family residential structures to subsurface disposal systems in quantities exceeding the limit described in this table. above or the construction of such systems, but only when the disposal rate does not exceed the rate allowed in this table. by more than 100% BOA

Rendering impervious of more than 20% of any lot, unless drainage retention structures such as filtered catch basins, impoundment areas, etc. are constructed which will ensure that the recharge rate will not be reduced by an amount more than 20% coverage would cause BOA

Vaulting and monitoring of storage of liquid petroleum products BOA

7.1.5 Special Permits. The Special Permit Granting Authority shall be the Board of Appeals. The Board of Appeals may grant a special permit if it determines that the applicant has met the conditions of Section 7.1.

7.1.6 Submittals. Applications for special permits shall be prepared and submitted to the Board of



Appeals in accordance with the provisions of Section 2.3 of this Bylaw.

#### 7.1.7 Design Requirements

For those uses which require a special permit or site plan approval, the following standards shall apply:

- (a) Where a portion of the lot is partially outside the Aquifer Protection District, site design shall, to the extent feasible, locate potential pollution sources, such as on-site disposal systems, outside the District boundaries.
- (b) All runoff from impervious surfaces shall be recharged on the site by being diverted towards areas covered with vegetation for surface infiltration to the extent possible. Dry wells shall be used only where other methods are infeasible and shall be preceded by oil, grease, and sediment traps to facilitate removal of contamination.
- (c) Applicants shall be encouraged to leave as much as possible of the lot in its natural state with no more than minor removal of existing trees and ground vegetation; in no case shall less than 30% of the lot be left in its natural state.

#### 7.1.8 Decision

The application for a special permit may be approved where, in the opinion of the Board of Appeals, the proposal meets either of the following standards:

- (a) Performance Standards. The applicant has clearly demonstrated that the construction and operations of the proposed use will result in groundwater quality at the boundaries of the premises meeting or exceeding the standards established by the Massachusetts Department of Environmental Protection and regulations promulgated by it relating to drinking water standards. Where existing groundwater quality is already below those standards, the proposed use will result in no further degradation and the volume of run-off leaving the site shall be unchanged. A suitable proportion of runoff surfaces shall be recharged to the groundwater. An adequate system has been designed to monitor the groundwater quality and that the applicant shall bear the costs for implementing that monitoring system; or
- (b) Additional non-contiguous acreage. The applicant has ensured the permanent preservation in permeable and substantially vegetated condition of enough land lying hydrologically within the same aquifer district as the proposed use requiring a special permit to achieve overall the permitted coverage and septage requirements. The area (acreage) of preserved land when combined with the area (acreage) of the site of the proposed use must be sufficient to result in disposal of sanitary waste in a quantity less than or equal to 440 gallons per day per acre, and in the rendering impervious of not more than 20 percent of the combined land area. Preserved land need not be contiguous with the site of the proposed use. The means of preservation may be by Conservation Restriction given the Town, or any other means the Board of Appeals finds to be reliably binding and permanent.

#### 7.2 7100 Flood Plain District

7.2.1 Purpose. The purposes of the Flood Plain District are: to ensure public safety through reducing the threats to life and personal injury; to eliminate new hazards to emergency response officials; to prevent the occurrence of public emergencies resulting from water quality contamination and pollution due to flooding; to avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network; to reduce costs associated with the response and cleanup of flooding conditions; and to reduce damage to public and private property.

#### 7.2.2 Existing Regulations

All development in the district including structural and nonstructural activities whether permitted by right or by special permit must comply with the following regulations:

- (a) 780 CMR of the Massachusetts State Building Code (which address flood plain and coastal high hazard areas).
- (b) 310 CMR 10.00 Wetlands protection, Department of Environmental Protection.
- (c) 310 CMR 13.00, Adopting Inland Wetlands Orders.
- (d) 310 CMR 15, Title 5, minimum requirements for the subsurface disposal of sanitary sewage, DEP.
- (e) Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

7.2.3 Overlay District. The Flood Plain District is an overlay district and shall be superimposed on the other districts established by this Bylaw. Any land lying within the Flood Plain District shall also be subject to the development and use regulations of the underlying district in which the land is situated but only to the extent not inconsistent with the regulations for the Flood Plain District.

#### 7.2.4 Flood Plain District

The Flood Plain District includes all special flood hazard areas within the Town of Boxborough designated as Zone A and AE, on the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Middlesex County FIRM that are wholly or partially within the Town are panel numbers 25017C0218E dated June 4, 2010; and 25017C0219F, 25017C0238F, 25017C0331F, 25017C0332F, 25017C0333F, 25017C0334F, 25017C0351F and 25017C0353F dated July 7, 2014. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated July 7, 2014. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board and Inspector of Buildings.

7.2.5 In Zones A and AE no encroachments, including fill, new construction, substantial improvements, or other development shall be made unless certifications by a registered professional engineer or architect are provided by the applicant to the Inspector of Buildings proving that the proposed encroachment, construction, improvement or development will not result in any increase in the water surface elevation of the 100-year flood.

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

7.2.7 In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways in accordance with Section 7.2.5.

7.2.8 All subdivision proposals must be designed to assure that:

- (a) the proposal minimizes flood damage;
- (b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage, and;
- (c) adequate drainage is provided to reduce exposure to flood hazards.

7.2.9 Notification of Watercourse Alteration. In a riverine situation, Conservation Commission shall notify the following of any alteration or relocation of a watercourse:

- (a) Adjacent Communities
- (b) NFIP State Coordinator, Massachusetts Dept. of Conservation and Recreation
- (c) NFIP Program Specialist, Federal Emergency Management Agency, Region I

### 7.3 Wireless Communication Facilities

7.3.1 Purpose. The purposes of this Bylaw are as follows:

- (a) to minimize adverse impacts of wireless communication facilities on residential neighborhoods and the community;
- (b) to encourage the shared use of facilities to reduce the need for new facilities; and
- (c) to limit the overall number and height of facilities to what is necessary to serve the public.

7.3.2 Applicability. This section shall apply to reception and transmission facilities for the purpose of personal wireless communication services. This Bylaw shall not apply to towers or antennas installed for use by a federally licensed amateur radio operator. A wireless telecommunications facility shall not include Small Wireless Facilities as defined herein.

### 7.3.3 General Requirements

Wireless Communication Facilities shall be allowed only in the Wireless Communication Facilities Overlay District only upon issuance of a special permit in accordance with the provisions of G.L. c. 40A, § 9, this Bylaw and any rules and regulations adopted hereunder. The Planning Board shall be the Special Permit Granting Authority for Wireless Communication Facilities.

- (a) Wireless Communication Facilities should be concealed within existing structures where possible.
- (b) Lattice style towers and similar facilities requiring more than one leg or guy wires for support are prohibited.
- (c) All structures associated with wireless communication facilities shall be removed by the owner or its agent within one year of cessation of use.
- (d) The tower height shall not exceed 100 feet measured from the base of the tower to the highest point of the tower including anything on it.
- (e) All towers shall be set back from lot lines a minimum of the height of the tower except where the tower abuts the right of way of Route I-495 and Route 2 where the setbacks shall be the minimum permitted by the Commonwealth of Massachusetts. All towers shall be setback a minimum of 500 feet from any school building.
- (f) No tower shall be located within 1500 feet of another tower.
- (g) Any utilities servicing a tower shall be located underground.
- (h) Lighting of wireless communication facilities shall be limited to low level security lighting installed at or near ground level, except for lighting required by the Federal Aviation Administration (FAA).
- (i) Fencing shall be provided to control unauthorized access to the tower. All equipment areas shall be landscaped and screened from public view to minimize visibility year-round.
- (j) The facility shall contain one sign no greater than one square foot that provides the phone number where the operator in charge can be reached on a 24-hour basis.

### 7.3.4 Criteria

A special permit for a wireless communication facility shall not be issued unless the Special Permit

Granting Authority finds the following:

- (a) Existing or approved facilities cannot accommodate the applicant's proposal.
- (b) The facility has been designed to accommodate the maximum number of providers but in no case less than 3.
- (c) The applicant has agreed to allow other service providers to co-locate on the tower, now, or at anytime in the future.
- (d) The tower has been designed, using the best available technology, to blend into the surrounding environment through the use of color, camouflaging techniques, or other architectural treatments.
- (e) The facility has been designed to minimize adverse visual impacts on the abutters and the community as demonstrated by illustrations and by a balloon test performed in accordance with any requirements adopted by the Board of Appeals.
- (f) The facility is sited so that it is screened, to the maximum extent possible, from public view.
- (g) A qualified engineer has certified that the facility is designed to meet all health and safety standards of applicable state and federal law.

7.3.5 Conditions. Before approving any special permit under this section, the Special Permit Granting Authority may impose conditions, safeguards, and limitations to assure that the proposal is in harmony with the general purpose and intent of this Bylaw.

7.3.6 Bonding. Prior to the issuance of a building permit the Special Permit Granting Authority may require a performance guarantee to ensure compliance with the plan and conditions set forth in their decision.

## 7.4 Small Wireless Facilities Outside of the Public Right of Way

### 7.4.1 Purpose and Intent

The Purpose and Intent of this bylaw section is to permit regulation of the installation of Small Wireless Facilities outside of public rights of way so as to respect the neighborhood characteristics in which they are proposed to be installed consistent with the purposes set forth below and with federal and state law,

- (a) to minimize adverse impacts of Small Wireless Facilities on residential neighborhoods and the community;
- (b) to encourage the shared use of facilities, where appropriate, to reduce the need for new facilities;
- (c) to limit the overall number and height of facilities to what is necessary to serve the public;
- (d) to protect the visual, aesthetic, scenic, historic, environmental, and natural or manmade resources of the Town.

7.4.2 Special Permit. All installations of Small Wireless Facilities outside of the public right of way require a Special Permit. The Special Permit Granting Authority is the Planning Board in accordance with the provisions of G.L. c. 40A, § 9, this Bylaw and any rules and regulations adopted hereunder. All of these facilities shall comply with the Technical and Aesthetic Standards for Small Cell Siting published by the LELWD, to the extent feasible.

### 7.4.3 Special Requirements

The following Special Requirements shall apply to Small Wireless Facilities located outside of the right of way. The Special Permit Granting Authority shall review all Applications to ensure the

following:

- (a) To the extent feasible, Applicants shall follow Section 5, General Technical and Aesthetic Requirements and Guidelines as outlined in Littleton Electric Light and Water Department's Technical and Aesthetic Standards for Small Cell Siting.
- (b) The proposed facility(ies) shall be designed, using the best available technology, to blend into the surrounding environment through the use of camouflaging techniques (including minimizing size, tapered shapes and colors that match the surrounding area and infrastructure, or other architectural treatments.
- (c) No tree trimming or pruning for improved line of sight or for other functional needs will be allowed without explicit permission from the Tree Warden. Requests for tree trimming or pruning and identification of locations shall be included as part of the Application. Applicants shall specifically avoid, when possible, tree trimming or pruning along the Route 111 Corridor and along designated scenic roads.
- (d) Small Wireless Facilities outside of the right of way may be co-located on same structure if the Special Permit Granting Authority determines that aesthetics and structures will not be adversely impacted. A demonstration as to the necessity to co-locate facilities on to the same structure will be required to be made to the Special Permit Granting Authority. Input may be requested from the Building Inspector or other Town Personnel to determine the safety of proposed facilities.
- (e) In neighborhoods served by underground electric and other utilities, no above-ground facilities shall be installed if there is an underground alternative. Installations shall be done at the Applicant's expense. A waiver of this requirement may be granted by the SPGA upon request by the Applicant if the Applicant can demonstrate sufficient mitigation of visual, aesthetic and other impacts to the neighborhood, with the implementation of stealth design and the addition of landscaping and screening as determined by the SPGA.
- (f) Stealth designs that are not visible to the public are preferred. Examples of stealth designs include shapes and colors that match surrounding infrastructure and minimize adverse visual impacts and the use of tapered shapes that smoothly integrate into structures (avoiding, for example, new rectangular boxes). Examples of stealth locations include chimneys, light poles, rooftop pads and cupolas.

## 7.5 Earth Removal

For the purposes of this Bylaw, the removal of gravel shall be considered as an industrial use, except for the exemptions as stated in Section III.A and Section III.B of the Earth Removal Bylaw, voted March 1961, and as subsequently amended.

## 7.6 Trailers

7.6.1 Use of trailers in a fixed location shall not be permitted except as specified in Section 7.6.

7.6.2 House Trailers or Other Movable Dwellings. Except as provided in G.L. c. 40A, § 3, house trailers or other movable dwellings are not permitted in any district, except by special permit from the Board of Appeals for a period of not more than 2 years, it being the intention of this Bylaw that house trailers or other movable dwellings will be permitted to remain only temporarily on any lot in Town, and in no event for more than 2 years. This Bylaw shall not apply to house trailers or other movable dwellings lawfully and continuously in existence on the same site since May 3, 1965.

## 7.6.3 Construction Trailers

In all districts, the Inspector of Buildings may authorize the temporary use of a trailer or trailers as a

construction site office or for storage of construction materials during ongoing construction. Such authorization shall require the removal of the trailer(s) within 30 days after completion of the work for which the trailer(s) was permitted. In authorizing a building permit for a temporary trailer(s), the Inspector of Buildings shall impose the following conditions and standards:

- (a) The trailer(s) will be used only for storage or as a construction office, and only in connection with construction underway on the premises. In no event shall the trailer(s) be used for real estate sales.
- (b) The trailer(s) floor area shall be no larger than 350 square feet.
- (c) The trailer(s) shall be in compliance with the building code and all other codes pertaining to the building's safety.
- (d) The trailer(s) shall be located so that it is no less than 50 feet from a public way and from any abutter's property line. To the maximum extent possible, the applicant shall locate the trailer(s) so that it is not visible from a public way or from the abutting property.
- (e) The trailer(s) may be used to store flammable, hazardous or explosive material only with approval from the Fire Department.
- (f) The number of trailers is consistent with the size of the project.
- (g) Use of trailers by the Town for educational or governmental purposes may be authorized by the Inspector of Buildings.
- (h) Storage of a camping or travel trailer shall be permitted as specified in Section 4.2.4.

## 7.7 Open Space Commercial Development

7.7.1 Purpose. The purpose of this section is to encourage the preservation of open land for its scenic beauty, open space, forestry, and recreational use; to preserve historical and archeological resources; to protect the natural environment; to protect the value of real property; to promote more sensitive siting of buildings and better overall site planning; to perpetuate the appearance of Boxborough's traditional New England landscape; to allow landowners a reasonable return on their investment; and to facilitate the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner.

### 7.7.2 Applicability

A special permit may be granted for an Open Space Commercial Development on any tract of land containing 10 or more acres in the Office Park, Industrial- Commercial, or Business District.

Where a tract of land proposed to be developed as an Open Space Commercial Development is owned in common with contiguous, residentially zoned land, the buildable area of the residentially zoned land may be included within the Open Space Commercial Development for the purposes of calculating the total square footage of commercial development, and for the purposes of meeting area, open space and FAR requirements. No part of the commercial development may be located on the residentially zoned portion of the tract, and the residentially zoned land shall be permanently protected as open space under Section 7.7.4.b. Special permits for an Open Space Commercial Development shall be acted upon in accordance with the following provisions.

7.7.3 Procedures. All applications for Open Space Commercial Development shall conform to the requirements stated in Planning Board's Rules and Regulations.

### 7.7.4 Modification of Requirements

The Planning Board may authorize modification of certain dimensional and parking requirements for

lots within an Open Space Commercial Development, including the number, size, and other features of parking spaces and the size, shape, and other dimensional requirements, subject to the following limitations:

- (a) Lots having reduced area or frontage must have frontage on a street created by a subdivision involved.
- (b) Any land proposed to be designated as open space shall be permanently protected by a recorded restriction enforceable by the Town, providing that the land shall be kept in an open state or that it shall be preserved for exclusively agricultural or recreational purposes. Any land proposed as open land shall be served by suitable access for purposes of recreational use, forest management, or agricultural cultivation.
- (c) A minimum of 50% of the tract of land shown on the Development Plan shall be maintained as open space. This open space may be separated by the road(s) constructed within the development. A 50-foot vegetated buffer shall be maintained around the perimeter of an Open Space Commercial Development.

7.7.5 Square Footage of Development. The total square footage of a commercial or industrial development shall be limited to the amount of development that could be constructed in full conformance with all zoning, subdivision, and other applicable state and local regulations, and without extraordinary engineering measures. Where the maximum square footage is in doubt, the determination of the Planning Board shall be conclusive for all purposes.

#### 7.7.6 Decision

The Planning Board may approve, approve with conditions, or deny an application for an Open Space Commercial Development in accordance with Section 2.3 of the Zoning Bylaw (governing special permits). The Planning Board may issue a special permit for an Open Space Commercial Development only if, in addition to other requirements, the applicant shall demonstrate:

- (a) That the proposed development conforms with the purpose and intent of the Open Space Commercial Development Bylaw.
- (b) That the proposed buildings are designed in harmony with the natural features of the site. The site plan, to the extent possible, preserves the topography, views, vistas, wildlife habitat, significant trees or stands of trees, wetlands, brooks, waterbodies, historic or archeological sites, trails and cart paths located on the site.
- (c) That adequate access is provided to the common open space.
- (d) That the overall design and site plan of the Open Space Commercial Development is superior to that of a conventional subdivision and warrants special consideration for modification of existing standards.
- (e) That the Open Space is of a size, shape, and dimension suitable for park, recreation, conservation, or agricultural purposes.
- (f) That the plan complies with applicable Subdivision Rules and Regulations.

#### 7.8 Access Through a Commercial District to a Residential District

Access through the Business, Business 1, Office Park, or Industrial-Commercial Districts to the Agricultural-Residential District shall only be allowed by Special Permit. The Special Permit Granting Authority shall be the Planning Board. In granting a permit, the Planning Board shall find that, in addition to the standards set forth in Section 2.3.4 of this Bylaw, there are clear and compelling benefits to the town. In addition, the Board shall find that the proposed access and any development of the commercially zoned land adjacent to the access and under the same ownership,

conforms to the following standards.

- (a) Landscaped or natural buffers, a minimum of 100 feet wide, are provided between the residential and commercial use;
- (b) The existing or proposed commercial use of the adjacent land is compatible with the proposed residential use, or the commercially zoned land is restricted from future commercial development. In the case where the commercially zoned land is restricted from future development, the Planning Board may allow a 100-foot encroachment into the commercial district for residential purposes;
- (c) The proposal, to the maximum extent possible, protects the existing tree canopy;
- (d) The proposal retains or preserves unique natural, historical or cultural resources located on the site; and,
- (e) The proposal conforms to the applicable standards set forth in the Design Review Board's Design Guidelines, referenced under Section 2.5 of this Bylaw; or appropriate conditions may be placed on the special permit to ensure conformance with the Design Guidelines.



## ARTICLE 8 DEFINITIONS

### 8.1 Construction

In this Bylaw, the following terms and rules of construction shall apply unless a contrary meaning is required by the context or is specifically prescribed in the text of the Bylaw. Words used in the present tense include the future. The singular number includes the plural and the plural number includes the singular. The word “shall” is mandatory; the word “may” is permissive; the word “should” refers to that which is preferred. The word “and” includes “or” unless the contrary is indicated in the text. If the context indicates that the word “or” does not include the word “and” where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and”, “or”, “either or”, the conjunction shall be interpreted as follows:

- (a) “And” indicates that all the connected items, conditions, provisions, or events shall apply;
- (b) “Or” indicates that the connected items, conditions, provisions, or events may apply singly or in any combination;
- (c) “Either or” indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination;
- (d) “Includes” or “including” shall not limit a term to specified examples but is intended to extend its meaning to all other instances, circumstances, or items of like kind or character;
- (e) “Used or occupied” shall be considered as though followed by the words “or intended or arranged to be used or occupied”;
- (f) “Structure”, “lot”, or “parcel” shall be construed as being followed by the words “or any portion thereof”;
- (g) “Person” includes as well as any individual or individuals, any firm, association, organization, partnership, company, or corporation whether or not the above are organized for a profit;
- (h) Terms and words not defined herein in the State Building Code, as the same is more fully defined in G.L. c. 23B, § 17, 19, 20 and 21. Where a definition contained herein differs with a definition in the State Building Code, the definition in this Bylaw shall apply but without abrogating the definition as it is contained in and applies to the Building Code.

### 8.2 Definitions

Accessory Building shall mean a detached building, subordinate to the principal building or use and located on the same lot therewith, the use of which is customarily incidental to the principal building or use.

Accessory Sign shall mean any sign that advertises or identifies the person or persons occupying the premises on which the sign is erected or maintained, or the business transacted thereon, or advertises the property itself or any part thereof as for sale or rent, or which gives directions or announcements with respect to the property or the use of the property, and contains no other matter.

Accessory Use shall mean a use customarily incidental and subordinate to the principal building or use of the premises.

Adult Use shall mean and include:

- (a) Adult Bookstores, as defined in G.L. c. 40A, § 9A;
- (b) Adult Motion Picture Theaters, as defined in G.L. c. 40A, § 9A;
- (c) Adult Paraphernalia Store, as defined in G.L. c. 40A, § 9A;

- (d) Adult Video Store, as defined in G.L. c. 40A, § 9A;
- (e) Establishment Which Displays Live Nudity For Its Patrons, as defined in G.L. c. 40A, § 9A

Agriculture shall mean the use of land and structures thereon for the principal purpose of the commercial or domestic production of crops, fruit, dairy products, horses, cattle, sheep, goats, poultry, eggs, maple syrup products, or honey or any combination thereof.

Airport, Heliport shall mean any area of land designed and used for the landing and take-off of aircraft, including facilities for the housing, and maintenance of aircraft.

Animal Shelter shall mean buildings and associated structures owned and operated by a charitable, non-profit organization, and used for the temporary confinement and care of dogs and cats.

Aquifer shall mean a geologic formation composed of rock or sand and gravel having a saturated thickness of 10 or more feet and a transmissivity of 5,000 gallons per day per foot or greater that contains significant amounts of potentially recoverable potable water.

Assisted Living Facility shall mean a facility that is designed and operated to provide its elderly residents with a broad range of services to meet primarily the needs of residents of the facility, including independent or assisted living in single or multi-unit dwellings and some or all of the following: a nursing home; skilled nursing; medical and other health services; personal care; and other services. A nursing home by itself shall not be considered an "Assisted Living Facility."

Automobile Service Station shall mean any establishment where gasoline and other petroleum products are sold and may include accessory facilities for the sale of other retail products, but excluding any motor vehicle maintenance activities such as vehicle repair, or auto detailing.

Bed and Breakfast or Lodging Home shall mean a building providing lodging for visitors with the proprietor living on the premises.

Biosafety Level (BSL) - shall mean a specific combination of work practices, safety equipment, and facilities which are designed to minimize the exposure of workers and the environment to infectious agents. The Biosafety levels as described in the Centers for Disease Control and Prevention (CDC) and National Institutes of Health (NIH) publication, "Biosafety in Microbiological and Biomedical Laboratories, 6th Edition" are:

- (f) BSL-1 - the basic level of protection and is appropriate for defined and characterized strains of viable biological agents that are not known to cause disease in immunocompetent adult humans;
- (g) BSL-2 - appropriate for handling moderate-risk agents that cause human disease of varying severity by ingestion or through percutaneous or mucous membrane exposure;
- (h) BSL-3 - appropriate for agents with a known potential for aerosol transmission, for agents that may cause serious and potentially lethal infections, and that are indigenous or exotic in origin;
- (i) BSL-4 - exotic agents that pose a high individual risk of life-threatening disease by infectious aerosols and for which no treatment is available.

Building shall mean any structure, whether portable or fixed, having a roof supported by columns or walls and intended for the shelter of persons, animals, or property.

Building Height shall mean the vertical distance measured from the average finished grade at its point of intersection with the front wall of the building to the point specified below for the particular roof type; provided, however, that no measurement to any point listed below, taken vertically from any point at finished grade along the foundation wall, shall exceed the building height by greater than 10 feet. Building height shall be measured to the:

- (j) Highest point of the roof of a flat roof;
- (k) Point halfway between the junction of the top of the roof and the extension of the exterior wall, and the top of the ridge line of a gable or hip roof; provided that when the roof slope is greater than a ratio of 1 foot vertical to 1 foot horizontal, the measurement shall be taken at a point two-thirds of the way up;
- (l) Point one-halfway between the intersection of the lower slope with the upper slope and the ridge line or top of a mansard or gambrel roof; or
- (m) Point two-thirds of the distance up from the sill, plate or exterior wall extended to the top of the roof at that point, and the top of the ridge of a French roof or an A- frame roof.

Building Line shall mean the shortest straight line measurement made between the side lot lines and passing through that part of the house that is closest to the street.

Building Permit shall mean a document issued by the Inspector of Buildings authorizing the erection, moving, alteration, addition to, or reconstruction of buildings and structures consistent with this Bylaw and the State Building Code.

Building, Principal shall mean a building in which is conducted the main or principal use of the lot on which the building is situated.

Building Trade shall mean an establishment for use by tradesmen such as a carpenter, welder, plumber, electrician, roofer, builder, mason, building cleaning service, painter, contractor, or similar occupation.

Car Sales shall mean the indoor or outdoor sale of new or used Class D cars or trucks.

Certificate of Use and Occupancy shall mean the certificate issued by the Inspector of Buildings which permits the use of a building, structure, or land in conformance with this Bylaw.

Club shall mean the facility of a non-profit social, sports, or fraternal organization which is used exclusively by members and their guests.

Commercial Earth Removal shall mean the removal of any earth material (soil, sand, or gravel) from a parcel of land which is not incidental to the construction of a building, structure, or approved subdivision roadway for which a permit has been issued, or to the creation of a fire pond.

Conservation Area, Public Park shall mean an area open to the general public and owned by the Town and reserved for recreation, educational, or scenic purposes.

Day Care Center shall mean any facility operated on a regular basis whether known as a day nursery, nursery school, kindergarten, child play school, progressive school, child development center, or pre-school, or known under any other name, which receives children not of common parentage under 7

years of age or under 16 years of age if children have special needs for non-residential custody and care during part or all of the day separate from their parents.

Day care center shall not include: any part of a public school system; any part of a private organized educational system unless the services of a system are primarily limited to kindergarten, nursery, or related pre-school services; a Sunday school conducted by a religious institution; a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for the children are attending religious services; a family day care home, as defined in G.L. c. 28A, § 9, as amended; an informal cooperative arrangement among neighbors or relatives; or the occasional care of children with or without compensation therefor.

Dwelling shall mean any building used exclusively for human habitation but excluding boarding and lodging houses, hotels, motels, and mobile homes or house trailers.

Dwelling, Single Family shall mean a detached residential dwelling unit other than a mobile home or house trailer designed for and occupied by one family only.

Dwelling, Two Family shall mean a detached residential building containing 2 dwelling units and designed for and occupied by 2 families.

Dwelling, Multi-Family shall mean a residential building designed for or occupied by 3 or more families, whether rental or owner occupied, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling Unit shall mean one room or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other dwelling units which may be in the same structure, and containing its own cooking and sleeping facilities.

Education, Governmental or Religious Use shall mean any structure or land used for educational or religious purposes on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic, or by a religious sect or denomination, or by a nonprofit educational corporation as defined by G.L. c. 40A, § 3.

Family shall mean one person, or a group of persons related by birth, blood, marriage, adoption or guardianship, including wards of the State, or not more than five persons not so related, living as a separate housekeeping unit with independent living, cooking, and sanitary facilities and occupying a dwelling unit.

Farm shall mean agricultural, silvicultural, horticultural, viticultural, or floricultural activity on a parcel of land of less than 5 acres, including necessary accessory buildings, structures, storage, and equipment, but excluding slaughterhouses, rendering plants, fur farms, or piggeries. Dwellings shall be permitted as accessory buildings only in the Agricultural/Residential, Residence 1, or Town Center Districts.

Farm, Exempted shall mean agricultural, silvicultural, horticultural, viticultural, or floricultural activity on a parcel of land of more than 5 acres, under G.L. c. 40A, § 3.

Fast Food Restaurant shall mean an establishment whose primary business is sale of food or beverages which are primarily intended for immediate consumption rather than for use as an ingredient in or component of meals, available upon a short waiting time, and packaged or presented so it can be readily eaten outside the premises where it is sold.

Floor Area Ratio shall mean the ratio of the total gross floor area of all buildings on a lot to the total area of the lot.

Floriculture shall mean the use of land and the structures thereon for the principal purpose of the commercial production of flowering plants.

Gross Floor Area shall mean the sum of all horizontal areas of the floors of a building measured from the exterior face of exterior walls. Gross Floor Area shall also include garages, porches, basements, storage rooms, and attic rooms, all with ceiling heights greater than 5 feet for residential uses or 7 feet for all other uses. Gross Floor Area shall exclude unroofed porches, decks, balconies, unroofed exterior stairs, and bay windows or similar projections of less than two feet beyond the main walls.

Groundwater shall mean all the water found beneath the surface of the ground including, but not limited to, subsurface water present in aquifers and recharge areas.

Habitable Space shall mean a space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility closets and similar areas are not considered habitable spaces.

Hazardous Material – see Toxic and Hazardous Material

Hazardous Waste - shall mean any substance, including petroleum or derivatives thereof, or combination of substances which because of their quantity, concentration, physical, chemical, infectious, flammable, combustible, radioactive, genetic or toxic characteristics, may cause or significantly contribute to a present or potential risk to human health, safety, or welfare, to the groundwater resources, or to the natural environment. Any substance regulated under applicable Board of Health regulations and under any State or Federal laws and regulations regulating hazardous, chemical, biological or waste materials, or any amendments thereof, shall be considered hazardous waste.

Hazardous Waste Discharge - shall mean the disposal, deposit, injection, dumping, spilling, leaking, incineration, or placing of any hazardous material into or on any land or water so that the hazardous material or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

Health Care Facility shall mean a walk-in clinic, rehabilitation center, medical lab, dental lab, weight loss clinic, or similar facility.

Horticulture shall mean the use of land and the structures thereon for the principal purpose of the commercial production of plants, especially ornamentals.

Host Community Agreement - see Marijuana Definitions under Section 9.2.

Impervious Surface shall mean material on the ground that does not allow surface water to penetrate into the soil directly beneath it.

Junkyard shall mean the use of any area of any lot, whether inside or outside a structure, for the keeping or abandonment of discarded materials, or the abandonment of automobiles or other vehicles or machinery or parts thereof.

Kennel shall mean a facility for the sale, boarding, or breeding of household pets, but not including a facility for the sale or breeding of household pets exclusively owned or kept for breeding by the landowner if the facility is located on 5 acres of land or more.

Laboratory shall mean a room or building equipped for scientific experimentation, research, scientific practice, observation or testing. May include small scale production of drugs and chemicals. Includes clinical laboratories as defined in G.L. c. 111D as well as non-clinical facilities.

Landscaping Services shall mean a business for the purpose of landscaping, snow removal and yard maintenance, such as grass cutting, leaf removal, and the care of planting beds, as well as the installation of plants, planting beds, at-grade walks and small landscape features. The business utilizes lawn mowers, snow blowers and other light equipment. There may be small displays of materials for review by customers, but there is no storage or distribution of bulk material at the site.

Landscaping Contractors shall mean a business for the purpose of large scale site grading and clearing as well as all other Landscaping Service uses. The business utilizes heavy equipment and may store or distribute bulk materials at the site.

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

Life Sciences shall mean advanced and applied sciences that expand the understanding of human physiology and have the potential to lead to medical advances or therapeutic applications including, but not limited to, agricultural biotechnology, biogenetics bioinformatics, biomedical engineering, biopharmaceuticals, biotechnology, chemical synthesis, chemistry technology, diagnostics, genomics, image analysis, marine biology, marine technology, medical devices, nanotechnology, natural product pharmaceuticals, proteomics, regenerative medicine, RNA interference, stem cell research and veterinary science. (M.G.L, Chapter 130 of the Acts of 2008)

Light Manufacturing shall mean fabrication, processing, packaging, or assembly operations employing only electric or other substantially noiseless and inoffensive motor power, utilizing hand labor or quiet machinery and processes, and free from neighborhood disturbing agents such as odors, gas, fumes, smoke, cinders, refuse matter, electromagnetic radiation, heat, or vibration; provided that there is no outside storage of materials or finished goods.

## LIGHTING DEFINITIONS

Candela shall mean The base unit of luminous intensity in the International System of Units (SI); that is, luminous power per unit solid angle emitted by a point light source in a particular direction. A common wax candle emits light with a luminous intensity of roughly one candela.

Canopy shall mean an opaque ceiling over installed lighting.

Cutoff (CO) shall mean a luminaire light distribution, specified by the IESNA, where the intensity in candela per 1000 lamp lumens does not numerically exceed 25 (2.5%) at a vertical angle of 90 degrees above nadir, and 100 (10%) at a vertical angle of 80 degrees above nadir. Nadir is the point directly vertically below the luminaire. A full cutoff (FCO) luminaire is also a cutoff luminaire.

Dark Sky, as defined by the International Dark Sky Association (IDA), shall mean certified outdoor lighting fixtures that minimize glare while reducing light trespass and skyglow. IDA approved fixtures are required to be fully shielded and to minimize the amount of blue light in the nighttime environment.

Direct Light shall mean light emitted directly from the lamp, from the reflector or reflector diffuser, or through the refractor or diffuser lens of a luminaire.

Foot Candle (FC) shall mean a unit of illuminance; one lumen per square foot.

Full Cutoff (FCO) shall mean a luminaire light distribution, specified by the IESNA, where zero candela intensity occurs at an angle of 90 degrees above nadir, and at all greater angles from nadir. Additionally, the candela per 1000 lamp lumens does not numerically exceed 100 (10%) at a vertical angle of 80 degrees above nadir. Nadir is the point directly vertically below the luminaire. An FCO luminaire is fully shielded.

Fully Shielded shall mean constructed so that no light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected above a horizontal plane passing through the lowest direct-light-emitting part of the luminaire (Figure 1). Building canopies, overhangs, roof eaves and similar types of construction shall not be considered as the means for providing the fully shielded light cut-off characteristic. This shall be achieved by the luminaire itself (Figure 5).

Glare shall mean the sensation of visual discomfort or loss in visual performance and visibility produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted.

IDA shall mean the International Dark Sky Association.

IESNA/IES shall mean the Illuminating Engineering Society of North America. A professional association of lighting engineers and lighting manufacturers generally recognized as the definitive source for illumination recommendations in the United States. An IES photometric file is defined by IESNA standards.

Indirect Light shall mean direct light that has been reflected off the surface of any permanently constructed object other than the source luminaire.

Illuminance shall mean the luminous flux incident per unit area, expressed in foot candle (one lumen per square foot). Horizontal or vertical illuminance is that measured with a photometer cell mounted horizontally or vertically.

Lamp shall mean the light source component of a luminaire that produces the actual light.

Light-Emitting Diode (LED) shall mean any luminaire composed on an array of LEDs, typically a bank of 30, 60 or 90, used as a light source.

Light Trespass shall mean direct or indirect light produced by an artificial light source and which shines outside the boundaries of the lot containing the luminaire.

Luminaire A complete outdoor lighting unit or fixture including a lamp or lamps, together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply, but not including a pole on which the luminaire may be mounted.

Luminous Flux shall mean Energy per unit time that is radiated from a source over visible wavelengths. More specifically, it is energy radiated over wavelengths sensitive to the human eye, from about 330 nanometers to 780 nanometers. Luminous flux is a weighted average of the Radiant Flux in the visible spectrum. Luminous flux or luminous power is the measure of the perceived power of light. It differs from radiant flux, the measure of the total power of electromagnetic radiation, in that luminous flux is adjusted to reflect the varying sensitivity of the human eye to different wavelengths of light.

Nadir shall mean the point directly vertically below the luminaire.

Outdoor Lighting The night-time illumination of an outside area or object by a luminaire located outdoors. Luminaires under a canopy are considered outdoor lights and are regulated by this Bylaw.

Outdoor Sales Area shall mean a static display of goods for sale at night, such as automobile sales lots, landscaping and nursery businesses, outdoor construction materials sales lots, and outdoor activity areas such as miniature golf, family fun centers, and permanent swap meets. An outdoor sales area location is not covered by canopies or other structures.

Radiant Flux shall mean the measure of the total power of electromagnetic radiation.

Shielded Luminaire shall mean employing a shield to prevent glare. The luminaire shall have a generally downward distribution of light and must have a top shield to minimize upward light.

Street Lights shall mean luminaires installed within a street and intended primarily for the illumination of the street.

Up-lighting shall mean direct light illumination distributed above a 90-degree horizontal plane through the lowest direct light emitting part of the luminaire.

Lot shall mean a clearly defined parcel of land, not divided by a street, way or road, having sufficient



area and dimensions to meet the minimum zoning requirements for frontage, width, setback, yards, coverage, and open space required herein.

Lot Area shall mean the horizontal area of the lot exclusive of any area in a street, way, road, or in a surface drainage easement. The surface drainage easement exclusion shall only apply to lots created after May 11, 1998.

Lot Coverage shall mean the percentage of the lot area that is occupied by buildings.

Lot Frontage shall mean the boundary of a lot coinciding with the street line, being an unbroken distance along a way currently maintained by a town, county, or state, or along ways shown on the Definitive Plans of approved subdivisions which have been secured or constructed, through which actual access to the potential building site shall be required. (except where a “common driveway” has been allowed per Section 6.2.4, herein or a special permit has been issued by the Planning Board in accordance with Section 4.10), and the street has been determined by the Planning Board to provide adequate access for fire, police, and emergency vehicles.

Lot Line shall mean the lines bounding a lot.

Lot Width shall mean the mean width, at the site of a principal building, measured at a 90 degree angle to the mean direction of the side lot lines.

Manufacturing shall mean fabrication, processing, packaging, or assembly operations which do not qualify as light manufacturing but excluding primary industry such as asphalt, block, bottling, concrete or fertilizer plants; monument works; paper pulp mill; refinery; and rendering or smelting plants.

## MARIJUANA DEFINITIONS

Host Community Agreement shall mean the agreed upon terms between the Town and a Recreational Marijuana Establishment or Registered Marijuana Dispensary seeking to operate or continue to operate in the Town which sets forth the conditions to have a Recreational Marijuana Establishment or Registered Marijuana Dispensary located within the Town which shall include, but not be limited to, all stipulations of responsibilities between the Town and the Recreational Marijuana Establishment or Registered Marijuana Dispensary.

A Host Community Agreement between a Recreational Marijuana Establishment or Registered Marijuana Dispensary and the Town may include a community impact fee for the Town; provided, however, that the community impact fee shall be reasonably related to the costs imposed upon the Town by the operation of the Recreational Marijuana Establishment or Registered Marijuana Dispensary and shall not amount to more than 3 percent of the gross sales of the Recreational Marijuana Establishment or Registered Marijuana Dispensary or be effective for longer than 5 years. Any cost to the Town imposed by the operation of a Recreational Marijuana Establishment or Registered Marijuana Dispensary shall be documented and considered a public record as defined by clause Twenty-sixth of Section 7 of Chapter 4.

Marijuana Product shall mean a manufactured product that contains marijuana or an extract from

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.

Recreational Marijuana Establishment shall mean a marijuana cultivator, marijuana testing facility, marijuana research facility, marijuana product manufacturer, marijuana retailer, or any other type of licensed marijuana-related business which is not a Registered Marijuana Dispensary.

Registered Marijuana Dispensary, also known as a Medical Marijuana Treatment Center, shall mean a not-for-profit entity registered under 105 CMR 725.100, to be known as a registered marijuana dispensary (RMD), that acquires, cultivates, possesses, processes (including development of related products such as edible MIPs, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

Medical Center shall mean a facility providing medical or surgical services to persons, including ambulatory and emergency services, and accessory facilities and functions that are an integral part of the facility such as laboratories, out-patient departments, training, staff offices, and similar adjunct facilities and functions.

Mixed-use shall mean any combination of two or more permitted principal uses.

Motel, Hotel, or Motor Court shall mean any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied for sleeping purposes by guests.

Non-Conforming Structure shall mean a structure lawfully in existence at the time of adoption or amendment of this Bylaw but which does not conform to the regulations contained herein.

Non-Conforming Use shall mean a use lawfully in existence at the time of adoption or amendment of this Bylaw but which does not conform to the regulations contained herein.

Office shall mean a room or group of rooms used primarily for conducting the affairs of a business, profession, service, industry, or government.

Philanthropic Use shall mean a charitable or nonprofit library, museum, or art gallery.

Plate shall mean the uppermost portion of the vertical wall that supports the roof timbers.

Private/Common Driveway shall mean the common portion of the driveway shared by more than one residence by which vehicles (i.e., cars, trucks, etc.) travel to reach a house, garage, or building.

Public Utility shall mean a utility licensed by the Massachusetts Department of Public Utilities.

Recharge Area shall mean an area of stratified drift composed of permeable, porous materials that collect precipitation or surface water and transmit it to the Aquifer.

Recharge Rate shall mean the total annual precipitation which infiltrates through the surface of the ground and percolates to the water table.

Recreational Marijuana Establishment - see Marijuana Definitions under Section 9.2.

Registered Marijuana Dispensary, - see Marijuana Definitions under Section 9.2.

Repair garage, auto detailing garage, or like facility shall mean any establishment used for the maintenance, inspection, interior cleaning, repair, or servicing of motor vehicles.

Repair Shop shall mean an establishment used for repair of household appliances, bicycles, lawn mowers, and similar small equipment.

Research and Development shall mean an establishment or other facility for carrying on investigation in the natural, physical, social sciences, or life sciences, or engineering and development as an extension of investigation with the objective of creating end products.

Restaurant shall mean an eating place, including a cafeteria, lunchroom or similar establishment, whose principal business is the sale of prepared foods and whose method of operation is service by a restaurant employee to a table or counter where the food is consumed within the restaurant building.

Retail Store shall mean an establishment whose purpose is sale of merchandise within a building provided that there is no outside storage of materials or finished goods.

Road: see "Street."

Sanitary Waste shall mean waste waters arising from ordinary domestic water use as from toilets, sinks, and bathing facilities, etc., and containing concentrations and types of pollutants as to be considered normal human wastes.

Self-Storage Facility shall mean a building consisting of individual, small, self contained units that are leased or owned for the storage of business and household goods, automobiles, boats, or contractors supplies.

Service Shop shall mean an establishment providing personal services such as barber shop, dry cleaner, hair salon, shoe repair, or similar use.

Setback shall mean the minimum distance taken at right angles from front, rear, and side lot lines that shall be maintained between the lot lines and the exterior wall or walls of any building or accessory building. Unroofed porches, decks, balconies, and stairways projecting more than 2 feet beyond the main walls shall be considered part of the exterior wall. Bay windows and similar projections of less than two feet beyond the main walls shall not be considered a part of the exterior wall.

Sign shall mean any privately owned permanent or temporary device, billboard, placard, painting, drawing, poster, letter, word, banner, pennant, insignia, trade flag, or representation, article, or

object, that advertises, identifies, calls attention to, or indicates any person, premises or activity, makes an announcement, or gives direction, when placed on a public way or within public view.

Sign, Area of shall include all lettering, wording and accompanying designs and symbols, together with the background on which they are displayed, 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 shall be measured by the smallest quadrangle or triangle which encompasses all the letters and symbols.

Sign, Projecting shall mean a sign which is affixed to a building and which extends more than 6 inches perpendicular to the surface to which it is affixed.

Sign, Tradesmen shall mean a sign associated with a contractor, excavator, painter, plumber, roofer, electrician, landscaper, home improvement or a provider of similar services.

Sign, Wall shall mean a sign which is painted on, incorporated into, or affixed parallel to the wall of a building, and which extends not more than 6 inches from the surface of that building.

Small Wireless Facilities are facilities as defined in 47 C.F.R. § 1.6002(l) as may be amended from time to time.

Solid Waste shall mean any discarded solid material consisting of all combustible and noncombustible solid material including, but not limited to, garbage and rubbish, scrap material, junk, or inert fill material.

Specialty Food Shop shall mean a retail establishment such as a café or bakery that prepares or sells food items, the majority of which are freshly prepared or baked on- site.

Sports or Athletic Facility shall mean a facility offering participant physical activities such as bowling, basketball, gymnastics, dancing, martial arts, or exercise instruction.

Street shall mean either:

- (a) a public way or a way which the town clerk certifies is maintained and used as a public way, or
- (b) a way shown on a plan theretofore approved in accordance with the subdivision control law, or
- (c) a way in existence when the subdivision control law became effective in the town, having in the opinion of the Planning Board sufficient width, suitable grades, and adequate construction in relation to the proposed use of land abutting thereon or served thereby, and for the installation of municipal services to serve the land and the buildings erected or to be erected thereon.

Structure shall mean anything constructed or erected, the use of which requires fixed location on or under the ground. Structure shall not include landscape features such as fences no greater than seven 7 feet in height, stone walls or retaining walls no greater than four 4 feet in height, bird baths, driveways, detached stiles, open terraces, ornamental pools, outdoor fireplaces, planting boxes, shelters for household pets, tool houses having not more than 125 square feet of floor area, sculpture, residential lamp posts, mailboxes, fire suppression equipment and their appurtenances, and dry

hydrants.

Subdivision Control Law shall mean G.L. c. 41, § 81K-81GG, inclusive, the Subdivision Rules and Regulations adopted pursuant thereto by the Planning Board, as well as the administration and enforcement thereof.

Toxic or Hazardous Material shall mean any substance or mixture having chemical, physical, or infectious characteristics that could cause it to pose a significant actual or potential hazard to water supplies, or other hazard to human health if it were discharged onto the land, or into the air or waters of the town. Toxic or hazardous materials include but are not limited to: organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalies, and include products such as pesticides, herbicides, solvents and thinners, and any other material deemed hazardous by G.L. c. 21C.

Trailer shall mean a structure of vehicular, portable design, built on a chassis, having a roof, floor and walls intended for shelter of persons, animals, or property designed to be easily portable but used in a fixed location, and having a floor area greater than 50 square feet.

Upland Lot Area shall mean the contiguous area of the lot exclusive of:

- (d) All wetlands as defined by the Wetlands Protection Act (G.L. c. 131, § 40) and the Town's Wetlands Bylaw; and
- (e) the 100 foot wetlands buffer zone as defined in the Wetlands Bylaw.

Use shall mean the purpose or activity for which land, buildings, or structures are designed, arranged, or intended; or for which land, building or structures are occupied or maintained, including any activity with respect to the requirements of this Bylaw.

Veterinary shall mean a facility where animals are given medical or surgical treatment where boarding of animals is limited to short term care incidental to the medical or surgical treatment.

Warehouse shall mean a structure for the indoor storage of goods for distribution, but not for sale on the premises.

Way: see "Street."

Wholesale operation shall mean the sale of commodities in quantity for resale or further processing.

Wireless Communication Facility shall mean a facility for the reception and transmission of personal wireless communication signals including towers, antennas, panels, and appurtenant structures designed to facilitate the following types of services: cellular telephone services, personal communication systems, and enhanced specialized mobile radio service. A wireless telecommunications facility shall not include Small Wireless Facilities.

Yard, Front shall mean an open space extending between side lot lines across the front of a lot adjoining a street. Depth of required front yards shall be measured at right angles from the front lot line or lines.

Yard, Rear shall mean an open space extending between side lot lines along the rear lot line. Depth of the required rear yard shall be measured at right angles to the rear lot line. In the case of a triangular lot, the depth of the rear yard shall be measured from the corner of the lot farthest from the front lot line along the bisector of that corner angle; and the innermost rear yard line shall be perpendicular thereto.

Yard, Side shall mean an open space extending along the side lot line between the front yard and the rear yard of a lot. Depth of the required side yards shall be measured at right angles from the side lot line or lines.

