TOWN OF BOXBOROUGH

ZONING BYLAW

A true copy, attest:

Elizabeth A. Markiewicz

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TOWN CLERK of BOXBOROUGH

Amended through
Town Meeting
May 2012

ZONING BYLAW

BOXBOROUGH, MASSACHUSETTS

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ZONING BYLAW
BOXBOROUGH, MASSACHUSETTS

ARTICLE I AUTHORITY, PURPOSE, AND REGULATIONS

1000 Authority

In accordance with the authority conferred upon the Town by Article II of The Articles of Amendment to the Constitution of the Commonwealth of Massachusetts, MGL Chapter 40A, MGL c. 43B, § 13, and every other power granted thereto, the Town of Boxborough hereby adopts the following Zoning Bylaw which is intended and designed to achieve, but is not limited to, the following purposes.

1100 Purpose

This Zoning Bylaw is hereby adopted to lessen congestion in the streets; to conserve health, to secure safety from fire, flood, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to encourage housing for persons of all income levels; to facilitate the adequate provision of transportation, water, water supply, drainage, sewerage, schools, parks, open space and other public requirements; to conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment; to encourage the most appropriate use of land throughout the town; and to preserve and increase amenities by the promulgation of regulations to fulfill said objectives.

1200 Regulations

1201 General

In order to achieve the purposes of these Bylaws, said regulations include, but are not limited to restrictions, prohibitions and regulations concerning:

(1) Uses of land, including wetlands and lands deemed subject to seasonal or periodic flooding;

(2) 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 MGL c. 93, § 29-33, inclusive, and to MGL c. 93D;

(3) Uses of bodies of water, including water courses;

(4) Noxious uses;

(5) Areas and dimensions of land and bodies of water to be occupied or unoccupied by uses and structures, courts, yards and open spaces;

(6) Density of population and intensity of use;

(7) Accessory facilities and uses, such as vehicle parking and loading, landscaping and open space; and

(8) The development of the natural, scenic, and aesthetic qualities of the community.

1300 Exemptions

1301 General

Nothing contained in this Bylaw, however, shall be construed to:

(1) Regulate or restrict the use of materials or methods of construction of structures regulated by the State Building Code;

(2) Regulate or restrict the interior area of a single family residential building;

(3) 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;

(4) 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 such 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;

(5) Otherwise act in contradiction to the provisions of MGL c. 40A, § 3.

ARTICLE II DEFINITIONS

2000 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:

2001 "And" indicates that all the connected items, conditions, provisions, or events shall apply;

2002 "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination;

2003 "Either or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination;

2004 "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;

2005 "Used or occupied" shall be considered as though followed by the words "or intended or arranged to be used or occupied";

2006 "Structure", "lot", or "parcel" shall be construed as being followed by the words "or any portion thereof";

2007 "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;

2008 Terms and words not defined herein in the State Building Code, as the same is more fully defined in MGL 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 said Building Code.

2100 Definitions

2101 Accessory Structure shall mean a detached building or structure, subordinate to the principal building or use and located on the same lot therewith, the use of which is customarily incidental to such principal building or use.

2102 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.

2103 Accessory Use shall mean a use customarily incidental and subordinate to the principal building or use of the premises.

2104 Adult Use shall mean and include:

(1) Adult Bookstores, as defined in MGL c. 40A, § 9A;

(2) Adult Motion Picture Theaters, as defined in MGL c. 40A, § 9A;

(3) Adult Paraphernalia Store, as defined in MGL c. 40A, § 9A;

(4) Adult Video Store, as defined in MGL c. 40A, § 9A;

(5) Establishment Which Displays Live Nudity For Its Patrons, as defined in MGL c. 40A, § 9A

2105 Agriculture shall mean the use of land and structures thereon for the principal purpose of the commercial and/or domestic production of crops, fruit, dairy products, horses, cattle, sheep, goats, poultry, eggs, maple syrup products, or honey or any combination thereof.

2106 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.

2107 Animal Shelter shall mean buildings and appurtenant structures owned and operated by a charitable, non-profit organization, and used for the temporary confinement and care of dogs and cats. At any given time, said animal shelter may house no more than fifty (50) animals over the age of six (6) months, and not more than five (5) litters of puppies and five (5) litters of kittens.

2108 Aquifer shall mean a geologic formation composed of rock or sand and gravel having a saturated thickness of ten (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.

2109 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."

2110 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.

2111 Bed and Breakfast or Lodging Home shall mean a building providing lodging for visitors with the proprietor living on the premises.

2112 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.

2113 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 said point

below, taken vertically from any point at finished grade along the foundation wall, shall exceed the building height by greater than ten (10) feet. Building height shall be measured to the:

(1) Highest point of the roof of a flat roof;

(2) Point one-half way 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 one (1) foot vertical to one (1) foot horizontal, the measurement shall be taken at a point two-thirds (⅔) of the way up;

(3) Point one-half (½) way between the intersection of the lower slope with the upper slope and the ridge line or top of a mansard or gambrel roof; or

(4) Point two-thirds (⅔) 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.

2114 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.

2115 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.

2116 Building, Principal shall mean a building in which is conducted the main or principal use of the lot on which said building is situated.

2117 Car Sales shall mean the indoor or outdoor sale of new or used Class D cars or trucks provided that no more than twenty (20) vehicles are on the lot for sale or storage; and no vehicle is parked in the required front yard setback area.

2118 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.

2119 Club shall mean the facility of a non-profit social, sports, or fraternal organization which is used exclusively by members and their guests.

2120 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.

2121 Conservation Area, Public Park shall mean an area open to the general public and owned by the Town of Boxborough and reserved for recreation, educational, or scenic purposes.

2122 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 seven years of age or under sixteen years of age if such 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 such 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 such children are attending religious services; a family day care home, as defined in MGL c. 28A, § 9, as amended; an informal cooperative arrangement among neighbors or relatives; or the occasional care of children with or without compensation therefor.

2123 Dwelling shall mean any building used exclusively for human habitation but excluding boarding and lodging houses, hotels, motels, and mobile homes or house trailers.

2124 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.

2125 Dwelling, Two Family shall mean a detached residential building containing two (2) dwelling units and designed for and occupied by two (2) families.

2126 Dwelling, Multi-Family shall mean a residential building designed for or occupied by three (3) or more families, whether rental or owner occupied, with the number of families in residence not exceeding the number of dwelling units provided.

2127 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.

2128 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 MGL c. 40A, § 3.

2129 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.

2130 Farm shall mean agricultural, silvicultural, horticultural, viticultural, or floricultural activity on a parcel of land of less than five (5) acres, including necessary accessory structures, storage, and equipment, but excluding slaughterhouses, rendering plants, fur farms, or piggeries. Dwellings shall be permitted as accessory structures only in the Agricultural/Residential, Residence 1, or Town Center Districts.

2131 Farm, Exempted shall mean agricultural, silvicultural, horticultural, viticultural, or floricultural activity on a parcel of land of more than five (5) acres, pursuant to MGL c. 40A, § 3.

2132 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 in such a manner that it can be readily eaten outside the premises where it is sold.

2133 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.

2134 Floriculture shall mean the use of land and the structures thereon for the principal purpose of the commercial production of flowering plants.

2135 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.

2136 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.

2137 Horticulture shall mean the use of land and the structures thereon for the principal purpose of the commercial production of plants, especially ornamentals.

2138 Impervious Surface shall mean material on the ground that does not allow surface water to penetrate into the soil directly beneath it.

2139 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.

2140 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 such facility is located on five acres of land or more.

2141 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.

2142 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 and/or distribute bulk materials at the site.

2143 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.

2144 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.

2145 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.

2146 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.

2147 Lot Coverage shall mean the percentage of the lot area that is occupied by buildings.

2148 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 6104, herein or a special permit has been issued by the Planning Board in accordance with Section 4800), and the street has been determined by the Planning Board to provide adequate access for fire, police, and emergency vehicles. 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. (See Section 5002 Footnote 6) Lots with interrupted or discontinuous frontage must demonstrate that the required length along the street may be obtained from one (1) continuous frontage section, without any totaling of discontinuous frontage sections.

2149 Lot Line shall mean the lines bounding a lot.

2150 Lot Width shall mean the mean width, at the site of a principal building, measured at a ninety degree angle to the mean direction of the side lot lines.

2151 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.

2152 Mixed-use shall mean any combination of two or more of the following principal uses: retail, office, dwelling.

2153 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.

2154 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.

2155 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.

2156 Office shall mean a room or group of rooms used primarily for conducting the affairs of a business, profession, service, industry, or government.

2157 Philanthropic Use shall mean a charitable or nonprofit library, museum, or art gallery.

2158 Plate shall mean the uppermost portion of the vertical wall that supports the roof timbers.

2159 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; at most three lots may be connected to or otherwise share the same driveway; the driveway shall lie entirely within the lots being served. This subsection shall apply to Private/Common Driveways constructed after the Annual Town Meeting of May 13, 1985, and as specified in Section 6104 of the Zoning Bylaw.

2160 Public Utility shall mean a utility licensed by the Massachusetts Department of Public Utilities.

2161 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.

2162 Recharge Rate shall mean the total annual precipitation which infiltrates through the surface of the ground and percolates to the water table.

2163 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.

2164 Repair Shop shall mean an establishment used for repair of household appliances, bicycles, lawn mowers, and similar small equipment.

2165 Research and Development shall mean an establishment or other facility for carrying on investigation in the natural, physical or social sciences, or engineering and development as an extension of investigation with the objective of creating end products.

2166 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.

2167 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.

2168 Sanitary Waste shall mean waste waters arising from ordinary domestic water use as from toilets, sinks, and bathing facilities, etc., and containing such concentrations and types of pollutants as to be considered normal human wastes.

2169 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.

2170 Service Shop shall mean an establishment providing personal services such as barber shop, dry cleaner, hair salon, shoe repair, or similar use.

2171 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. For the purpose of definition, unroofed porches, decks, balconies, and stairways projecting more than two 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.

2172 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.

2173 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.

2174 Sign, Projecting shall mean a sign which is affixed to a building and which extends more than six inches perpendicular to the surface to which it is affixed.

2175 Sign, Tradesmen shall mean a sign associated with a contractor, excavator, painter, plumber, roofer, electrician, landscaper, home improvement or a provider of similar services.

2176 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 six (6) inches from the surface of that building.

2177 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.

2178 Sports or Athletic Facility shall mean a facility offering participant physical activities such as bowling, basketball, gymnastics, dancing, martial arts, or exercise instruction.

2179 Street, Way, or Road 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 such land and the buildings erected or to be erected thereon.

2180 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 six (6) 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.

2181 Subdivision Control Law shall mean MGL c. 41, § 81K through 81GG, inclusive, the Subdivision Rules and Regulations adopted pursuant thereto by the Planning Board, as well as the administration and enforcement thereof.

2182 Toxic or Hazardous Material shall mean any substance or mixture having such chemical, physical, or infectious characteristics that it could 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 such products as pesticides, herbicides, solvents and thinners, and any other material deemed hazardous by MGL c. 21C.

2183 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 fifty (50) square feet.

2184 Upland Lot Area shall mean the contiguous area of the lot exclusive of (1) all wetlands as defined by the Wetlands Protection Act (MGL ch 131,§ 40) and the Boxborough Wetlands Bylaw; (2) the 100 foot wetlands buffer zone as defined in the Boxborough Wetlands Bylaw; (3) land in the W-District as defined in this Bylaw; and (4) land within 100 feet of the W-District boundary.

2185 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 such activity with respect to the requirements of this Bylaw.

2186 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.

2187 Warehouse shall mean a structure for the indoor storage of goods for distribution, but not for sale on the premises.

2188 Wholesale operation shall mean the sale of commodities in quantity for resale or further processing.

2189 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.

2190 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.

2191 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.

2192 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.

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ARTICLE III ESTABLISHMENT OF DISTRICTS

3000 Districts

3001 Types of Districts

For the purpose of this Bylaw, the Town of Boxborough is hereby divided into the following types of districts:

(1) Agricultural-Residential (AR)
(2) Residential-1 (R1)
(3) Business (B)
(4) Business-1 (B1)
(5) Office Park (OP)
(6) Town Center (TC)
(7) Industrial-Commercial (IC)
(8) Aquifer Protection Overlay
(9) Wetlands and Watershed Protection Overlay
(10) Flood Plain Overlay
(11) Wireless Communication Facilities Overlay

3002 Location of Districts

Said Districts, with the exceptions of the Aquifer Protection, Wetlands and Watershed Protection, Flood Plain, and Wireless Communication Facilities Districts, which are individually mapped, are located and bounded as shown on a map entitled "Zoning Map of Boxborough, Massachusetts" dated May 2008 and consisting of 12 sheets with an index sheet.

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ARTICLE IV USE REGULATIONS

4000 Use Regulations

4001 General

No structure shall be erected or used or land used except as set forth in Section 4003, "Use Regulation Schedule", or in Section 4100, "Accessory Buildings and Uses", unless exempted by Section 4100, or by statute. Where a use is not specifically mentioned in Section 4003, that use shall be prohibited.

Symbols employed below shall mean the following:

Y - a permitted use.
N - an excluded or prohibited use.
SP - a use authorized under special permit as provided under Section 9250.

4002 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.

4003 Use Regulation Schedule

Principal Uses (For Accessory Uses see Section 4100).

4003(1) **RESIDENTIAL USES**	**DISTRICTS**						
	AR	**R1**	**B**	**B1**	**OP**	**TC**	**IC**
Single-family dwelling[16]	Y	Y	N	N	N	SP	N
Two-family dwelling	N	N	N	SP[1]	N	SP	N
Conversion to two-family dwelling of dwelling in existence on 5/3/65	SP[14]	SP	Y	SP[1]	N	Y	SP
Multi-family dwelling	N	Y[1]	N	SP[1]	N	N	N
Two-family dwelling, reserved exclusively for elderly occupancy	SP	N	N	SP[1]	N	Y[1]	N
Bed and Breakfast	N	N	N	N	N	SP[1]	N
Trailer or mobile home (but see Section 7600)	N	N	N	N	N	N	N
Dwelling unit incidental to principal commercial use	N	N	N	SP[1]	N	SP[1]	N

4003(2) **EXTENSIVE USES**	DISTRICTS						
	AR	**R1**	**B**	**B1**	**OP**	**TC**	**IC**
Exempted farm, pursuant to MGL c. 40A, § 3	Y	Y	Y	Y	Y	Y	Y
Farm	Y	Y	Y[15]	Y[15]	Y[15]	Y	Y[15]
Ski Tow and accessory structures	SP	SP	Y	Y	SP	N	SP
Riding school with less than 20 horses	SP	SP	Y	Y	SP	N	SP
Private golf course, at least 9 holes, average 300 yds. per hole	SP	SP	Y	Y	SP	N	SP
Public or private facility providing Tennis, swimming or skating	SP	SP	Y	Y	SP	N	SP
Commercial earth removal	N	N	N	N	N	N	Y[2]
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

4003(3) **UTILITY AND PUBLIC SERVICE USES.**	DISTRICTS						
	AR	**R1**	**B**	**B1**	**OP**	**TC**	**IC**
Public utility	SP	SP	Y	Y	SP	SP	SP
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

4003(4) **BUSINESS/INDUSTRIAL USES**	DISTRICTS						
	AR	**R1**	**B**	**B1**	**OP**	**TC**	**IC**
Convalescent, nursing, or rest home	SP	SP	Y	Y	SP	Y	SP
Assisted Living Facility	N	N	Y	Y	SP	N	SP
Day care center	Y	Y	Y	Y	Y	Y	Y
Animal Shelter	N	N	N	N	N	N	SP[13]
Hospital, sanatorium, funeral home	N	N	Y	Y	SP	N	SP
Sports or athletic facility or full-sized public golf course	N	N	Y	Y	SP	N	SP

4003(4) **BUSINESS/INDUSTRIAL USES (Continued)**	**DISTRICTS**						
	AR	**R1**	**B**	**B1**	**OP**	**TC**	**IC**
Club	N	N	Y	Y	SP	N	SP
Professional or business office	N	N	Y	Y	Y	Y	Y
Kennel	N	N	SP	SP	SP	SP	SP
Veterinary	N	N	Y	Y	Y	Y	SP
Research & Development	N	N	Y	Y	Y[3]	N	SP[3]
Bank	N	N	Y	Y	Y	Y[4]	Y
Hotel, motel, inn	N	N	Y	Y	Y	N	SP
Conference center	N	N	N	N	Y	N	SP
Restaurant	N	N	SP[5]	SP[5]	SP	SP[5]	SP
Fast-food restaurant	N	N	N	N	N	N	N
Service shops (salon, barber, dry cleaner)	N	N	Y	Y	SP	Y[6]	SP
Craft shop or art studio	N	N	Y	Y	SP	Y[7]	SP
Printing shop/Copy Shop/ Word Processing center	N	N	Y[12]	Y[12]	Y[12]	N	Y[12]
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[18]	Y[8]	N[18]
Adult Use	N	N	N	N	N	N	SP
Automobile service station	N	N	N	N	SP	N	SP
Repair garage, auto detailing garage or like facility	N	N	SP	SP	SP	N	SP
Self-storage facility	N	N	N	N	N	N	Y
Car Sales	N	N	SP	SP	SP	N	SP
Repair shop	N	N	Y	Y	SP	N	SP
Warehouse	N	N	N	N	N	N	Y[9]

4003(4) **BUSINESS/INDUSTRIAL USES (Continued)**	**DISTRICTS**						
	AR	**R1**	**B**	**B1**	**OP**	**TC**	**IC**
Wholesale operations	N	N	Y[9]	Y[9]	SP[9]	N	Y[9]
Light Manufacturing	N	SP[10]	Y[11, 12]	Y[11, 12]	Y[12]	N	Y[12]
Manufacturing	N	N	N	Y[11, 12]	N	N	Y[12]
Landscaping Services	Y[19]	N	Y	Y	SP	Y[19]	Y
Landscaping Contractors	N	N	SP	SP	SP	N	Y

FOOTNOTES

[1] See Section 5004.

[2] In accordance with Boxborough Earth Removal Bylaw.

[3] Provided that hazardous materials are not a primary part of the business.

[4] Drive-through windows or drive-through ATMs are prohibited.

[5] 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.

[6] No dry cleaning shall be done on the premises.

[7] Hours of operation 6:00 a.m. to 10:00 p.m. only.

[8] 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 2100 for definitions).

[9] 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.

[10] Provided that five or fewer persons are employed therein.

[11] Provided the major portion of the goods produced is sold to the consumer on the premises by the producer.

[12] Provided that these operations do not use hazardous materials except as an incidental part of their business nor in quantities greater than would normally be used in 90 days, and in accordance with the existing state and federal regulations and the Federal Resource Conservation & Recovery Act. The operation shall provide adequate facilities for storage, containment and safety precautions for the hazardous materials used. Hazardous materials shall be disposed of off-site by a state-registered hazardous waste disposal contractor.

[13] Such use shall only be located in the Industrial/Commercial Zone District along Codman Hill Road.

[14] 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.

[15] Dwellings shall be permitted as accessory structures only in the Agricultural-Residential, Residential 1, and Town Center Districts.

[16] See Section 5005.

[17] See Section 7400 Wireless Communication Facilities.

[18] Except retail stores customarily incidental and subordinate to the principal use of the premises.

[19] Allowed only as a Home Occupation pursuant to Section 4102 & 4103

4100 Accessory Buildings and Uses

4101 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.

4102 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 8 round trips per day are generated by the home occupation.

4103 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 such permit with or without a new public hearing.

4104 Storage of camping trailer or travel trailer, not used as a dwelling, is permitted.

4105 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.

4106 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.

4107 Accessory Apartment

As provided herein, the Planning Board may grant in the 1st year up to 20 permits and thereafter a total of 5 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 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; increasing the range of housing accommodations; encouraging a greater diversity of population; and 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.

(1) *Accessory Apartments Allowed By Special Permit*

The Planning Board may grant a Special Permit for an accessory apartment provided that:

(a) The accessory apartment is attached to or within a single-family dwelling, or is within a detached accessory structure in existence on or before March 8, 2007 and

(b) provided that all of the following additional requirements are met:

1. No more than one accessory apartment may be located on the lot.
2. 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.
3. The accessory apartment shall contain no more than 3 rooms, excluding hallways, bathrooms and closets.
4. Either the single-family dwelling or the accessory apartment shall be occupied by the owner of the lot. For the purposes of this section, the "owner" shall be one or more individuals holding legal or beneficial title to said lot and for whom the dwelling is the primary residence for voting and tax purposes.
5. The private water and on-site sewage disposal system shall be adequate to serve both the existing single-family dwelling and the accessory apartment.
6. Any entrance required by the inclusion of an accessory apartment shall be clearly secondary to the main entrance of the primary dwelling unit.
7. 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.
8. Two (2) off-street parking spaces shall be provided for the accessory apartment.

9. 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.
10. The accessory apartment shall be occupied only by the owner(s) of the lot, their family members, or in-home care providers for said owner(s) or their family members.
11. The number of occupants in the accessory apartment shall be limited to three people.

4200 Nonconforming Uses and Structures

4201 General

Except as may otherwise be provided by law, this Bylaw shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing on such Bylaw required by MGL c. 40A, § 5, but shall apply to a building or special permit issued after the first notice of said public hearing, to any reconstruction, extension or structural change of such structure and to any alteration of a structure begun after the first notice of said public hearing to provide for its use for 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 structural change to a single or two-family residential structure does not increase the non-conforming nature of said structure.

4202 A special permit must be obtained from the Board of Appeals pursuant to the provisions of Section 9200 before any change, alteration, or extension of a nonconforming use or structure may be made and no such permit will be granted unless the Board of Appeals shall have found that such change, alteration, or extension shall not be substantially more detrimental to the neighborhood than the existing nonconforming use.

4203 No change, alteration, or extension of any nonconforming use or structure shall result in an extension of the structure or an increase in the use to more than one hundred percent in excess of the structure or use existing or begun when this Bylaw was adopted.

4204 This section shall not apply to billboards, signs, and other advertising devices subject to the provisions of MGL c. 93, § 29-33, inclusive, and to G.L. c. 93D.

4205 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 not more than six months after the issuance of the permit and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

4206 Wherever a lawful nonconforming use or structure has not been used as such for twenty-four consecutive months or more, it shall not be resumed or re-established and all future uses shall conform to this Bylaw.

4207 To the maximum extent permitted by law, wherever a nonconforming use or structure has been changed to a more conforming use, it shall not again be changed to a less conforming use.

4208 If a nonconforming structure is destroyed by fire or other casualty, then any rebuilding or restoration can take place as of right so long as the rebuilding or restoration conforms in size, configuration, and extent of use to that which existed prior to the destruction or damage and so long as said reconstruction shall have been begun within one year of such casualty; otherwise, no such building or restoration shall take place without a special permit from the Board of Appeals as herein below provided.

4209 Any permitted restoration or rebuilding shall be substantially completed within two years after the issuance of the special permit therefor, or such permission shall lapse.

4300 Special Permits in Town Center District

In addition to the standards set forth in Section 9204 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 8100 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:

(1) 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.

(2) Any retail services shall be designed to serve the town's population, rather than the region.

(3) The proposed use shall contribute to the diversity of services and land uses available in the town center.

(4) 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.

4301 Single-Family Dwellings 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 shall only be permitted by special permit in conjunction with commercial development in a Mixed Use Development.

4302 Applicability

The Planning Board shall be the special permit granting authority for single-family dwellings in the Town Center. 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 such extension or alteration complies with the applicable dimensional requirements of the Zoning Bylaw. Building permits for new single-family dwellings may be withheld unless such single-family dwelling complies with the provisions of the Bylaw and any special permit rendered hereunder.

New single-family dwellings may only be permitted 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, as well as single-family dwellings.

4303 Criteria

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

(1) The proposal is consistent with the Master Plan;

(2) The proposal meets all the applicable dimensional requirements of the Zoning Bylaw;

(3) The proposed commercial uses are compatible with single-family residential uses;

(4) No more than 30 percent of the Gross Floor Area of the Mixed Use development may be used for single-family purposes;

(5) The commercial development will be constructed at the same or greater pace than the residential development on a square footage basis;

(6) Each single-family dwelling is located on its own lot;

(7) Buildings meet the architectural standards in Section 8006(9) for the Town Center District.

4400 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:

(1) 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 and/or live-in aid.

(2) There are no more than two units per building.

(3) 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.

(4) The proposed site contains a minimum of 10 acres.

(5) The minimum upland area is 5 acres.

(6) The maximum density is 2 units/60,000 square feet.

(7) Traffic generation is similar or less than what would be generated if the land were developed into single-family dwellings.

(8) The architectural style of the units is similar in character and appearance to other dwellings in the neighborhood.

(9) Adequate landscaped buffers are provided around the development.

4450 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 9204, find that the proposal meets the following criteria and conditions:

(1) The proposed residential use in the B1 district is compatible with existing or allowed business uses;

(2) Adequate landscaped and natural buffers are provided, and, where appropriate, physical buffers, such as berms, fences and/or walls are proposed between residential and commercial uses;

(3) The proposal, to the maximum extent possible, protects the existing tree canopy on Massachusetts Avenue (Route 111);

(4) The proposal retains and/or preserves unique natural, historical or cultural resources located on the site, if any;

(5) The proposal conforms, to the maximum extent possible, the applicable standards set forth in Section 8100 Design Review under Section 8105 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 and/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 8105 and compatibility with the surrounding area.

4500 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 9204 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.

4600 Special Permit for Car Sales

4601 General

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 9204 of this Bylaw find the following:

(1) No more than twenty (20) vehicles will be stored or for sale on the site;

(2) No cars will be parked in the front yard setback area;

(3) Only passenger vehicles or light trucks will be for sale on the site;

(4) No large trucks or campers will be for sale on the site;

(5) Outdoor display areas contain adequate landscape buffers.

4700 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 9204 of this Bylaw, consider each of the following factors before the issuance of a special permit:

(1) Suitability of the site for the proposed restaurant.

(2) The effect on traffic flow and safety and the impact of traffic on neighboring streets.

(3) Compatibility of proposed building design, scale, and size with community & neighborhood character.

(4) Adequacy of plans to reduce or eliminate noise, smells, and litter.

(5) Sale of food for take out service is expressly prohibited.

4800 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 said lot. In addition to the standards set forth in Section 9204 of this Bylaw, the Special Permit Granting Authority shall also consider each of the following factors before the issuance of a special permit:

(1) 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.

(2) Whether the minimum width of the lot from the alternate access road to the building shall be more than fifty (50) feet.

(3) Whether the proposed driveway location minimizes impacts to wetlands compared to a driveway access through the legal frontage.

(4) 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.

(5) Whether the proposed driveway preserves shade trees and stone walls along designated scenic roads.

(6) 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.

4900 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:

(1) No adult use special permit shall be issued to any person convicted of violating the provisions of M.G.L. Chapter 119, § 63 or M.G.L. Chapter 272, § 28.

(2) No lot containing an Adult Use shall be located within 750 feet of an Agricultural-Residential District or an existing residential use.

(3) No lot containing an Adult Use shall be located within 750 feet of the Boxborough Town line.

(4) 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.

(5) No lot containing an Adult Use shall be located within 1,000 feet of any other lot containing an Adult Use.

(6) 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; adult motion picture theater, adult entertainment or similar Adult Use between the hours of 3:00 p.m. and 12:00 midnight.

(7) 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 such 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.

(8) 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 such renewal is made to the special permit granting authority prior to said expiration, and that no objection to said 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 V DIMENSIONAL REQUIREMENTS

5000 Dimensional Requirements

5001 General

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 MGL c. 40A, § 6).

5002 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.)	150[6]	150	100	100[8]	200	100	200
Minimum lot width (ft.)[7]	100	125	100	100	125	100	125
Minimum front setback (ft.)	40	40	50	50[8]	50	25[2]	50
Minimum side setback (ft.)	30	30	30	30[8]	50	20[2]	50
Minimum rear setback (ft.)	40	40	40	40[8]	50	20[2]	50
Maximum stories	3	3	3	3	3	3	3
Maximum building height (ft. to top of plate)	45	45	45	30	45	45	45
Maximum lot coverage (%) by buildings, structures, and impervious surfaces	--	--	50	50	30[1]	35[3]	30[1]
Floor area ratio	--	--	--	--	0.1	-[5]	0.1
Minimum Open Space (%)	--	--	--	--	--	65[4]	--

FOOTNOTES

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

[2] 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.

[3] As calculated for the entire site as shown on a Site Plan in accordance with Section 8000, excluding sidewalks.

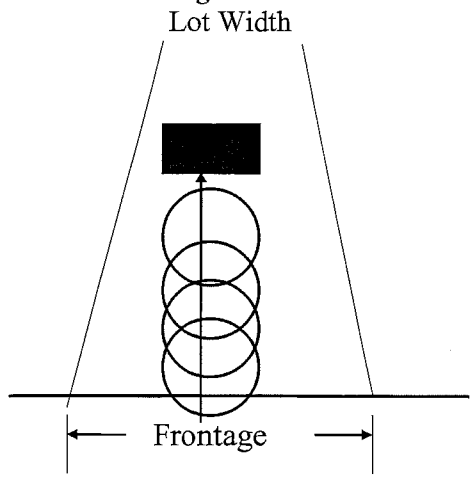
[4] Maintained as open space or sidewalks. Open space shall be protected by adequate covenants to run with the land or by conveyance, lease, or dedication approved by the Planning Board.

[5] 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 pursuant to Section 9200 of this Bylaw.

[6] 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.

[7] 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.)

Figure 1
Lot Width



[8] 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 such an adjustment enhances the overall site design and still provides protection to adjacent business and industrial/commercial development.

5003 Reduced Frontage Lots

The Board of Appeals may permit construction on a reduced frontage lot pursuant to a special permit in accordance with Section 9200 of this Bylaw in accord with the intensity regulations and requirements set forth below. It is the intent of this section 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 5000 will not serve the best interests of the Town. Such lots shall only be permitted in the Agricultural-Residential District.

(1) The lot shall have a minimum of 120,000 sq. ft.

(2) Where the lot has an area of at least 120,000 sq. ft., but not more than 200,000 sq. ft., the frontage requirement shall be 75 feet. Lots greater than 200,000 sq. ft. may have frontage of not less than 50 feet.

(3) The building line shall be at least 150 ft.

(4) Setbacks shall be 40 ft. for front yards, 30 ft. for side yards, and 40 ft. for rear yards.

(5) No building shall exceed 3 stories or 45 ft. in height to the top of the plate.

(6) The minimum lot width from the street frontage to the building line shall at no point be less than the minimum frontage required.

5004 Supplementary Intensity Regulations

(1) For multi-family dwelling in TC district reserved exclusively for elderly occupancy, density not to exceed 10 units/80,000 sq. ft. land area.

(2) For bed and breakfast in TC district, not to exceed 4 guest rooms per acre, and to be designed as a single-family structure.

(3) For dwelling unit incidental to commercial use in TC or B1 district, density of the dwelling units shall not exceed 2 units/acre, and the proposed commercial use shall not adversely affect the residential units.

(4) For a multi-family dwelling located in a Residential - 1 District, the number of units shall not exceed a maximum density of three (3) units per 80,000 square feet of land area.

(5) For a multi-family dwelling located in the B1 District, the number of units shall not exceed a maximum density of three (3) units per 40,000 square feet of land area.

5005 Further Supplementary Intensity Regulations

No more than one single-family dwelling may be located on a lot.

5006 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.

5007 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 ten (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 ten (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.

5008 Height restrictions for tall structures and roof-attached structures, except as covered under Section 7400 Wireless Communication Facilities

(1) Tall structures are defined as any freestanding man-made device (tower, antennae, wind turbine, lattice, etc.) which exceeds forty-five (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.

(2) Roof mounted or attached structures are permitted provided that such structures do not exceed ten (10) feet above the uppermost part of the building to which it is attached or forty-five feet (45) total height from ground level whichever is less.

5009 Lot Regularity

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% 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.

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

ARTICLE VI GENERAL REGULATIONS

6000 Parking and Off-Street Loading Requirements

6001 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.

6002 Location

Except as provided for in Section 6003, 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 6006.

6003 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:

(1) The combined amount of parking is not less than the sum of the requirement for each use separately; and

(2) That it is evident that such common facility will remain available for the several buildings or uses; and

(3) 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

(4) That where any use does not directly abut a common parking facility, such use shall not be located at a distance greater than six hundred (600) feet away from the common parking facility.

(5) The number of spaces required to be paved in a common parking facility may be reduced by the Planning Board on site plan review where it is sufficiently demonstrated by competent evidence that the hours or days of peak parking need of the individual users are so different that a lower total will adequately provide for the parking requirements of all users served by the facility; provided that no reduction shall relieve any or all users from satisfying the parking requirement for their use in the event that the common facility becomes no longer available to them.

6004 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 6200 of this Bylaw.

6005 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 twenty (20) inches per seat.

6006 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

Use	Minimum Off-Street Parking Ratios
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	One space per guest room, plus one 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	Two spaces plus one space per employee
Manufacturing, Wholesale Operations, Public Utility Buildings other than Business Offices, Warehouses and similar uses not normally visited by the general public	One space per employee, plus one space for each vehicle used in the operation
Assembly area without fixed seats, including sports fields, field house and similar uses	One space per 50 sq. ft. of assembly or spectator area
Assembly area with fixed seats including auditoriums, churches, and similar uses including funeral parlors	One space per four seats
Bowling alleys	Four spaces per lane
Banks, Libraries, and Post Office	One space per 100 square feet of area devoted to public use, plus one space per employee

OFF-STREET PARKING REQUIREMENTS

Use	Minimum Off-Street Parking Ratios
Business and Professional Offices, Office Buildings, Governmental Uses, Philanthropic Uses, Repair Shops, Research and Development Facilities, Light Manufacturing and Office of a Wholesale Operation including sales space	One space per 250 sq. ft. gross floor area
Clubs, Lodges and Association Buildings	One space per two memberships
Convalescent, Nursing or Rest Home, Hospital or Sanitarium	One space per three beds plus one space per employee, plus one space per two visiting staff members
Assisted Living Facility	Two 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	Four spaces per doctor, dentist and allied professional person
Veterinary	Three spaces per doctor plus one space per employee on the largest shift
Kennel	Two spaces plus one space per employee
Restaurants, Lounges and Function Rooms of Hotels or Clubs	One space per two seats, based on the legal seating capacity of the facility
Retail Stores or Service Shops, Printing Shop/Copy Center/ Word Processing Center	One space per 150 feet of gross floor area with a minimum of four spaces per establishment
Craft Shop or Art Studio	One space per 150 feet of gross floor area of the sales space.
Bed and Breakfast	Two spaces, plus one additional space for each rooming unit.
Day Care Center	One space per two employees
Recreational Use	One space per three seats of rated capacity or one space per four persons normally expected on the premises at the time of maximum use, plus such additional spaces for the number of employee vehicles which can be reasonably expected at any one time on the premises
Educational Use	One space for each staff person plus one space for each five persons of rated capacity of the largest auditorium
Conference Center	One space per two seats in the largest assembly area, plus such 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	Three spaces for each service bay plus one space for each employee on the largest shift
Car Sales	One space per 1,500 square feet of gross floor area of indoor and outdoor display area
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
Landscaping Services, Landscaping Contractors	One space per each vehicle or trailer used in the operation and one space per three employees

6007 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. Such 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 5000 to 8000 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 5000 sq. ft. not normally handling goods in large quantities including hospitals, office buildings, restaurants, auditoria, 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

6008 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.

6009 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 by competent evidence that a lower number of parking spaces and/or a smaller amount of off-street loading space will adequately provide for the parking and/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 6006 and Section 6007.

6100 Access, Driveways, and Private Ways

6101 Location

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

6102 Off-Street Waiting Space

Off-street waiting space shall be provided in accordance with Section 6008.

6103 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:

(1) Thirty days have expired since the submission of such site plan to the Planning Board with no recommendations received from said board; or

(2) 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.

6104 Private/Common Driveways in the Agricultural-Residential (AR) Districts

Private/Common Driveways in the AR District shall be allowed only by special permit by the Planning Board. Such Private/Common Driveways shall comply with the Boxborough Driveway Approach Bylaw as adopted June 29, 1964, and as subsequently amended.

(1) No more than three (3) lots shall be accessed by a Private/Common Driveway. The Driveway shall lie entirely within one or more of the lots being served.

(2) 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.

(3) No more than three (3) Private/Common Driveways shall be located on a dead-end street.

(4) 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 of Boxborough, 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.

(5) Private/Common Driveways in the AR District shall meet the following construction standards:

(a) All topsoil shall be removed from the Private/Common Driveway.

(b) Private/Common Driveways shall be subgraded 15" below finished grade and inspected at this stage by the Superintendent of Streets or his designated agent.

(c) Private/Common Driveways shall have 12" or more of gravel and shall have 2 ½" of hot top extending a minimum distance of 25 feet from the junction with the roadway along the driveway.

(d) Private/Common Driveways shall be constructed to a minimum width of 16 feet.

(e) Private/Common Driveways shall have a minimum of a 3-foot shoulder on each side of the paved surface.

(f) Private/Common Driveways shall meet town roads as shown in the Driveway Approach Bylaw.

(g) Private/Common Driveways shall have drainage structures where needed.

(h) Private/Common Driveways shall not exceed a slope of 8%.

(i) Private/Common Driveways shall provide turning location within 100 feet of each house served to accommodate fire fighting equipment.

(j) Private/Common Driveways shall be no closer than ten (10) feet at any point from abutting lots not served by the Common Driveway.

6105 Private/Common Driveways in the Business, Business 1, Office Park, Town Center, and Industrial-Commercial Districts

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:

(1) The use of a Private/Common Driveway improves safety, convenience, and traffic flow on any road in Boxborough.

(2) The Private/Common Driveway is in conformance with the purpose and intent of the Zoning Bylaw.

(3) The Private/Common Driveway is consistent with the Master Plan.

(4) The Private/Common Driveway shall comply with the Boxborough Driveway Approach Bylaw as adopted June 29, 1964, and as subsequently amended.

(5) 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.

(6) 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 of Boxborough, 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.

(7) Private/Common Driveways in the B, B1, OP, TC, and IC Districts shall meet the following construction standards:

(a) All topsoil shall be removed from the Private/Common Driveway.

(b) Private/Common Driveways shall be subgraded 15" below finished grade and inspected at this stage by the Director of Public Works or his designated agent.

(c) Private/Common Driveways shall have 12" or more of gravel and shall have 3½" of hot top (2" binder and 1½" top course).

(d) Private/Common Driveways shall be constructed to a minimum of a 20-foot width.

(e) Private/Common Driveways shall have a minimum of a 3-foot shoulder on each side of the paved surface.

(f) Private/Common Driveways shall have drainage structures where deemed necessary by the Planning Board.

(g) Private/Common Driveways shall not exceed a slope of 8%.

(h) Adequate provisions for fire fighting equipment shall be made.

6200 Landscaping, Screening, and Outdoor Lighting

6201 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.

(1) In any Business, Office Park, or Industrial-Commercial District, the required front yard setback may not be used for parking. 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. 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. In an Office Park or Industrial-Commercial District the side and rear yard setbacks shall not be used for parking.

(2) *Exceptions* In the Business, Town Center, Office Park, or Industrial-Commercial Districts, parking may be located within the side and/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 6003, in which the parking located within the side and/or rear yard of one lot shares a common lot boundary with the parking located in the side and/or rear yard of the adjacent lot.

6202 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 such screening shall be maintained by the owner in a sightly 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.

(1) 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.

(2) 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.

(3) 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.

6203 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 his discretion, permit suitable wheel stops in lieu of continuous curbing.

6204 Lighting

Outdoor lighting from any source, including sign illumination, shall be continuous white light installed in such manner 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.

(1) To prevent unnecessary sky glow and other glare, particularly that interfering with astronomical research, all outdoor lighting fixtures shall be shielded from above 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.

(2) High pressure sodium lamps shall not be used.

(3) 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.

(4) 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.

(5) The mounting height of lighting fixtures shall not exceed 30 feet above the ground plane.

6205 Exemption

Any lighting fixture in existence on June 8, 1976, shall be exempt from these conditions.

6300 Signs

6301 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 and/or use of the premises; and to limit indiscriminate advertising.

6302 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 include a scale drawing specifying dimensions, materials, illumination, letter sizes, colors, support systems and location on land or buildings, with all relevant measurements. 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.

6303 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 three colors except when an illustration is used. Fluorescent colors are prohibited.

(1) 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.

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

(3) Sign Illumination. Any illuminated sign shall employ only white light of constant intensity and shall conform with Section 6200 of this Bylaw. No sign shall be illuminated for more than 30 minutes after the closing of any store or business. Internally lit signs are discouraged in Industrial-Commercial, Business and Office Park Districts and are prohibited in the Agricultural-Residential and the Town Center District.

6304 Prohibited Signs

(1) No sign shall be erected that creates a traffic hazard or obstructs sight lines or distracts from signs regulating traffic.

(2) No sign shall contain 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.

(3) Trailer type signs, roof signs, off-premises signs, and billboards are strictly prohibited.

6305 Exemptions

The following signs shall not require a sign permit.

(1) Signs erected or posted and maintained for public safety and welfare or pursuant to any governmental function, law, Bylaw, or other regulation.

(2) A bulletin board or similar sign not exceeding twenty square feet in display area, in connection with any church, museum, library, school, or similar public or semi-public structure.

(3) Signs relating to trespassing and hunting, not exceeding two square feet in area.

(4) Temporary non-illuminated political signs.

(5) Temporary signs in connection with any church or town event.

(6) 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.

(7) Signs associated with an agricultural use as defined in MGL c.40A, §3, offering for sale produce and other products, provided the following:

(a) The sign may indicate only the name of the farm, products for sale and/or the price of said 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 two 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.

(8) Temporary signs associated with tradesmen business, provided the following:

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

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

(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 seven (7) days following the completion of the work.

(9) Temporary signs associated with a retail business, provided the following:

(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;

(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, with no more than a total of four signs on any one property;

(e) The sign is located on the same property on which the business is conducted;

(f) 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 is displayed no more than 10 days a month.

6306 Signs Permitted in Residential Districts shall include:

(1) One sign displaying the street number and/or name of the occupant of the premises and/or pertaining to a permitted home occupation or accessory use, provided that such sign is no greater than one square foot in area.

(2) One temporary sign pertaining to the lease or sale of the premises; such sign to be no greater than six square feet in area, and shall be removed within seven days of the lease or sale thereof.

(3) 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 such sign shall not exceed ten square feet in area.

(4) One non-illuminated subdivision identification sign per street entrance provided that the sign shall not exceed ten square feet in area.

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

6307 Signs Permitted in Business Districts, Office Park Districts, and Industrial-Commercial Districts shall include:

(1) 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 said sign or signs is (are) attached and no wall sign shall extend above or beyond its wall.

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

(3) 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 thirty-two square feet in area and ten feet in height. Such sign shall be removed within seven days of issuance of an occupancy permit.

(4) A temporary freestanding pole or ground sign not exceeding thirty-two square feet advertising the sale, lease or rental of the premises; however such sign shall be removed within seven days of the sale, lease or rental thereof.

(5) 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 thirty-two square feet in area nor ten 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.

6308 Signs Permitted in the Town Center District

Any new sign or alterations to existing signs shall require Design Review in accordance with Section 8100. 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.

(1) One projecting or wall sign per street frontage for each business establishment. The aggregate of all such signs shall not exceed one and a half square feet of total sign area per linear foot of storefront or 10 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 eight feet from the bottom of the sign.

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

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

(4) 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 twenty square feet in area and ten feet in height. Such sign shall be removed within seven days of issuance of an occupancy permit.

(5) A temporary freestanding pole or ground sign not exceeding twenty square feet advertising the sale, lease or rental of the premises; however such sign shall be removed within seven days of the sale, lease or rental thereof.

(6) 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 twenty square feet in area nor ten 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.

(7) 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.

6400 Environmental Protection

6401 General

Evidence of conformity with these Environmental Protection Standards may be required by the Inspector of Buildings when, in his 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, such instruments to be operated and maintained by the applicant at his expense and shall be available to the Inspector of Buildings or his 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 Mass. and the United States Government, and any regulations adopted pursuant thereto.

6402 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.

(1) No land or structure shall be used in any of the aforesaid districts as a rendering plant, a slaughter house, a junk yard, a commercial dump, a farm for fox, mink or other fur bearing animals, or 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 such storage of liquid or gas is incidental to a business or industrial-commercial use.

6403 Storage of Waste or Refuse

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 of the Town of Boxborough. When stored outdoors, such 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. 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.

(1) *Hazardous Waste.* No land or structure shall be used in any of the aforesaid districts as a facility for hazardous waste or disposal of hazardous waste as such

terms are defined by G.L. c. 21C, s. 2, or for the garaging or temporary storage of vehicles used in the transportation of such hazardous waste.

(2) *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 such 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 MGL c. 140, § 57, 58 and 59.

6404 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:

(1) *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: 7a.m.-6p.m.	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)

*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.

(2) *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.

(3) *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 any one or more of the following locations:

(a) The lot line of a lot in an Agricultural-Residential District; or

(b) The lot line of any Residential or Institutional use in any District; or

(c) Along any public way

(4) *Odors.* No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be readily detectable at the lot line without instruments.

(5) *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 MGL c. 111, § 142D.

(6) *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 VII SPECIAL REGULATIONS

7000 Aquifer Protection District

7001 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.

7002 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 such land is situated but only to the extent not inconsistent with the regulations for the Aquifer Protection District.

7003 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 and/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. Such 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.

7004 Use Regulations

Symbols employed below shall mean the following:

Y - a permitted use.

N - excluded or prohibited use.

SP - a use authorized under special permit as provided under Section 9200.

a. Use of sodium salts except on public highways in minimum amounts consistent with Public Highway Safety	N
b. Storage of road salt or other de-icing chemicals, unless housed to prevent leaching from rain water or snow melt	N
c. Dumping of snow brought in from outside the Aquifer Protection District	N
d. Industrial uses which discharge process wastewater on-site, except for the treatment of sanitary waste	N
e. 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
f. Subsurface disposal of liquid or leachable waste or other than sanitary waste	N
g. Disposal of sanitary waste to a subsurface disposal system in quantities exceeding the limit calculated as described below or construction of such a sanitary waste system exceeding the limit as described below where said disposal system or its leaching field is wholly or partly within an Aquifer Protection District:	
(1). When a lot is entirely within this district, sanitary waste disposal in excess of 440 gallons per day per acre	N
(2). 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 below in subsection r.	N
h. Rendering impervious of more than 20% of any lot except as provided below in subsection s.	N
i. 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

j. Storage of uncovered manure in excess of 16 cubic yards per parcel of land as defined by the assessors	N
k. Automotive, motor, engine or mechanical repair, or service shops except automotive electronic repair shops only	N
l. 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
m. Any intensive use of fertilizer, herbicides, or pesticides or any outside storage of these materials except for a public health emergency certified by the Boxborough Board of Health	N
n. Storage or disposal of hazardous wastes	N
o. Junk-yard, salvage, or material recycling facility unless housed to prevent leaching from rainwater and snow melt	N
p. 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
q. 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
r. Disposal of sanitary waste from single family residential structures to subsurface disposal systems in quantities exceeding the limit described in subsection g. above or the construction of such systems, but only when the disposal rate does not exceed the rate allowed in subsection g. by more than 100%	SP
s. Rendering impervious of more than 20% of any lot, unless drainage retention structures such as filtered catch basins, inpondment areas, etc. are constructed which will ensure that the recharge rate will not be reduced by an amount more than 20% coverage would cause	SP
t. Vaulting and monitoring of storage of liquid petroleum products	SP

7005 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 following conditions.

7006 Submittals

Applications for special permits shall be prepared and submitted to the Board of Appeals in accordance with the provisions of Section 9200 of this Bylaw.

7007 Design Requirements

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

(1) 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.

(2) 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.

(3) 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.

7008 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:

(1) *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 such monitoring system; or

(2) *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 such 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% of the combined land area. Such 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.

7100 Wetlands and Watershed Protection District (W-District)

7101 Purpose

The W-District is intended to preserve and maintain the groundwater table and water recharge areas for water supply purposes; to protect against pollution and contamination of the water supply; to protect persons and property against hazards of floodwater inundation by assuring the continuation of the natural flow patterns of streams and other watercourses within the Town and by preserving natural floodwater storage areas and other areas subject to seasonal or periodic flooding or which may provide safe floodwater storage capacity; to protect the community against the costs which may be incurred by the detrimental or unsuitable use or development of lands in or adjoining wetlands such as streams and other watercourses, swamps, marshes, bogs, ponds or areas subject to flooding; to conserve natural conditions, wildlife, open space and generally the amenities of the Town; and otherwise to preserve, protect, and promote the health, safety and welfare of the inhabitants of the Town and the public.

7102 Overlay District

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

7103 Location of W-District

Said District is located, bounded, and defined as all areas encircled and designated on a Map entitled "W-District Map", a series of twelve maps numbered 1 through 12 inclusive, prepared by the Planning Board of the Town of Boxborough, dated May 4, 1974, the original, or a true copy certified as such by the Town Clerk, to be kept permanently on file at the Office of the Town Clerk with and hereby made a part of the Official Town of Boxborough Zoning Map, said W-District Map.

7104 Use Regulations

Symbols employed below shall mean the following:

Y - a permitted use, provided such use does not affect the natural flow patterns of any watercourse.

N - an excluded or prohibited use.

SP - a use authorized under special permit as provided under Section 9200 and herein.

a. Outdoor non-commercial recreation, including play and sporting areas, nature study, non-commercial boating, fishing and hunting where otherwise legally permitted	Y
b. Flower or vegetable gardens, lawns, pastures, forestry, grazing and farming, including nurseries, truck gardening, and harvesting of crops	Y
c. Duck walks, landings, foot, bicycle and/or horse paths and bridges, and small structures for non-commercial recreational uses	Y

d. Conservation of soil, water, plants, and wildlife	Y
e. Buildings and structures accessory to the aforementioned uses permitted in this section provided that such buildings and structures shall occupy no greater than 125 square feet of ground floor area and that such building shall not be designed, intended, or used for sustained human occupancy	Y
f. Uses accessory to the aforementioned permitted uses provided that exterior, uncovered storage of leachable material including fertilizer, manure, humus, road salt, and other organic and chemical materials and any storage of hazardous materials is not permitted	Y
g. Any use permitted in the underlying District in which the land is situated subject to the same use and development restrictions as may otherwise apply thereto and subject to the requirements of Section 7107 and provided that all necessary permits, orders, and approvals required by local, state, or federal law shall have been obtained	SP
h. Any use permitted in the underlying District in which the land is situated subject to the same use and development restrictions as may otherwise apply thereto provided that the land designated as being within the W-District is found by the Board of Appeals, after the matter has been referred to and reported on in writing by the Conservation Commission, not in fact to be a significant groundwater or water recharge area, not an area subject to seasonal or periodic flooding, and otherwise not an area which is important for water supply purposes.	SP

7105 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 requirements set forth in Section 7107.

7106 Submittals

Applications for special permits shall be prepared and submitted to the Board of Appeals in accordance with the provisions of Section 9200 of this Bylaw.

7107 Design Requirements

For those uses which require a special permit, the Board of Appeals shall find that:

(1) The proposed use will not endanger any occupants thereof or the public;

(2) The floor levels of any areas used for human occupancy, including working space, shall be at a safe elevation;

(3) Furnaces, utility pipes, sewer pipes, sewer treatment sites, pedestrian ways, and access drives are safe from the effects of flooding;

(4) Structures will withstand the effects of flooding;

(5) Uses involving human occupancy will not be isolated in the event of flooding, and that all possible measures will be taken to insure that animals will not be isolated in the event of flooding;

(6) No materials, including chemicals, oils, acids, leachable salts, refuse, junk or other hazardous leachable or floatable metals will be used or stored on the premises so as to endanger human or animal life or property from either intermittent or continuous contact with moisture from any source;

(7) The proposed use, building, or structure will not obstruct or divert flow of flood waters, reduce natural ground or surface water storage, or increase storm water runoff so that water levels on adjacent lands are raised or substantially endangered from increased flooding;

(8) The proposed use will not otherwise be significantly in conflict with the purposes set forth in Section 7101, above and Article I of this Bylaw; and

(9) The portion of any lot which is in the W-District may be used to meet the development regulations for the District in which the land is located.

7108 Procedures

Prior to submitting an application to the Board of Appeals for a special permit hereunder, the applicant seeking such a permit shall consult with the Conservation Commission and shall submit written notice to the Commission of his intention to do any or all of the activities described in the first paragraph of MGL c. 131, § 40, if such notice is required by law, all in the manner requested by said Commission. Each application to the Board of Appeals for a special permit hereunder (copies of which shall also be delivered to the Planning Board, Conservation Commission and Board of Health) shall be accompanied by a copy of the Notice of Intent referred to above in the form approved by the Conservation Commission and by a statement setting forth in detail the reasons why the proposed use will not be significantly in conflict with the purposes set forth in Section 7101. Prior to or at the public hearing before the Board of Appeals, the Conservation Commission, after consulting with the Planning Board and the Board of Health and with others as appropriate, shall submit its written recommendations and report to the Board of Appeals within 45 days of its receipt of the Notice of Intent which shall include but not necessarily be limited to the following:

(1) An evaluation and opinion of the Notice of Intent accompanying the application to the Board of Appeals; and

(2) An evaluation of the proposed use, including its probable effect or impact on the Town's water supply, the quality of water in the neighborhood, on the natural flow patterns of watercourses, on any nearby or pertinent floodwater storage areas or other areas subject to seasonal or periodic flooding, and on the general health, safety, and welfare of the neighbors and other inhabitants of the Town; and

(3) A recommendation as to the advisability of granting the special permit and as to any restrictions which should be imposed upon the proposed use as a condition of such permit.

7109 Decision

The application for a special permit may be approved where, in the opinion of the Board of Appeals, the proposal meets the design standards of Section 7107. The Board of Appeals shall give due consideration to the report of the Conservation Commission

submitted to it pursuant to Section 7108, above, and where its decision differs from the recommendations of said Commission, shall state the reasons therefore in writing.

7110 Existing Uses in the W-District

The lawful use of any structure or land existing within the W-District on April 18, 1974, or for which a building permit had been issued on or before April 18, 1974 which does not conform to the regulations herein, shall not be subject to the provisions of Section 7100, inclusive; but no extension or enlargement of such a building, structure or use shall be permitted to occur.

7200 Lands Bordering the W-District

No buildings, structures, roads, parking areas or other paved surfaces, drainage facilities, sewage treatment plants, septic systems, leaching fields, refuse dumps, land fills, earth removal or similar works, storage of leachable material, or any other construction or site work other than in connection with uses allowed in Section 7104 shall be permitted in any District within one hundred feet (100') of the boundary of the W-District without first obtaining a special permit for exception by the Board of Appeals. In issuing such permit, the board shall find that the applicant has demonstrated to the Board's satisfaction that there is no feasible location on the site for the proposed use, building or structure outside the W-District buffer and that all measures have been taken to mitigate any adverse impacts to the W-District buffer and the wetlands. In establishing that no other feasible location exists, an applicant may rely only on engineering and watershed considerations. The Board of Appeals shall also find that the proposed use, building or structure shall not endanger the health and safety of occupants or of the public, and is consistent with the general purposes of the W-District as stated in Section 7101 of this Bylaw, and is not otherwise prohibited by this Bylaw.

7300 Flood Plain District

7301 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.

7302 Existing Regulations

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

(1) 780 CMR 2101.G (Flood Resistant Construction) of the Massachusetts State Building Code which address flood plain and coastal high hazard areas.

(2) 310 CMR 10.00 Wetlands protection, Department of Environmental Protection.

(3) 302 CMR 6.00, Inland Wetlands Restrictions, DEP.

(4) 310 CMR 15, Title 5, minimum requirements for the subsurface disposal of sanitary sewage, DEP.

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

7303 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 such land is situated but only to the extent not inconsistent with the regulations for the Flood Plain District.

7304 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, 25017C0219E, 25017C0238E, 25017C0331E, 25017C0332E, 25017C0333E, 25017C0334E, 25017C0351E and 25017C0353E dated June 4, 2010. 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 June 4, 2010. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board and Inspector of Buildings.

7305 Regulations

The following requirements apply in the Flood Plain District:

(1) Within Zones A and AE where the base flood elevation is not provided, the best available Federal, State, local, or other floodway data shall be used to determine the 100-year flood elevation.

(2) In Zones A and AE no encroachments, including fill, new construction, substantial improvements, or other development shall be made in such floodway 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.

7306 Notification of Watercourse Alteration

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

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

7400 Wireless Communication Facilities

7401 Purpose

The purposes of this Bylaw are as follows:

(1) to minimize adverse impacts of wireless communication facilities on residential neighborhoods and the community;

(2) to encourage the shared use of facilities to reduce the need for new facilities; and

(3) to limit the overall number and height of facilities to what is necessary to serve the public.

7402 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.

7403 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 MGL Ch 40A, § 9, this Bylaw and any rules and regulations adopted hereunder. The Board of Appeals shall be the Special Permit Granting Authority for Wireless Communication Facilities.

(1) Wireless Communication Facilities should be concealed within existing structures where possible.

(2) Lattice style towers and similar facilities requiring more than one leg or guy wires for support are prohibited.

(3) All structures associated with wireless communication facilities shall be removed within one year of cessation of use.

(4) 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.

(5) 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.

(6) No tower shall be located within 1500 feet of another such tower.

(7) Any utilities servicing a tower shall be located underground.

(8) 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).

(9) Fencing shall be provided to control unauthorized access to the tower. All equipment areas shall be landscaped and screened from public view.

(10) 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.

7404 Criteria

A special permit for a wireless communication facility shall not be issued unless the Special Permit Granting Authority finds the following:

(1) Existing or approved facilities cannot accommodate the applicant's proposal.

(2) The facility has been designed to accommodate the maximum number of providers but in no case less than three (3).

(3) The applicant has agreed to allow other service providers to co-locate on the tower, now, or at anytime in the future.

(4) 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.

(5) 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.

(6) The facility is sited in such a manner that it is screened, to the maximum extent possible, from public view.

(7) A qualified engineer has certified that the facility is designed to meet all health and safety standards of applicable state and federal law.

7405 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.

7406 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.

7500 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.

7600 Trailers

Use of trailers in a fixed location shall not be permitted except as specified below:

7601 House Trailers or Other Movable Dwellings

Except as provided in G.L. c. 40A s. 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 two (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 two (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.

7602 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:

(1) 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.

(2) The trailer(s) floor area shall be no larger than 350 square feet.

(3) The trailer(s) shall be in compliance with the building code and all other codes pertaining to the building's safety.

(4) 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.

(5) The trailer(s) may be used to store flammable, hazardous or explosive material only with approval from the Fire Department.

(6) The number of trailers is consistent with the size of the project.

(7) Use of trailers by the Town of Boxborough for educational or governmental purposes may be authorized by the Inspector of Buildings.

(8) Storage of a camping or travel trailer shall be permitted as specified in Section 4104.

7700 Open Space Commercial Development

7701 Purpose

The purpose of Section 7700, Open Space Commercial Development, 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.

7702 Applicability

Any tract of land containing 10 or more acres in the Office Park, Industrial-Commercial, or Business Districts may proceed under Section 7700, Open Space Commercial Development, pursuant to the issuance of a special permit. 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 such residentially zoned land may be included within the Open Space Commercial Development for the purposes of calculating the total square footage of commercial development which may be constructed under Section 7705, and for the purposes of meeting area, open space and FAR requirements, provided that no part of the commercial development may be located on the residentially zoned portion of the tract, and further provided that such residentially zoned land shall be permanently protected as open space pursuant to Section 7704(2). Such special permits shall be acted upon in accordance with the following provisions.

7703 Procedures

Applicants for Open Space Commercial Development shall file with the Planning Board eight (8) copies of the following. The required submittals shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of this Bylaw.

(1) A Development Plan conforming to the requirements for a preliminary subdivision plan under the Subdivision Regulations of the Planning Board. Such plan shall also indicate proposed topography, and the results of deep soil test pits and percolation tests in accordance with the rules and regulations of the Planning Board governing subdivision control. The Planning Board shall refer data on waste water disposal to the Board of Health for their review and recommendation.

(2) Any additional information required by the Planning Board to make the determinations and assessments cited in Sections 7704 and 7705, below.

7704 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 for said lots, subject to the following limitations:

(1) Lots having reduced area or frontage must have frontage on a street created by a subdivision involved.

(2) Any land proposed to be designated as open space shall be permanently protected by a recorded restriction enforceable by the Town, providing that such land shall be kept in an open state, or that it shall be preserved for exclusively agricultural or recreational purposes. Any such land proposed as open land shall be served by suitable access for purposes of recreational use, forest management, or agricultural cultivation.

(3) A minimum of 50% of the tract of land shown on the Development Plan shall be maintained as open space. Such 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.

7705 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.

7706 Decision

The Planning Board may approve, approve with conditions, or deny an application for an Open Space Commercial Development in accordance with Section 9200 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:

(1) That the proposed development conforms with the purpose and intent of the Open Space Commercial Development Bylaw.

(2) 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.

(3) That adequate access is provided to the common open space.

(4) 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.

(5) That the Open Space is of a size, shape, and dimension suitable for park, recreation, conservation, or agricultural purposes.

(6) That the plan complies with applicable Subdivision Rules and Regulations.

7800 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 for such permits shall be the Planning Board. In granting such permit, the Planning Board shall find that, in addition to the standards set forth in Section 9204 of this Bylaw, there are clear and compelling benefits to the town in allowing such access. 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.

(1) Landscaped and/or natural buffers, a minimum of 100 feet wide, are provided between the residential and commercial use;

(2) 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;

(3) The proposal, to the maximum extent possible, protects the existing tree canopy;

(4) The proposal retains and/or preserves unique natural, historical or cultural resources located on the site; and,

(5) The proposal conforms to the applicable standards set forth in the Design Review Board's Design Guidelines, referenced under Section 8100 of this Bylaw; or appropriate conditions may be placed on the special permit to ensure conformance with the Design Guidelines.

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ARTICLE VIII SITE PLAN APPROVAL & DESIGN REVIEW

8000 Site Plan Approval

8001 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 an adequate review of development plans which may have significant impacts on traffic, drainage, town services, environmental quality, and community character.

8002 Applicability

Site plan approval shall be required for commercial, business, industrial, office, multiple dwelling residential structures, 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 unless site plan approval has been granted by 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 twenty-five percent 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 submit an application for Site Plan Approval under these provisions if the Board determines the proposed changes to the building or lot are minimal and do not require site plan approval.

8003 Exemptions

The following shall not require site plan approval:

(1) In an Industrial-Commercial or Office Park District construction, alteration or expansion of a building, provided that such building shall not have a gross floor area in excess of (500) square feet or a proposed expansion of ten (10) percent of the existing gross floor area, including the basement, if applicable.

(2) In a Business District construction, alteration or expansion of a building, provided that such building shall not have a gross floor area in excess of (500) square feet or a proposed expansion of ten (10) percent of the existing gross floor area, including the basement, if applicable.

(3) In all zones, normal maintenance or repair of any building or accessory structure.

(4) Customary home occupations.

(5) The construction or enlargement of any single-family dwelling or building accessory to such dwelling.

8004 Substantial Alteration

For purposes of this Section 8000, substantial alteration to a building means an 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 five hundred (500) square feet or ten (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 three hundred (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.

8005 Procedures

Applications shall be filed by the petitioner in accordance with the specifications set forth in the Boxborough Planning Board Rules & Regulations for Site Plan Approval.

8006 Plans

Site plans shall be submitted according to the specifications set forth in the Site Plan Regulations of the Planning Board.

8007 Decision

Site plan approval shall be granted upon determination by the Planning Board that new buildings or other 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.

(1) The proposal shall comply with the purpose and intent of the Zoning Bylaw and with existing local and regional plans.

(2) 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.

(3) 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.

(4) 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.

(5) 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.

(6) Adequate buffers shall be provided to protect abutting properties from lighting, sight, sound, dust, and vibration.

(7) Adequate facilities shall be provided for water supply and for handling and disposal of waste and other production by-products.

(8) Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment.

(9) 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.

8008 Conditions

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

(1) Requirements that the front, side, or rear yard be greater than the minimum required by the Zoning Bylaw;

(2) 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;

(3) Modification of the location or of the exterior features of any and all structures on the site.

(4) Limitation on the hours of operation of outdoor lighting.

8009 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.

8010 Lapse

Any site plan approval issued under this section shall lapse within two years if a substantial use thereof has not commenced except for good cause.

8011 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, s. 11. Proof of such recording shall be required of the recipient of site plan approval prior to the issuance of any building permits or the beginning of construction.

8012 Regulations

The Planning Board may periodically adopt or amend rules and regulations for the implementation of this Bylaw, by majority vote of the board.

8100 Design Review

8101 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 land and buildings; and to protect and preserve the historic and cultural aspects and heritage of the Town.

8102 Design Review Board

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

(1) One member of the Planning Board or their designee;

(2) One member of the Board of Selectmen or their designee;

(3) One member of the Historical Commission or their designee;

(4) One member of the Permanent Building Committee or their designee; and

(5) One member representing the community at-large, who shall be elected by the four designees as listed above and brought forward to the Board of Selectmen for appointment.

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

8103 Applicability and Authority

Design Review in accordance with this section shall be required for: (1) new construction, exterior alteration, or expansion of buildings in the Town Center District (except for pre-existing single-family dwellings as specified in Section 4302) where such new construction, alteration, or expansion is subject to site plan approval under Section

8000 or is subject to a special permit; and (2) new or modified signs in the Town Center District.

8104 Procedures

Upon receipt of an application for site plan review, or an application for a special permit, in connection with any activity subject to design review pursuant to Section 8103, the recipient Planning Board or Board of Appeals shall forward a copy of said application to the Design Review Board with a request for its recommendations.

The applicant shall be responsible for submitting the following materials and documentation at the time of application. All drawings shall be to scale.

(1) Completed Design Review Board application.

(2) Color photographs showing existing buildings and site conditions on and adjacent to the proposed project area.

(3) Building elevations showing the proposed configuration, details, and adjacent site/building conditions.

(4) Plans showing footprint and relationships of structures, including relationship to structures on contiguous lots.

(5) Full lot and building section, including relationship of building height and street width.

(6) Other plans (including landscaping), sections, elevations and detailed drawings as may be required to demonstrate design attributes are being addressed.

(7) Samples of finished materials.

(8) Samples of colors.

The Design Review Board shall evaluate the proposed construction, alterations, or expansion based upon its published Design Guidelines, and shall submit its written findings and recommendations to the Planning Board or the Board of Appeals, as appropriate, and to the applicant. Said findings and recommendations shall be advisory only. The Design Review Board shall not delay the site plan review in preparing recommendations or requiring additional information.

Anyone seeking a permit under Section 6302 to erect or modify a sign in the Town Center District which is not subject to approval by the Planning Board or the Board of Appeals shall, prior to submitting the sign permit application to the Building Inspector, submit to the Design Review Board a scale drawing specifying sign dimensions, materials, illumination, letter size and styles, colors, and structural elements, and showing the proposed location of the sign on the lot or building with all relevant measurements, for a written determination that the proposed sign conforms to the applicable Design Guidelines. A copy of the Review Board's determination must be appended to the sign permit application submitted to the Building Inspector.

8105 Design Attributes and Guidelines

The Design Review Board shall review projects based on the following attributes:

(1) Rhythm of solids and voids

(2) Façade and openings

(3) Massing and spacing of buildings

(4) Placement and orientation of buildings within a lot

(5) Architectural details, materials, and color

(6) Roof slopes and shapes

(7) Signage and lighting

(8) Landscaping

The Design Review Board shall publish and make available to the public, on request, booklet of guidelines further detailing the specific Design Attributes cited above to effectuate the purposes of this section. The Zoning Bylaws will take precedence over any prepared guidelines.

ARTICLE IX ADMINISTRATION

9000 Enforcement

9001 Building Permits

(1) No permit or license shall be granted for a use of a building, structure or land unless such use shall conform in all respects with the provisions of this Bylaw. Applications for building permits shall be accompanied by three prints of a plan of the lot, drawn to scale, showing the actual dimensions of the lot; the location and size of any and all proposed buildings; and showing the streets and ways adjacent to the lot; the layout, width, and type of construction for any access drives serving the building or buildings on a lot; and the location of any existing buildings on the lot; the application shall be accompanied by a statement or a plan, whichever the applicant prefers, indicating the acreage and frontage remaining in the original parcel of land from which the lot was derived. The preferred scale for plot plans required herein shall be one inch equals forty feet; however, a plot plan shall be accompanied by or contain an inset map, a plan showing the lot lines and all existing and proposed buildings and access drives thereon at a scale of one inch equals two hundred feet. Said plot plan shall also indicate the name of the street or way that such land has frontage on and shall indicate the name of the next abutting owners on either side, and distance from either side lot line at the street line to the center line of the nearest intersecting street. Each such plan of the lot or plot plan shall be certified by a land surveyor, provided however, that such certification may be waived, upon application, for minor alterations, enlargements, or reconstructions where the Inspector of Buildings is satisfied that the applicant's plot plan is sufficiently accurate for the purposes of evaluating conformity with this Bylaw.

(2) 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 thirty (30) days lapse from the date of the close of the public hearing without action by the Planning Board, all pursuant to Section 8000.

9002 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.

9003 Procedure

If the Inspector of Buildings is requested in writing to enforce such Bylaw against any person allegedly in violation of the same and he shall decline to act, he shall notify, in writing, the party requesting such enforcement of any action or refusal to act, and the reasons therefor, within fourteen days of receipt of such request.

9004 Penalty

Whoever shall breach or violate any provision of this Zoning Bylaw and/or any of the decisions of the Board of Appeals of the Town of Boxborough, shall be punished by a fine of not exceeding one hundred dollars for each offense or for each day of a continued offense, in the absence of an express provision for another penalty.

9100 Board of Appeals

The Board of Appeals of the Town of Boxborough shall serve as the Town's Zoning Board of Appeals pursuant to the provisions of G.L. c. 40A, ss. 9 to 14 and shall exercise all of the powers conferred upon it by law in the manner set forth therein.

9101 Powers

The Board of Appeals shall have and exercise all the powers granted to it by G.L. c. 40A, c. 40B, and c. 41 and by this Bylaw. The board's powers are as follows:

(1) 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 9200, unless otherwise specified.

(2) To hear and decide appeals or petitions for variances from the terms of this Bylaw, with respect to particular land or structures. Such variance shall be granted, pursuant to G.L. c. 40A, s. 10, as may be amended, only in cases where the Board of Appeals finds all of the following:

(a) A literal enforcement of the provisions of this Bylaw would involve a substantial hardship, financial or otherwise, to the petitioner or applicant.

(b) The hardship is owing to circumstances relating to the soil conditions, shape, or topography of such land or structures, and especially affecting such land or structures but not affecting generally the zoning district in which it is located.

(c) Desirable relief may be granted without either substantial detriment to the public good or nullifying or substantially derogating from the intent or purpose of this Bylaw.

(d) The Board of Appeals shall not grant use variances.

9102 To Hear and Decide Other Appeals

Other appeals will also be heard and decided by the Board of Appeals when taken by:

(1) Any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of G.L. c. 40A; or by

(2) The regional planning agency; or by

(3) Any person including any officer or board of the Town of Boxborough, or of any abutting town, if aggrieved by any order or decision of the Inspector of Buildings or other administrative official.

9103 To Issue Comprehensive Permits

Comprehensive permits for construction may be issued by the Board of Appeals for construction of low or moderate income housing by a public agency or limited dividend or non-profit corporation, upon the board's determination that such construction would be consistent with local needs, whether or not consistent with local zoning, building, health, or subdivision requirements, as authorized under G.L. c. 40B.

9200 Special Permits

9201 Special Permit Granting Authority

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

9202 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.

9203 Application

No person shall construct, reconstruct, alter, extend, enlarge or use any structure or any premises for any purpose, including residential purposes, requiring a special permit without first filing an application with the Special Permit Granting Authority and a copy thereof with the Town Clerk and the Planning Board. Said application shall include the documents and information listed below unless otherwise permitted by the Special Permit Granting Authority.

(1) A plan of the site suitable for recording and showing:

(a) all existing and proposed lot lines, easements, rights-of-way, and other matters then on record at the Middlesex, South District, Registry of Deeds concerning the physical description of the premises;

(b) natural land features (such as topographical data), man-made improvements (surface and subsurface) including all structures, watercourses, ponds, brooks, wetlands, flood plains, existing and proposed ditches, culverts, or other watercourses;

(c) methods of handling surface and subsurface drainage;

(d) ways for vehicular and pedestrian access;

(e) such other information as the Special Permit Granting Authority may require.

(2) Evaluation of Impact on Water Resource: The applicant shall submit such material as may be required including measures proposed to prevent pollution of surface or ground water, erosion of soil, excessive runoff of precipitation, excessive raising or lowering of the water table, flooding of other properties.

(3) Evaluation of Impact on Landscape: An explanation, with sketches as needed, of design features intended to integrate the proposed new buildings, structures, plantings, etc. into the existing landscape to preserve and enhance existing aesthetic assets of the site, and to screen objectionable features from neighbors.

(4) Evaluation of Impact on Traffic in the Vicinity of Site:

(a) Traffic Impact Evaluation. The projected number of motor vehicle trips to enter or depart from the site shall be estimated for an average day and peak hours.

(b) The projected traffic flow patterns for both vehicular and pedestrian access shall be described and related to the site plan, including vehicular movements at all major intersections likely to be affected by the proposed use of the site.

(c) The impact of this traffic upon existing streets shall be evaluated in relation to road capacities.

(5) A complete list of all approvals required from local boards or commissions, including, but not limited to, the Board of Health, Planning Board, Conservation Commission and/or Board of Selectmen.

(6) Site plan approval, if required, pursuant to Section 8000;

(7) In the case of a special permit authorizing a use within an aquifer protection district or a wetlands and watershed protection district, evidence that all approvals required from local boards or commissions, including, but not limited to, the Board of Health, Planning Board, Conservation Commission and/or Board of Selectmen, have been obtained prior to the issuance, if any, of a special permit.

9204 Decision

After a public hearing has been held in the manner provided by G.L. c. 40A, § 9 and 15 and subject to such reasonable rules and regulations as it may adopt relative to the approval of special permits, the Special Permit Granting Authority shall approve, modify and approve, or shall disapprove such application, all in the manner provided by G.L. c. 40A, § 9. Where the application is also subject to site plan approval pursuant to Section 8000 of this Bylaw, and the Planning Board has approved the site plan with conditions, the conditions imposed by the Planning Board shall be incorporated into the issuance, if any, of a special permit by the Board of Appeals. No application for a special permit shall be granted unless the Special Permit Granting Authority shall find that the structure(s) and/or use(s) proposed shall 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:

(1) Social and community needs which are served by the proposal;

(2) Traffic flow and safety;

(3) Adequacy of utilities and other public or private services, including storage or disposal of sewage, refuse or other wastes, and drainage and/or retention of surface water;

(4) Density of population, intensity of use, neighborhood character and social structures;

(5) Impacts on the natural environment;

(6) Impacts on health;

(7) Potential fiscal impact, including tax contribution, diminution or enhancement of neighboring property values, and creation of new employment opportunities.

9205 Amendment

The Board shall have the power to amend the terms and conditions of a special permit on application of the owner, lessee or mortgagee of the premises or upon its own motion (if such power is reserved by the Board in its original approval). All of the provisions of this paragraph applicable to approval, shall, where apt, be applicable to such modification or amendment.

9206 Conditions

Before approving any special permit, the Special Permit Granting Authority may impose conditions, safeguards and limitations on time and/or use to assure that the structure or use proposed shall at all times be in harmony with the general purpose and intent of this Bylaw.

9207 Lapse

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

9208 Recording

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

9300 Planning Board Associate

The Planning Board and the Board of Selectmen jointly may appoint an associate member as provided for under G.L. c. 40A, § 9. The Planning Board Chairperson may designate an associate member to sit on the board for the purposes of acting on a special permit application in the case of absence, inability to act, or conflict of interest on the part of any member of the Planning Board, or in the event of a vacancy on the board. The term of an associate member shall be for three years. 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.

9400 Amendments

This Bylaw may from time to time be changed by amendment, addition, or repeal by the town meeting in the manner provided in G. L. c. 40A, § 5, and any amendments thereto.

9500 Applicability

9501 Other Laws

Where the application of this Bylaw imposes greater restrictions that those imposed by any other regulations, permits, restrictions, easements, covenants, or agreements, the provisions of this Bylaw shall control.

9502 Conformance

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 such construction is continued through to completion as continuously and expeditiously as is reasonable.

9600 Separability

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

ZONING BYLAW AND ZONING MAP AMENDMENTS

DATE	ANNUAL or SPECIAL	ARTICLE	SECTION	PURPOSE	COMMENT	ATTORNEY GENERAL APPROVAL
2/4/1952	ATM	51		Earth Removal Bylaw		10/25/1953
11/7/1955	STM	1		minimum lot size at 30,000 sf and 150 foot frontage		
2/6/1956	ATM	28		minimum lot size at 40,000 sf		3/7/1956
6/14/1965	STM	1	ALL	Zoning Bylaw	Amends C&I use bylaw 4/17/64; Amends mininum lot size bylaw 4/17/64	7/21/1965
3/13/1967	ATM	18	IV.E.3; VI.E; V.A.2; VII.A	Add Junk cars; Add Signs; Number of dwellings on lot; Add Penalties		10/25/1967
3/11/1968	ATM	24	V.A.5	Add Intensity Regulation-Allows 80,000sf, 75 ft frontage, 150 ft bdlg line 40/30/40 setbacks at discretion of ZBA		9/20/1968
		25	IV.A.2.d	Add Ski tow and accessory buildings		9/20/1968
		26	IV.A.2.e	Add Riding School - not to exceed 20 horses		9/20/1968
3/10/1969	ATM	9	V.A.5	Intensity Regulations - add sentence - "Permit may be granted under section 4 of Ch.40A after public hearing	Amends previous zoning change from 1968 to clarify at suggestion of Attorney General	7/28/1969
		26		Zoning Map change - Busniess #12 to IC	Petition article-Mass Ave(south) near Burroughs (west)	7/28/1969
3/16/1970	ATM	7	IV.C.1.a	IC allowed uses changed from "any permitted in Business District" to any except apartment buildings		7/16/1970
12/14/1970	STM	5	IV.2.f	Add Private Golf Course allowed in AR	Must have 9 holes, 300 yd avg hole, not open to public	1/29/1971
3/16/1971	ATM	20	II	Definitions added for Accessory Building; Apartment House; Building; Dwelling; Dwelling Unit; Floor Area; Lot; Structure;		6/7/1971
		21	III.A.5	Add Conservation District		6/7/1971

Changes are summarized for reference purposes - see Town Reports for detailed information

ZONING BYLAW AND ZONING MAP AMENDMENTS

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3/10/1969	ATM	9	V.A.5	Intensity Regulations - add sentence - "Permit may be granted under section 4 of Ch.40A after public hearing	Amends previous zoning change from 1968 to clarify at suggestion of Attorney General	7/28/1969
		26		Zoning Map change - Busniess #12 to IC	Petition article-Mass Ave(south) near Burroughs (west)	7/28/1969
3/16/1970	ATM	7	IV.C.1.a	IC allowed uses changed from "any permitted in Business District" to any except apartment buildings		7/16/1970
12/14/1970	STM	5	IV.2.f	Add Private Golf Course allowed in AR	Must have 9 holes, 300 yd avg hole, not open to public	1/29/1971
3/16/1971	ATM	20	II	Definitions added for Accessory Building; Apartment House; Building; Dwelling; Dwelling Unit; Floor Area; Lot; Structure;		6/7/1971
		21	III.A.5	Add Conservation District		6/7/1971

Changes are summarized for reference purposes - see Town Reports for detailed information

ZONING BYLAW AND Z NG MAP AMENDMENTS

DATE	ANNUAL or SPECIAL	ARTICLE	SECTION	PURPOSE	COMMENT	ATTORNEY GENERAL APPROVAL
		23	IV.F.1; V.A.1; V.B.1; V.C.1	Use Regulations - adds sentence "and as subsequenly Amended" in reference to Earth Removal Bylaw approved 1961; Change heading "Minimum setback in feet" to "Minimum setback from lot line"; 1.change "structure" to "building" 2.change heading "Minimum setback in feet" to "Minimum setback from lot line"; 1.change "structure" to "building" 2.change heading "Minimum setback in feet" to "Minimum setback from lot line"		6/7/1971
		24	V.D	Add Intensity for structures other than buildings		6/7/1971
		25	V.E; V.E.1	Add Supplementary Intensity for Apts; Add Apt Density regulations		6/7/1971
		26	VI.C.1; VI.C.2; VI.C.3	Parking for Business or IC use, Apartments & Ag-Res District		6/7/1971
		27	VII.A.2	Penalties changed		6/7/1971
3/17/1972	ATM	21	IV.A.2.g	Add Tennis, swimming, skating or similar recreation facilities allowed		5/12/1972
6/26/1972	STM	5	IV.B.1.b; IV.C.1.a	Delete "apartment houses" use in Business District; remove "except apartment houses" to allow them is IC District.	Reverses 3/9/70 Amendment	1/10/1900
		6	III; IV; V	Business-1 District Established; uses & intensity described		10/10/1972
		7	III; IV; V	Residential-1 District Established; uses & intensity described		10/10/1972
5/13/1974	ATM	15	I	revise to include Title, Authority, Purpose		8/28/1974

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ZONING BYLAW AND ZONING MAP AMENDMENTS

DATE	ANNUAL or SPECIAL	ARTICLE	SECTION	PURPOSE	COMMENT	ATTORNEY GENERAL APPROVAL
		16	II	Deletes section II, Definitions and adds new section II, Definitions	Accessory Structure; Accessory Sign; Accessory Use; Building; Building Height; Building Permit; Building, principal; Certificate of Use and Occupancy; Club or Lodge; Day Care Facility; Dwelling; Dwelling, single family; Dwelling, two-family; Dwelling, multi-family; Dwelling Unit; Family; Farm; Lot; Lot Area; Lot Coverage; Lot Frontage; Lot Line; Motel;Hotel;Motor Court; Nonconforming Use; Setback; sign;Sign,area of; Street,Way or Road; Structure; Subdivision Control Law; Use; Yard, front; Yard, rear; Yard, side	8/28/1974
		17	III; IV	W-District replaces Flood Plain; W-District mapped sheets 1-12; W-District described, Flood Plain deleted		8/28/1974
5/13/1974	ATM	18	IV.E.1	Environmental Protection paragraph replaces General E.1		8/28/1974
		19	V1.C; V1.E; V1.F; V1.G; V1.H	Replace 'Parking' with 'Parking And Off-street Loading'; Expands sign regulations; Adds section for Landscaping, Screening and Outdoor Lighting; Adds section for Access, Driveways and Private Ways; Adds section for Conversion of Dwellings		8/28/1974
		20	VII	Entire section revised to further describe powers of ZBA		8/28/1974
5/13/1975	ATM	17	II.A; II.B	Change "Building Code of Boxborough" to "State Building Code" & "Building Inspector" to "Inspector of Buildings"; Change Title and definition of Day Care Facility to Day Care Center; Change definition of Family; Add definition for Lot Width; Change definition of Motel, Hotel, Motor Court; Change definition of Structure;	changes words where ever they appear in by-law	9/10/1975
10/7/1975	STM	19	IV.C	Change IC uses		3/1/1976
		20	IV.E.8.d	Change Environmental Protection		3/1/1976
		21	V.A.5	Frontage requirements in AR		3/1/1976
		22	VI.E.5.e	Freestanding signs in IC		3/1/1976

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ZONING BYLAW AND ZONING MAP AMENDMENTS

DATE	ANNUAL or SPECIAL	ARTICLE	SECTION	PURPOSE	COMMENT	ATTORNEY GENERAL APPROVAL
		24	VI.G.3	Access, Driveways and Private Ways	Planning Board review for adequacy of ways providing access for one or more buildings on a lot	3/1/1976
5/10/1976	ATM	6	IV.B	Business District permitted uses	Re: detached dwellings and Chapter 808 of the Acts of 1975	9/9/1976
6/8/1976	STM	5	VI.E	Re: Signs	Re: intent of bylaw and grandfathering date	9/27/1976
		7	VI.F.5	Landscaping, Screening, Outdoor Lighting		9/27/1976
5/8/1978	STM	2	I	Entire section rewritten	To bring Bylaw into compliance with Mass Chapter 808 bylaw requirements	8/16/1978
		3	II, IV, VI	Definition changes and additions, wording changes,	Change Definitions for Building Height; Club or Lodge; Family; Lot width; Structure; Subdivision control law Add definitions for Agricultural; Floriculture; Horticulture	8/16/1978
		4	IV.E	Established Flood Plain District		8/16/1978
5/16/1979	ATM	27	ALL	Entire bylaw numbering system revised from Ronal, Alpha, Arabic to all Arabic Decimal System		7/25/1979
11/13/1979	STM	6	4.4.4.1.2; 4.4.4.1.3; 4.4.4.1.4; 4.4.4.1.4.1	Re: Special Permit Submission		2/26/1980
12/2/1980	STM	5	2.2; 4.3.2.2	New Definition for Animal Shelter; Add IC Special permit use - Animal Shelter		3/13/1981
		6	4.6.1.3.8	To include hazardous material storage		3/13/1981
		6	4.6.1.3.8.2	Re: Hazardous materials		3/13/1981
		7	5.1.1	AR- Stories and Building Height		3/13/1981
		7	5.1.5	AR- Stories and Buidling Height - reduced frontage lots		3/13/1981
		7	5.2.1	Business - Stories and Building Height		3/13/1981
		7	5.3.1	IC - Stories and Building Height		3/13/1981
		8	4.10	Add Airports, heliports and like facilities added by special permit		3/13/1981
5/12/1981	ATM	24	Map	IC district #8 revised		8/24/1981
11/9/1981	STM	5	7.4	Add Site plan approval section		2/25/1982
		6	4.6.1	Environmental Protection - numerous changes		2/25/1982
		7	7.3.1.4	Add Special Permits in Business & IC - Site Plan		2/25/1982
		8	7.3.2.1	Wording changes - several sections		2/25/1982

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ZONING BYLAW AND ZONING MAP AMENDMENTS

DATE	ANNUAL or SPECIAL	ARTICLE	SECTION	PURPOSE	COMMENT	ATTORNEY GENERAL APPROVAL
5/9/1983	ATM	25	4.10	Disallows aircraft operations	Reverses 12/2/80 vote to allow by special permit	7/22/1983
1/17/1984	STM	2	Map	Rezone District #1 from I/C to A/R and redefine District #1 as A/R		3/5/1984
5/17/1984	ATM	27	3.1	Establish Aquifer Protection & Office Park Districts		9/14/1984
		27	3.4	Add description Aquifer District location		
		29	4.3	Revise IC uses		9/14/1984
		30	4.4	W-District uses changed		9/14/1984
		31	4.6.1.3	Re: Environmental Protection		10/5/1984
		32	2.2; 4.11	Add definitions for Aquifer; Groundwater; Impervious surface; Leachable Waste; Recharge area; Sanitary Waste; Solid Waste; Toxic or hazardous materials or wastes; Re: Aquifer Protection district		9/14/1984
		33	4.12	Add desciption of uses allowed under new Office Park district		9/14/1984
		34	2.2	Definitions added for Building line; Street frontage	Removed descriptions from section 5.1.5 and added to section 2.	9/14/1984
		35	5.3	Revised IC district		9/14/1984
		37	5.9	Add intensity regs for new Office Park district		9/14/1984
		38	6.3.5	Re: Parking area and internal circulation		9/14/1984
		40	6.3.10; 7.3.1.6	Add Paving Requirements; Re: Parking spaces and off street loading	Article 39 would have added a new section 6.9 but was defeated. This was added to 6.9	9/14/1984
		41	6.5.5.5	Re: signs in Business and IC		
		43	Map	Revised IC district #3	Requested by landowner	9/14/1984
		44	Map	Change district #6 from IC to Office Park and redefinded the district boundary		9/14/1984
		45	Map	Change district #10 from IC to Office Park		9/14/1984
11/26/1984	STM	1	5.9	Renumber sections 5.9 to 5.8	Numbering change - 5.8 didn't pass at ATM 1984	1/25/1985
5/13/1985	ATM	29	Various	Add regs for construction of private common drives		8/5/1985
5/13/1986	ATM	27	Various	Clarifies disposal of sanitary waste in Aquifer district		7/29/1986
		28	4.5.2.4.1	Change enforcement in Flood Plain from ZBA to Inspector of Buildings		7/29/1986

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ZONING BYLAW AND Z ING MAP AMENDMENTS

DATE	ANNUAL or SPECIAL	ARTICLE	SECTION	PURPOSE	COMMENT	ATTORNEY GENERAL APPROVAL
		29	4.4.3.1 to 4.4.3.6	Re: W-District use		7/29/1986
		30	Various	Office Park references	Office Park district added ATM 1984 - these changes add references where necessary	7/29/1986
		31	Various	Office Park references		7/29/1986
		32	2.2	Structure definition changed	Removes abiguity of "Tanks"	7/29/1986
		33	Various	Reminds builders to check with ZBA for applicable special permits		7/29/1986
		34	6.3.7	Addresses parking for R&D use		7/29/1986
		35	Various	Renumbering use sections for clarity	Other sections changed to reflect new numbering	7/29/1986
5/12/1987	ATM	21	2.2	Setback definition changed		9/8/1987
5/9/1988	ATM	18	4.7.3.11	Restrict repair shops in Aquifer Protection district		8/23/1988
		19	5.1.1; 5,1,2; 5.1.4	80,000 zoning in AR	One house per 80,000 sf; grandfathering of lots	DISAPPROVED
		19	5.1.5; 5.5.1; 5.5.2; 5.7.1	Reduced frontage in AR; Intensity for apartments Business-1; Intensity for apartments Residential-1; Residential-1 intensity	40,000 TO 80,000	8/23/1988
		20	7.2.2	Filing requirements for special permit, appeal, variance	To comply with 40A	
		21	7.2.4	Re: deadline for action by town	To comply with 40A	
		22	7.2.5	Re: deadline for action by town	To comply with 40A	
		23	7.3.2.5	Re: special permit filing requirements	To comply with 40A	
		24	7.4.2	Re: site plan filing requirements	To comply with 40A	
5/18/1989	ATM	25	Various	Create Town Center District	Several sections of bylaw amended to reference new district	
		26	Map	To define Town Center district		8/29/1989
		28	6.6.2	Parking in Business, OP, IC		8/29/1989
		29	5.2.2	Add limits impermeable surface area in Business district		8/29/1989
		29	5.6.2	Add limit to impermeable surface area in Business-1 district		8/29/1989
		30	2.2; 5.3.3; 5.8.1	Floor area ratio definition; Add F.A.R. in IC; Add F.A.R. in OP		8/29/1989
6/4/1990	ATM	34	4.9	Clarifies work in W-district requiring Special Permit		10/16/1990
		36	7.6	Add provision for appointment of Associate Planning Board Member		10/16/1990

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ZONING BYLAW AND ZONING MAP AMENDMENTS

DATE	ANNUAL or SPECIAL	ARTICLE	SECTION	PURPOSE	COMMENT	ATTORNEY GENERAL APPROVAL
		37	7.4	Revised Site Plan Special Permits regs		10/16/1990
		38	2.2; 6.5	"Sign, Area of" definition amended; Add definitions for "Sign, Projecting" and "Sign, Wall"; Amends Sign regulations		10/16/1990
		39	Map & Various	Add parcels owned by Church to Town Center District		10/16/1990
5/22/1991	ATM	31	Various; 2234	Recodification of by-law; Allows Day Care Center is all districts	Definitions and Zoning map not changed.	8/23/1991
5/14/1992	ATM	26	2234	Allow Restaurant by SP in Bus and Bus1		8/26/1992
			5370	Add Special Permit regs for restaurants		8/26/1992
		29	Map & Various	Zoning map and Zoning bylaw for Rezoning IC to AR	Along Hill Rd/495 from Cunningham to Betty White land	8/26/1992
		30	Map & Various	Zoning map and Zoning Bylaw for rezoning IC to Office Park	West of 495 from 111 to Littleton	8/26/1992
		31	2310	Add "Minimum Lot Width"		8/26/1992
		33	6200	Definition of "Lot Frontage" changed	Requires access through frontage	8/26/1992
		34	4400	Revise "Flood Plain District"	Per Dept of Envir. Mgmt recommendations	8/26/1992
5/10/1993	ATM	32	6200	Definitions added for Airport, Heliport; Commercial Earth Removal; Conservation Area, Public Park; Education, Governmental or Religious Use; Philanthropic Use; Public Utility; Repair Shop; Retail Store; Service Shop	After recodification in 1991, discrepancies found between Use Schedule, Parking Schedule and Definitions.	8/26/1993
		33	3160	Revises Parking Schedule	Amends parking schedule to be consistent with by-law Uses	8/26/1993
		34	4700	Add Open Space Commercial Development		8/26/1993
		35	2234; 6200	Definitions added for Club; Sports or Athletic Facility; Clarifies Business/IC uses allowed		8/26/1993
		36	2234; 6200	Definitions added for Light Manufacturing; Manufacturing; Clarifies allowed uses		8/26/1993
		38	5380; 6200	Add Allowance of alternate lot access by Special Permit from Planning Board; Definition for Lot Frontage	To allow alternate access by SP	8/26/1993
		40		Add language after "Definition of Districts" - if written desciption and map conflict, written definition rules.		8/26/1993
		41	5390	Add "Amendments"	Section was left out after recodification	8/26/1993
		45	Map	Rezone District 2 IC to Business	Summer Rd	8/26/1993

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ZONING BYLAW AND ZONING MAP AMENDMENTS

DATE	ANNUAL or SPECIAL	ARTICLE	SECTION	PURPOSE	COMMENT	ATTORNEY GENERAL APPROVAL
		46	Map	Deleted District 4 IC and rezoned to AR	Summer Rd	8/26/1993
5/19/1994	ATM	10	2234	Add footnote to Light Manufacturing uses in B and B1and Manufacturing in B1		8/25/1994
		13	2310, 6200	Adds dimensional schedule for Minimum Upland Lot Area; Add definition for Upland Lot Area		8/25/1994
		14	2310	Changes AR minium lot to 60,000sf		8/25/1994
		19	4600; 6200	Add definition for Trailer; Use of trailers		8/25/1994
5/11/1995	ATM	15	4100	Re: Aquifer Protection District	Shifts cost for determining aquifer location to land owner, clarifies bylaw, specifies prohibited uses	7/24/1995
		16	3440	For common drives, changes permit granting authority from ZBA to Planning Board		7/24/1995
		18	2340	Add height restrictions for tall structures and roof attached structures		7/24/1995
5/13/1996	ATM	14	4740	Allows modification of parking in Open Space Commercial Development		8/12/1996
		16	4620	Number of trailers and use allowed in commercial developments		8/12/1996
		17	2326	Lot width street to building line may not be less than required frontage		8/12/1996
		22	2231	Corrects wording of "structure" to "dwelling"		8/12/1996
		23	3530	Re: Storage of Waste or Refuse		8/12/1996
		29	3160	Reduces number of parking spaces required for business uses		8/12/1996
		30	4400	Bring bylaw into compliance with State		8/12/1996
5/12/1997	ATM	12	3140	Update reference to State Department	Dept of Public Works now Mass Highway Dept (MHD)	8/4/1997
		13	3440	No more than 3 Common/Private drives on dead end street		8/4/1997
		18	3160	Makes parking requirements consistent with Use Schedule		8/4/1997
		25	6200	Definition of Private/Common drive		8/4/1997
		27	2233	Allows more uses by right rather than special permit		8/4/1997
		29	2325	Only one single family dwelling per lot		8/4/1997
		32	6200	Add definition for "Car Sales"	Use and parking schedules also updated	8/4/1997
		33	6200	Definitions of Kennel and Veterinary added	Use and parking schedules also updated	8/4/1997

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ZONING BYLAW AND ZONING MAP AMENDMENTS

DATE	ANNUAL or SPECIAL	ARTICLE	SECTION	PURPOSE	COMMENT	ATTORNEY GENERAL APPROVAL
		35	2241, 2242	Re: Home Occupations requlations		8/4/1997
		38	6200	Definition for Adult Use added	Use Schedule and Special Permit sections also updated	8/4/1997
5/14/1998	ATM	17	2232, 2260	Special permit for single family in Town Center District		8/30/1998
		18	Map	Rezone pacels on Stow Rd from AR to Business		8/30/1998
		19	4720	Allows residential land to be counted Open Space Commercail Dev requirements		8/30/1998
		21	6200	Change definition of Lot Area to exclude drainage easement area	Applies to lots created after May 11, 1998	8/30/1998
		28	6200	Add definition for Wireless Communication Facilities	Bylaw changed to regulate Wireless Comm. Facilities	8/30/1998
		29	Various	Allows Private/Common Drives in Commercial Districts		8/30/1998
		30	3312	Exempts shared parking areas from setback requirements		8/30/1998
		31	Various	Allows car sales by special permit		8/30/1998
5/11/1999	ATM	20	Map	Expand Town Center District		8/9/1999
		21	Map	Change zoning of parcel 166.2B (Stow Rd)	From Business to AR - rescinds vote article 18 ATM 1998-by petition article	8/9/1999
		22	Various	Allows multi-family senior housing in AR District		8/9/1999
		26	6200	Add definition for Assisted Living Facility	Change bylaw relative bylaw sections	8/9/1999
		27	3340	Update Lighting by-law		8/9/1999
		28	2245	Clarify setback for garages		8/9/1999
		37	6200	Amend definition of Structure	Fences over 6 ft in height considered structures	8/9/1999
11/8/1999	STM	15	Map	Rezone 6-4-113	From AR to IC - rear of parcel on Mass Ave	2/9/2000
		16	4450	Update Flood Map references		2/9/2000
3/27/2000	STM	6	2234	Limit size of retail stores to 25,000 sf		6/22/2000
		7	2234	Prohibit retail stores in IC and OP zone		6/22/2000
		8	2234	Allows more commercial uses by right	Professional or business office and R&D in IC allowed by right instead of by SP	6/22/2000
5/8/2000	ATM	25	Map & Various	Creates Design Review and expands TC		8/21/2000
5/14/2001	ATM	26	4800	Camouflaging for Wireless Towers		8/29/2001
		30	4620, 4630	Eliminate SP requirement for trailers	Gives Building Inspector authorization for construction trailers	8/29/2001

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ZONING BYLAW AND ZONING MAP AMENDMENTS

DATE	ANNUAL or SPECIAL	ARTICLE	SECTION	PURPOSE	COMMENT	ATTORNEY GENERAL APPROVAL
11/5/2001	STM	8	4900	Access through Commercial to AR	By Special Permit	3/6/2002
		9	2360	Lot regularity iin AR and R1	Quadrange 70% of lot	3/6/2002
		10	Map	Rezone parcels on Summer Rd from Business Dist #2 to AR	Parcels 283, 284, 290, 291 on map 10	3/6/2002
5/13/2002	ATM	22	Map & Various	Regulation of Wireless Comm. Towers & Wireless Overlay District		8/9/2002
		23	Map	Rezone portion of parcel 176 on maps 4, 8 from IC # 8 to AR		8/9/2002
		24	2232	Clarification of footnote 15 under entry for "Farm" in use schedule	Housekeeping article	8/9/2002
5/12/2003	ATM	33	Map	Rezone land Sargent/Littlefield Rds from IC to AR	Map 11 & 12, -6-258 (portion) 354.5, 356	9/15/2003
		34	Map	Amend Wireless Communications Overlay District	Parcel 176 which was rezoned in 2002 and land in article 33 above now AR, to be removed from Wireless District	9/15/2003
		35	2342	Reduce height for roof mounted or attached structures	Limits height to 45 ft.	9/15/2003
5/10/2004	ATM	32	2234	Divide automotive uses into 2 sections	Distinguish between Auto service stations and Repair garage	7/12/2004
		33	2234	Add category for Self Storage Facility		7/12/2004
5/8/2006	ATM	17	Various	Recodification of Zoning By-Law	Portions of existing bylaw were disapproved by the Attorney General	8/22/2006 (partial approval)
5/14/2007	ATM	18	4107	Add Section 4107 Accessory Apartment	provides Special Permit for accessory apartmetns	7/26/2007
		19	6300	Add Section 6305(7) Agricultural Signs	provides exemption for certain agricultural signs	7/26/2007
		20	8000	Delete Subsection 8004 Procedures	Removes procedures out of Bylaw and references the Site Plan Rules & Regulations	7/26/2007
5/12/2008	ATM	18	2100	Amend definition of Structure	Include exemption for wall less than 4 feet and fire suppression equipment	9/23/2008
		19	8000	Amend Site Plan Section 8002 Applicability; Amend Section 8003 Exemption; Add Subsection 8004 Substantial Alteration	Provides a new waiver process, reduces square footage exemption in Commercial, Industrial & Office Park, defines the meaning of substantial alteration	9/23/2008

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ZONING BYLAW AND ZONING MAP AMENDMENTS

DATE	ANNUAL or SPECIAL	ARTICLE	SECTION	PURPOSE	COMMENT	ATTORNEY GENERAL APPROVAL
		20	3002	Adopt new Zoning Map; Delete Definition of Districts; Amend Subsection 3002 Location of Districts & Subsection 4003(1) Footnote 13	Adopt new GIS based Zoning Map consisting of an index sheet and 12 maps	9/23/2008
		21	Map	Rezone 10 parcel off Stow Rd & Burroughs Rd from Business and Business/Ag-Res to all Ag-Res		9/23/2008
5/12/2009	ATM	19	2100; 6300	Add definition of Tradesman Sign; Add Section 6305(8) Tradesman Sign	Provides exemption for certain tradesman signs	8/27/2009
		20	6300	Add Section 6305(9) Retail Business Sign	Provides exemption for certain retail business signs	8/27/2009
		21	4003; 4450; 5002; 5004	Amend Table of Use in B1 District; Add Section 4450 Special Permit for Residential Use in B1 District; Amend Dimensional Schedule for B1 District; Amend Supplementary Intensity Regulations	Amendments provide for residential uses in the Business 1 District by Special Permit from the Planning Board	8/27/2009
5/11/2010	ATM	22	7300	Amend Flood Plain Overlay Distrist	Adopt new FEMA FIRM maps and amendments to the NFIP.	8/19/2010
		23	8004	Amend Site Plan Section 8004	Add additional provisions to substanital alteration	8/19/2012
		24	2100; 4107(1)(B)(2)	Add definition of Habitable Space; Amend Accessory Apartment Section 4107(1)(B)(2)	Add definition of habitable space; amends accessory apartment measuring from gross square footage to habitable space	8/19/2012
5/17/2012	ATM	34	2100; 4003(4) 6006	Add two definitions; Amend Table of Uses; Amend Parking Requirements	Add definition of Landscaping Services & Landscaping Contractor, Add LS & LC to Table of Uses and Parking Requirements	

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