ZONING BYLAW

TOWN OF SHREWSBURY, MASSACHUSETTS

ATTEST:

AMENDMENTS THROUGH
October 21, 2019

Sandra E. Wright
Town Clerk

ZONING BYLAW
TOWN OF SHREWSBURY, MASSACHUSETTS

Adopted by vote of the Town
on June 19, 1967

Approved by the Attorney General
on July 26, 1967

Voted May 22, 1978
that the Town accept
the provisions of
Chapter 808 of the Acts of 1975
as amended

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SANDRA E. WRIGHT
TOWN CLERK

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SECTION 1 - PURPOSES

The purposes of this Zoning Bylaw are, among other purposes, 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 encourage housing for persons of all income levels; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, water supplies, 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 of Shrewsbury; and to preserve and increase its amenities.

SECTION II - DEFINITIONS

For the purpose of this Bylaw certain terms and words are herein defined as follows:

Words used in the present tense include the future; words in the singular number include the plural number, and words in the plural number include the singular number; the word "shall" is mandatory and not directory; the word "building" includes the word "structure", the word "lot" includes the word "plot", and the word "land" includes the words "marsh" and "water". Definitions included in the Building Code of the Town of Shrewsbury are applicable, unless otherwise designated.

Accessory Building:

A detached building, the use of which is customarily incidental and subordinate to that of the main building, and which is located on the same lot as that occupied by the main building.

Accessory Use:

A use accessory or subordinate to a main use of a structure or lot or a use not the main use which is located on the same lot as the main structure.

Adult Bookstore:

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

Adult Motion Picture Theater:

An enclosed building used for presenting material distinguished by an emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L. c.272 §31.

Adult Paraphernalia Store:

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

Adult Video Store:

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

Animals, Domestic:

Any of the various animals domesticated by man so as to live and breed in a tame condition including horses, sheep, cattle, swine, etc.

Apartment Hotel or Extended Stay Hotel: (amended 5/22/2008)

A building or group of buildings under single ownership, containing six (6) or more rooms or suites, with independent cooking facilities, providing transient or temporary lodging, available at daily, weekly or monthly rates to guests only, and which also may include accessory services; such as restaurants, meeting rooms, function halls and recreation facilities. No guest room or suite in an apartment hotel or extended stay hotel shall be occupied by any guest for more than eighty-nine (89)-continuous days, nor may the guest reoccupy any unit within thirty (30) days of a continuous eighty-nine (89) day stay. No occupant of an apartment hotel may claim residency at such location. As used in this bylaw, apartment hotel or extended stay hotel shall not include "hotel," "motel" or "multi-family dwelling."

Aquifer: (added 10/22/2018)

A geologic formation that can store and transmit significant amounts of potable water.

Assisted Living Residence:

A residential development subject to certification under G.L. Chapter 19D, which provides room and board; provides, directly by employees of the entity or through arrangements with another organization which the entity may or may not control or own, assistance with activities of daily living for three or more adult residents who are not related by consanguinity or affinity to their care provider; and collects payments or third party reimbursement from or on behalf of residents to pay for the provision of assistance with the activities of daily living.

Basement: (amended 5/22/1985)

A portion of the building with less than one-half (1/2) its height measured from the finished floor to the ceiling, below the average grade of the adjoining ground and, except for one and two-family dwellings, will be considered a story.

Bed and Breakfast: (amended 11/13/2001)

A private, owner-occupied residence with accommodations for overnight guests for a fee, which includes breakfast, provided that no more than five rooms in any building may be used for such accommodations.

Boarding or Rooming House:
A building or premises, other than a hotel, inn, motel, tourist court or lodging house, where rooms are let and where meals may be regularly served by prearrangement for compensation; not open to transient guests, in contra-distinction to hotels, restaurants and tourist homes, open to transients.

Body Art Establishment: (amended 11/13/2001)

A business where the practice of physical body adornment by permitted establishments and practitioners using, but not limited to, the following techniques: body piercing, tattooing, cosmetic tattooing, branding, and scarification. This definition does not include practices that are considered medical procedures by the Board of Registration in Medicine, such as implants under the skin, which procedures are prohibited.

Building:

A combination of any materials, whether portable or fixed, having a roof and enclosed within exterior walls or fire walls, built to form a structure for shelter of persons, animals or property. For the purpose of this definition "roof" shall include an awning or any similar covering.

Building Area:

The ground area enclosed by the walls of a building together with the area of all covered porches and other roofed portions.

Building, Attached:

A building having any portion of one or more walls in common with adjoining buildings, with said walls being firewalls.

Building, Detached:

A building having open space on all sides.

Building Height:

The vertical distance from the average finished grade within ten (l0) feet of the front wall of the building to the highest point of a flat or mansard roof, including the top of a parapet or to the mean level between the eaves and ridge for gable, hip or gambrel roofs.

Building Inspector:

Building Inspector shall mean the Building Official or other designated authority or his duly authorized representative serving under the Building Code and charged with the enforcement of this Bylaw.

Building Lot:

A building lot is that area of land described in an application for a building permit or an application to the Board of Appeals for a permit or a variance or otherwise defined as the area on which a structure is to be constructed or a certain use is to be carried on. A building lot shall not include any part of a street which is relied upon to qualify the lot as to frontage, any water area, any abutting land not under common ownership, or any leased land. The boundaries of a

building lot shall conform to those recorded by plan on deed in the Worcester County Registry of Deeds.

Building Materials Salesroom:

An area set aside for display and retail sale of building materials to the general public within facilities whose primary function is wholesale of merchandise to retailers, contractors, or industrial users. The area set aside for such uses shall not exceed twenty-five percent (25%) of the floor area devoted to the primary use.

Cellar: (amended 5/22/1985)

A portion of the building with more than one-half (1/2) its height measured from finished floor to finished ceiling below the average grade of the adjoining ground and not considered a story when used exclusively for building storage, services, mechanical equipment and utilities.

Club:

An association of persons which is the owner, lessee or occupant of an establishment operated solely for a recreational, social, fraternal, religious, political or athletic purpose whose activities are confined to the members and guests and are not generally extended to the general public and include the establishment so operated.

Commercial Fertilizer: (added 10/22/2018)

Any substance containing one or more recognized plant nutrients which is used for its plant nutrient content and which is designed for use, or claimed to have value in promoting plant growth, except unmanipulated animal and vegetable manures, marl, lime, limestone, wood ashes, and gypsum, and other products exempted in accordance with M.G.L. c128 §64.

Commercial Vehicle:

A vehicle which is commercially registered, or owned by a business, or which is used primarily for business activities.

Continuing/Continuum Care Retirement Community: (added Feb. 3, 1986)

A multi-family residential complex for persons 62 years of age or older. Said complex shall be associated with and located within close proximity to a nursing home and shall contain a minimum of common and/or shared facilities such as dining, recreational areas, etc. equal to 15% of the gross floor area of the complex. The community may also contain other accessory uses such as retail and service facilities which provide goods and/or services exclusively to the residents thereof.

Coop:
See Kennel.

Contractor's Yard and Storage Yard:
Storage yards operated by, or on behalf of, a contractor for storage of equipment, vehicles, or other materials commonly used in the individual contractor's type of business; storage of scrap materials used for repair and maintenance of contractor's own equipment; and buildings or structures for uses such as offices and repair facilities. All operations shall be such as to confine to the premises dust, noise, odors, and other objectionable effects. All materials and equipment shall be screened from public view and abutting properties. (added 10/21/2019)

Country Club:

A membership club used primarily for outdoor recreation activities, such as golf, tennis, and swimming, and which may include a club house for dining and social events of its members.

Court:

An unoccupied open space, other than a yard, on the same lot with a building which is bounded on three (3) or more sides by walls of such building or wall erected in continuance with the building walls. An outer court extends to a street line or opens upon a front, side or rear yard. An inner court is enclosed on all sides by the walls of a building.

Craft marijuana cultivator cooperative:

A marijuana cultivator comprised of residents of the commonwealth as a limited liability company or limited liability partnership under the laws of the commonwealth, or an appropriate business structure as determined by the commission, and that is licensed to cultivate, obtain, manufacture, process, package and brand marijuana and marijuana products to deliver marijuana to marijuana establishments but not the consumer. (added 4/23/2018)

Disposal: (added 10/22/2018)

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

Drive-in Establishment:

The term "drive-in" includes drive-in eating establishments where food is purchased from a building on the lot but is consumed in the vehicle or off the lot; and drive-in service establishments such as banks or the like.

Dwelling:

(one-family): A building arranged for the use of one (1) family unit in which provisions may be made for not more than five (5) lodgers or boarders.

(two-family): A building arranged for the use of two (2) family units in which provisions may be made for not more than five (5) lodgers or boarders per family.

(multi-family) (apartment house): A building arranged for the use of more than two (2) family units.

(in-law apartment):A portion of a dwelling providing a separate housekeeping unit to be occupied by not more than three (3) persons related (by blood or marriage) to the principal resident. (amended 5/22/1985)

Establishment Which Displays Live Nudity for its Patrons:

Any establishment which provides live entertainment for its patrons, which includes the display of nudity, as that term is defined in M.G.L. c.272 §31.

Exposure:

The face of an exterior wall which is unenclosed and uncovered facing a rear, side or front yard or court.

Family:

Any number of persons related by blood or marriage living in the same dwelling, or not more than five (5) persons unrelated by blood or marriage living together as a single housekeeping unit, but not including a group occupying a boarding house, club, fraternity or hotel.

Farm:

Any parcel of land which is used primarily for the raising of agricultural products, livestock, poultry and dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used.

Farm Stand: (added 5/23/2018)

A stand or structure for the display and sale of produce by the owner or tenant of land not exempted by M.G.L. c. 40A, s. 3, and on land where the majority of the produce is grown.

Floor Area:

(net floor area): The interior floor area of a dwelling unit exclusive of basements, stairwells, halls, bathrooms, corridors, attics, walls, partitions and attached accessory buildings.
(gross floor area): The sum of the floor area of all principal and accessory buildings equal to or greater than 200 square feet in size whether or not habitable. Floor area measurements shall be taken within the perimeter of the outside walls of each building without deduction for attached or detached garage space, enclosed porches, hallways, stairs, closets, thickness of interior walls, columns, atria and other vertical open spaces, but not including any space where the floor to ceiling height is less than six feet (6'). (amended 10/21/2019)

Food Court:

An area within a structure having a gross floor area in excess of 500,000 square feet where food is prepared and consumed in a common seating area served by multiple vendors.

Garage, Private:

Covered space for the housing of motor vehicles, but not for commercial storage or rental of more than two (2) stalls.

Garage, Public or Storage:

A building or part thereof, other than a private garage, for the storage of motor vehicles and in which repairs or service station activities are or may be carried on.

Gasoline Service Stations with Related Uses: (amended 3/24/2003)

A building or use in which gasoline sales, automotive related sales and service activities are conducted including the incidental sale of non automotive goods.

General Laws:

The General Laws of the Commonwealth of Massachusetts.

Gross Vehicle Weight:

Total weight of a loaded vehicle, including chassis, body, and payload.

Groundwater: (added 10/22/2018)

All the water beneath the surface of the ground.

Hazardous Materials: (added 10/22/2018)

Any substance or combination of substances, including liquid petroleum products, that, because of quantity, concentration or physical, chemical or infectious characteristics, poses a significant present or potential hazard to water supplies or to human health if disposed of, into, or on any land or water in this Town.

Hazardous Waste: (added 10/22/2018)

Those substances listed in M.G.L. c21C.

Home Occupation: (amended 11/13/2001)

An accessory use which is carried on by the permanent residents of a dwelling unit. Occupations such as preserving or home cooking, repair of portable equipment or appliances, computer and Internet-related occupations, real estate agent, craft manufacturing, giving private music or dancing lessons, but not including a beauty parlor, barber shop, convalescent or nursing home, or similar establishment offering services to the general public.

Hotel, Motel: (amended 5/22/2008)

A building or a group of buildings under single ownership, containing six (6) or more rooms or suites, providing transient overnight lodging accommodations, available at daily rates to guests and/or the general public, and which also may include accessory services; such as restaurants, meeting rooms, function halls and recreation facilities. Not more than twenty percent (20%) of the guest rooms may include independent cooking facilities. When a hotel or motel offers guest rooms with independent cooking facilities, no room shall be occupied by any guest(s) for more than sixty (60) continuous days, nor may the guest reoccupy any unit within thirty (30) days of a continuous sixty (60) day stay, nor may the guest stay more than a combined total of four (4) months in any calendar year. No occupant or guest of a hotel or motel may claim residency at such location. As used in this bylaw, hotel or motel shall include "inn" but shall not include "apartment hotel," "extended stay hotel" or "multi-family dwelling."

Impervious Area: (aamended 10/22/2018)

A surface covered by materials or structures on or above the ground that severely limit the amount of precipitation that infiltrates the underlying soil, including but not limited to asphalt, dirt or gravel roads and parking areas, roofed buildings, in-ground swimming pools, and any other elements rendering any portion of a lot impervious.

Impervious Coverage, Maximum: (amended 10/22/2018)

The maximum percentage of a lot that may be covered by an impervious area.

Independent Testing Laboratory:

An entity licensed to test marijuana and marijuana products in accordance with the Rules and Regulations of the Massachusetts Cannabis Control Commission. (added 4/23/2018)

Indoor or outdoor farmers markets (added 10/21/2013)(amended 5/20/2015)

A farmers' market pursuant to this section is the temporary use of a site for the sale of food and farm produce, fine craft and art media, other farm products, including baked goods, jams and jellies, maple products, honey, farmstead cheeses, flowers, animal products, and eggs. Sale of items are from parked vehicles or temporary display areas. Farmers' markets are also subject to all applicable provisions of the Health Code. The definition of 'fine craft and art media' is 100% produced by the local artisan and original and to be accepted, but not limited to, items using clay, fiber, glass, leather, metal, paper, soap or wood, as well as painting, drawing, photography, sculpture, clothing, jewelry, accessories, weaving, pottery, carvings, furniture, woodworking, illustration, mixed media works and fresh floral and dried flower arrangements in which all components are grown locally or by the Artisan. Unacceptable art products include: "kit" or "assembly line" craft projects; use of artificial flowers or greenery; purchased retail items; mass or commercial produced kits, or imports." The percentage of crafters should not exceed 12% of the total number of market vendors, thus allowing the vast majority of vendors to be agriculture and food related.

Junk:

Any worn out, castoff or discarded article or material which is ready for destruction, or has been collected or stored for salvage or conversion to some other use. Any article or material which unaltered or unchanged and without further reconditioning can be used for its original purpose as readily as when new shall not be considered junk.

Junk Yard:

The use of more than one hundred (100) square feet of the area of any lot, whether inside or outside a building, or the use of any portion of that half of any lot that joins any street for the storage, keeping or abandonment of junk.

Kennel, Coop, Pen or Barn:

Accessory building or enclosure for keeping of domestic pets, animals or birds for use of or pleasure of residents limited to litters, and three (3) or less such pets or animals three (3) months or older in age and to two dozen (24) birds.

Loading Space, Off-street: (amended 5/22/2008)

An off-street space or berth, on the same lot with a building, for the temporary parking of vehicles while loading or unloading merchandise or material which has access to a street, alley or other appropriate means of ingress and egress.

Lodging House: (amended 5/22/2008)

A building or portion thereof, situated upon a single lot, containing five (5) or fewer rooms providing for the temporary occupancy of paying guests who are lodged, with or without meals, and in which cooking facilities may be provided in a central kitchen but shall not be in individual guest rooms or suites.

Lot, Corner:

A lot at the point of intersection of and abutting on two or more intersecting streets. The interior angle of intersection of the street lot lines or in case of a curved street, extended lot lines, shall not be more than one hundred thirty-five (135) degrees.

Lot, Coverage:

The total horizontal area of the lot occupied by structures and outside storage. Paved parking areas and drives will not be considered as lot coverage.

Lot, Frontage of: (amended 5/17/2017)

The horizontal distance measured along the front lot line between the points of intersection of the side lot lines or an intersecting street lot line of a corner lot with the front lot line. The minimum required lot frontage shall be provided along one street lot line and cannot be accumulated along two (2) or more streets. The measurement of lot frontage shall not include jogs in street width right-of-way or other irregularities in street line. The end of streets without a turning circle shall not be considered lot frontage. General, access, septic or drainage easements shall not be included in the calculation for required frontage.

Lot Line, Front or Street:

The property line defining the lot from the street right of way. On a corner lot all property lines defining a lot from the street or right of way shall be considered a front lot line.

Lot Line, Rear: (amended 5/22/1985)

The lot line opposite and furthest removed from the front lot line except on a corner lot where there shall not be a rear lot line. Corner lots will have only front and side lot lines.

Lot Line, Side:

Any lot line not a front or rear lot line.

Main Use:

The main or primary purpose for which a structure or lot is designated, arranged or intended, or for which it should be used, occupied or maintained under this Bylaw. Any other structure or land on the same lot and incidental or supplementary to the principal use and permitted under this Bylaw shall be considered an accessory use.

Manufacturing and Accessory Retail:

Manufacturing facilities located on the same site with a primary retail outlet for one or more products manufactured on premises, provided that retail sales shall be limited to the product or products manufactured on site and any directly related items or services.

Marijuana Cultivator:

An entity licensed to cultivate, process, and package marijuana, to deliver marijuana to marijuana establishments, and to transfer marijuana to other marijuana establishments, but not to consumers. (added 4/23/2018)

Marijuana Establishment:

A marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer, or any other type of licensed marijuana-related businesses. (added 4/23/2018)

Marijuana Product Manufacturer:

An entity licensed to obtain, manufacture, process, and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments, and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers. (added 4/23/2018)

Marijuana Retailer:

An entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell, or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers. (added 4/23/2018)

Membership Club:

Buildings or facilities owned or operated by a non-profit corporation, association, or persons, to which membership is limited or controlled, for a social, educational, civic, charitable, or recreational purpose; but not primarily for profit or to render a service that is customarily carried on as a business.

Mobile Home:

Any structure provided with wheels or designed for the attachment of wheels, enabling it to be conveyed upon the public streets or highways, and is duly licensed as a vehicle, and is designed and constructed in such a manner as to permit occupancy thereof as a dwelling or a sleeping

place for one or more persons and is equipped with bath facilities, flush toilet and designed to be connected to a water supply and to a sewage disposal system.

Non-conforming Use:

Non-conforming use of land or building is a lawfully existing use which does not conform to the regulations for the district in which such use of land or building exists and which existed at the time of adoption of the regulations to which it does not conform.

Non-profit uses: (added 5/16/2011)

A nonresidential use designed, intended, or used by a charitable organization and operated for charitable purposes.

Nursing or Convalescent Home:

Any institution, however named, whether conducted for charity or for profit, which is advertised, announced or maintained for the express or implied purpose of caring for three (3) or more persons admitted thereto for the purpose of nursing or convalescent care.

Office for physician, dentist, or other health care practitioner: (added 5/16/2011)

A building or portion thereof designed, intended, or used as an office for an individual or group medical, dental, or other health care practice, but not including a hospital, clinic, ambulatory surgery center, or other facility that is subject to a determination of need and licensure by the Massachusetts Department of Health under G.L. c. 111.

Open Space: (amended 10/22/2018)

Any space on a lot not occupied by a structure or pavement and devoted to recreational use or conservation of vegetation. Grassed areas shall be considered open space, provided such areas are not to be used as a street, driveway, sidewalk, off-street parking, or for storage or display.

Parking Area:

Any open space used for parking motor vehicles exclusively, and in which no gasoline or fuel or motor vehicle accessories are sold or no other business is conducted.

Planned Residential Development: (added 5/16/2011)

A development with mixed residential uses designed and arranged so as to reserve a majority of a site as permanently protected open space, subject to a special permit from the Planning Board.

Premises:

That portion of a lot, structure or building actually in use for the specific purpose or use under consideration.

Process or Non-Sanitary Wastewater: (added 10/22/2018)

All non-sanitary wastewater, disposed on-site, other than stormwater runoff, including, but not limited to, any liquid wastes resulting from any process of industry or business.

Professional Occupation:

Any recognized profession, such as a doctor, lawyer or dentist.

Public Utility:(amended 5/17/2017)

Any activity which provides or offers to provide services, such as water, sewerage, sewage treatment, electricity, communications, power or transportation to its members or to the public.

Rear Lot: (added 5/17/2017)

Any lot which does not meet the minimum lot frontage requirements in accordance with Section VII, Table II of the Zoning By-Law.

Recharge Area: (added 10/22/2018)

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

Registered Marijuana Dispensary: (added 5/21/2014)

As defined in the Humanitarian Medical Use of Marijuana Act, G.L. c.94C, App. §1-1, et seq. and the Department of Public Health Regulations promulgated thereunder, 105 CMR 725.001, et seq., and otherwise by their plain language. Registered Marijuana Dispensary: also known as Medical Marijuana Treatment Center, means a not-for-profit entity registered under 105 CMR 725.100, that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana-infused products ("MIPs"), tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

Restaurant:

A place where the primary function is the serving of food and beverages.

Salesroom for Agricultural and Construction Equipment, Recreation Vehicles, Motor Homes, Trucks and Boats: (amended 3/24/2003)

A building or use designed for the sale or rental of farm and construction equipment, recreation vehicles, motor homes, trucks, boats, marine supplies, and other similar products.

Salesroom for Automobiles and Motor Cycles: (amended 3/24/2003)

A building or use designed for the sale of passenger vehicles and motorcycles including all terrain vehicles, all trucks with a gross vehicle weight of 14,000 pounds or less, but not including agricultural, construction equipment and motor homes/recreation vehicles greater than twenty feet in length as defined by this bylaw.

Sanitary Wastewater: (added 10/22/2018)

Water carrying putrescible waste arising from ordinary water use as from toilets, sinks, baths, dishwashers, washing machines etc. and containing such concentrations and types of pollutants as to be considered normal wastes as regulated by 310 CMR 15.00.

Self-Service Storage: (added 5/23/2018)
Any real property consisting of a structure or group of structures containing separate storage spaces designed and used for the renting or leasing of individual self-contained units of storage space to occupants who are to have access to such units for storing and removing personal property only, and not for residential purposes.

Senior Housing: (amended 5/22/2002)

A lot under single ownership containing not less than five (5) acres to be used for the placement of owner-occupied homes by persons who must be fifty-five (55) years of age or over commencing occupancy, provided, however, that no more than one of the persons occupying any unit may be under fifty-five (55) years of age, exclusive of nurses or other persons licensed to provide health care services to the elderly occupants of said unit.

Septage: (added 10/22/2018)

Means the liquid, solid, and semi-solid contents of privies, chemical toilets, cesspools, holding tanks, or other sewage waste receptacles. For the purposes of this Aquifer Protection Bylaw, the term septage does not include any material which is hazardous waste pursuant to 310 CMR 32.00.

Sign:

Any permanent or temporary structure, device, letter, word, banner, pennant, insignia, trade flag, streamer or emblem which is in the form of an advertisement or announcement which is designed to attract the eye and visible from a street.

Sign, Area of:

For a sign, either free-standing or attached, the area shall be considered to include all lettering, wording and accompanying designs or symbols, together with the background on which they are displayed but not including any supporting framework and bracing which are incidental to the display itself.

For a sign consisting of individual unconnected letters, designs or symbols attached to or painted onto a surface, building wall, or window without an isolated background, the area shall be considered to be that of the smallest quadrangle which encompasses each individual letter, design or symbol.

For a sign consisting of connected letters, designs and symbols attached to or painted onto a surface, building wall or window without an isolated background, the area shall be considered to be that of the smallest quadrangle which encompasses all of the letters, designs and symbols.

For a sign consisting of letters, designs or symbols attached to or painted onto a surface, building wall or window, with an isolated background, the area shall be considered to be that of the background. For two-faced free-standing signs the area shall be considered to be that of one face only.

For signs consisting of three (3) or more faces and not having plane faces, the aggregate area shall be computed as the sum total of all surfaces visible from a street. Signs located within a building will not be included in area computations.

Sign, Identification:

A sign used simply to identify the name, address and title of an individual, family or firm occupying the premises upon which the sign is located.

Sign, Outdoor Advertising:

A permanent sign advertising an activity not undertaken on the premises on which the sign is located.

Sludge: (added 10/22/2018)

Means the solid, semi-solid, and liquid residue that results from a process of wastewater treatment or drinking water treatment. This residue does not include grit, screening, or grease and oil which are removed at the headworks of a facility.

Special Permit Granting Authority:

Shall mean the Zoning Board of Appeals and the Planning Board.

Story: (Notwithstanding any definition in the Town of Shrewsbury Building Code)

That portion of a building included between the surface of any floor and the surface of the next floor above it, or, if there be no floor above it, then the space between such floor and the ceiling next above it. Any portion of a story exceeding fourteen (14) feet in height shall be considered an additional story for each fourteen (14) feet or fraction thereof. One-half (1/2) story means any story or space situated wholly or partly in the roof, so designed, arranged or built to be used for storage or habitation.

Street:

A way which the Town Clerk certifies is maintained and used as a public way or a way shown on a plan approved and endorsed in accordance with the Subdivision Control Law or a way in existence when the Subdivision Control Law became effective in Shrewsbury having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon

Storage: (added 10/22/2018)

Means containment or stockpiling prior to or during selling or distributing or reuse, or offering for sale, distribution or use.

Structure:

A combination of materials assembled at a fixed location to give support or shelter such as a building framework, carport, tent, deck, bin, fence, sign, flagpole, mast for radio antenna or the like. The word "structure" shall be construed, where the context allows, as though followed by the words "or part or parts thereof".

Tourist Home (deleted 11/13/2001)

Tourist Camps or Camp Sites: (amended 11/13/2001)

Land used or intended to be used, let or rented for occupancy by campers traveling by automobile or otherwise; or for occupancy by house trailers, tents or movable temporary dwellings; rooms or sleeping quarters of any kind.

Town:

Town of Shrewsbury, Massachusetts.

Trailer or Mobile Home:

Trailer or mobile home shall mean any vehicle or object on wheels so designed and constructed or reconstructed or added to by means of such accessories as to permit the use and occupancy thereof for human habitation, whether resting on wheels, jacks or other foundations and shall include the type of vehicle commonly known as a mobile home, which shall be defined to mean a dwelling unit built on a chassis and containing complete electrical, plumbing and sanitary facilities and designed to be installed on a temporary or permanent foundation for permanent living quarters.

Trucking Terminal:

A building or area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semi-trailers, including tractor and/or trailer units and other trucks, are parked or stored. The terminal may include areas for the fueling and repair of trucks associated with the terminal and similar ancillary activities.

Use:

The purpose for which land or building is occupied, maintained, arranged, designed or intended.

Utility Structure:

Public utility buildings, telephone exchanges, sewage pumping stations, gas, water and electrical substations, and similar facilities located on a specific site and necessary for the operation of a public utility, but not including administrative offices and power plants.

Warehousing and Distribution: (amended 3/24/2003)

A building or use designed for the storage, wholesale, and distribution of manufactured products, supplies, and equipment.

Wireless Communications Antenna: (amended 11/1/1999)

A device used to transmit or receive wireless telecommunication signals.

Wireless Telecommunication Tower:

A facility for the provision of wireless communications services, including but not limited to, a freestanding or ground mounted structure with antenna(s) or other devices, if any, together with any guy wires and accessory structures, which shall not include a service yard, a garage, or the outside storage of equipment and vehicles.

Yard, Front:

An open space extending across the full width of the lot and the nearest line of the building. The depth of a front yard shall be the minimum distance between the building and front lot line measured at right angles to the front line of the lot.

Yard, Rear:

An open space extending across the full width of the lot and lying between the rear lot line of the lot and the nearest line of the building. The depth of the rear yard shall be at the minimum distance between the building and rear lot line measured at right angles to the rear line of the lot.

Yard, Side:

An open space between the side lot line of the lot and the nearest line of the building, and extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front or the rear lot lines as the case may be. The width of a side yard shall be the minimum distance between the building and the side lot line measured at right angles to the side line of the lot.

Zone I: (added 10/22/2018)

Means the protective radius required around a public water supply well or wellfield. For public water system wells with approved yields of 100,000 gpd or greater, the protective radius is 400 feet.

Zone II: (added 10/22/2018)

Means that area of an aquifer which contributes water to a well under the most severe pumping and recharge conditions that can be realistically anticipated (180 days of pumping at approved yield, with no recharge from precipitation). It is bounded by the groundwater divides which result from pumping the well and by the contact of the aquifer with less permeable materials such as till or bedrock. In some cases, streams or lakes may act as recharge boundaries. In all cases, Zone II shall extend upgradient to its point of intersection with prevailing hydrogeologic boundaries (a groundwater flow divide, a contact with till or bedrock, or a recharge boundary).

Zone III: (added 10/22/2018)

Means that land area beyond the area of Zone II from which surface water and groundwater drain into Zone II. The surface drainage area as determined by topography is commonly coincident with the groundwater drainage area and will be used to delineate Zone III. In some locations, where surface and groundwater drainage are not coincident, Zone III shall consist of both the surface drainage and the groundwater drainage areas.

Zoning:

As defined in the Massachusetts General Laws, Chapter 40A, Section 1.

SECTION III - DISTRICTS

A. **Establishment of Districts**: (amended 10/22/2018)

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

1.	Rural A District	8.	Limited Business District
1a.	Rural AA District	9.	Commercial-Business District
2.	Rural B District	9a.	Limited Commercial-Business
3.	Residence A District	10.	Limited Industrial District
4.	Residence B-1 District	11.	Neighborhood Business District

5.	Residence B-2 District	12.	Office-Research District
6.	MF-1 District	12a.	Limited Office-Research District
6a.	MF-2 District	13.	Aquifer Protection Overlay District
7.	Apartment District	14.	Edgemere Village Overlay District
		15.	Flexible Development Overlay District
		16.	Lakeway Overlay District
		17.	Route 20 Overlay District

B. <u>District Intent</u>: (amended 10/22/2018)

1. Base Zoning Districts

A. The Rural A District is intended as a residential district for typical rural uses with which one-family homes are compatible.

B. The Rural AA District is intended as a residential district for detached single-family homes and open space, recreation, and conservation areas in addition to planned residential developments.(added 5/16/2011)The Rural B District is intended as a district for low density uses with which one-family homes are compatible.

C. The Residence A, B-1, and B-2 Districts are intended as districts for rural, residential and non- commercial uses.

D. The Multi-Family MF-1 and MF-2 Residential Districts are intended for low density multi-family residential uses.

E. The Apartment District is intended for high density multi-family residential uses.

F. The Limited Business (LB) District is intended to provide consumer goods and services.

G. The Commercial-Business (CB) District is intended to provide goods and services for transients or tourists and non-consumer goods and services.

H. The Limited Commercial-Business (LCB) district is intended to provide goods and services for residents, transients and/or tourists as well as office uses. (added 5/16/2011)

I. The Limited Industrial (LI) District is intended for use by research laboratories, office buildings and light industries.

J. The Neighborhood Business (NB) District is intended to provide consumer goods and services under highly controlled conditions so as not to be disruptive to adjacent residential properties.

K. The Office-Research (O-R) District is intended for use by research laboratories and office buildings which would be compatible with rural residential neighborhoods.

L. The Limited Office-Research (LO-R) District is intended for use by specialized biomedical, pharmaceutical, research and development, and production facilities.

2. Zoning Overlay Districts

A. Aquifer Protection Overlay District is intended to protect public health and safety by minimizing contamination of shallow/surficial aquifers and preserving and protecting existing and potential sources of drinking water supplies.

B. Edgemere Village Overlay District is intended to provide for neighborhood business and residential uses at a scale appropriate for a small village area.

C. Flexible Development Overlay District is intended to provide flexibility to develop office, research, health care, light industrial, and accessory uses and encourage planned developments that provide employment and fiscal benefits to the Town.

D. Lakeway Overlay District is intended to encourage a mix of commercial, residential, institutional and civic uses in a physical arrangement that is safe for vehicular, pedestrian and bicycle traffic in order to create and maintain a vibrant, walkable commercial area.

E. Route 20 Overlay District is intended to provide flexibility to develop an organized mix of office, retail, and compatible light industrial and other uses in a manner that is aesthetically pleasing and provides economic and fiscal benefits to the Town.

C. <u>Location of Districts</u>: (amended 10/22/2018)

Said districts are hereby established as shown, located, defined and bounded on the digital map entitled "Official Zoning Map of the Town of Shrewsbury, Massachusetts," dated May 23, 2018 and on file in the office of the Town Clerk. The Zoning Map, together with all explanatory matter thereon, is hereby incorporated in and made a part of this Bylaw. The Zoning Map is the digital map file maintained by the Engineering Department and shall control in the event of a conflict between the Zoning Map that is on file and any other reproduction of said map. The reclassification of property to a new zoning district or classification shall be considered an amendment to the Official Zoning Map. (amended 5/23/2018)

D. <u>Location of Boundaries of Districts</u>: (amended 10/22/2018)

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

2. Boundary lines located outside of such street lines or transmission lines, and shown approximately parallel thereto, shall be regarded as parallel to such lines, and dimensions shown in figures placed upon said map between such boundary lines and such transmission lines are the distances in feet of such boundary lines from the center line of such lines, such distances being measured at right angles to such lines unless otherwise indicated.

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

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

E. **Use Beyond a Boundary Line**: (amended 10/22/2018)

Where a district boundary line divides any lot of record existing at the time such line is adopted, any building or use permitted in either district shall be permitted for said lot within a distance not exceeding thirty (30) feet beyond the boundary.

F. **Town of Shrewsbury**: (amended 12/9/1991) (amended 10/22/2018)

Upon the granting of a Special Permit by the Board of Appeals, as provided in Section IX, the provisions of this bylaw shall not apply to the Town of Shrewsbury in the carrying out of any of its functions if the use for a specific location is voted by a town meeting.
The dimensional requirements of the zoning bylaw shall not apply to any lot owned by the Town of Shrewsbury and created by a transfer by the Town severing such lot from a larger tract of land owned by the Town, which transfer was authorized by a two-thirds majority vote at town meeting.

SECTION IV - CONTINUANCE OF EXISTING USES

A non-conforming use may continue, provided that:

A. This Bylaw shall not apply to structures or uses lawfully in existence or lawfully begun or to a building or special permit issued before the first publication of notice of the public hearing concerning the adoption of this Bylaw or any amendment thereto.

B. Upon the issuance of a Special Permit by the Board of Appeals as provided in Section IX, non-conforming uses, buildings or structures may be altered, reconstructed, expanded, enlarged or changed provided that:

1. In Rural, Residential and Apartment Districts the extent of the non-conforming use of a structure shall not be increased more than fifty (50) percent of the gross floor area, nor shall the non-conforming use of land be increased more than fifty (50) percent of the area in use at the time of passage of this Bylaw. In the event the use involves both structure and land, each may be increased no greater than fifty (50) percent. All increases must be confined to the lot as it existed on the date of the adoption of this Bylaw, and shall be subject to all other provisions of the applicable district.

2. In the Limited Business, Commercial-Business, Limited Commercial-Business and Limited Industrial Districts the extent of non-conforming uses may be increased insofar as they are confined to the lot as it existed on the date of the adoption of this Bylaw, and shall be subject to all other provisions of the applicable districts. (amended 5/16/2011)

3. A non-conforming use may only be changed to a similar use or a less restricted use.

4. Any such change, alteration, reconstruction, expansion or enlargement may be permitted only upon the finding by the Board of Appeals that such change, alteration, reconstruction, expansion or enlargement is not substantially more detrimental to the neighborhood or public welfare.

C. If the non-conforming use is discontinued for a period of more than two (2) years or is abandoned, it shall not be re-established, and any future use shall be in conformance with this Bylaw.

D. A building destroyed or damaged by fire, explosion or other catastrophe may be rebuilt or restored at the same location and again used as previously, provided that said owner shall apply for a building permit and start operations for restoring or rebuilding on said premises within twelve (12) months after such catastrophe, and reconstruction is completed and occupancy begun within two (2) years, and further provided that the building as restored shall not be greater in volume or gross floor area than provided in Section IV A and shall be constructed in accordance with the Building Code in effect at the time of the application.

SECTION V - NEW CONSTRUCTION AND NEW USES

A. For the purposes of this Bylaw, any lawful building or structure or use of a building, structure or land, or part thereof, may be constructed, altered, enlarged, repaired or moved, occupied and used for any purpose which does not violate any section of this Bylaw or any of the provisions of the Bylaws of the Town. Any use not permitted shall be prohibited. (amended 5/20/1980)

B. For safety and the general welfare, all principal buildings designed or intended for residence purposes hereafter erected shall be on a building lot which fronts upon a street as defined by this Bylaw.

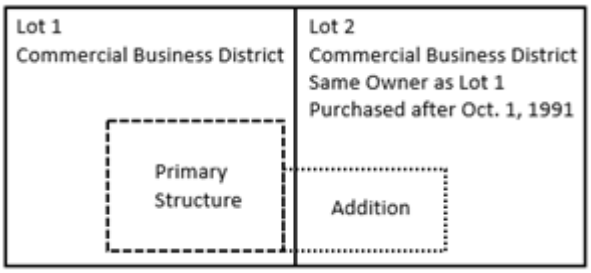
C. Requirements respecting minimum lot size and frontage provided in this Bylaw or amendments thereto shall be subject to exemptions provided by Section 6 of Chapter 40A of the General Laws. Lots in excess of 5,000 square feet in area and having 50 feet of frontage recorded by deed or plan at the Worcester District Registry of Deeds prior to the adoption of this Bylaw, August 2, 1967, and not held in common ownership with adjoining land at the time or thereafter may be used for any permitted use within the zoning district in which it is located provided all other conditions and requirements of the district are met.

D. A lot on which there existed at the time of the adoption of this Bylaw two (2) or more dwelling houses may be divided into as many lots as there were dwelling houses thereon, notwithstanding any requirements respecting lot size and frontage, providing the lot is divided in such manner that the resulting lots shall conform as nearly as possible to area and frontage requirements.

E. No provisions of this Bylaw shall be contrary to Section 3 of Chapter 40A of the General Laws.

F. Only one (1) one-family or one (1) two-family dwelling building shall be constructed on a lot of record used for one-family or two-family residential purposes.

G. Additions in the Commercial-Business zoning district that are built upon an adjacent lot that is held in common ownership as the lot on which the primary structure is situated are allowed by-right provided the adjacent lot was acquired after October 1, 1991. Said additions shall also meet all dimensional requirements of Table II, not including side and/or rear yard requirements, as if the addition were a free-standing structure. (amended 10/22/2018)



This diagram is for illustrative purposes only

SECTION VI - USE REGULATIONS

In Table I, the letters "Y", "N", "SP", "SP-PB", shall indicate the following:

Y	A use permitted by right. Section VII F may also require site plan review for certain uses that are permitted by right:
N	A use not permitted.
SP	A use permitted upon the issuance of a special permit by the Board of Appeals, as provided in Section IX.
SP-PB	A use permitted upon the issuance of a special permit by the Planning Board, as provided in Section IX.

Table I

Use Regulation Schedule (amended 5/16/2011, 10/21/2013, 4/29/2014, 5/23/2018)

	Rur AA	Rur A	Rur B	Res A	Res B-1	Res B-2	MF-1	MF-2	Apt	LB	CB	LCB	LI (8)	NB	O-R	LO-R
Residential Uses																
Boarding houses or rooming houses for rental to not more than four (4) persons, provided that the house is also occupied as a private residence.	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	N	N
Continuing/Continuum Care Retirement Community subject to the following: (4)	N	N	N	N	SP	N	N	N	N	N	N	N	N	N	N	N
In-law apartments	SP-PB	SP	SP	SP	SP	SP	SP-PB	SP-PB	SP	Y	Y	N	N	N	N	N
MF-1 -- Multi-family garden-type apartments (5); (28)	N	N	N	N	N	N	SP-PB	N	SP	N	N	N	N	N	N	N
MF-2 -- Multi-family townhouse-type structures (6) (28)	N	N	N	N	N	N	SP-PB	SP-PB	SP	N	N	N	N	N	N	N
One family detached dwellings.(28) (amended 3/24/2003)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	Y	N	N
One-family dwelling conversion into a two-family dwelling, provided that dwelling existed at the time of the original adoption of this Section of the Bylaw and the exterior appearance is not altered. (3) (added 5/23/2018)	N	SP	SP	SP	SP	Y	Y	Y	Y	Y	N	N	N	N	N	N

	Rur AA	Rur A	Rur B	Res A	Res B-1	Res B-2	MF-1	MF-2	Apt	LB	CB	LCB	LI (8)	NB	O-R	LO-R
Planned Residential Development (added 5/16/2011)	SP-PB	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Senior Housing (28) (amended 5/22/2002, 5/19/2005)	SP-PB	SP-PB (23)	SP-PB (23)	SP-PB (23)	SP-PB (23)	SP-PB (23)	SP-PB (5)	SP-PB (6)	SP-PB (7)	N	N	SP	N	N	N	N
Structures for dwelling units containing not more than eight (8) stories, provided that: (7)	N	N	N	N	N	N	N	N	SP	N	N	N	N	N	N	N
Two family dwellings(28)	N	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	Y	N	N
Agriculture, Conservation and Recreation Uses																
Conservation areas for water supply, plants and wildlife and dams necessary for achieving this purpose.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Country clubs, provided that any buildings in connection therewith are located subject to the same conditions as apply to farm buildings. (3)	SP-PB	SP	SP	SP	SP	SP	N	N	N	N	N	N	N	N	N	N
Day camps, overnight camps and camp sites where tents are used for shelter. Buildings used in connection with the operation of these uses shall be subject to the same restrictions which apply to the location of farm buildings. (3)	SP-PB	SP	SP	N	N	N	N	N	N	N	N	N	N	N	N	N

	Rur AA	Rur A	Rur B	Res A	Res B-1	Res B-2	MF-1	MF-2	Apt	LB	CB	LCB	LI (8)	NB	O-R	LO-R
Fields, pastures, woodlots, orchards, nurseries, greenhouses, farming and horticulture, including raising, harvesting, and storing crops, truck gardening, grazing and poultry raising, except commercial piggeries and fur farms, on parcels greater than (5) acres. (1)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Fields, pastures, woodlots, orchards, nurseries, greenhouses, farming and horticulture, including raising, harvesting, and storing crops, truck gardening, grazing and poultry raising, except commercial piggeries and fur farms, on parcels less than five acres. (1)	Y	Y	Y	SP	SP	SP	SP	SP	SP	SP	SP	Y	SP	SP	SP	SP
Picnic areas, provided that there are adequate provisions for disposal of waste products and for parking. (3)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Recreation, including golf courses, ski runs, parks (but not an amusement park), boating, commercial or club fishing and hunting (where legally permitted), and any non-commercial open-air recreation use. Storage uses shall be located subject to the same provisions which apply to farm buildings. (3)	SP-PB	SP	SP	SP	SP	SP	SP-PB	SP-PB	SP	Y	Y	Y	N	N	N	N

	Rur AA	Rur A	Rur B	Res A	Res B-1	Res B-2	MF-1	MF-2	Apt	LB	CB	LCB	LI (8)	NB	O-R	LO-R
Veterinary hospitals, stables and kennels used for commercial purposes, raising or breeding animals for sale, and boarding animals subject to the same conditions applicable to the location of farm buildings and to the grazing of farm animals.	SP-PB	SP	SP	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N
Institutional Uses																
Assisted living residence (20)	SP-PB	SP	SP	SP	SP	SP	N	N	N	Y	Y	Y	N	N	N	N
Cemeteries	SP-PB	SP	SP	SP	SP	SP	N	N	N	N	N	N	N	N	N	N
For-profit schools, nursery schools and kindergartens, and colleges with or without dormitory facilities, including dance and music studios, provided adequate off-street parking areas in accord with Section VII D are provided, there is no external change of appearance of any dwelling converted for such use, and that no activity is carried on which results in objectionable noise audible off the premises. (Ed. Note: This line combines § VI.B.2.b. and VI.C.2.a.).	Y	N	SP	SP	SP	SP	N	N	N	Y	Y	Y	N	N	N	N

	Rur AA	Rur A	Rur B	Res A	Res B-1	Res B-2	MF-1	MF-2	Apt	LB	CB	LCB	LI (8)	NB	O-R	LO-R
Hospital, sanitarium, ambulatory surgery center, or outpatient medical clinic, including diagnostic laboratory as an accessory use (amended 5/16/2011)	SP-PB	SP	SP	SP	SP	SP	N	N	N	N	Y	SP-PB	SP	N	N	N
Museums (14)	SP-PB	SP	SP	SP	SP	SP	SP	SP	SP	Y	Y	Y	N	N	N	N
Non-profit medical or science research laboratories and accessory uses thereto (amended 5/16/2011)	N	N	SP	SP	SP	SP	N	N	N	Y	Y	Y	N	N	N	N
Nursing homes	SP-PB	SP	SP	SP	SP	SP	N	N	N	Y	Y	Y	N	N	N	N
Public and non-profit schools and accessory uses (amended 5/16/2011)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Religious uses (amended 5/16/2011)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Business Uses																
Adult bookstore, adult motion picture theater, adult paraphernalia store, adult video store, or establishment which displays live nudity for its patrons (16) (30) (amended 5/19/2004)	N	N	N	N	N	N	N	N	N	N	SP (27)	N	N	N	N	N
Apartment hotel or extended stay hotel (amended 5/22/2008)	N	N	N	N	N	N	N	N	N	N	SP	N	SP	N	SP	N

	Rur AA	Rur A	Rur B	Res A	Res B-1	Res B-2	MF-1	MF-2	Apt	LB	CB	LCB	LI (8)	NB	O-R	LO-R
Auditoriums, athletic facilities, health clubs, and other places of amusement or public assembly where activities take place *inside* the building.	N	N	N	N	N	N	N	N	N	N	Y	SP	N	N	SP	SP
Auditoriums, skating rinks, clubs and other places of amusement or assembly where activities are conducted *outside* the structure.	N	N	N	N	N	N	N	N	N	N	SP	SP	N	N	N	N
Banks	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	SP	SP	SP
Banking machines, as stand-alone structures, or where public access is available via drive-up windows or from outside a building.(29) (amended 5/19/2004)	N	N	N	N	N	N	N	N	N	SP (27)	SP (27)	SP	SP	SP	SP	SP
Banking machines, where public access is only available from within a building and is operated in connection with other uses in the same building.	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y
Bed and Breakfast (amended 11/13/2001)	SP-PB	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	N	N	N	N
Body Art Establishment (amended 11/13/2001)	N	N	N	N	N	N	N	N	N	N	SP (22)	N	N	N	N	N
Bowling alleys	N	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N
Business or professional offices	SP-PB	N	SP (14)	N	N	N	N	N	N	Y	Y	Y	Y	N	Y	Y

	Rur AA	Rur A	Rur B	Res A	Res B-1	Res B-2	MF-1	MF-2	Apt	LB	CB	LCB	LI (8)	NB	O-R	LO-R
Craft Marijuana Cultivator Cooperative (added 4/23/2018)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SP-PB	SP-PB
Funeral homes (29)	N	N	N	SP	SP	SP	N	N	N	Y	SP	SP	N	N	N	N
Garages and repair shops (9)	N	N	N	N	N	N	N	N	N	N	SP	N	N	N	N	N
Gasoline Service Stations with Related Uses (9) (amended 3/24/2003)	N	N	N	N	N	N	N	N	N	N	SP	N	SP (26)	N	N	N
Gasoline stations (9)	N	N	N	N	N	N	N	N	N	N	Y	N	N	N	N	N
General Outdoor Entertainment/Assembly (added 10/21/2013)	N	N	N	N	N	N	N	N	N	SP	SP	SP	SP	SP	SP	SP
Gift shops and places for display or sale of handcrafts.	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	SP	N	N
Hotel, motel (amended 5/22/2008)	N	N	N	N	N	N	N	N	N	N	SP	SP	SP	N	SP	N
Independent Testing Laboratory (added 4/23/2018)	N	N	N	N	N	N	N	N	N	N	N	N	SP-PB	N	SP-PB	SP-PB
Indoor or outdoor farmers markets (added 10/21/2013)	SP	SP	SP	SP	SP	SP	SP	SP	SP	Y	Y	Y	SP	Y	SP	SP
Lodging House (amended 5/22/2008)	N	N	N	N	N	N	N	N	N	N	SP	N	SP	N	SP	N
Marijuana Cultivator (added 4/23/2018)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SP-PB	SP-PB

	Rur AA	Rur A	Rur B	Res A	Res B-1	Res B-2	MF-1	MF-2	Apt	LB	CB	LCB	LI (8)	NB	O-R	LO-R
Marijuana Product Manufacturer (added 4/23/2018)	N	N	N	N	N	N	N	N	N	N	N	N	SP-PB	N	SP-PB	SP-PB
Marijuana Retailer (added 4/23/2018)	N	N	N	N	N	N	N	N	N	N	SP-PB	N	SP-PB	N	N	N
Marinas	N	N	N	N	N	N	SP-PB	SP-PB	SP	N	N	N	N	N	N	N
Membership clubs	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	N	N
Mortuaries or crematories	N	N	N	N	N	N	N	N	N	N	SP	SP	N	N	N	N
Office for physician, dentist, or other health care practitioner (added 5/16/2011, amended 4/29/2014)	SP-PB	N	N	N	N	N	N	N	N	Y	Y	Y	N	Y	N	N
Passenger depots	N	N	N	N	N	N	N	N	N	N	SP	SP	N	N	N	N
Registered Marijuana Dispensary (31) (added 5/21/2014, amended 4/23/2018)	N	N	N	N	N	N	N	N	N	N	SP-PB	N	SP-PB	N	N	N
Restaurants or other places for serving food not confined to service within the structure. (amended 5/19/2004)	N	N	N	N	N	N	N	N	N	N	SP (27)	N	N	N	N	N
Restaurants or other places for serving food within the structure.	N	N	N	N	N	N	N	N	N	Y	Y	SP	N	N	N	N
Retail store or service establishment, the principal activity of which shall be the offering of goods or services at retail within the building.	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	SP (13)	N	N

	Rur AA	Rur A	Rur B	Res A	Res B-1	Res B-2	MF-1	MF-2	Apt	LB	CB	LCB	LI (8)	NB	O-R	LO-R
Salesroom for Agricultural, Construction, Large Recreation, Trucks and Boating Sales and Equipment (amended 3/24/2003)	N	N	N	N	N	N	N	N	N	N	N	N	SP	N	N	N
Salesrooms for Automobiles and Motor Cycles (amended 3/24/2003)	N	N	N	N	N	N	N	N	N	N	SP	N	N	N	N	N
Self-Service Storage (added 5/23/2018)	N	N	N	N	N	N	N	N	N	N	SP-PB	N	Y	N	N	N
Theaters	N	N	N	N	N	N	N	N	N	N	Y	SP	N	N	N	N
Research and Industrial Uses																
Basic and applied research and development in the electronic, computer, instrumentation, photonics, and communication field, production and product assembly, laboratory testing, and related uses. (amended 9/9/2002, 3/24/2003)	N	N	N	N	N	N	N	N	N	N	N	N	SP	N	Y	N
Basic and applied research and development in the pharmaceutical, biotechnology and biomedical field, production and product assembly, laboratory testing and bioprocessing, and related uses.	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	Y	Y
Building materials salesrooms (12) (29)	N	N	N	N	N	N	N	N	N	SP	Y	N	Y	N	N	N

	Rur AA	Rur A	Rur B	Res A	Res B-1	Res B-2	MF-1	MF-2	Apt	LB	CB	LCB	LI (8)	NB	O-R	LO-R
Contractors' yards and storage yards (amended 10/21/2019)	N	N	N	N	N	N	N	N	N	N	SP	N	Y	N	N	N
Electronic data storage centers (added 5/24/2012)	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	Y	Y
Hazardous waste facilities, the construction or siting of, as defined in M.G.L. Chapter 111, Section 150A and 310 CMR 16.00 and 19.00 (See Section VI.C) (5/23/2018)	N	N	N	N	N	N	N	N	N	N	N	N	SP-PB	N	N	N
Health care and educational facilities	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SP
Large scale ground mounted solar Photovoltaic installation and appurtenant structures (added 5/24/2012)	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N	Y	Y
Manufacturing enterprises (11)	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	N	N
Parcel distribution centers and wholesale distribution plants	N	N	N	N	N	N	N	N	N	N	N	SP	Y (12)	N	N	N
Photographic, medical, scientific and research laboratories	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	Y	Y
Printing or publishing establishments, photo-graphic processing studios, medical or dental laboratories. (11) (12)	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	N

	Rur AA	Rur A	Rur B	Res A	Res B-1	Res B-2	MF-1	MF-2	Apt	LB	CB	LCB	LI (8)	NB	O-R	LO-R
Research laboratories and accessory uses thereto including incidental assembly or testing	N	N	SP (15)	N	N	N	N	N	N	N	Y	N	Y	N	Y	Y
Trucking terminals (amended 11/13/2001, 3/24/2003)	N	N	N	N	N	N	N	N	N	N	N	N	SP (12)	N	N	N
Utility structures greater than two hundred (200) square feet (17)	N	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	Y	SP	SP	SP
Warehousing and Distribution (amended 3/24/2003)	N	N	N	N	N	N	N	N	N	N	N	SP	Y (12)	N	N	N
Wireless Communications Antenna (21) (amended 11/1/2099)	N	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
Wireless Telecommunications Towers (18)	N	N	N	N	N	N	N	N	N	SP	SP	SP	SP	SP	SP	SP
Accessory Uses																
Accessory manufacturing	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SP	SP
Accessory Retail, A retail use incidental and subordinate to the principal use of a structure or lot when the retail use occupies 15% or less of the total gross floor area of the building engaged in the principal use. (added 5/23/2018)	N	N	N	N	N	N	N	N	N	N	Y	N	Y	N	Y	Y

	Rur AA	Rur A	Rur B	Res A	Res B-1	Res B-2	MF-1	MF-2	Apt	LB	CB	LCB	LI (8)	NB	O-R	LO-R
Accessory uses, including such normal accessory uses as private garages, storage sheds, tennis courts, swimming pools, cabanas for swimming pools, summer houses and a structure approved by Civil Defense authorities and designed for use by the inhabitants, employees or customers of the property to which it is accessory and used for shelter from natural disaster or war, and detached fireplaces. (Ed. Note**:** This line combines § VI.A.1.g. and VI.C.1.b.).	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Cafeterias for employees and other normal accessory uses when contained in the same structure as a permitted use.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Domestic Animals, the keeping of, other than customary household pets, for the exclusive use of, or pleasure of residents.	SP-PB	SP	SP	SP	SP	SP	SP-PB	SP-PB	SP	Y	Y	N	N	N	N	N
Dwelling unit for a watchman or caretaker when contained in the same structure as a permitted use.	N	N	N	N	N	N	N	N	N	N	SP	N	Y	N	N	N
Farm Stand	Y	Y	Y	N	N	N	N	N	N	N	N	Y	N	N	N	N
Heliport	N	N	N	N	N	N	N	N	N	N	N	N	N	N	SP	N

	Rur AA	Rur A	Rur B	Res A	Res B-1	Res B-2	MF-1	MF-2	Apt	LB	CB	LCB	LI (8)	NB	O-R	LO-R
Overnight storage, parking, or garaging of commercial vehicles of more than 14,000 pounds gross vehicle weight. (19) (29)	N	N	N	N	N	N	N	N	N	Y	Y	SP	Y	Y	Y	Y
Professional office or customary home occupation. (2), (3)	SP-PB	SP	SP	SP	SP	SP	SP-PB	SP-PB	SP	Y	Y	Y	N	N	N	N
Restaurants, provided that their use is in connection with a permitted use and that adequate parking areas are provided, as required in Section VII D, and further provided that any such building be located subject to the same conditions as apply to farm buildings. (1), (3)	N	SP	SP	N	N	N	N	N	N	N	N	SP	N	N	N	N
Signs are permitted subject to the provisions of § VII. E. (amended 9/26/2011)																

Footnotes to Table I: (amended 5/20/1998)

(1) 1. No buildings are located within one hundred (100) feet of a district boundary line.

2. Animals permitted to graze closer than one hundred (100) feet of a district boundary line are enclosed by fencing.

3. Logging equipment, spraying equipment, vehicles or other equipment necessary for these uses is stored in an enclosure subject to the provisions of 1. above.

4. Repair of vehicles and equipment permitted in (3) above is conducted within an enclosure except for emergency repairs.

(2) 1. The profession or customary home occupation is conducted by a resident of the premises.

2. The use is clearly incidental to and secondary to the use as a residence and not in excess of twenty-five (25) percent of the floor area of any one floor.

3. Not more than two (2) persons, other than residents of the premises are regularly employed in connection with such use.

(3) Such uses are permitted provided that :

1. No noise, vibration, smoke, dust, odors, heat, glare, unsightliness or other nuisance is produced which is discernible from other properties.

2. There is no public display of goods or wares and no signs except as permitted in Section VII E.

3. There is no exterior storage of material or equipment and no exterior evidence of a non-residential use of the premises, except signs as permitted in Section VII E.

4. There is adequate off-street parking for any employee or visitors in connection with such use in accord with Section VII D.

(4) 1. A nursing home facility either exists on the premises or is located within 800 feet thereof.

2. Notwithstanding the maximum and minimum conditions set forth in Section VII, Table II:

a. No building shall exceed three (3) stories in height.

b. The maximum lot coverage of a lot occupied exclusively by either a continuing/continuum care retirement community or a nursing home associated shall not exceed 20% of the lot area.

c. When attached to a nursing home, the minimum side and rear yard requirements shall not apply to those lot lines located between a continuing/continuum care retirement community and the nursing home associated therewith when located upon separate contiguous lots.

(5) MF-1 -- Multi-family structures in accordance with the provisions of Table II provided that each dwelling unit has two (2) exterior exposures; each structure contains not more than twelve (12) dwelling units unless each unit has a ground level floor in which case the structure shall contain not more than eight (8) dwelling units; multiple structures, excluding detached accessory structures, shall be separated by a minimum distance of fifty (50) feet, except that structures equipped throughout with an approved automatic sprinkler system may be separated by a minimum distance of twenty (20) feet; and provided further that: (amended 5/19/2005)

1. All off-street parking areas as required under Section VII D shall be provided, none of which shall be in the required yards.

2. On-site recreational facilities shall be provided in an amount and type compatible with the proposed size of the development.

3. Single developments shall not exceed 125 living units.

4. Site development shall be in accordance with the applicable provisions of the Planning Board's current Subdivision Rules and Regulations regarding utilities, drainage, parking areas and roadways.

5. Due consideration is given to reducing the impact of the development on abutting properties with respect to traffic, lighting, location of recreational facilities, yard requirements and screening.

6. All access ways to and from the site shall be privately maintained.

7. A site plan has been prepared in accordance with the provisions of Section VII F.

8. Final development plans are substantially consistent with the proposals presented to the Town at the time of rezoning

(6) MF-2 -- Multi-family townhouse-type structures in accordance with the provisions of Table II provided each living unit has a ground level floor, front and rear exposures and the connected living units do not exceed 8 in any one building. Buildings, excluding detached accessory structures, shall be separated by at least fifty (50) feet, except that structures equipped throughout with an approved automatic sprinkler system may be separated by a minimum distance of twenty (20) feet, and provided further that: (amended 5/19/2005)

1. Conditions 1 through 8 for MF-1 are met.

2. Density of development shall not exceed 1 living unit/10,000 square feet of land area.

(7) 1. Each dwelling unit shall have at least one (1) exposure.

2. All off-street parking areas as required under Section VII D shall be at the side of, rear of or beneath buildings.

3. A site plan has been prepared in accordance with the provisions of Section VII F.

4. When more than one (1) structure is to be constructed, the allocation of land for buildings and site improvements shall be in accordance with the Planning Board's Subdivision Rules and Regulations in effect at that time.

(8) Uses shall comply with Section VI B, Conditions for Approval in the Limited Industrial District.

(9) 1. Repairs shall be limited to minor repairs and adjustments unless conducted in a building.

2. There shall be no storage of motor vehicles, appliances and equipment on the premises other than those in process of repair or awaiting delivery or in an enclosed structure or area.

3. No vehicular entrance or exit to the premises used for such purposes shall be within five hundred (500) feet of a lot used for a school, church, hospital, public library, public playground or park, providing such uses are used on a regular basis at least eight (8) months a year.

(10) Deleted 11/13/2001

(11) Provided that such activities will not be offensive, injurious or noxious because of sewerage and refuse, vibration, smoke or gas, fumes, dust or dirt, odors, danger of combustion or unsightliness.

(12) Providing that all loading and unloading is done at the rear or side of the building.

(13) 1. An open space area shall be provided about the perimeter of the lot at least 10 feet in width excluding entrances and exits. Contiguous residential properties shall be screened by a solid fence 5 feet high or a dense planting of evergreens which are 4 feet in height at the time of planting.

2. Only one (1) means of entrance or exit shall be provided on any one (1) street. Combined entrances and exits shall not exceed 30 feet in width, and isolated entrances/exits shall not exceed 15 feet in width.

3. Hours of business operation shall be limited and all business must be conducted within the building.

4. All mechanical equipment accessory to the building shall be fully enclosed within the building, and all noise generators shall be muffled or silenced to cause the least amount of inconvenience to abutting residents.

5. The building shall house one business only.

6. All exterior lighting shall be directed onto the lot and away from abutting properties.

7. Whenever the use changes, a new permit must be obtained from the Board of Appeals.

(14) In Non-residential districts, and where otherwise indicated, uses permitted by right as designated by the letter "Y" require submission of a site plan as provided in Section VII F.

(15) Subject to all conditions for approval required of uses in a Limited Industrial District, Section VI B.

(16) No special permit may be granted for any Adult Bookstore, Adult Motion Picture Theater, Adult Paraphernalia Store, Adult Video Store, or Establishment Which Displays Live Nudity for its Patrons, unless the following conditions are satisfied:

1. No Adult Bookstore, Adult Motion Picture Theater, Adult Paraphernalia Store, Adult Video Store, or Establishment Which Displays Live Nudity for its Patrons may be located less than one thousand (1,000) feet from a school, library, church or other religious use, child care facility, park, playground, or recreational area, nor shall any such establishment be located less than two thousand (2,000) feet from another such establishment or less than two hundred (200) feet from a residence in a residential district. Distance shall be measured as the shortest distance between buildings, or as the shortest distance between the building of the adult use and the lot line of a park, playground, or recreational area.

2. Any existing Adult Bookstore, Adult Motion Picture Theater, Adult Paraphernalia Store, Adult Video Store, or Establishment Which Displays Live Nudity for its Patrons shall apply for such special permit as a condition of its continued operation at such location within ninety (90) days following the adoption of this by-law.

3. No special permit shall be issued to any person convicted of violating the provisions of M.G.L. c. 119, § 63 or M.G.L. c. 272, § 28.

4. Any pictures, publications, videotapes, movies, covers, or other implements, items, or advertising that fall within the definition of Adult Bookstore, Adult Video Store, Adult Paraphernalia Store, Adult Motion Picture Theater or Establishment Which Displays Live Nudity for its Patrons, or are erotic, prurient or related to violence, sadism or sexual exploitation, shall neither be displayed in the windows of, or on the building of any Adult Bookstore, Adult Video Store, Adult Paraphernalia Store, Adult Motion Picture Theater, or Establishment Which Displays Live Nudity for its Patrons, nor be visible to the public from pedestrian sidewalks or walkways, or from other areas, public or semi-public, outside such establishments.

5. These provisions are adopted pursuant to the powers granted municipalities in M.G.L. c. 40A §9A.

(17) Utility structures of two hundred (200) square feet or less are permitted by right in all districts.

(18) Wireless Telecommunications Towers shall be no higher than one hundred fifty (150) feet above the surrounding grade.

(19) This provision shall not apply to property used for municipal purposes, to properties that are legally occupied for business purposes or by recreational or institutional uses, and to farm vehicles, recreational vehicles, recreational trailers, or motor homes.

(20) Notwithstanding the maximum and minimum conditions set forth in Section VII, Table II, relative to Rural AA, Rural A, Rural B, Residence A, Residence B-1 and Residence B-2 Districts, a lot developed exclusively for assisted living within these zoning districts shall have a lot coverage of not more than twenty percent (20%) of its lot area and shall maintain at least fifty percent (50%) of its lot area as open space. All other dimensional requirements of Table II shall apply to lots developed for said use. (amended 5/19/10, 5/16/2015)

(21) Wireless communications antennae shall only be attached to an existing building or structure, including but not limited to buildings, cupolas, water towers, smoke stacks, church spires, electrical transmission towers, sign pylons, and other similar features. Such devices shall include their ancillary cables and equipment shelters.

(22) No special permit shall be granted for any Body Art Establishment, unless the following conditions are satisfied: (amended 11/13/2001)

Body art shall neither be displayed in the windows of, or on the building of any such establishment, nor be visible to the public from pedestrian sidewalks or walkways, or from other areas, public or semi-public, outside such establishments.

(23) Senior Housing – Single family, Two-family or Multi-family townhouse-type structures in accordance with the provisions of Table II Multi-Family Residential MF-1 provided each living unit has a ground level floor, front and rear exposures and the connected living units do not exceed 6 in any one building. Buildings, excluding detached accessory structures, shall be separated by at least fifty (50) feet, except that structures equipped throughout with an approved automatic sprinkler system may be separated by a minimum distance of twenty (20) feet, and provided further that: (amended 5/22/2002, 5/19/2005)

1. Conditions 1 through 7 of Footnote 5 shall be satisfied.

2. Density of development shall not exceed 1 living unit/10,000 square feet of land area.

(24) Deleted 5/19/2005

(25) Deleted 5/22/2008

(26) In no instance shall the non-gasoline sales function of the property have a gross floor area that exceeds 3,500 square feet. (amended 3/24/2003)

(27) Banking machines as stand-alone structures, adult bookstores, adult motion picture theaters, adult paraphernalia stores, adult video stores, or establishments which display live nudity for its patrons shall be prohibited within the Commercial Business (CB) and Limited Business (LB) districts identified on the map included in Section VII, Subsection M – Lakeway Overlay District, Entitled "LAKEWAY OVERLAY DISTRICT, TOWN OF SHREWSBURY". (amended 5/19/2004, 5/20/2015)

(28) Subject to Section VII, Section K, if five or more dwelling units or lots. (10/11/05)

(29) Prohibited in the Limited Business District in that portion which lies within the Edgemere Village Overlay District. (added 10/11/2005)

(30) Prohibited in the Commercial Business District in that portion which lies within the Route 20 Overlay District. (added 10/11/2005)

(31) Other than agricultural operations meeting exemption standards under Chapter 40A, Section 3. (added 5/21/2014)

A. Conditions for Approval in the Limited Industrial District (amended 10/22/2018)

a. Building construction:
All buildings shall be of a construction prescribed by the Commonwealth of Massachusetts State Building Code.

b. Odor, dust and smoke:
No such emissions shall be discernible beyond the property line or, in the case of an industrial park development or a multiple use of the property, beyond one hundred (100) feet of the building generating the emission, except that in no case shall the discharge from any source exceed the following limits:

(1) Smoke measured at the point of discharge into the air shall not exceed a density of No. 1 on the Ringlemen Smoke Chart as published by the U. S. Bureau of Mines, except that a smoke of a density not darker than No. 2 on the Ringlemen Chart may be emitted for not more than three (3) minutes in any one (1) hour.

(2) Lime dust, as CaO, measured at the property line of any lot on which the activity creates such dust, shall not exceed ten (10) micrograms per cubic meter of air.

(3) Total particulate matter measured at all stacks or other points of emission to the air shall not exceed thirty (30) grams per hour per acre of land included in the lot.

(4) All measurements of air pollution shall be by the procedures, and with equipment approved by the Building Inspector, which procedures and equipment shall be of the latest generally recognized development and design readily available.

(5) No open burning is permitted.

c. Noise:

All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness at any time of the day or night. When measured at the zoning district lines dividing the residential and non-residential zones, a facility shall not increase noise greater than ten (10) dba above the ambient sound level between 7:00 P.M. and 7:00 A.M., local time. If the lot line of the lot in question extend into the residential zones, then the measurements shall be taken on the lot lines. In making this determination, the Zoning Enforcement Officer shall follow guidelines established by the Massachusetts Department of Environmental Protection.

d. Heat, glare, vibration and radiation:

No heat, glare or vibration shall be discernible from the outside of any structure, and all radiation shall be contained within a structure unless otherwise licensed by the Commonwealth of Massachusetts.

e. Exterior lighting:

No exterior lighting, other than street lighting approved by the Selectmen, shall shine on adjacent properties or towards any street.

f. Storage:

All materials, supplies and equipment shall be stored in accord with Fire Prevention Standards of the National Board of Fire Underwriters and shall be screened from view from public ways or abutting properties.

g. Waste disposal and water supply:

Regulations of the Massachusetts Department of Environmental Quality Engineering shall be met and shall be indicated on the approved site plan.

h. Screening, surfacing, parking and signs:

As provided in Section VII of this Bylaw.

B. Construction or Siting of Hazardous Waste Facilities: (amended 10/22/2018)

a. The construction or siting of facilities, as defined in M.G.L. Chapter 111, Section 150A and 310 CMR 16.00 and 19.00, as each may be amended from time to time, for the storage, transfer, processing, treatment or disposal of solid waste; and the construction and siting of facilities as defined in M.G.L. Chapter 111, Section 150B, and M.G.L. Chapters 21C and 21D, and 310 CMR 30.00, as each may be amended from time to time, for the storage,

treatment, dewatering, refining, incineration, reclamation, stabilization, solidification, disposal or recycling of hazardous waste, including those wastes defined in 310 CMR 30.200, as amended from time to time.

1. Procedures for the issuance of special permits:

   Each application for a special permit under this section shall be filed with the Office of the Shrewsbury Town Clerk who shall forthwith transmit it to the Special Permit Granting Authority (Shrewsbury Planning Board). Each application shall be accompanied by nine (9) copies of all required and/or supporting information and plans concerning the proposed use. The application for the special permit shall include the following:

   a. A site plan, prepared by a Massachusetts Registered Professional Engineer and/or Professional Land Surveyor, showing the following:

      1. Existing property boundaries within 500 ft. of the property lines showing existing structures and uses, surface water bodies, wetland and flood plains, wells, septic systems and sewer and water lines.

      2. Existing and proposed topography within 500 ft. of the proposed site and the maximum seasonal groundwater elevation on the proposed site.

      3. Existing and proposed structures and buildings on the proposed site.

      4. All impervious areas and those left in a natural state.

      5. All facilities and means for the control and discharge of surface water, subsurface water and waste water.

      6. A detailed description of the proposed facility, its proposed uses, processes and equipment is to be provided along with the qualifications and experience of the applicant in managing and operating such a facility, including a listing of all similar facilities operated or closed by the applicant within the past 10 years.

      7. A detailed description of the plan for the closure of the facility at the end of its operating life and a plan for its post-closure maintenance.

      8. The results of baseline environmental sampling for the parameters listed in 310 CMR 19.132 as well as noise and odor.

      9. A complete list of all hazardous materials and/or hazardous wastes to be stored, transferred, processed, treated, disposed or recycled at the facility and a description of the measures proposed for the protection of the facility and the on-site hazardous material/waste from vandalism, corrosion, leakage or fire.

The list shall identify hazardous materials and/or hazardous waste by hazardous constituent, quantities anticipated to be maintained on the site and the estimated through-put quantity of the facility on an annual basis.

Procedures for preventing or containing spills, discharges and explosions and emergency medical procedures in the event of an accident or accidental discharge, shall also be submitted.

10. A Plan for vector control.

b. An environmental impact report shall be submitted with the application. The report shall address the impact that the proposed facility will have upon the following: environment, traffic, public services and utilities, adjoining properties, public health, noise, odors, environmentally sensitive areas such as aquifers for existing or potential public or private water supplies, surface water bodies, air and soil.

The report shall be prepared by a qualified environmental firm with proven experience in those areas and shall fully demonstrate that the proposed facility meets all current applicable rules and regulations of the Department of Environmental Protection. The Planning Board may, at the expense of the applicant, submit the impact report to a qualified independent environmental firm for analysis to ensure a fair, proper and complete review and assessment of the proposal.

2. Prior to the issuance of a special permit under this section, the applicant shall provide to the Planning Board evidence of insurance demonstrating the existence of Environmental Impairment Liability insurance (for third-party liability); First Party Remediation insurance (for first-party non-polluter coverage) and Finite Risk Plan insurance (for first-party polluter coverage) in such amounts in each case as the Planning Board may reasonably require or such other evidence as the Planning Board may accept.
A special permit holder shall at all times be obligated to maintain financial resources adequate to comply with all the provisions of the special permit, including closure of all or a portion of the facility, as well as the post-closure maintenance costs. In addition, the holder shall annually submit to the Planning Board an estimate of the fair market cost of having the closure plan and post-closure maintenance plan fully implemented by a third party respondent. The Planning Board may, at the expense of the applicant, submit the annual estimate for implementing the closure plan to a qualified, independent firm for analysis of its adequacy.

The Planning Board shall require assurance of such financial resources by use of one or more of the approved financial assurance mechanisms set forth in 310 CMR 19.051 (12) and 30.904 (1-6), including but not limited to a trust fund, surety or performance bond or an irrevocable standby letter of credit or such other assurance that is adequate to cover the cost of closure.

The approved financial assurance mechanism shall be structured so that the Town of Shrewsbury shall be a party to said mechanism to the extent that it shall have the right to

obtain exclusive direction and control over the transfer, use and disbursement of the secured funds, or performance benefits, upon or after the default of the permit holder. The Town shall use the funds to implement the approved closure plan or to undertake post-closure maintenance or as reimbursement for costs incurred for performing closure and/or post-closure maintenance work upon its determination that the owner or operator has failed in whole or in part to meet closure or post-closure requirements in accordance with the provisions of the special permit.

A special permit holder who is required to provide such financial assurances to the Massachusetts Department of Environmental Protection shall be exempt from providing the same assurance to the Town of Shrewsbury. However, the special permit holder shall be required to furnish proof to the Planning Board that such financial assurance has been provided to the Department of Environmental Protection.

3. The Planning Board shall refer copies of the special permit application and any supporting materials to the Building Inspector, Board of Health, Conservation Commission, Town Engineer, Water Department, Fire Department and any other Board or Department deemed appropriate.

   These persons and boards shall review the application and shall submit their comments and recommendations to the Planning Board, in writing, within thirty-five days of receipt of said application and materials.

4. After the required notice and public hearing and after consideration of the reports and recommendations of the town boards and departments, the Planning Board may grant a special permit provided that it determines that the proposed use:

   a. Is in harmony with the purpose and intent of this bylaw.

   b. Is appropriate to the natural topography, soils, air, water and other characteristics of the site to be developed.

   c. Will not, during construction or thereafter, have a significant environmental impact and/or public health risk.

   d. Will not be detrimental to the public good.

   e. Will not be detrimental to the neighborhood.

   f. Will not be a hazard or harmful, or a potential hazard or danger, because of toxic or corrosive fumes, smoke, gas, odors or liquids, because of offensive liquids or gas, because of objectionable effluent or emissions, because of dust, smoke, gas, vibration or other reasons which may affect or impair the normal use and enjoyment of any property.

In making such determination, the Planning Board shall give consideration to the reliability and feasibility of the environmental control measures proposed and the degree of threat to the environment and public health which would result if the control measures failed.

5. In granting a special permit, the Planning Board may attach such conditions as they deem reasonable in maintaining and enforcing the purpose and intent of the bylaw, such as the installation of monitoring wells with a periodic sampling program, a site evaluation conducted at the time of the closure of the facility that compares initial baseline sampling to the conditions existing at the time of closure, conservation easements, performance bonds, etc.

6. Any use allowed in this section shall be subject to all other provisions of this bylaw and no building permit or occupancy permit shall be granted or the facility allowed to be operated until all necessary permits have been granted and the use or structure complies with all state and local requirements, including but not limited to, applicable site assignment requirements.

7. Notwithstanding the provisions of Section IV of this bylaw, any use that is rendered nonconforming by adoption of this section may continue provided, however, that any change, alteration, reconstruction, expansion or enlargement of such nonconforming use is subject to the issuance of a special permit by the Planning Board.

   In considering such special permit applications under this section, the Planning Board shall not grant approval unless it finds that the proposed change, alteration, reconstruction, expansion or enlargement of such nonconforming use will not be substantially more detrimental to the neighborhood than the existing non-conforming use.

C. **Aquifer Protection Overlay District**: (amended 5/19/2005) (amended 10/22/2018)

1. **Purpose**

The purpose of this section is to promote and protect the public health, safety and welfare by protecting aquifers and recharge areas serving an existing or potential public water supply from contamination.

2. **Applicability** (amended 5/24/2012)

For the purposes of this By-law, there are hereby established within the Town an Aquifer Protection Overlay District, consisting of aquifers and/or aquifer recharge areas, which is delineated on a map titled "Shrewsbury Aquifer Protection Overlay District"; prepared by the Town of Shrewsbury Engineering Department; and dated April 5, 2012. This map is hereby made a part of the Town of Shrewsbury's Zoning By-law and is on file in the Town Clerk's office.

The Aquifer Protection Overlay District shall be considered as overlying other zoning districts. Any area within the Aquifer Protection Overlay District is subject to the more restrictive designation of either the overlay district or the underlying district. Uses not permitted in the underlying districts shall not be permitted in the overlay districts.

Where the bounds of the Aquifer Protection Overlay District are in doubt or in dispute, the burden of proof shall be upon the owner(s) of the land in question to show where the bounds should properly be located, based on the criteria stated above. Resolution of boundary disputes shall be through a Special Permit application to the Planning Board. At their own expense, property owners may engage a hydro geologist or other qualified professional to determine more accurately the location and extent of an aquifer or recharge area. In all cases, the determination of the location and extent of the Aquifer Protection Overlay District shall be based upon the criteria in this section. For parcels partially located in an Aquifer Protection Overlay District or split between two Zones, the provisions of Section III.D. of this By-law shall apply.

3. <u>Permitted Uses</u> (amended 10/22/2018)

a) The following uses shall be permitted by right in Zone 1:

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

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

3. Foot, bicycle and horse paths.

4. Normal operation, maintenance, expansion and treatment of existing water bodies and dams, splash boards, public water utilities and other water control, supply, or conservation devices, and the use and storage of chemicals accessory to said utilities.

5. Farming, gardening, nursery, forestry, harvesting and grazing use.

6. Repairs to septic systems made in accordance with a permit from the Board of Health.

b) The following uses shall be permitted by right in Zone 2:

1. All uses permitted in Zone 1, listed in Section 4 (a) 1-5.

2. Any residential or non-residential use permitted in the underlying zoning district, unless otherwise regulated by the provisions of this Section VI(K), provided that no more than fifteen percent (15%) of the lot area or 2,500 square feet is rendered impervious.

3. The alteration or expansion of residential uses existing on the effective date of this By-law, provided that such alteration or expansion shall not increase the total amount of impervious area to more than fifteen percent (15%) of the lot area or 2,500 square feet.

4. Installation or expansion of a septic system for disposal of sanitary wastes provided the required flows do not exceed 660 gallons per day on a lot. Greater flows shall require a land area of 10,000 square feet per 110 gallons of daily wastewater flow.

   Repairs to septic systems made at the order of the Board of Health shall not be subject to the land area requirement unless there is an expansion of the system required by a greater flow.

5. Any Single Family or Two Family Dwelling permitted in the underlying zoning district with an impervious area exceeding fifteen percent (15%) of the lot area or 2,500 square feet provided that stormwater runoff must be artificially recharged into the aquifer. This may be done through such methods as dry wells, infiltration trenches, retention basins, etc. The method of artificially recharge shall be reviewed by the Town Engineer and approved by the Building Inspector.

c) The following uses shall be permitted by right in Zone 3:

1. All uses permitted in Zone 1, listed in Section 4 (a), 1 to 5.

2. Uses permitted in Zone 2, listed in Section 4 (b) 2 and 3, provided that for residential and non-residential uses no more than fifteen percent (15%) of the lot area or 2,500 square feet is rendered impervious.

3. Installation, expansion or repair of a septic system for disposal of sanitary wastes, subject to the normal requirements of the Board of Health.

4. Any Single Family or Two Family Dwelling permitted in the underlying zoning district with an impervious area exceeding fifteen percent (15%) of the lot area or 2,500 square feet provided that stormwater runoff must be artificially recharged into the aquifer. This may be done through such methods as dry wells, infiltration trenches, retention basins, etc. The method of artificially recharge shall be reviewed by the Town Engineer and approved by the Building Inspector.

4. <u>Special Permit Uses</u>

The following uses shall be permitted with the issuance of a Special Permit. The Special Permit Granting Authority for uses under this section shall be the Planning Board.

a) The following uses are permitted with the issuance of a Special Permit in Zone l:

1. Filling, stockpiling or placement of earthen materials, whether for temporary storage or permanent use.

b) The following uses are permitted with the issuance of a Special Permit in Zone 2:

1. New residential uses with an impervious area exceeding fifteen percent (15%) of the lot area or 2,500 square feet, or expansion of existing residential uses resulting in an impervious area exceeding fifteen percent (15%) of the lot area or 2,500 square feet.

2. Non-residential uses, permitted in the underlying zoning district, which involve the above ground storage or use of hazardous materials.

3. Filling, stockpiling or placement of earthen materials covering greater than 5,000 square feet of land area, or 500 cubic yards.

4. Non-residential uses resulting in an impervious area greater than fifteen percent (15%) of the lot area or 2,500 square feet.
5. Marine related service, repair and storage.

c) The following uses are permitted with the issuance of a Special Permit in Zone 3:

1. Uses permitted by Special Permit in Zone 2, listed in Section 5 (b) 1-5.

2. Any use involving on-site disposal of process or non-sanitary wastes.

3. Underground storage of hazardous materials.

4. Auto-related service, repair and storage.

5. Manufacturing or use of hazardous materials.

6. Dumping of snow containing de-icing chemicals.

5. <u>Prohibited Uses</u>

a) The following uses are prohibited in Zone 1:

1. Disposal or processing of solid or hazardous waste, including, but not limited to, landfills, transfer stations, etc.

2. Junkyard/salvage yard.

3. Septage lagoon or wastewater treatment plant.

4. Any use involving the manufacture, generation, storage or use of hazardous materials, including hazardous wastes.

5. On-site disposal of process or non-sanitary wastes except for installation or expansion of septic systems.

6. Underground storage of hazardous materials, including home heating fuel. No portion of a storage tank may be below the ground.

7. Application of road salt or other deicing chemicals to parking lots and travel ways containing five (5) or more parking spaces.

8. Dumping of snow containing deicing chemicals.

9. Storage of Sludge and Septage.

10. Any commercial or industrial development.

11. Non-residential applications of pesticides, herbicides or fertilizer.

12. Commercial earth removal.

b) The following uses are prohibited in Zone 2:

1. Uses prohibited in Zone 1, listed in Section 6 (a) 1-4 and 6-9.

2. On-site disposal of process or non-sanitary wastewater.

3. Any use involving the manufacture of hazardous materials.

c) The following uses are prohibited in Zone 3:

1. Uses prohibited in Zone 1, listed in Section 6 (a) 2, 3 and 9.

2. Underground storage of home heating fuel.

3. Disposal or processing of hazardous waste.

6. <u>Design Criteria</u>

All uses listed below, where permitted by this By-law, must meet the following standards when located within the Aquifer Protection Overlay District.

a) <u>Earth Removal/Grading</u>

Any earth removal or land disturbing activity within the overlay district may not be less than five feet above the maximum seasonal groundwater elevation, except in association with a valid building permit or disposal works construction permit. Such earth removal or grading must employ appropriate measures to control erosion and siltation.

b) Filling

All fill material must be clean and free from hazardous materials, construction debris, and other material whose leachate would be a potential contamination hazard to ground or surface waters. The source of all potential fill must be reported in the Special Permit application.

c) Hazardous Material Storage

Hazardous materials stored above ground must be located on an impervious, chemical-resistant surface. The storage area must be equipped with a secondary containment system designed to prevent the material from reaching groundwater in the event of a leak or spill. The containment system must be able to contain l25% of the tank's contents.

d) Impervious Areas

For uses with impervious areas greater than that specified by this By-law, appropriate measures must be taken to insure that the increase in stormwater runoff (over that amount generated by a lot with the specified impervious area) must be artificially recharged into the aquifer. This may be done through such methods as dry wells, infiltration trenches, retention basins, etc.

e) On-site Disposal of Non-Sanitary or Process Wastewater within Zone III

Any use involving on-site non-sanitary waste water disposal may not result in the lowering of groundwater quality at the down gradient property line below Massachusetts drinking water standards (314 CMR 6.00). If the ambient groundwater quality is already below these standards, the proposed use may not result in further degradation of groundwater quality. The Planning Board may require, as a Special Permit condition, means such as monitoring wells to insure that these standards are met.

f) Stormwater Management

All stormwater management facilities must be designed for the twenty-five (25) year storm and designed to insure that the rate of runoff leaving the site does not exceed the rate of runoff in the predevelopment state. Runoff from paved areas over one acre in size shall include facilities for trapping oil, gas and other contaminants before recharge into the ground. These facilities shall be maintained by the owner on an annual basis.

g) Underground Storage Tanks

All underground storage tanks must be constructed and installed and maintained in a manner which prevents groundwater contamination. No underground tank may be installed unless such tank:

1. Will prevent leakage due to corrosion or structural failure for the operational life of the tank;

2. Is lined with a material compatible with the substance to be stored; and

3. Complies with all state and local requirements for the composition and installation of underground tanks.

h) Storage of Deicing Chemicals

Storage of sodium chloride, chemically treated abrasives or other chemicals used for the removal of ice and snow shall be stored within a structure designed to prevent the generation and escape of contaminated runoff or leachate.

i) Storage of Commercial Fertilizers

Such storage shall be within a structure designed to prevent the generation and escape of contaminated runoff or leachate.

j) Storage of Animal Manures

Such storage shall be within a structure designed to prevent the generation and escape of contaminated runoff or leachate.

7. Nonconforming Uses

Notwithstanding the provisions of Section IV of this By-law any use that is made nonconforming by the adoption of this Section may continue, provided, however, that any change, alteration, reconstruction, expansion or enlargement of such nonconforming use is subject to the issuance of a Special Permit by the Planning Board. Single and two-family dwellings are specifically exempt from the provisions of Section 8 Nonconforming Uses.

In considering Special Permit requests for expansion of nonconforming uses under this Section, the Planning Board shall not grant approval unless it finds that the proposed expansion will not be substantially more detrimental to groundwater supplies than the existing use.

8. Procedures for issuance of Special Permits

a) Each application for a Special Permit under this Section shall be filed with the Town Clerk for transmittal to the Special Permit Granting Authority (Planning Board), and

shall be accompanied by seven (7) copies of any supporting information and plans concerning the proposed use.

b) The plan accompanying the Special Permit application shall be prepared by a Registered Professional Engineer and/or Professional Land Surveyor, as appropriate, and shall include:

existing property boundaries,

existing and proposed topography,

existing and proposed structures and buildings,

all facilities for surface drainage and erosion control,

all impervious areas, and those areas left in a natural state.

The following shall also be submitted:

A complete list of all potentially toxic or hazardous material to be used, generated or stored on the premises in quantities greater than those associated with normal household use, accompanied by a description of measures proposed to protect from vandalism, corrosion, leakage and spills.

Analysis of the site conditions and potential impact of the proposed project by a qualified hydro geologist with proven experience in groundwater evaluation, if so required by the Planning Board.

c) The Planning Board shall refer copies of the Special Permit application and any supporting materials to the Building Inspector, Board of Health, Conservation Commission, Town Engineer, Water Department, and any other Board or Department deemed appropriate. These persons and Boards shall review the application and submit their comments and recommendations to the Planning Board. Failure to respond in writing within thirty-five days of the referral of the application shall be deemed lack of opposition.

d) The Planning Board shall hold a public hearing on the application, in conformity with the provisions of M.G.L. Ch 40A, within sixty-five days of the filing of the application.

e) After the required notice and public hearing, and after consideration of the reports and recommendations of the Town Boards and Departments, the Planning Board may grant a Special Permit provided that it determines that the proposed use:

(i) is in harmony with the purpose and intent of this By-law and will promote the purposes of the Aquifer Protection Overlay District;

(ii) is appropriate to the natural topography, soils, and other characteristics of the site to be developed;

(iii) will not, during construction or thereafter, have an adverse environmental impact on the aquifer or recharge area; and

(iv) will not adversely affect an existing or potential public water supply. In making such determination, the Planning Board shall give consideration to the simplicity, reliability, and feasibility of the control measures proposed and the degree of threat to water quality which would result if the control measures failed.

f) In granting a Special Permit, the Planning Board may attach such conditions as they deem reasonable and appropriate in maintaining and enforcing the purpose and intent of this By-law, such as a performance bond, monitoring wells, conservation easements, etc.

g) The applicant, for one or two-family dwellings, or a professional engineer for all other uses, must certify in writing to the Building Inspector that any and all Special Permit conditions have been complied with prior to the issuance of an occupancy permit for the use or structure.

SECTION VII - DEVELOPMENT OF SITES AND LOCATION OF BUILDINGS AND STRUCTURES

A. Height Regulations:

1. The height of any building or structure shall not exceed those specified on Table II in either feet or stories for the applicable districts.

   No one (1) exposure of a building or structure is to contain more than the maximum height in feet or stories for the applicable district.

2. Limitations of height shall not apply to spires, domes, steeples, radio towers, chimneys, broadcasting and television antennae, bulkheads, cooling towers, ventilators and other appurtenances usually carried above the roof, or to farm buildings, churches, municipal or institutional buildings, provided that, if the use requires a permit, one has been granted.

3. Heights permitted in paragraphs 1 and 2 above shall not exceed the limits permitted by Chapter 90, Section 35 A-D of the General Laws and any more restrictive amendments thereto.

B. Area, Frontages, Yard and Lot Coverage Requirements:

No building or structure shall be erected upon a lot of land unless the lot area and frontage, yards and lot coverages to be provided are in conformity with the requirements on Table II.

1. Eaves, sills, steps, chimneys, bulkheads, cornices, belt cornices, fences or walls, and similar features may project into the specified yards.

2. On a corner lot, in order to provide visibility unobstructed at intersections, no sign, fence, wall, tree, hedge or other vegetation, and no building or other structure more than three (3) feet above the established street grades, measured from a plane through the curb grades on the height of the crown of the street, shall be erected, placed or maintained within the area formed by the intersecting street lot lines and a straight line joining said street lot lines at points which are twenty-five (25) feet distant from the point of intersection, measured along said street lot line.

3. No yard, lot area or other open space required for a building by this Bylaw shall, during the existence of such building, be occupied by or counted as open space for another such building. No lot area shall be so reduced or diminished so that the yards or other open space shall be smaller than prescribed by this Bylaw.

4. No lot shall be created in violation of the Planning Board's Subdivision Rules and Regulations in effect at the time.

5. When more than one (1) main structure is built upon a single lot in the Multi-Family Residential, Apartment, Limited Business, Commercial-Business, Limited Commercial

Business, or Limited Industrial Districts, they shall be separated by a distance of at least 20 feet. (amended 5/19/04, 5/16/2011)

6. In Rural AA, Rural A, Rural B, and Residential A, B-1 and B-2 districts no lot shall be less than fifty (50) feet in width to a depth of one hundred (100) feet from the front lot line of the street along which the required frontage exists. (amended 5/20/98, 11/1/99, 5/16/2011)

7. The direction of side lot lines shall be as close as possible to perpendicular to the street right of way or to its tangent at the point of intersection of the side lot line. In no case shall the direction of the side lot line form an angle of less than seventy-five (75) degrees with the street right of way or the aforesaid tangent. This angle must be maintained for a distance of twenty-five (25) feet. (amended 5/17/2017)

8. Rear Lots (amended 5/20/1998, 11/1/1999, 5/19/2011, 9/26/2011, 5/29/2013, 5/17/2017)

   a. In Rural AA, Rural A, Rural B, and Residential A, B-1 and B-2 districts, a minimum frontage of fifty (50) feet may be permitted, provided that:

      1. The area of the lot is at least three (3) times the minimum lot area for the district in which the lot is located. For lots divided by a zoning boundary line, the minimum lot area for the district with the larger minimum lot area shall be used in determining the minimum lot area of the rear lot. For those lots located in the Rural AA, Rural A, Rural B and Residence A Districts, seventy-five percent (75%) of the minimum lot area required for zoning compliance or 45,000 square feet, shall be upland. (amended 11/1/1999, 5/16/2011)

      2. The minimum width of the access strip, measured between two side lot lines parallel to the street, shall not be less than fifty (50) feet for its entire length. (amended 5/17/2017)

      3. The lot must be capable of containing an area of land equal to a circle with diameter equal to the frontage required in the district, but in no case shall the diameter be less than one hundred (100) feet. Any dwelling unit constructed on the lot must be within the area of the circle. The minimum lot width must be 50 feet from the front lot line which the required frontage exists to the circle.

      4. No more than two rear lots may obtain their access from one common driveway. A special permit from the Planning Board shall be required for any such common driveway. (amended 5/17/2017)

      5. A special permit from the Planning Board shall be required for the creation of more than two abutting rear lots or access strips, or the creation of any access strip longer than 300 feet. (amended 5/17/2017)

      6. All other dimensional requirements of the district in which the lot is located shall apply. (added 5/17/2017)

Or take any action relative thereto.

b. In Limited Business, Commercial-Business, Neighborhood Business, Office-Research, Limited Office Research and Limited Commercial-Business districts, a minimum frontage of fifty (50) feet may be permitted provided that:

1. The building envelope contains an area equal to the minimum lot area of the district. For lots divided by a zoning boundary line, the minimum lot area for the district with the larger minimum lot area shall be used in determining the minimum lot area for the rear lot. For lots located in the districts, seventy-five percent (75%) of the minimum lot area required for zoning compliance shall be upland.

2. The minimum width of the access strip, measured between two side lot lines parallel to the street, shall not be less than fifty (50) feet.

3. The minimum width of the access strip, measured between two side lot lines parallel to the street, shall not be less than twenty (20) feet when the property is serviced by a common driveway.

4. The lot must be capable of containing an area of land equal to a circle with a diameter equal to the frontage requirement in the district. A portion of the building on the lot shall be located in this circle.

5. No more than five (5) rear lots may obtain their access from one (1) common driveway. A special permit from the Planning Board shall be required for any such common driveway.

6. All other dimensional requirements of the district in which the lot is located shall apply.

9. No lot in a residential zoning district shall be created to be so irregularly shaped or extended that it has a "Lot Shape Factor" less than ".45". In determining the Lot Shape Factor for Rear Lots, the formula shall not include the perimeter or area of the access strip. The access strip shall be defined as that section of a lot which connects the buildable area of a rear lot with its frontage. For the purposes of determining a Lot Shape Factor, access strips shall be measured from where the side lot lines meet the frontage line and end where the side lot lines widen to the minimum required frontage width of the zoning district in which the lot is located.

The lot shape factor is defined as the lot area multiplied by 16 and divided by the square of the lot perimeter.

Lot Shape Factor Formula: P = lot perimeter and A = lot area

$$\text{Lot Shape Factor} = \frac{16(A)}{P^2}$$

10. Two-family dwelling units shall have a Floor Area Ratio less than or equal to 0.30. The Floor Area Ratio is defined as the gross floor area of all buildings on a lot divided by the lot's size. The Planning Board may issue a special permit for a two-family dwelling that exceeds the maximum Floor Area Ratio by no more than ten percent (10%) if the Board finds that the increase would not be detrimental to the character of the neighborhood.

$$\text{FAR} = \frac{\text{Gross floor area of all buildings on a lot}}{\text{Lot size}}$$

TABLE II

DISTRICT	[MINIMUM REQUIREMENTS]						[MAXIMUM CONDITIONS]			
	Lot Area[10] Sq. Ft.	Lot[1] Frontage	Front[2] Yard	Side[3] Yard	Rear Yard	Add'l Area Per[5] Dwelling Unit	Open Space Percent of Lot Area	Lot Coverage Percent	Height Feet	Number Stories
Rural "AA" (added 5/16/2011)										
One Family	45,000	150	50	30	50	--		15	35[16][17]	2-1/2[16]
All Other Uses	45,000[15]	150	50	30	50	--	25	40	40[16][17]	3[16]
Rural "A"[12] (amended 3/24/2003)										
One Family	20,000	125	50	30	50	--	--	20	35	2-1/2
All Other Uses	40,000	150	50	30	50	--	25	10	35	2-1/2
Rural "B"[12](amended 3/24/2003)										
One Family	20,000	125	50	30	50	--	--	20	35	2-1/2
All Other Uses	40,000	150	50	30	50	--	25	10	35	2-1/2
Residence "A"[12] (amended 3/24/2003)										
One Family	20,000	125	30	20	40	--	--	30	35	2-1/2
All Other Uses	40,000	150	50	30	50	--	25	10	35	2-1/2
Residence "B-1"[12] (amended 3/24/2003)										
One-Family	12,500	100	30	10	40	--	--	30	35	2-1/2
All Other Uses	40,000	150	50	30	50	--	25	10	35	2-1/2
Residence "B-2"[12] (amended 3/24/2003, 5/18/2016)										
One-Family	12,500	100	30	10	40	--	--	30	35	2-1/2
Two-Family[18]	20,000	150	30	30	50	--	--	30	35	2-1/2
All Other Uses	40,000	150	50	30	50	--	25	10	35	2-1/2
Multi-Family Residential[12] (amended 5/22/2002, 5/18/2016)										
One-Family	12,500	100	30	10	40	--	--	30	35	3
Two-Family[18]	20,000	150	30	30	50[7]	--	--	30	35	2-1/2
MF-1	16,000	50	50	25	25	4,300	70	--	35	3
MF-2	160,000	50	50	50	50	see VI, Table 1 Footnote 6	70	--	35	2
All Other Uses	20,000	125	25	25	75	--	50	10	35	3
Apartment[12] (amended 5/18/2016)										
One-Family	12,500	100	30	10	40	--	--	30	35	3
Two-Family[18]	20,000	150	30	30	50	--	--	30	35	2-1/2
Multi-Family	16,000	125	25	50	50	2,000	50	8	96	8
All Other Uses	20,000	125	25	50	50	--	50	10	35	3
Limited Business (amended 5/19/2004)										
All Uses	12,500	100	15[4]	15*	15*	--	15	50	35	2-1/2
*except 50 when abutting a Residential District										
Limited Commercial-Business (added 5/16/2011)										
All Uses	40,000	150	40[15]	15*	25*[7x14]	--	20	50	40[13]	3[13]
*except 100 when abutting a Residential District										
Commercial-Business (amended 11/13/01, 3/24/03, 5/22/2008)										
All Uses[6]	40,000	150	40	15[14]	25[7, 14]	--	20	50	50[13]	4[13]
Limited Industrial (amended 11/13/2001, 3/24/2003, 5/22/2008)										
All Uses	80,000	50	50	50[14]*	50[14]*	--	20	50	50[13]	4[13]
*except 100 when abutting a Residential District										

	[MINIMUM REQUIREMENTS						]	[MAXIMUM CONDITIONS]		
DISTRICT	Lot Area[10] Sq. Ft.	Lot[1] Frontage	Front[2] Yard	Side[3] Yard	Rear Yard	Add'l Area Per[5] Dwelling Unit	Open Space Percent of Lot Area	Lot Coverage Percent	Height Feet	Number Stories
Neighborhood Businesses										
All Uses	25,000	150	50	50	50	--	15	15	15	2-1/2
Office-Research (8) (amended 11/13/2001, 9/9/2002, 5/22/2008)										
All Uses	80,000	100	50	50[14]	50[14]	--	25	50	50[11, 13]	4[11, 13]
Limited Office-Research [8] (amended 11/13/2001)										
All Uses	80,000	200	50	50	50	- -	30	30	50	3

FOOTNOTES

1) Measured along the street lot line, except that a lot which conforms to all other requirements and which is on a turning radius less than 100 feet shall have a minimum of eighty (80) feet of street frontage and shall have a distance measured from side lot line to side lot line through the center of the building equal to the required frontage for the district in which it is located.

2) Provided that any residential front yard need only be the average of the depths of the front yards on the abutting yards of the abutting lots, considering the front yards of abutting vacant lots or streets as having a minimum permitted. In no case shall a structure be located within fifty (50) feet of the centerline of the street upon which it fronts.

3) Except that in the case of a lot having frontage on two (2) or more streets, the applicable front yard requirements shall apply from each street lot line.

4) Except fifty (50) feet when fronting on Route 20. (amended 5/19/2004)

5) Additional area required per dwelling unit in excess of two (2).

6) The first twenty (20) feet of the required front yard shall contain plant materials, in various patterns, designed to provide a continuous landscaped edge to the property in question, except for points of entry and exit. Said landscaping shall be in accordance with section VII.D.2.d.(1). If no public sidewalk exists across the entire frontage of the lot, a paved sidewalk of at least 4 feet in width shall be provided at the discretion of the Planning Board through Site Plan Approval within the 20-foot landscaped area or the public right-of-way, and as much as possible said sidewalk shall be designed to create a continuous pedestrian walkway with the abutting properties. (amended 5/18/1987, 3/24/2003, 5/20/2015)

7) Where the rear property line abuts or is located within a residential district, a buffer zone of at least ten feet in width shall be provided along the entire rear yard. Within said buffer, no

commercial building or parking areas shall be permitted. Said landscaping shall be in accordance with Section VII.D.2.d.(2). (amended 5/18/1987, 3/24/2003)

8) Where Office Research and Limited Office-Research borders land zoned for single family purposes as of the effective date of this amendment, there shall be a buffer zone extending two hundred feet from such bordering lands, within which no commercial buildings, driveways or parking area shall be permitted. (amended 5/28/1991, 9/9/2002)

9) On a lot in the Commercial-Business district created by joining two (2) abutting lots and which resulting lot abuts a public way on three (3) or more sides, the front yard requirement of Table II of Section VII will apply to only one yard of the new lot abutting a public way, which yard shall be selected by the lot owner, and the other yards of the new lot which abut a public way shall be a minimum of 50 feet; except that no structure may be erected in any front yard abutting Route 9 or Route 20 unless the minimum 40 feet front yard requirement of the bylaw is satisfied. (amended 12/9/1991, 3/24/2003)

10) Not less than seventy-five percent (75%) of the minimum lot area required shall be contiguous land (upland) not encumbered by areas subject to protection under the Wetlands Protection Act, as defined in M.G.L. c.131 §40 and 310 CMR 10.00, excluding the riverfront area. This provision shall apply only to those lots located within the Rural A, Rural B and Residence A Districts where a minimum of 15,000 square feet of each lot must be contiguous upland. (amended 11/1/1999)

11) If parking for at least 100 cars is provided at grade but under a building the overall height of the building may be increased up to 60 feet and five stories, with the parking facility constituting one story. (amended 9/9/2002)

12) For developments subject to Section VII.K, see Table K-A, Compensatory Dimensional and Density Regulations for Developments with Inclusion Units. (10/11/2005)

13) A special permit shall be required for any hotel, motel, apartment hotel, extended stay hotel or lodging house, which contains two (2) or more stories or exceeds thirty-five (35) feet in height. No hotel, motel, apartment hotel, extended stay hotel or lodging house, located within one hundred (100) feet of a residential district, shall exceed three (3) stories or forty (40) feet in height. (added 5/22/2008)

14) Where the rear or side property line of a hotel, motel, apartment hotel, or extended stay hotel abuts or is located within a residential district, a buffer zone of at least twenty-five (25) feet in width shall be provided along the rear and side yard of said property abutting or within said residential district. Within said buffer, no structure, driveway, parking area, or any accessory use shall be permitted. Where existing vegetation is insufficient to provide visual screening from abutting properties, a continuous densely planted landscape strip of at least fifteen (15) feet in width shall be planted within said buffer. Said landscape strip shall be densely planted with shrubs, which are at least four (4) feet high at the time of planting and of a type which may be expected to form a year-round dense screen at least six (6) feet high within three years. Additionally trees, with a minimum caliper of 2 ½ inches and minimum height of ten (10) feet, shall be planted at a maximum distance of ten (10) feet on center along said lot lines. (added 5/22/2008)

15) The minimum tract size for a Continuing Care Retirement Center, Country Club, or Day or Overnight Camp shall be five (5) acres, and each such tract shall have a minimum of one hundred (100) feet of frontage. (added 5/16/2011)

16) Building height shall be determined in accordance with Section VII(A). (added 5/16/2011)

17) When more than one principal building is located on a lot in the Rural AA district, no building shall be closer than its height to any other building except in a Planned Residential Development, where building setbacks shall be in accordance with Section VII(Q). (added 5/16/2011)

18) A two-family detached dwelling (duplex) shall have an external appearance and footprint compatible in terms of design with those of single family dwellings in the surrounding neighborhood. The Planning Board may allow by Special Permit a side-by-side two-family dwelling where the two units do or do not share a common wall abutting habitable space provided the two units are at minimum connected structurally and continuously by a shared foundation, walls and roof. The Planning Board may grant such a Special Permit only upon a determination that the design of the proposed duplex dwelling is compatible with the mass and height of other residential buildings in the surrounding neighborhood. (added 5/23/2018)

C. <u>Accessory Uses</u>:

Detached accessory buildings such as garages, storage sheds, carports and children's playhouses may be erected in the rear or side yard at least ten (10) feet from the principal building and in conformance with the side yard, rear yard and other requirements of the applicable district.

Detached accessory buildings or structures such as fireplaces, cabanas, electronic antennae, etc., may be erected in the side or rear yard not less than ten (10) feet from the principal building, in conformance with the side yard and front yard requirements of the applicable district and not less than twenty (20) feet from the rear lot line.
Above ground swimming pools greater than 200 square feet but less than 500 square feet in surface area may be erected in the side or rear yard at a distance not less than 10 feet from the lot lines. In ground swimming pools and above ground pools exceeding 500 square feet in surface area may be erected in the side or rear yard in conformance with the side and front yard requirements of the applicable district and not less than twenty (20) feet from the rear lot line. Any deck or platform attached to an above ground pool or any projection therefrom shall be considered an integral part thereof and the entire structure shall be located in conformance with the dimensions noted above.

In ground and above ground swimming pools erected upon corner lots may be installed in the front yard adjacent to the side of a dwelling not less than twenty (20) feet from the street lot line and not less than fifty (50) feet from the point of intersection of the two streets upon which the lot fronts.

An accessory building attached to its principal building shall be considered an integral part thereof, and shall be subject to the front, side and rear yard requirements of the applicable district.

Flagpoles may be erected in any yard ten (10) feet from property lines in conformance with the height requirements of the applicable district.

Fences will not be subject to the front, side and rear yard requirements of the applicable district. Detached buildings not exceeding 200 square feet in area such as storage sheds and pool houses may be erected in any yard, except the front, ten (10) feet from property lines.

D. <u>Off-Street Parking and Loading Areas</u>:

1. Off-street parking and loading spaces shall be required as follows:

   a. Dwellings and apartments:

      One and one-half (1 1/2) parking spaces for each dwelling unit therein and sufficient off-street parking for visitors and employees, provided that, in the case of apartments constructed for the exclusive use of elderly persons upon approval of the Board of Appeals, as provided in Section IX C2 one (1) parking space for each two (2) dwelling units therein shall be sufficient.

   b. Permitted home occupations and professional offices in a residence and funeral parlors:

      One (1) parking space for each forty (40) square feet of building floor area devoted to such use.

   c. Places of public assembly:

      One (1) parking space for each three (3) seats therein or one (1) space for each sixty (60) inches of bleachers or benches, plus one (1) space for every two (2) employees thereof.

   d. Schools:

      One (1) parking space for each classroom and office therein, or one (1) parking space for each three (3) seats in the auditorium whichever is greater. In addition to the foregoing, schools above high school level shall provide one (1) space for every two (2) students enrolled.

   e. Hotels, motels and other places providing overnight accommodations: (amended 5/27/2009)

      One (1) parking space for each room accommodation therein, plus one (1) space for each two (2) employees, and adequate spaces for delivery vehicles. Where applicable additional parking as required in Section VII D, 1, f. The Planning Board may grant a Special Permit to allow the reduction of off street parking requirements related to conference rooms and/or ancillary spaces therein.

   f. Hospitals, sanitariums, convalescent or nursing homes and continuing/continuum care retirement communities:

      One (1) parking space for each two (2) beds, plus one (1) additional space for each two (2) employees based on the numerically largest shift.

      In accordance with Section IX, the Board of Appeals may grant a Special Permit to allow conditionally one (1) parking space for each four (4) beds, plus one (1) additional

space for each two (2) employees, based on the numerically largest shift, for nursing homes or continuing/continuum care retirement communities.

g. Medical or dental offices: (amended 11/13/2001)

One (1) space for each two hundred (200) square feet of gross floor area.

h. Theaters, clubs, membership clubs and places of assembly, amusement and recreation:

One (1) parking space for each four (4) seats, plus one (1) additional space for each two (2) employees.

i. Retail stores and personal service shops: (amended 11/13/2001)

One (1) parking space for each two hundred and fifty (250) square feet of gross floor area exclusive of basement storage. Structures with a gross floor area in excess of 500,000 square feet shall provide one (1) parking space for each two hundred forty (240) square feet of gross floor area.

Home furnishing stores that require a large amount of showroom space (for example major appliance stores, furniture stores, carpet stores) shall provide one (1) parking space for each three hundred and fifty (350) square feet of gross floor area. Retail stores that also provide fast food or take-out service shall provide an additional five (5) spaces for each interior take-out station. Car washes and similar facilities that provide service to customers from vehicles in queues shall provide a vehicle storage lane for storing a minimum of ten (10) vehicles per station.

j. Restaurants, lounges, bars, night clubs and meeting rooms: (amended 11/13/2001)

Two and a half (2.5) parking spaces for each four (4) seats of seating capacity. Food court areas shall provide one (1) parking space for each 240 square feet of gross floor area devoted to food preparation and seating. Fast food restaurants or other places for serving food not confined to service within the structure shall provide two and a half (2.5) parking spaces for each four (4) seats for seating capacity plus five (5) parking spaces for each interior takeout station. In addition, a vehicle storage lane shall be provided for storing a minimum of ten (10) vehicles for each drive-up window.

k. Offices:

One (1) parking space for each four hundred (400) square feet of gross floor area, plus space for all company vehicles, space for visitors and loading space for all deliveries and shipping.

l. Warehouses:

One (1) parking space for each fifteen hundred (1500) square feet of gross floor area.

m. Banks and Banking Machines:

Four (4) spaces shall be provided for each interior teller window and each interior service desk; in addition thereto a vehicle storage lane shall be provided for each vehicular automatic teller machine and exterior service window providing storage for a minimum of six (6) vehicles.

Three (3) spaces shall be provided for each automatic teller machine not accessible from a vehicle. This requirement shall apply to all such machines wherever they are located. Isolated banking machines accessible from a vehicle shall have a vehicle storage lane providing storage for six (6) vehicles.

n. All other non-residential establishments, except agricultural, one (1) parking space for each one thousand (1,000) square feet of gross floor area exclusive of storage areas, or one (1) parking space for each two (2) employees, whichever is greater. Adequate loading space shall be provided in addition to the parking requirements.

o. Day Care Centers:

One and one-half (1.5) parking spaces per classroom or one (1) parking space for every two (2) employees, whichever is greater. To allow for the safe pickup and delivery of children, there shall also be provided either a vehicle storage lane, or an area for short-term parking, for storing or parking a minimum of one vehicle for every ten (10) children.

p. Self-Service Storage: (added 5/23/2018)

Parking for single story facilities shall be at the rate of 1 space for every 100 storage cubicles or fraction thereof, located in the vicinity of the leasing office. A minimum of 4 such spaces shall be provided. Parking for multi-storied facilities shall be at the rate of 2 spaces for every 100 storage cubicles or a fraction thereof and adequate loading spaces shall be provided in the vicinity of elevators and other points of access into the facility.

2. Design of Off-Street Parking and Loading Spaces:

a. Parking areas containing more than five (5) required parking spaces shall comply with the standards specified below. Site plans prepared pursuant to Section VII F shall be submitted sufficient for the Building Inspector, Planning Board, or Board of Appeals to determine if the proposed layout properly complies with these standards.

(1) Space width shall be at least nine (9) feet.

(2) Space depth shall be at least nineteen (19) feet for all angle and 90° parking and twenty-two (22) feet for parallel parking.

(3) Aisle width shall be twenty-four (24) feet for two-way circulation.

(4) Parking spaces shall be provided and designed to safely accommodate commercial vehicles servicing the site.

(5) Parking lots shall be designed to permit each motor vehicle to proceed to and from all unoccupied parking spaces without requiring the moving of any other parked motor vehicle. Spaces shall be designed to prevent motor vehicles from backing onto a public street in order to leave the lot. Parking areas shall be designed utilizing channelization devices to prevent short-circuiting of traffic. The net standing and maneuvering areas shall have a maximum grade of 6% in any direction. This maximum grade does not apply to access drives. All required parking spaces shall be provided with unobstructed access to and from a street and shall be properly maintained in such a manner as to permit them to be used at all times.

All required parking spaces shall be located on the same lot as the use with which such spaces are connected except that two (2) or more businesses may jointly provide the required spaces on one (1) or more of their lots contiguous to each other. The number of spaces in any such joint facilities shall at least equal the total number required under the provisions of this section for their individual uses.

Subject to a Special Permit from the Planning Board unenclosed parking spaces may be located remote from the site but within 200 feet therefrom.

Said off-site parking shall be secured by an appropriate deed restriction.

b. Each required loading space shall be at least ten (10) feet wide, forty (40) feet long and fourteen (14) feet high.

c. All off-street parking and loading areas, permitted and/or required, except for dwellings, which are located within or adjacent to a Residence A, B-1 or B-2 District, Garden-Type Apartment or Apartment Districts (whether on the side or rear) shall be screened from all adjoining lots in said district by either:

(1) A strip four (4) feet wide, densely planted with shrubs or trees, which are at least four (4) feet high at the time of planting and of a type which may be expected to form a year-round dense screen at least six (6) feet high within three (3) years or

(2) A solid wall or fence not less than five (5) feet high.

A masonry or bituminous concrete curbing of at least six (6) inches in height shall terminate the edges of all pavements in rear and side yards to prevent drainage therefrom to adjacent properties.

d. Parking Lot Landscaping: (amended 11/1/1999)

All parking areas shall be properly screened and landscaped to protect adjacent property from undesirable effects of parking lots and to preserve the appearance and character of the surrounding neighborhoods. The visibility of parking and service areas from public streets shall be minimized through facility location and the use of topography and vegetation.

(1) A landscaped buffer strip at least fifteen (15) feet wide, continuous except for approved driveways, shall be provided adjacent to public ways to visually separate parking and other uses from the road. The buffer strip shall be planted with grass, low shrubs, and shade trees with a minimum 2" caliper, with one tree planted for every fifty (50) feet of road frontage. (amended 11/1/1999)

(2) Along other property lines, there shall be provided a landscaped strip at least five (5) feet in width, planted with grass, low shrubs, and shade trees with a minimum 2" diameter caliper, with one tree planted for every fifty (50) feet of perimeter length. (amended 11/1/1999)

(3) For parking lots containing twenty-five (25) or more spaces, a minimum of five (5) percent of the interior of the lot shall be maintained with landscaping. The total amount of landscaping shall be separated into smaller areas to break up the expanse of pavement. (amended 11/1/1999)

(4) Exposed storage areas, dumpsters, machinery, service areas, truck loading areas, utility buildings, and other unsightly uses shall be screened from view from neighboring properties and streets through the use of walls or fences complemented with landscaping. (amended 11/1/1999)

e. Required off-street parking and loading spaces shall not thereafter be reduced, nor shall one be counted as or substituted for the other. (amended 11/1/1999)

f. Required off-street loading spaces shall have adequate vehicular access to the street, which, along with the areas themselves, must be approved on a site plan in the case of business or industrial uses, see Section VII F. (amended 11/1/1999)

g. Except in the case of parking spaces provided for dwellings, off-street parking and loading areas shall be paved to the current specifications required under the Planning Board's Subdivision Rules and Regulations. (amended 11/1/1999)

h. Except in the case of parking spaces provided for dwellings, off-street parking and loading areas used after sundown shall be illuminated, with illumination so arranged as not to shine on abutting properties or on streets. (amended 11/1/1999)

i. In the Office Research District up to 25% of all off-street parking spaces may be designed for small cars. For said spaces the parking bay shall be 8 by 16 feet; all other parking and parking design criteria in Section VII subsection D shall apply. (amended 9/9/2002)

3. Reserve Parking Spaces (amended 11/1/1999)

Under a site plan review, the Planning Board may authorize a decrease in the number of parking spaces required under §VII (D), in accordance with the following.

a. The Planning Board may authorize a decrease in the number of parking spaces required under §VII (D), provided that:

1) The decrease in the number of parking spaces is no more than twenty-five percent (25%) of the total number of spaces required under §VII (D) (1). The waived parking spaces shall not be used for building area. The waived spaces shall be labeled as "Reserved Parking" on the site plan.

2) Any such decrease in the number of parking spaces shall be based upon documentation of the special nature of a use of a building.

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

4) The decrease in the number of required spaces will not create undue congestion or traffic hazards.

5) Such relief may be granted without substantial detriment to the neighborhood and without derogating from the intent and purpose of this section.

b. If, after one (1) year after the issuance of a certificate of occupancy, the Planning Board find that all or any of the increased reserved spaces are needed, the Planning Board may require that all or any portion of the spaces identified as increased reserve spaces on the site plan be constructed within a reasonable time period as specified by the Planning Board. A written notice of such a decision shall be sent to the applicant within seven (7) days before the matter is next discussed at a Planning Board meeting.

c. In the opinion of the Planning Board, allowing less stringent conformance with §VII (F) will in no way avoid the purpose of site plan review.

E. Signs:

1. The following signs are permitted in any district:

    a. One (1) sign displaying the street number or name of the occupant of the premises or both, not exceeding one (1) square foot in area. The sign may be attached to the building or may be on a rod or post and shall be located at least three (3) feet from the street lot line.

    b. One (1) sign for announcing professional or home occupations, or membership of the occupant not exceeding three (3) square feet in area.

    c. One (1) bulletin or announcement board or identification sign for a permitted use, not exceeding ten (10) square feet in area.

    d. For churches and institutions two (2) bulletin or announcement boards or identification signs are permitted for each building, one (1) which may not exceed twenty (20) square feet in area, and one (1) of which may not exceed ten (10) square feet in area.

    e. One (1) temporary "For Sale", "For Rent" or "Sold" sign, not exceeding six (6) square feet in area and advertising only the premises on which the sign is located.

    f. Building contractor's signs may be maintained on the site while the structure or structures are actually under construction, but shall not exceed twenty (20) square feet in area.

2. Additional signs are permitted in the Multi-Family Residential Districts, Apartment, Limited Business Districts and Neighborhood Business District, as follows: (amended 11/1/1999)

    a. Individual signs less than twenty (20) square feet in area.

    b. In the case of multiple signs, the aggregate area shall not exceed one (1) square foot for each foot of lot frontage along the street lot line on which it faces.

    c. The top of any sign shall not be more than thirty (30) feet above ground level.

    d. Temporary signs not exceeding 100 square feet in area, subject to a special permit from the Board of Appeals.

3. Additional signs are permitted in the Commercial-Business, Limited Commercial-Business, and Limited Industrial Districts, as follows: (amended 5/16/2011)

    a. Signs as permitted in Section VII 2.

    b. Individual signs less than two hundred (200) square feet in area.

c. In the case of multiple signs, the aggregate area shall not exceed two (2) square feet for each foot of lot frontage along the street lot line on which it faces.

d. The top of any sign shall not be more than thirty-five (35) feet above ground level.

4. All signs shall be subject to the following conditions:

a. No sign may be located nearer to a street lot line than one-half (1/2) the depth of the required front yard unless otherwise stated above.

b. All signs and advertising devices shall be stationary and may not contain any visible moving parts.

c. Any lighting of a sign or advertising device shall be continuous, indirect and installed in such a manner that it will prevent direct light from shining onto any street or adjacent property.

d. No sign or other advertising device attached to a building shall project more than twelve (12) inches above the roof or parapet line, nor more than twelve (12) inches out from the wall to which it is attached.

e. Signs shall conform to all applicable regulations for the district in which they are to be located.

f. Signs being an accessory use shall be located on the same lot as the main use which it is advertising.

F. <u>Site Plan</u>:

For the purpose of assuring minimum environmental, social, traffic and infrastructure impacts, proper drainage, safe access, siting of structures, and administering the provisions of this Bylaw, a site plan shall be submitted as follows:

1. <u>For Site Plan Review</u>:

a. All the uses for which off-street parking areas are mandatory except one and two-family dwellings.

b. All structures, off-street parking and loading areas permitted in Multi-Family Residential, Apartment, Limited Business, Commercial-Business, Limited Commercial-Business or Limited Industrial Districts. (amended 5/16/2011)

c. Ten (10) copies of the site plan shall be submitted to the Building Inspector who shall give the applicant a dated receipt and act upon said plan after forwarding it to the Planning Board for its review and comments. A written decision will be rendered within thirty-five (35) days from the date of receipt. (amended 11/1/1999)

2. **<u>For Site Plan Approval by Special Permit</u>:**

a. By Board of Appeals - Earth Removal

b. Ten (10) copies of the site plan shall be filed with the application for Special Permit at the time of filing with the Town Clerk. Applications will be processed in accordance with the procedural requirements of G.L. c. 40A §§9 and 11. (amended 11/1/1999)

3. **<u>For Site Plan Approval by the Planning Board</u>:**

a. The following are subject to Site Plan Approval by the Planning Board
   1) All Multi-family developments/buildings
   2) Any two family dwellings
   3) Any drive-up window
   4) Any outdoor display area
   5) Any non-residential use which requires twenty (20) or more parking spaces in accordance with Section VII.D, or if the proposed development contains buildings/structures with gross floor areas exceeding ten thousand (10,000) square feet, or the expansion of existing structures and uses exceeding in total (old and new) twenty (20) parking spaces or ten thousand (10,000) square feet of floor area (amended 5/17/2017)
   6) A Large Scale Ground Mounted Solar Photovoltaic Installation is subject to Site Plan Review in accordance with Section VII.F.3 and Section VII.R (added 5/24/12) (amended 5/20/2015, 5/18/2016)
   7) Any Marijuana Establishment (added 4/23/2018)

b. The Planning Board's final action shall consist of either (1) disapproval of the site plan if the applicant fails to furnish adequate information required by this bylaw; or (2) approval of the site plan subject to any conditions, modifications and restrictions required by the Planning Board which will insure that the site plan meets the standard of this bylaw.

c. Criteria for Site Plan Approval (amended 10/22/2018)

The Planning Board shall approve a site plan only upon determination of the following:

1) Internal circulation, queuing, and egress are such that vehicular and pedestrian safety is protected within the site.

2) Adequate parking and loading spaces are provided.

3) Curb cuts and driveway openings are convenient and safe in relation to the adjacent street network and access via minor streets servicing single-family homes is minimized.

4) Reasonable use is made of building location, grading and vegetation buffers to reduce visibility and noise of structures and uses, off street parking areas, outside storage or other outdoor service areas (e.g. waste storage) from abutting properties.

5) Lighting of structures and parking area avoids illumination on adjoining properties.

6) Adequate access to each structure for fire and service equipment is provided.

7) Utilities, drainage and fire-protection provisions serving the site provide functional service to each structure and paved areas in the same manner as required for lots within a subdivision.

8) The use will not create a nuisance of noise, odor, smoke, vibration, traffic generated, unsightliness or other conditions detrimental to the public good.

9) The site plan as designed will not cause substantial or irrevocable damage to sensitive environmental and/or cultural resources, which damage could be avoided or ameliorated through an alternative development plan.

10) Adequate provision for controlling surface water runoff to minimize impacts on neighboring properties and streets and to prevent soil and sedimentation of the Town's surface waters.

11) Measures taken to minimize contamination of ground water from sewage disposal and operations involving the use, storage, handling, or containment of hazardous substances.

12) All other requirements of the Zoning Bylaw are satisfied.

d. Persons aggrieved by his or her inability to obtain site plan approval by the Planning Board or any final action by the Planning Board in connection with any site plan shall have the right to appeal to the Zoning Board of Appeals in accordance with the procedures set forth in Section 8 of chapter 40A of Massachusetts General Law and the Zoning Board of Appeals shall have the right to hear such appeals.

e. Site Plan Requirements (amended 10/22/2018)

1) Site Plan submittals shall be in accordance with the Planning Board's current Rules and Regulations Governing Special Permits & Site Plan Review.

2) Impact Reports for each development shall be required to accompany site plans in accordance with the Planning Board's current Rules and Regulations Governing Special Permits & Site Plan Review as applicable.

3) Site plans shall include any additional requirements as provided under Section VI - Use Regulations.

4) Site improvements shall be in accordance with the Planning Board's current Subdivision Rules and Regulations as applicable.

f. Waivers (amended 10/22/2018)

The Planning Board or Board of Appeals, as applicable, based on a preliminary assessment of the scale and type of development proposed, may waive or modify the requirements for submission of any of the elements provided in this subsection VII F. Such waiver shall be issued in writing with supporting reasons.

G. Prohibited Uses:

The following uses shall not be allowed in any district in the Town:

1. Trailer or mobile home occupied for sleeping, cooking or for carrying on a business for more than thirty (30) days in any year, except that the Building Inspector may grant a temporary permit for the use of a trailer or mobile home for business purposes as an accessory use to a bona fide construction operation.

2. Racetracks, including those for automobiles, motorcycles, bicycles, horses and dogs.

3. Abattoir, stockyard or slaughter house except incidental to retail poultry business.

4. Trailer coach parks as defined by Chapter l40, Section 32F of the General Laws.

5. The occupancy for residential purposes or human habitation for more than two (2) years of building of which only the cellar or basement has been constructed.

6. Business, commercial or industrial uses which would be injurious, obnoxious, offensive or hazardous to a neighborhood by reason of vibration, noise, smoke, cinders, dust, gas, fumes, chemicals, excessively bright light or refuse matter. Uses hazardous because of danger of flooding, inadequate drainage, or inaccessibility to fire fighting apparatus or other protective service.

7. On-site stripping and/or stockpiling of topsoil, loam, sand, gravel, or other forms of earth from areas in excess of 5,000 square feet on any one (1) lot except as allowed under Section VII H 1.

H. Earth Removal:

1. Allowable Earth Removal:

The removal of earth including soil, loam, sand, gravel, clay, stone, quarried rock or other sub-surface products except water, will be allowed as follows:

a. When entirely incidental to or in connection with the construction of any structure for which a building permit has been issued.

b. When entirely incidental to subdivisions which have been approved by the Planning Board under Chapter 41 of the General Laws, and on which the Town Treasurer holds a bond with adequate surety to cover the areas in question.

c. When entirely incidental to utility construction in public and private ways and private property.

d. All other earth removal shall be subject to a special permit from the Board of Appeals.

2. Special Permit-Board of Appeals:

The Board of Appeals, when acting upon the powers granted in Section 14 of Chapter 40A of the General Laws, may issue a special permit for the removal of earth subject to the following conditions:

a. Site Plan approval under Section VII F and sub-section 3 below.

b. Establishment of a time period to complete the removal operations.

c. Approved removal areas to be limited to ten (10) acre tracts of land with subsequent approvals on larger tracts subject to satisfactory performance on the preceding sections.

d. Existing topsoil not to be removed from the site until the area from which it was removed has been restored.

e. Satisfactory dust control provisions have been agreed upon.

f. Only one entrance-exit shall be allowed onto any one (1) street.

g. A twenty (20) foot strip shall be left in its existing condition behind the abutting property and street lines as a buffer zone. This strip may be waived if a solid type fencing five (5) feet in height is installed in lieu thereof.

h. Excavated slopes shall not exceed a pitch of one (1) foot vertical to two (2) feet horizontal.

i. Excavation below the grade of existing streets will not be allowed unless drainage and vehicular access is satisfactorily provided for in the final grading.

j. The final grading, upon completion of the gravel removal operations, must provide an aesthetically pleasing relationship to the abutting properties and grades which will provide adequate drainage (0.5% minimum) to an approved outlet.

k. In restoring the excavated areas, the existing topsoil shall be spread to a depth of four (4) inches upon which the owner shall develop a satisfactory growth of vegetation.

3. Additional Site Plan Requirements:

In addition to the requirements of Section VII F, the following requirements shall be incorporated into the site plans for earth removal:

a. Existing and proposed contours shall be shown at an elevation interval of two (2) feet.

b. All existing structures and current removal operations shall be shown.

c. Estimated volume of earth removal shall be indicated.

d. Ground water levels shall be indicated.

4. Bonding Requirements:

a. The Board of Appeals shall require a bond with adequate surety to be deposited with the Treasurer of the Town. Said bond shall be in a form approved by the Town Counsel, and shall not expire until all conditions of the special permit have been met.

b. The bond shall be for an amount estimated by the Town Engineer to be adequate to meet the conditions of the special permit in the event the earth removal operations are abandoned.

I. <u>Flood Plains</u>:

Land found to be subject to seasonal or periodic flooding as described herein shall not be developed or altered in such a manner as to endanger the health, safety or welfare of the inhabitants or occupants thereof or of the public generally or of real property from the hazards of flood inundation nor shall such development adversely affect the water table or water recharge areas within the Town so as to present a threat to the present or potential water supplies for the use of the Town for public health or safety facilities. Whenever

development of such an area can be performed in a manner not detrimental to the safety or welfare of the inhabitants or occupants or property within such an area or the public generally, said development or construction shall be conducted in accordance with the following:

1. The District includes all special flood hazard areas within the Town of Shrewsbury designated as Zone A and AE on the Worcester 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 Worcester County FIRM that are wholly or partially within the Town of Shrewsbury are panel numbers 25027C0610E, 25027C0620E, 25027C0636E, 25027C0638E, 25027C0826E and 25027C0827E dated July 4, 2011; and 25027C0628F, 25027C0629F, 25027C0633F, 25027C0637F, 25027C0639F, 25027C0641F, and 25027C0643F, dated July 16, 2014. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Worcester County Flood Insurance Study (FIS) report dated July 16, 2014. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Engineering Department and Inspector of Buildings."
   (amended 5/16/2011, 5/21/2014)

2. The use of land located within a flood hazard area shall be governed by the provisions of Section VI, Subsection A-J, of this Bylaw relative to the district in which it lies and further, said use shall be subject to all other applicable regulations contained within this Bylaw.

3. All development within a Zone A as shown on the Flood Insurance Rate maps shall be subject to the Massachusetts State Building Code relative to elevation or flood-proofing requirements. Where the base flood elevation is not provided on the Rate Maps, the applicant shall obtain any existing base flood elevation data and it shall be reviewed by the Building Inspector for its reasonable utilization towards meeting the elevation of flood proofing standards of the Massachusetts State Building Code.
   (amended 5/16/2011, 5/21/2014)

4. Within a floodway, as designated on the Worcester County Flood Insurance Rate Maps, all encroachments including fill, new construction, substantial improvements to existing structures and other development are prohibited unless certification by a registered professional engineer is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of a 100-year flood.

   In any Zone A which is situated along a watercourse that has not had a regulatory floodway designated, the best available federal, state, local or other floodway data shall be used to prohibit encroachments in a floodway which would result in any increase in flood levels within Shrewsbury during the occurrence of the base flood discharge. Base flood elevation data is required for any proposed subdivision or other development

located within an unnumbered A Zone which consists of either more than 50 lots or is greater than 5 acres in area." (amended 5/16/2011, 5/21/2014)

5. All construction within a floodway shall be in accordance with the Massachusetts State Building Code relative to elevation or flood proofing requirements as well as Chapter 131, Section 40, of the Massachusetts General Laws and the Wetlands Protection Regulations, the Inland Wetlands Restriction, and the Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, of the Massachusetts Department of Environmental Protection.

6. Where, in a riverine situation, an alteration or relocation of a watercourse is proposed, the applicant shall notify, in writing, all communities adjacent to Shrewsbury, the National Flood Insurance Program State Coordinator and the National Flood Insurance Program Federal Program Specialist.

7. All subdivision proposals must be designed to assure that: (added 5/16/2011)

   a) such proposals minimize flood damage;

   b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and

   c) adequate drainage is provided to reduce exposure to flood hazards.

J. <u>Cluster Development</u>: (amended 11/13/2001)

1. <u>Purpose</u>

a. Intended as an alternative to conventional subdivision.

b. To provide for the public interest by the preservation of open space and natural landscape features in perpetuity.

c. To promote variety in single-family and multi-family residential housing patterns.

d. To encourage development designed to accommodate a site's physical characteristics such as: topography, vegetation, water bodies, wetlands, open spaces such as farmlands and meadows, major scenic views and wildlife habitats.

e. To encourage the preservation of important site features.

f. Not intended to make undevelopable land developable.

2. <u>Definition</u>

Cluster Development: A division of land into lots used, or available for use, as building sites where said lots are clustered together into one or more groups, separated from adjacent property and other groups of lots by intervening "common" land.

3. <u>Application</u>

In all residential zoning districts the Planning Board may grant a special permit for any tract of land of not less than five (5) acres or more to be subdivided as a cluster development, for single family detached dwellings and multi-family dwellings, subject to the requirements and conditions of this section. Each application for the preliminary plan, definitive plan and special permit for a Cluster Development shall be filed with the Town Clerk along with 10 copies of required plans and supporting information. The Planning Board shall submit the plans and information with other boards and individuals of its choosing, and any such board or individual shall submit such recommendation as it deems appropriate to the Planning Board.

4. **<u>Submission Requirements</u>**

a. Step One: Preliminary Plan

The preliminary plan shall consist of:

1. A description of the overall development plan.

2. A Sketch Plan shall show development of the parcel as a conventional subdivision.

3. Must be prepared by a registered Landscape Architect and a Professional Engineer.

4. Show existing landscape features (including steep topography, wetlands and water resources, rock outcroppings, boulder fields, stone walls, cliffs, forest glades, drumlins, high points, hill tops and ridges).

5. Show existing open areas (including farm fields, meadows, and major long views).

6. Shows important natural, cultural and scenic features. This plan shall analyze the site's relation to adjacent land, such as the potential for linkages or public access.

b. Step Two: Definitive Plan

7. The plan must be in accordance with the Shrewsbury Subdivision Rules and Regulations.

8. The applicant can request waivers from the Subdivision Rules and Regulations if such an action is in the public interest and is consistent with the intent and purposes of the Cluster Bylaw.

9. A public hearing is held (the second) for the Definitive Plan and Special Permit.

10. There shall be no substantial variation from the Preliminary Plan, except as authorized or recommended by the Planning Board.

A public hearing is held for the Preliminary Plan. After the Planning Board renders a decision based upon the Preliminary Plan, the applicant shall then file both a Special Permit application and a Definitive Plan application.

c. Decision: The Planning Board shall hold a public hearing within 65 days after the filing of the Definitive Plan and render its decision within 90 days following the close of the public hearing in conformity with the provisions of M.G.L. Ch. 40A, §§ 9 and 11. In order to facilitate processing, the Planning Board may adopt Rules and Regulations, insofar as practicable, combining procedures which satisfy this section and the Board's regulations under the Subdivision Control Law.

5. Number of Dwelling Units Permitted

The number of dwelling units permitted shall be the lesser of the two following methods; but in no case less than the number of lots developable on a subdivision under the Subdivision Rules and Regulations.

1. The number of lots developable on the definitive plan under the Subdivision Rules and Regulations plus fifteen (15) percent.

2. The maximum number of dwelling units permitted shall equal the "Net Usable Land Area" within the tract divided by the minimum lot area requirement specified in Table II for the existing zoning district in which the tract is located. Net Usable Land Area shall equal the lesser of:

   a. 70% of the gross tract area, or

   b. 75% of the gross tract area, minus 100% of all water bodies; and 75% of the land lying below the one hundred year flood elevation, land subject to M.G.L. Ch. 131 § 40 (wetlands), and land having slopes in excess of 15%.

   These calculations shall be submitted with the request for the Special Permit.

6. **Minimum Lot Area and Frontage**

Cluster developments shall be permissible in all residential zoning districts and all lots therein shall have a minimum lot area of 12,500 square feet and a minimum lot frontage of 80 feet.

Lots located on the turnaround of a dead-end street shall have a minimum of fifty (50) feet of street frontage providing a front building line is designated on the Plan for such a lot and the width of the lot at this building line is at least equal to the frontage requirement above.

7. **Yard Requirements**

a. Front yards may be staggered to provide a variety in the size of such yards. The minimum average of all front yards shall be twenty-four (24) feet; however, no front yard shall be less than eighteen (18) feet.

b. Side yards shall be a minimum of ten (10) feet each.

c. Rear yards shall be a minimum of thirty (30) feet, except along the boundaries of the tract, the rear yard shall not be less than the minimum requirement for the district.

d. The front, side and rear setback lines shall be shown on the definitive subdivision plan.

8. **Open Space Criteria, Ownership and Management**

a. At least 40 percent of the total area of the tract shall be designated as common land, and except as provided below, shall not be covered with buildings, roads, driveways, or parking areas. No more than twenty-five (25) percent of the common land shall be wetland or land lying below the one hundred year flood elevation.

b. The common land shall consist of contiguous parcels of land that have the maximum value for wildlife habitat, aquifer recharge, riparian protection, scenic value, historic & cultural value and where possible, shall provide a connection to adjacent open space. Furthermore, the common land shall consist in the form of one or more contiguous open spaces and not several small fragments of land. The Town shall not maintain the landscaping and signage at the subdivision's entrances. Any improvements to the subdivision entrances that are located within the right-of-way, open space or common land, that includes signage, lighting, landscaping and street furniture, shall be removed prior to acceptance by the Town.

c. All open space must be conveyed to:

1. The Town and accepted for park or open space use;

2. To a non-profit corporation whose principal purpose is the conservation of open space;

3. The corporation or trust owned by the lot owners within the development, ownership shall pass with the conveyance of the lot.

Land not conveyed to the town:

1. Must be placed under a conservation restriction enforceable by the Town;

2. The applicant shall include as part of the covenant, a provision that the common open space will be deeded as approved by the Planning Board; and,

3. The applicant must include in their Cluster application a program describing how the common open space will be maintained in perpetuity, including an agreement empowering the Town to perform maintenance (paid for by the lot owners) in the event of failure to comply with the program.

d. A maximum of twenty (20) percent of the common land may be devoted to paved areas and structures used for, or accessory to, active recreational uses provided such uses are located and operated in such a manner as not to disturb the neighborhood.

e. All entryways into the Common Land shall be designated with an appropriate sign that shows the shape and outline of the area.

f. At least twenty-five (25) percent of the required common land shall be of a shape, slope, location and condition as are suitable for use as an informal field for group play or sport.

g. Perimeter buffer strips shall not be counted towards the required open space calculation.

9. Findings of the Planning Board

The Planning Board may grant a special permit for a Cluster Development only if the Board finds that:

a. The development helps to preserve open space, conserve important ecological features, and minimizes environmental disruption of the land.

b. Diversity and originality in lot layout and street systems achieves an harmonious relationship between the development and the land.

c. The common land is of such shape and character as to be well-suited for its intended use, and is appropriately located in relation to topography and places of residence as to be easily accessible to all residents of the development.

d. The proposed use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, utility facilities, and other matters affecting the public health, safety and welfare.

10. Revision of Lot Lines

Subsequent to granting of the special permit and approval of a Definitive Plan of a subdivision, the Planning Board may permit relocation of lot lines within the development. However, any change in the number of lots, lines of streets, common land, its ownership or use, or any other conditions stated in the original special permit shall require a new special permit.

11. Design Guidelines

In evaluating the layout of lots and common land, the following criteria will be considered by the Planning Board as indicating design appropriate to the natural landscape and meeting the purpose of cluster development.

Development Standards for the Preliminary Plan

- The pedestrian circulation system is designed to assure that pedestrians can move safely and easily on the site and between properties and activities within the site and neighborhood.

- The street system provides for the safe and convenient movement of vehicles on and off the site and is designed to contribute to the overall aesthetic quality of the Development.

- The maximum number of house lots compatible with good design abut the common land, and all house lots have reasonable access to the common land.

- Landscaping screens areas of low visual interest, such as utility boxes, trash containers, and parking areas, and treats pedestrian systems and open space areas in a manner which contributes to their use and visual appearance.

- The elements of the site plan (buildings, circulation, common land, landscaping, etc.) are arranged favorably with existing natural topography, streams, and water bodies.

Development Standards for the Definitive Plan

- Extensive topographic changes necessitating vegetation and tree removal are minimized. The site design shall preserve and, where possible, enhance the natural features of the property, including scenic views, by adapting the location and placement of structures, if any are approved, and ways to the existing topography in

order to minimize the amount of soil removal, tree cutting and general disturbance to the landscape and surrounding properties.

Open Space Use and Design Standards

Standards and requirements for the land that is to remain undeveloped address:

- The maintenance and improvements to naturally-existing woods, fields, meadows and wetlands;
- The size and shape of common open space parcel(s)
- The percentage of impervious surface allowed
- Allowed uses
- The location of retention/detention ponds
- The perimeter buffer – size, shape, composition, allowed no-cut easements
- The Developer shall develop at least one active recreation area. Active recreational areas are suitably located and accessible to the residential units and adequate screening ensures privacy and quiet for neighboring residents. Said area(s) shall not have grades exceeding 2%. At least one such area shall be large enough to provide for facilities such as: football, soccer and baseball.
- Common land is arranged to protect valuable natural environments such as stream valleys, outstanding vegetation, or scenic views, and to avoid development on hazardous areas such as flood plains and steep slopes.

12. Way, Interior Drives, and Utilities

The construction of all ways, interior drives and utilities shall be in accordance with the standards specified in the Planning Board's Rules and Regulations Governing the Subdivision of Land. The Planning Board may waive the Subdivision Rules and Regulations if it determines that adequate access will be provided to all lots in the development by ways that will be safe and convenient for travel.

K. Density Bonus Incentive for Affordable Housing (amended 5/28/1991) (deleted 10/11/2005)

K. Inclusionary Housing (adopted 10/11/2005)

1. Purposes and Intent

The purposes of the Inclusionary Housing Bylaw are to:

a. Create and preserve housing affordable to low- or moderate-income households.

b. Encourage developers to include affordable housing in all new residential and mixed-use developments.

c. Promote geographic distribution of affordable housing units throughout the town and avoid over-concentration.

d. Assist the Town in creating units eligible for the Chapter 40B Subsidized Housing Inventory through means other than a comprehensive permit.

2. Applicability

a. This section applies to all developments involving the creation of five (5) or more dwelling units or five (5) or more lots for residential use in the following zoning districts: Rural AA, Rural A, Rural B, Residence A, Residence B-1, Residence B-2, Multi-Family or Apartment. (amended 5/16/2011)

b. Developments shall not be segmented to avoid compliance with the Inclusionary Housing requirement. For purposes of this section, "segmentation" shall mean divisions of land that would cumulatively result in an increase by five or more residential lots above the number existing on a parcel of land or contiguous parcels in common ownership twenty-four months prior to the application. Where such segmentation occurs, it shall be subject to the Inclusionary Housing requirement. A subdivision or division of land shall mean any subdivision as defined in the Subdivision Control Law, G.L. c.41, Sections 81K-81 GG, or any division of land under G.L. c.41, Section 81P, into lots for residential use.

c. Exemption: This Section does not apply to the rehabilitation of any building or structure, all of or substantially all of which is destroyed or damaged by fire or other casualty or act of God; provided, however, no rehabilitation nor repair shall increase the density, bulk or size of any such building or structure which previously existed prior to the damage or destruction thereof without triggering the requirements of this Section.

3. Definitions

For the purpose of administering this Section, certain terms and words are herein defined as follows:

Affordable Housing Restriction: A contract, mortgage agreement, deed restriction, or other legal instrument, acceptable in form and substance to the Town of Shrewsbury, that effectively restricts occupancy of an affordable housing unit to qualified purchaser or qualified renter, and which provides for administration, monitoring and enforcement of the restriction during the term of affordability. An affordable housing restriction shall run with

the land in perpetuity or for the maximum period of time allowed by law, and be enforceable under the provisions of G.L. c.184, Sections 26 or 31-32.

Affordable Housing Trust Fund: A fund account established by the Town for the purpose of creating or preserving affordable housing in the Town of Shrewsbury.

Affordable Housing Unit: A dwelling unit that is affordable to and occupied by a low- or moderate-income household and meets the requirements of the Local Initiative Program for inclusion on the Chapter 40B Subsidized Housing Inventory. For purposes of the Inclusionary Housing Bylaw, a living unit in an Assisted Living Residence shall not be considered a dwelling unit.

Area Median Income: means the median family income for the Worcester metropolitan area or other metropolitan area that includes the Town of Shrewsbury, as defined in the annual schedule of low- and moderate-income limits published by the U.S. Department of Housing and Urban Development, and adjusted for household size.

Inclusion Unit: an affordable housing unit built on the same locus as a development with market-rate units under Section VII.K of this Bylaw.

Local Initiative Program: A program administered by the Massachusetts Department of Housing and Community Development (DHCD) pursuant to 760 CMR 56.00 to develop and implement local housing initiatives that produce low- and moderate-income housing. (amended 5/20/2015)

Low- or Moderate-Income Household: A household with income at or below 80% of area median income, adjusted for household size, for the metropolitan area that includes the Town of Shrewsbury, as determined annually by the United States Department of Housing and Urban Development (HUD).

Market-Rate Dwelling Units: all dwelling units in a development subject to this Section that are not affordable housing units as defined herein.

Maximum Affordable Purchase Price or Rent: For homeownership units, a purchase price that is affordable to a low- or moderate-income household paying no more than 30% of gross monthly income for a mortgage payment, property taxes, insurance and condominium fees where applicable; and for rental units, a monthly rent that is affordable to a low- or moderate-income household paying no more than 30% of its gross monthly income for rent and utilities. The household income used to compute the maximum affordable purchase price or rent shall be adjusted for household size, considering the household size for which a proposed affordable unit would be suitable under guidelines of the Local Initiative Program or, where no such guidelines exist under regulations adopted by the Planning Board.
Qualified Household: A low- or moderate-income household that purchases or rents an affordable housing unit as its principal residence.

Subsidized Housing Inventory: The Department of Housing and Community Development Chapter 40B Subsidized Housing Inventory as provided in 760 CMR 56.00. (amended 5/20/2015)

4. Methods of Providing Affordable Housing

Any development not exempted herein shall provide affordable housing through one or more of the following methods, or any combination thereof.

a. Inclusion Units: affordable housing units constructed on the locus of the development. This is the preferred method of complying with the Inclusionary Housing requirement.

b. Alternative Methods: The Planning Board may grant a Special Permit to allow alternative methods of compliance in accordance with Section K(6).

5. Development Regulations for Inclusion Units

Including affordable units in new development serves an important public purpose and meets the growth management objectives of the Shrewsbury Master Plan. The Town of Shrewsbury has valid planning reasons to establish use, dimensional and density regulations that apply particularly to developments with Inclusion Units: to promote efficient use of land, to encourage mixed-income neighborhoods, to achieve a diverse and balanced community with housing available for households of all income levels as a matter of basic fairness, to provide reasonable cost offsets to developers who provide new affordable units, and to increase the supply of affordable housing at a rate sustainable for the Town. In addition, the Town has an interest in assuring that all residential development assists with meeting state requirements for the provision of affordable housing and that such housing is geographically distributed throughout the community. Furthermore, the Town has an interest in assuring that suitable mechanisms exist to preserve the affordability of housing built for low- or moderate-income people, and that affordable housing is made available to qualified purchasers or qualified renters in a manner that complies with federal and state fair housing laws. Toward these ends, the requirements for a development with Inclusion Units shall be as follows.

a. Permitted Uses

1) In the Rural AA, Rural A, Rural B, Residence A and Residence B-1 Districts, the following are permitted uses in a development with Inclusion Units: (amended 5/16/2011)

a) Detached single-family dwelling.

b) Two-family dwelling, provided that two-family units comprise not more than 20% percent of the total number of dwelling units in the development and the two-family dwellings comply with the location, comparability and design requirements set forth in K(5)(f) and K(5)(g) below.

2) In the Residence B-2, Multi-Family and Apartment Districts, the permitted uses in a development with Inclusion Units shall be as set forth in Section VI Table I.

b. Uses Allowed by Special Permit

1) The Planning Board may grant a Special Permit to increase the percentage of two-family dwellings in a development with Inclusion Units in the Rural A, Rural B, Residence A or Residence B-1 District, up to a maximum of 25%.

2) A residential use requiring a Special Permit under Section VI Table I shall also require a Special Permit for a development with Inclusion Units.

c. Dimensional and Density Requirements. The requirements of Section VII Table II and any notes thereto shall apply to a development with Inclusion Units except as modified by the provisions of Table K-A.

d. Affordable Housing Requirement

A development with Inclusion Units shall provide affordable housing in accordance with the minimum requirements below. Where the requirement results in a fraction of a lot or dwelling unit, the fraction shall be rounded up to the nearest whole number, such that a development of five (5) dwelling units shall include one (1) affordable unit, a development of eleven (11) dwelling units shall include two (2) affordable units, and so on.

1) In the Rural AA, Rural A, Rural B and Residence A Districts: a minimum of 10%.(amended 5/16/2011)

2) In the Residence B-1 and B-2 Districts: a minimum of 12.5%.

3) In the Multi-Family District: a minimum of 12.5% for developments of single-family or two-family dwellings, and a minimum of 15% for MF-1 or MF-2 developments.

4) In the Apartment District: a minimum of 25%.

5) In any district where Senior Housing is permitted or allowed by Special permit, a minimum of 15% for Senior Housing developments.

e. Application Procedures

1) A subdivision of land shall be submitted to the Planning Board in accordance with the Planning Board's Rules and Regulations for the Subdivision of Land.

2) A development that does not involve a subdivision of land shall be submitted pursuant to G.L. c.41, Section 81P or Section VII-F of this Bylaw, as applicable.

3) For MF-1, MF-2 or Senior Housing, the Special Permit application procedures, review and decision criteria shall be in accordance with Section IX of this Bylaw, as applicable. The Planning Board shall be the Special Permit Granting Authority for special permits issued under this Subsection K.

4) The Planning Board may adopt supplemental submission requirements and procedures for any development with Inclusion Units. Such procedures may include but are not limited to submission of a Site Plan under Section VII-F.1 for the purpose of determining compliance with Section K(5)(f) and K(5)(g) below, and a development phasing plan to determine compliance with Section K(5)(h).

f. Location of Inclusion Units. Inclusion Units shall be dispersed throughout a development. The applicant may locate Inclusion Units in two-family dwellings in lieu of designating detached single-family dwellings as affordable housing, provided that the two-family dwellings are not concentrated in one part of the development and they conform to Section K(5)(g) below. For MF-1 or MF-2 multi-family developments, Inclusion Units shall be dispersed throughout the buildings and the floors of each building such that no single building or floor therein has a disproportionate percentage of Inclusion Units. For Senior Housing, location requirements for Inclusion Units shall be based on the residential use types provided in the development.

g. Comparability of Inclusion Units

1) Inclusion Units shall be comparable to market-rate units in exterior building materials and finishes; overall construction quality; and energy efficiency, including mechanical equipment and plumbing, insulation, windows, and heating and cooling systems. To be comparable in exterior appearance, single-family or two-family Inclusion Units shall be designed to comply with the following requirements, as applicable:

a) When the Inclusion Units are detached single-family dwellings, they shall be similar in size to market-rate detached single-family dwellings in the development unless the Planning Board grants a Special Permit to authorize smaller units.

b) Inclusion Units may be in two-family dwellings in which each unit has a ground-level floor and the units are separated by a common wall, with an at-grade entrance to one unit on the front facade and at-grade entrance to the second unit on the side, such that when viewed from the road, the dwelling appears to be a detached single-family dwelling. When a two-family dwelling provides Inclusion Units, the building shall be at least equal in gross floor area to a typical market-rate, detached single-family dwelling in the development in order to achieve general comparability of scale and built form.

2) Inclusion Units may differ from Market-Rate Units in gross floor area provided that the bedroom mix in Inclusion Units shall be generally proportional to the bedroom mix in Market-Rate Units unless the Planning Board authorizes a different mix by Special Permit.

h. Timing of Construction

Unless a different schedule is approved by the Planning Board, Inclusion Units shall be constructed in proportion to market-rate units. Compliance with this requirement shall be determined on the basis of building permits issued for Inclusion Units and market-rate units, or lot releases, as applicable. Inclusion Units shall not be the last units to be built in any development covered by this Section.

i. Selection of Qualified Purchasers or Renters

1) The Selection of qualified purchasers or renters shall be carried out under an affirmative marketing plan approved by the Planning Board. The affirmative marketing plan shall describe how the applicant will accommodate local preference requirements, if any, established by the Board of Selectmen.

2) The applicant may sell Inclusion Units to the Town of Shrewsbury, the Shrewsbury Housing Authority, or to any non-profit development organization that serves the Town of Shrewsbury, in order that such entity may carry out the steps required to market the Inclusion Units and manage the selection of buyers.

j. Preservation of Affordability

1) Any Inclusion Unit shall be subject to an affordable housing restriction that contains limitations on use, resale and rents. The affordable housing restriction shall meet the requirements of the Town and the DHCD Local Initiative Program, and shall be in force in perpetuity or for the maximum period allowed by law.

2) The affordable housing restriction shall be enforceable under the provisions of G.L. c.184, Sections 26 or 31-32, as amended.

3) The developer shall be responsible for preparing and complying with any documentation that may be required by DHCD to qualify Inclusion Units for listing on the Chapter 40B Subsidized Housing Inventory.

4) No building permit shall be issued for a rental development with Inclusion Units until a regulatory agreement signed by the applicant, the Town and DHCD has been recorded at the Registry of Deeds.

5) A Certificate of Occupancy for a homeownership Inclusion Unit shall not be issued until the applicant submits documentation to the Building Inspector that an affordable housing restriction has been approved by the Planning Board and signed by the Inclusion Unit homebuyer.

6. Regulations for Alternative Methods of Providing Affordable Units

a. In its discretion, the Planning Board may grant a Special Permit for an alternative method listed below, subject to the following requirements:

1) Off-Site Units. The applicant may propose to provide equivalent affordable units in another location in Shrewsbury. The off-site affordable units may include existing dwelling units acquired and renovated, as necessary, or new-construction units, in either case sold to qualified purchasers or conveyed to the Shrewsbury Housing Authority or another non-profit development organization for affordable rental housing. The location and quality of off-site affordable units shall be subject to approval by the Planning Board during the development review process. A schedule for providing the off-site units shall be incorporated into the Special Permit through conditions imposed by the Planning Board. Off-site affordable units shall comply with the comparability requirements for Inclusion Units under K(5)(g) and the Preservation of Affordability requirements of Section K(5)(j).

2) Land Donation. The applicant may propose to donate buildable land to the Town of Shrewsbury, the Shrewsbury Housing Authority, or a non-profit housing development organization serving the Town of Shrewsbury, subject to approval by the Planning Board. Any land donated under the provisions of this section shall be subject to a restriction assuring its use for affordable housing. Prior to approving a land donation as satisfaction of the Inclusionary Housing requirement, the Planning Board shall require the applicant to submit an appraisal or other evidence to show that the land is suitable for an equivalent number of affordable housing units. Donations of land in lieu of creating affordable units shall be made prior to the issuance of any building permits for the development unless the Planning Board approves a different schedule.

3) Fee in Lieu of Units. The applicant may propose to pay a fee in lieu of creating affordable units. For each affordable unit provided through this method, the cash payment per unit shall be equal to the difference between the median single-family home or condominium sale price in Shrewsbury for the most recent three fiscal years, as determined by the Board of Assessors, and the price affordable to a qualified purchaser as determined by the Planning Board's regulations and any applicable guidelines of the Massachusetts Department of Housing and Community Development (DHCD), Local Initiative Program (LIP). If the Planning Board issues a Special Permit to authorize a fee in lieu of units, the fee shall be paid to the Town's Affordable Housing Trust Fund prior to the issuance

of any building permits for the development. This alternative method shall apply only to homeownership developments.

b. Special Permit application procedures, review and decision criteria shall be in accordance with Section IX of this Bylaw.

c. Any development that provides affordable units through an alternative method shall conform to the requirements of Section VI, Use Regulations and Section VII Table II. The Provisions of Table K-A apply only to a development with Inclusion Units.

7. Exemption

a. The Planning Board may grant a Special Permit to exempt a development from the Inclusionary Housing requirements of this Bylaw, provided that:

1) No lot in the development shall have less than 1.5 times the minimum frontage nor less than two (2) times the minimum lot area for the district in which the lot is located. For lots divided by a zoning boundary line, the minimum lot area for the district with the larger minimum lot area shall be used in determining the applicable minimum lot area. For lots located in the Rural AA, Rural A, Rural B or Residence A District, at least 75% of the minimum lot area required for zoning compliance, or a minimum of 30,000 square feet, shall be contiguous upland. (amended 5/16/2011)

2) All other dimensional requirments of the district in which the lot is located shall apply.

3) For an application to exempt rear lots created under Section VII.B(7), no lot shall have less than four (4) times the minimum lot area for the district in which the lot is located, nor less than 100 feet of frontage.

b. Special Permit application procedures, review and decision criteria shall be in accordance with Section IX of this Bylaw.

8. Severability

If any portion of this Bylaw is declared to be invalid, the remainder shall continue to be in full force and effect.

TABLE K-A: Compensatory Dimensional and Density Regulations for Developments with Inclusion Units (1) (amended 5/16/2011)								
	Minimum Requirements							Maximum
	Minimum Lot Area	Minimum Frontage	Front	Side(2)	Rear	Add'l Area Per Unit(3)	Open Space % Lot Area	Lot Coverage
Rural AA								
Single-Family	45,000	150	50	30	50	---	---	15%
Two-Family (4)	45,000	150	50	30	50	---	---	15%
Rural A, Rural B								
Single-Family	19,000	125	40	25	50	---	---	21%
Two-Family(4)	22,000	125	40	30	50	---	---	21%
Residence A								
Single-Family	19,000	125	30	20	40	---	---	31%
Two-Family(4)	22,000	125	30	30	40	---	---	31%
Residence B-1								
Single-Family	12,500	100	30	10	40	---	---	31%
Two-Family(4)	16,000	100	25	10	40	---	---	31%
Residence B-2								
Single-Family	12,500	100	30	10	40	---	---	31%
Two-Family(4)	16,000	125	30	10	40	---	---	31%
Multi-Family								
Single-Family	12,500	100	30	10	40	---	---	31%
Two-Family(4)	16,000	100	30	10	40	---	---	31%
MF-1(5)	16,000	50	40	25	25	3,900	50%	---
MF-2	160,000	50	40	50	50	See(6)	50%	---
Apartment	---In Accordance with Table II---							

FOOTNOTES TO TABLE K-A

(1) The requirements of Table K-A apply to any development that provides inclusion Units. However, where Table K-A is silent on a requirement set forth in Section VII Table II and its associated footnotes, said Table II shall govern.

(2) The side yard setback shall be reduced to zero for zero-lot-line two-family dwellings.

(3) Additional area required per dwelling unit in excess of two.

(4) If the required percentage of affordable units results in an odd number and the inclusion units are in two-family dwellings, the number of affordable shall be increased by one in order to provide for the creation of a two-family dwelling with two affordable units.

(5) Subject to Section VI Table I, Footnote 5.

(6) Subject to Section VI Table I, Footnote 6.

L. Common Driveways (amended 11/1/1999, 9/26/2011)

1. The Planning Board may grant a Special Permit to allow the use of common driveways. Common driveways may be permitted to allow for more efficient traffic flow, to reduce traffic hazards from numerous individual driveways, to consolidate access to lots across wetland resources, and otherwise where, in the Planning Board's judgement, such an arrangement will be more advantageous to the neighborhood than separate driveways.

2. Common driveways shall meet the following standards:

Dimensional Standard	Residential/Apartment Districts	Commercial/Industrial Districts
Minimum pavement width	18 feet[1]	22 feet[2]
Minimum easement width	24 feet	40 feet[3]
Maximum grade	8%[4]	10%[5]
Curb Cut	No closer than 100 feet from the centerline intersections right-of-way	
Minimum centerline radius	45 feet	45 feet
Minimum sight distance for a driveway entering onto a roadway	200 feet in each direction	200 feet in each direction[6]
Maximum number of lots serviced by one common driveway	3	5
Maximum length	300 feet	1,500 feet

Footnotes:
[1]The paved surface shall consist of a 2-inch binder, a 1-inch top and a 12-inch gravel base.
[2]The paved surface shall consist of a 3-inch binder, a 1-1/2-inch top and an 18-inch gravel base.
[3] The driveway shall be designed based upon low impact development techniques. The Planning Board shall have the discretion to require curbing or gravel shoulders where appropriate.
[4] And within fifty (50) feet of the street line, six percent (6%).
[5] And within fifty (50) feet of the street line, two percent (2%).
[6]Longer sight distance may be required based upon the road type the common driveway enters on.

3. The design of common driveways shall assure adequate safety for emergency vehicles, water service, if available, including hydrants, and adequate drainage of surface waters and provision for turnaround for use in all seasons by emergency vehicles.

    a. For commercial and industrial development, turnarounds shall be located along the driveway, subject to Planning Board approval.

    b. For commercial and industrial development, adequate lighting shall be provided along the common driveway subject to Planning Board approval.

4. A declaration of covenants, easements and restrictions for the use and maintenance of said common drives may be required by the Board and shall include arrangements satisfactory to the Board concerning: roadway maintenance, snowplowing, rubbish collection, utilities and potential future use as a public way.

5. For all common driveways, the rate of a post-development runoff shall not exceed the rate of pre-development runoff. The Town Engineer and the Planning Board shall approve the drainage system.

6. No occupancy permit for a building to be served by a common driveway shall be issued until the Planning Board certifies in writing that the common driveway has been completed in accordance with the standards of this section.

7. No common driveway may ever be used to satisfy zoning frontage requirements.

8. Addresses of all buildings accessed off the common driveway shall be posted on a sign at the entrance of the driveway that is visible for residents, employees, visitors and public safety officials.

M. LAKEWAY OVERLAY DISTRICT (adopted 5/19/2004)(amended 5/19/2005, 4/29/2014)

1. Purposes.

The Town shall have a Lakeway Overlay District (LOD) as shown on the Zoning Map entitled, "LAKEWAY OVERLAY DISTRICT, TOWN OF SHREWSBURY," as amended, on file in the office of the Town Clerk. The purposes of the Lakeway Overlay District are to:

a. Encourage a mix of commercial, residential, institutional and civic uses in a physical arrangement that is safe for vehicular, pedestrian and bicycle traffic;

b. Provide viable alternatives to conventional commercial sprawl, thereby assisting the Town in creating and maintaining a vibrant, walkable commercial area;

c. Promote shared access and appropriate links to adjoining properties, thereby lessening the need for curb openings on Route 9.

Toward these ends, the Planning Board is authorized to apply design guidelines, flexible dimensional regulations and site standards to the review of site plans and special permits in the Lakeway Overlay District, as set forth below.

2. Applicability.

The Lakeway Overlay District is an overlay district that applies to portions of the Commercial Business and Limited Business Districts along Route 9, as shown on the LAKEWAY OVERLAY DISTRICT map dated as amended. As an overlay district, it provides development options that do not exist in the underlying zoning districts. Except as

provided below, all use, dimensional and development regulations of the Commercial Business and Limited Business Districts remain in effect and are not altered by this Bylaw.

3. Relationship to Site Plan Review.

All permitted and special permitted uses in the Lakeway Overlay District are subject to Article VII, Section F: Site Plan.

4. Definitions.

a. Mixed-Use Development: Vertical Mix. An integration of commercial and multi-family residential uses in a single structure in which the residential uses are located above the ground floor.

b. Mixed-Use Development: Horizontal Mix. An integration of commercial and multi-family residential uses in a development comprised of two or more structures on the same lot or on more than one lot. The multi-family residential uses may be located above the ground floor of a commercial structure, in separate structures on the same lot or on more than one lot, or a combination thereof.

5. Permitted Uses and Structures.

a. Mixed-Use Development: Vertical Mix. Uses permitted (Y) in the Commercial Business District or Limited Business District, when integrated with one or more of the following uses in a single structure:

1. Dwelling units above the ground floor of a commercial building.

2. Live-and-work space, e.g. artist's residence and studio.

3. In a vertical mixed-use development, permitted commercial uses shall constitute at least 30% of the total gross floor area of the structure.

b. Conversion of a one-family or two family dwelling for a permitted retail or office use, or for a combination of permitted retail, office and residential uses. (amended 5/19/2005)

c. No use listed as a prohibited use under Section M.7 of this Bylaw may be included in a vertical mixed-use development or a one-family conversion.

6. Uses and Structures Permitted by Special Permit.

a. Mixed-Use Development by Special Permit: Horizontal Mix. In the Lakeway Overlay District, the Planning Board may issue a special permit for a development that includes more than one structure on the same lot or on more than one lot and integrates permitted or special permitted uses in the Commercial Business District or Limited Business District with the following additional uses:

1. Multi-family garden-type apartments (SP-PB), subject to a new footnote to Table I:

(28) Multi-family use is allowed as part of a mixed-use development subject to the requirements of Section VII-M. Lakeway Overlay District. Multi-family units may be located above the ground floor of a commercial building, accessed by an entrance separate and distinct from commercial uses, in a multi-family building, or a combination thereof. Multi-family building disposition (placement) in relation to the principal commercial structures shall be subject to the approval of the Planning Board.

2. Multi-family townhouse-type structures (SP-PB), subject to a new footnote to Table I:

(29) Use allowed by special permit subject to the requirements of Section VII-M. Lakeway Overlay District.

b. Marinas.

c. No use listed as a prohibited use under Section M.7 of this Bylaw may be included in a horizontal mixed-use development.

7. Prohibited Uses.

a. Single-family detached dwelling.

b. Hospital or sanitarium.

c. Automatic teller machines (ATM) that provide public access from a drive-up window.

d. Gasoline service stations.

e. Garage and repair shops.

f. Salesrooms for Automobiles and Motor Cycles

g. Mortuaries or crematories

h. Auditoriums, skating rinks, clubs and other places of amusement or assembly where activities are conducted outside the structure.

i. Adult bookstore, adult motion picture theater, adult paraphernalia store, adult video store, or establishment which displays live nudity for its patrons[1]

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[1] Use prohibited in the Lakeway Overlay District and in any portion of a district underlying the LOD.

j. Any use which will produce a nuisance or hazard from fire or explosion, toxic or corrosive fumes, gas, smoke, odors, obnoxious dust or vapor, harmful radioactivity, offensive noise or vibration, flashes, objectionable effluent or electrical interference which may affect or impair the normal use and peaceful enjoyment of any property, structure or dwelling in the Town.

k. Multi-Family Townhouse Dwellings

Multi-family townhouse dwellings may be allowed by special permit from the Planning Board when part of a Mixed Use Development: Horizontal in the Route 20 Overlay District, subject to the following requirements or modifications:

1. Multi-family townhouse-type structures and structures for dwellings containing not more than three (3) stories may be allowed in separate buildings. Building disposition (placement) shall be subject to the approval of the Planning Board.

2. The separation between multi-family townhouse structures shall be determined by special permit granted by the Planning Board.

3. Multi-family townhouse-type structures must provide affordable housing in accordance with Section VII.K. of the Zoning Bylaw.

1. Any use not explicitly provided for in this Bylaw.

8. Dimensional, Setback and Intensity Regulations.

Uses in the Lakeway Overlay District shall meet the following requirements, subject to the following footnotes to Section VII, Table II:

a.	Minimum Lot Area:	40,000 feet (16)
b.	Minimum Frontage:	150 feet (16)
c.	Front Yard Setback (Maximum Feet):	20 (17)
d.	Side Yard Setback (Feet):	None (18)
e.	Rear Yard Setback (Feet):	20 (19)
f.	Additional Area/Dwelling Unit:	N/A
g.	Open Space % Lot Area:	15%
h.	Lot Coverage:	50%
i.	Maximum Height (Feet):	35 (20)
j.	Maximum Number of Stories:	3 (20)

Footnotes to Table II:

16) Where the underlying district is less than 300 feet in depth, the minimum lot size for uses in the Lakeway Overlay District shall be 20,000 square feet and the minimum frontage, 100 feet.

17) The front yard setback in the Lakeway Overlay District is a maximum setback that the Planning Board may waive by special permit only for a development that consists of more than one structure on the same lot or on more than one lot.

18) Except 50 feet when abutting a Rural or Residence district.

19) Except 50 feet when abutting a Rural or Residence district.

20) The Planning Board may, by special permit, authorize a maximum height up of 60 feet and five stories for development that consists of more than one structure, provided the structures with the taller elevations are predominantly residential. The Planning Board may impose conditions on the special permit to require at-grade parking under a structure of 60 feet and five stories, with the parking facility constituting one story.

21) Footnote 9 to Section VII, Table II shall not apply to uses in the Lakeway Overlay District.

9. Development Regulations for the Lakeway Overlay District.

Development, redevelopment and reuse will generally be deemed consistent with the purposes of the Lakeway Overlay District when it meets the following objectives: (a) provides appropriate scale, design, operation and visual character for a New England downtown or central business district, (b) avoids "big box" development, (c) consolidates and minimizes curb cuts, subordinates the location of parking to buildings, and provides exemplary architectural design, (d) strengthens the local economy, (e) encourages pedestrian and bicycle access along major and side streets, and between commercial or mixed-use properties, and (f) encourages people to live, work and shop in Shrewsbury by providing a planned mix of uses.

a. Multi-Family Dwellings

Multi-family garden-type apartments and multi-family townhouse dwellings may be allowed by special permit from the Planning Board when part of a horizontal mixed-use development in the Lakeway Overlay District, subject to the following requirements:

1. Multi-family garden-type apartments may be located above the ground floor of a building.

2. Multi-family garden-type apartments may be allowed in separate buildings. Multi-family building disposition (placement) in relation to the principal commercial structures shall be subject to the approval of the Planning Board.

3. Multi-family townhouse-type structures may be allowed in separate buildings. Building disposition (placement) in relation to the principal commercial structures shall be subject to the approval of the Planning Board.

4. Multi-family garden-type apartments and multi-family townhouse-type structures must provide affordable housing in accordance with Community Benefits (see Section M.9.f of the By-Law).

5. The maximum number of garden-type apartments or townhouse-type units allowed in a single development project shall not exceed 270 units.

6. Not more than 3% of the total number of units in a project shall be three bedroom. Units greater than three bedroom shall not be permitted.

b. Site Development; Location of Buildings and Structures

In addition to the requirements of Section VII of this bylaw, the following development regulations apply in the Lakeway Overlay District.

1. Multiple buildings on a single lot. By special permit from the Planning Board, a lot in the Lakeway Overlay District may contain more than one structure with a principal use, but the total amount of development on any lot shall not exceed a gross floor area ratio of 1.5. The Planning Board may grant approval for two or more structures on one lot only upon making a determination that the proposed development:

   a) Project contains a mix of commercial and residential uses.

   b) Meets Lakeway Overlay District Design Guidelines

   c) Addresses the criteria under Community Benefits

c. Site Plan Submission Requirements

All uses in the Lakeway Overlay District shall be subject to site plan review or site plan approval, as applicable, by the Planning Board. Applications and procedures shall be in accordance with Section VII-F and the following additional requirements for Site Plan Content:

1. Elevations of all proposed buildings, prepared and stamped by a registered professional architect.

2. A landscaping plan showing the location, name, number and size of plant types, and the locations and elevation and/or height of planting

beds, fences, walls, steps and paths, prepared by a registered landscape architect.

d. Site Plan Approval Criteria

The Planning Board shall approve a site plan only upon a determination that the plan meets the requirements of Section VII-F.h and the following additional design criteria for the Lakeway Overlay District. Specifically, the Planning Board shall find that the site plan:

1. Promotes public safety by avoiding pedestrian or vehicular hazards within the site or egressing from it, facilitating access by emergency vehicles and facilitating visual surveillance by occupants, neighbors and passersby.

2. Minimizes curb cuts on existing public ways. Wherever feasible, access to lots in the Lakeway Overlay District shall be provided through one of the following methods: (a) through a cul-de-sac or loop road or common driveway shared by adjacent lots or premises, (b) through joint and cross access between the lot and adjacent uses, (c) through an existing side or rear street, (d) through a cul-de-sac or loop road shared by adjacent lots or premises.

3. Contributes to a visually attractive, pedestrian- and bicycle-oriented image throughout the Lakeway Overlay District by providing appropriate landscaping and walkways along Route 9 and between adjoining properties. In addition:

   a) The front yard area should provide pedestrian amenities, such as an accessible patio or sitting plaza, and a continuous landscaped edge to the property in question, except for points of entry and exit. Visual relief from buildings and hard materials shall be accomplished with landscape treatment such as shrubs, trees, flower boxes and other greenery around buildings or in recessed places.

   b) If no public sidewalk exists across the frontage of the lot, to the maximum extent possible a paved sidewalk of at least six feet in width shall be provided within the front yard setback and the sidewalk shall be designed to create a continuous pedestrian walkway with the abutting properties.

   c) For buildings abutting Route 9, parking shall be located to the rear of a building and may be located to the side, provided that no off-street parking is located within 20 feet of the front elevation facing Route 9.

d) Parking areas shall include appropriate, visible facilities for the parking of bicycles.

4. Enhances the natural environment by preserving mature trees where they exist, reducing the volume of earth materials cut or filled, reducing soil erosion during and after construction and reducing the extent of alteration in the amount, timing and location of stormwater runoff from the site.

5. To the maximum extent practical, addresses the Lakeway Overlay District Design Guidelines given the size of the proposed development, its mix of uses, and its relationship to abutting properties.

e. Lakeway Overlay District Design Guidelines

The following design guidelines apply to all uses and structures in the Lakeway Overlay District and should be addressed, to the maximum extent practical, in applications for site plan review or site plan approval, as applicable.

1. General. The elements on a building's elevations are crucial to its overall architectural quality, its presence and contribution to the surrounding area. A two-to two-and-one-half story elevation is preferred for structures facing Route 9, but a one story or three-story elevation is also acceptable. The Planning Board may approve taller elevations for structures. In addition, a pleasing, symmetrical arrangement of windows, entrances, trim, shutters and other details, and proportionality of these features, creates a rhythm that will accomplish the town's objectives for the Lakeway Overlay District. Generally, buildings should contribute to a sense of continuity and coherence for all who visit, shop or work there. Architectural diversity is encouraged as long as individual design solutions are compatible with the purposes of the Lakeway Overlay District as a compact, mixed-use area with a strong visual definition.

2. Site context. Recognizing that major visual exposure comes not only from the building front, applicants must give full attention to the treatment of sidewalks, landscaping, parking areas and the building wall at the rear and sides.

3. Orientation. Buildings should face the street or may be oriented around a courtyard or respond in design to a prominent feature, such as a corner location. Buildings and site design should provide an inviting entry orientation.

4. Size, mass, facades and exterior features. No single structure may exceed 80,000 gross square feet. A single building with a width of more than 60 feet facing the street should be divided visually into sub-

elements which, where appropriate, express the functional diversity within the building. In addition, all buildings should:

a) Provide continuous visual interest, emphasizing such design features as bay windows, recessed doorways, pilasters, columns, horizontal and vertical offsets, material and color variations, decorative cornices, awnings or canopies.

b) Avoid unarticulated and monotonous building facades and window placements, regular spacings, and building placements that will be viewed from the street as continuous walls.

c) Provide human-scale features, especially for pedestrians and at lower levels and from a pedestrian viewing distance.

5. Accommodation of taller buildings. Taller buildings should be located away from Route 9.

6. Exterior materials. Exterior materials may include painted clapboard, wood shingles, brick or materials of comparable appearance, subject to approval by the Planning Board. Neutral or earth-tone colors are appropriate, but brighter colors may be applied to building trim with approval of the Planning Board. Variation in materials, appropriate colors and textures is encouraged when they contribute to the purposes of the Lakeway Overlay District. Rough, imitation or reflective materials such as unpainted wood, field stone, stucco, smooth-face concrete, exposed metal, imitation materials, mirror glass, porcelain enamel or polished stone are prohibited unless authorized by special permit from the Planning Board.

7. Rooflines and roof features. A flat or nearly flat roof is prohibited on any building facing the street in the Lakeway Overlay District, except as provided below.

a) Structures facing Route 9 should have a simple gable roof with an average slope of 6 over 12. A structure that fronts on and faces a side street should have a simple gable roof with a pitch of at least 8 over 12, or a gambrel or a hip roof. The roof trim should have depth and projection of details.

b) The Planning Board may grant a special permit to authorize a flat-roof design on a structure facing Route 9, provided that a flat roof structure shall be capped by an articulated parapet design that acts as a structural expression of the building façade and its materials.

c) For other structures, roof features should complement the character of adjoining development and meet the purposes of

the Lakeway Overlay District. Roofs shall, at a minimum, have articulated parapets concealing flat roofs and rooftop equipment, (such as HVAC units) which are visible from adjoining public streets or properties. Parapets or facades shall be designed to give the appearance of three or more roof slope planes.

8. Environmental design. Applicants are encouraged to use green building technologies and materials, wherever possible, to limit environmental impacts.

9. Large retail development. Large retail developments of more than 50,000 square feet of floor area should provide outdoor spaces and amenities to link structures with surrounding areas in the Lakeway Overlay District. Passenger drop-off/pick-up points shall be integrated with traffic patterns on the site. Special design features shall enhance the buildings' function as a center of activity within the District. Unless waived by the Planning Board, each large retail development shall provide at least one of the following design features, which shall be constructed of materials that match the principal structure and linked by sidewalks to the principal structure:

   (a) Patio/seating area.

   (b) Pedestrian plaza with benches.

   (c) Window shopping walkway.

   (d) Play areas.

   (e) Kiosk area.

   (f) Water feature or clock tower.

   (g) Other focal feature approved by the Planning Board.

f. Community Benefits

The Planning Board may grant a special permit for a mixed-use development that includes multi-family garden-type apartments or multi-family townhouse-type structures when the development provides community benefits. For purposes of this bylaw, “community benefits” shall include low- or moderate-income affordable housing and one of the additional benefits described below.

1. Low-income affordable housing. A mixed-use development shall provide 10% of the dwelling units as affordable in perpetuity to households with incomes at or below 80% of area median income as determined by the U.S. Department of Housing and Urban

Development (HUD). "Affordable" shall account for adjustments to income based on household size/s suitable for the proposed dwelling units, as presented in the formula for below-market housing.

2. For mixed-use developments that receive a special permit conditions of the decision shall be:

   a. An affordable housing use restriction or regulatory agreement approved by the DHCD Local Initiative Program (760 CMR 56.00) shall be recorded at the Registry of Deeds. (amended 5/20/2015)

   b. Applicant shall provide evidence acceptable to the town that the unit(s) has/have been approved by the DHCD Local Initiative Program (760 CMR 56.00) for listing on the Chapter 40B Subsidized Housing Inventory. (amended 5/20/2015)

3. Neighborhood or community facility. A mixed-use development shall also provide a neighborhood or community facility, i.e., a facility open and available to residents of nearby neighborhoods or the town, and meets community needs as determined by the Planning Board. A neighborhood or community facility may include:

   (a) A small public park with furnishings and pathways accessible to persons with disabilities.

   (b) A tot lot or small neighborhood playground, with furnishings and pathways accessible to persons with disabilities.

   (c) A bandstand.

   (d) A fee in lieu of neighborhood or community facilities paid to the Lakeway Overlay District Fund. The fund shall be the town's use to provide streetlights, sidewalks, trash receptacles, parking and public realm improvements in the Lakeway Overlay District, in accordance with a fee schedule approved by the Planning Board.

10. Special Permits in the Lakeway Overlay District.

The special permit Granting Authority (SPGA) for uses and structures in the Lakeway Overlay District shall be the Planning Board.

a. Requirements. An application for a special permit in the Lakeway Overlay District shall include a written description of the proposal for which a special permit is

requested and a Site Plan prepared by a Registered Professional Engineer and/or Registered Land Surveyor at an appropriate scale to clearly show dimensions, legend, and all other information deemed necessary to describe the site and its conditions. The application and accompanying plan(s) shall be of size, form, number and contents specified in the Lakeway Overlay District Submission Requirements and Procedures, adopted by the Planning Board and filed with the Town Clerk. After adoption of this Bylaw, the Planning Board shall prepare and adopt the Lakeway Overlay District Submission Requirements and Procedures following a public hearing.

b. Site Plan Approval. The site plan approval requirements of Section VII.F(3) of this Bylaw shall apply to special permitted uses in the Lakeway Overlay District. For uses allowed by special permit, site plan review shall be conducted concurrently with the special permit application, review and determination procedures.

c. Special Permit Granting Criteria. The Planning Board may approve a special permit for proposed uses or structures upon finding that the application complies with the purposes of this Bylaw, to the degree consistent with a reasonable use of the site for the purpose permitted within the Lakeway Overlay District. In making its decision, the Planning Board shall consider the following criteria:

1. Compliance with the Shrewsbury Zoning Bylaw

2. Consistency with the most current Shrewsbury Master Plan.

3. The degree to which the development meets the "Lakeway Overlay District Design Guidelines" in Section 9.e of this Bylaw.

4. The degree to which the applicant has preserved and enhanced a historically significant building or other historic or cultural resource, where applicable.

5. The degree to which the applicant's proposal provides logical, safe pedestrian connections to other uses nearby.

6. Protection of adjoining premises against detrimental or offensive uses on the site.

7. Adequacy of space for vehicular access to the site and off-street parking and loading/unloading on the site.

8. Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent ways and land.

9. Adequacy of water supplies and distribution for domestic use fire protection.

10. Adequacy of the methods of storage and disposal for sewage, refuse and other wastes resulting from the uses permitted on the site and the methods of drainage or retention of surface water.

d. Applicants may seek relief from compliance with the Dimensional, Setback and Intensity Regulations and the Development Regulations for the Lakeway Overlay District by obtaining a special permit from the Planning Board.

11. Off-Street Parking.

a. Off-street parking shall be provided in accordance with Section VII.D, Off-Street Parking and Loading Regulations, except that in the Lakeway Overlay District, applicants may seek relief from compliance with the off-street parking requirements of this Bylaw by obtaining a special permit from the Planning Board.

b. The Planning Board may grant relief by issuing a special permit to:

1. Reduce the number, dimensions and location of required parking spaces.

2. Accept from the applicant a payment in lieu of parking spaces to the Lakeway Overlay District Fund.

3. Authorize a combination thereof.

12. Use Variances.

Use Variances are not permitted in the Lakeway Overlay District.

13. Additional Requirements

The Planning Board may adopt rules and regulations necessary to implement this Bylaw after holding a public hearing. Rules and regulations adopted by the Planning Board shall be filed with the Town Clerk.

14. <u>Exceptions</u>

A contiguous area of land may be considered as one lot and under one ownership for the purposes of compliance with the Dimensional, Setback and Intensity Regulations, Development Regulations, Off-Street Parking and other requirements of this Section M of the Zoning By-Law where there is management, lease or ownership control that will provide evidence sufficient in the written opinion of the Building Inspector that a grouping of contiguous tracts of real estate is designed, constructed and will continue to be operated and maintained as a single unit. For purposes of this section M.14 of the By-Law, tracts of land shall be considered contiguous despite the presence of private and/or public streets and/or rights of way.

N. ROUTE 20 OVERLAY DISTRICT (adopted 10/11/2005)

1. Purposes and Intent

The purposes of the Route 20 Overlay District are to:

a. Encourage development that provides economic and fiscal benefits to the Town;

b. Provide flexibility to develop an organized mix of office, retail, and compatible light industrial and other uses in a manner that is aesthetically pleasing from the vantage points of Route 20, adjacent uses and surrounding neighborhoods;

c. Promote distinctive, non-formulaic architecture and site designs along Route 20;

d. Reasonably regulate big box development and its impacts. (amended 5/18/2017)

e. Facilitate shared access and appropriate links to adjoining properties, thereby reducing the need for curb cuts and improving traffic safety on Route 20; and

f. Encourage landscape designs and landscape treatments that create a parkway effect and functionally contribute to traffic calming along Route 20.

2. Applicability

The Route 20 Overlay District applies to the Commercial Business and Limited Industrial Districts along Route 20, as shown on the ROUTE 20 OVERLAY DISTRICT map dated August 31, 2005, on file with the Town Clerk. The Route 20 Overlay District Map amends and is hereby made part of the Official Zoning Map of the Town of Shrewsbury. As an overlay, it provides for flexible development options that do not exist in the underlying districts.

3. Use Regulations

a. The following uses are permitted in the Route 20 Overlay District, provided they comply with Section N(7):

1) Business or professional office.

2) Banks.

3) Banking machines, where public access is only available from within a building and is operated in connection with other uses in the same building.

4) Retail store or service establishment, up to 15,000 square feet of gross floor area.

5) Restaurant or other place for serving food within the structure, excluding drive-through service.

6) Charitable institutions, and non-profit research laboratories and accessory uses thereto.

7) Accessory uses customarily incidental to a permitted use.

b. Uses and Structures Allowed by Special Permit:

The Planning Board may grant a Special Permit for the following uses in accordance with Section N(6).

1) Large retail development (any retail establishment exceeding 15,000 square feet of gross floor area), subject to Section N(9).

2) Cinema or Theatre.

3) Gasoline Service Stations, or Gasoline Service Stations with Related Uses, located not more than 500 feet from a signalized intersection; subject to Table 1, footnote 9.

4) Auditoriums, athletic facilities, health clubs, and other places of amusement or public assembly where activities take place inside the building.

5) Medical clinic or veterinary clinic.

6) Assisted living residence.

7) Campus-style office or light industrial development, excluding warehouse except as an accessory use.

8) Manufacturing and accessory retail.

9) Drive-through food service establishment.

10) Accessory uses customarily incidental to a Special Permitted use.

11) Mixed Use Development: Horizontal Mix. In the Route 20 Overlay District, the Planning Board may issue a Special Permit for a development that includes more than one (1) structure on the same lot or on more than one (1) lot and integrates permitted or specially permitted uses in the Commercial Business District, the Limited Business District or the Route 20 Overlay District with the following additional uses: (added 5/18/2017)

A. Multi-family townhouse type structure as part of a mixed use development pursuant to the requirements of Section VII.N. (Route 20 Overlay District). (added 5/18/2017)

B. Structures for dwelling units containing not more than three (3) stories or having a height in excess of forty-five (45) feet, provided in all events each dwelling unit shall have at least one (1) exposure. (added 5/18/2017)

c. Prohibited Uses:

The following uses are prohibited in the Route 20 Overlay District and any underlying districts, notwithstanding the provisions of Section VI Table I of this Bylaw:

1) Adult bookstore, adult motion picture theater, adult paraphernalia store, adult video store, or establishment which displays live nudity for its patrons.

2) Any use which will produce a nuisance or hazard from fire or explosion, toxic or corrosive fumes, gas, smoke, odors, obnoxious dust or vapor, harmful radioactivity, offensive noise or vibration, flashes, objectionable effluent or electrical interference which may affect or impair the normal use and peaceful enjoyment of any property, structure or dwelling in the Town.

3) Any use not explicitly provided for in this Bylaw.

d. Use variances shall not be granted in the Route 20 Overlay District.

4. Site Plan Approval

Section VII.F(3) of this Bylaw shall apply to all uses in the Route 20 Overlay District. In addition to the approval criteria under Section VII.F(3)(h), the Planning Board shall base its decision on the degree to which a proposed development conforms to the Route 20 Overlay District Development Regulations in N(7) hereunder.

5. Dimensional and Intensity Regulations

a) Uses in the Route 20 Overlay District shall comply with the following requirements:

Minimum Lot Area	80,000 square feet, except that where the Overlay District does not exceed 600 feet in depth from the centerline of Route 20, the minimum lot area shall be 40,000 square feet
Minimum Frontage	150 feet
Yard Setbacks:	
Minimum Front Yard Setback	25 feet

Maximum Front Yard Setback	40 feet; in a development with more than one building on a single parcel, the maximum front yard setback shall apply to the principal building closest to the street
Minimum Side Yard Setback	25 feet
Minimum Rear Yard Setback	25 feet; except 50 feet abutting a residential area
Minimum Open Space % Lot Area	25%
Maximum Lot Coverage	35%
Maximum Impervious Coverage	65%
Maximum Height	40 feet
Maximum Number of Stories	3 stories

b) Permitted Alternatives
The following alternatives to N(5)(a) may be permitted, subject to Site Plan Approval:

1) A reduction in the minimum side yard setback to 0 feet on common interior lots in order to accommodate zero lot line design. Equivalent open land equal to the area required to comply with the minimum side yard setback shall be provided elsewhere on the site in locations approved by the Planning Board.

2) An increase in maximum impervious coverage to 70% provided that the side or rear yard buffer is increased by two feet for every 1% increase in coverage.

3) A reduction in frontage to not less than 50 feet for a development that provides consolidated or shared access to Route 20 for three or more adjoining parcels.

c) Alternatives Allowed by Special Permit

The Planning Board may grant a Special Permit for the following alternatives to N(5)(a):

1) An increase in the maximum front yard setback to the extent necessary to accommodate Best Management Practices for sustainable stormwater management and no other commercially reasonable option exists on the site.

2) An increase in height for a campus-style office or light industrial development up to 55 feet. In granting a Special Permit for this purpose, the Planning Board may require additional setbacks, stepping-down of building elevations, visual buffering, screening, and/or other appropriate measures to provide a height transition between the

development and adjacent uses. The Planning Board may also require the applicant to provide off-street parking below grade.

3) An increase in the maximum floor area of an individual retail establishment from 15,000 to not more than 80,000 square feet of floor area, provided that the structure in which it is located contains two or more establishments, at least two occupiable full stories, and not more than 65,000 square feet of floor area on any one floor.

4) A change in coverage or height requirements when necessary and appropriate to accommodate one or more renewable energy sources in the development.

6. Special Permits in the Route 20 Overlay District

a. The Special Permit Granting Authority (SPGA) in the Route 20 Overlay District shall be the Planning Board. The application, review, decision and appeal procedures shall be in accordance with G.L. c.40A, Section 9 and Section IX of this Bylaw, and applicable regulations of the Planning Board.

b. Special Permit Granting Criteria. The Planning Board may grant a Special Permit upon finding that the application complies with the purposes of this Section, to the degree consistent with a reasonable use of the site. In making its decision, the Planning Board shall not issue a Special Permit unless it determines that the proposed development:

1) Conforms to all requirements of the Zoning Bylaw;

2) Provides adequate space for vehicular access to the site and off-street parking and loading/unloading on the site;

3) Provides adequate water supply and distribution for domestic use and fire protection;

4) Provides adequate methods of storage and disposal for sewage, refuse and other wastes resulting from the uses permitted on the site and the methods of drainage or retention of surface water; and

5) Could not reasonably be altered to:

(a) Achieve greater consistency with the Route 20 Overlay District Design Standards in Section N(8) of this Bylaw;

(b) Improve protection for adjoining premises against detrimental or offensive uses on the site;

(c) Improve safety for vehicular and pedestrian movement within the site and in relation to adjacent ways and land;

(d) Reduce stormwater runoff through best management practices or increase groundwater recharge; and

(e) Improve water conservation.

6) For Large Retail Development, the Planning Board shall further find that the proposed development complies with Section N(9).

7. Development Regulations

To achieve the purposes of this Section, development in the Route 20 Overlay District shall comply with the following regulations unless waived by Special Permit from the Planning Board.

a. Location and orientation of principal buildings. The front facade of any building with a principal use on a lot with frontage on Route 20 shall be oriented toward Route 20. For developments of two or more buildings or for development on interior lots, buildings shall face the access road that serves them. Buildings may also be oriented around a courtyard or respond in design to a prominent feature, such as a corner location, subject to approval by the Planning Board.

b. Front yard treatment. The front yard area facing Route 20 shall provide a continuous landscaped edge to the property in question, except for points of entry and exit. Minimum front yard landscaping shall include not less than one canopy tree per 25 linear feet of frontage, located not more than ten feet from the right of way, and shrubs or bushes at a minimum ratio of 12 per tree. Where appropriate and feasible, canopy and ornamental trees, shrubs, planters and groundcover at the edge of Route 20 shall be arranged in groupings that reduce the optical width of the road. However, no landscaping treatments shall be permitted to obstruct clear sight distance.

c. Multiple buildings on a single lot. The Planning Board may grant a Special Permit for a lot in the Route 20 Overlay District to contain more than one building with a principal use, provided that the development meets the Route 20 Overlay District Design Standards.

d. Off-street parking. All off-street parking shall be located to the rear of a building or may be located to the side, provided that no off-street parking is located within 20 feet of the front elevation facing Route 20 except as provided herein. The Planning Board may grant a Special Permit to locate not more than 15% of the required off-street parking spaces within the front yard of a principal building and Route 20 and authorize a change in the maximum front yard setback where essential to accommodate such parking. In granting a Special Permit for this prupose, the Planning Board may impose design, surface treatment, landscaping, lighting and other requirements to mitigate the visual impact of parking areas on views from Route 20, and may regulate the location of the remaining parking as necessary to achieve the purposes of this Section.

e. Pedestrian safety. Continuous internal pedestrian walkways at least six feet in width shall be provided from the sidewalk, parking lot, public right-of-way or interior access road to the public entrance of all principal buildings on a site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials for no less than 50 percent of their length.

f. Outdoor storage. Outdoor storage, trash collection or compaction, loading, or other such uses are prohibited within 50 feet of any public or street, public sidewalk, or internal pedestrian way.

g. Access Management. Wherever feasible, access to lots in the Route 20 Overlay District shall be designed to minimize curb cuts on existing public ways. Shared access may be provided through one or more of the following methods: (a) a cul-de-sac or loop road or common driveway shared by adjacent lots or premises, (b) joint and cross access between the lot and adjacent uses, (c) an existing side or rear street, (d) a cul-de-sac or loop road shared by adjacent lots or premises.

h. Site plan submission requirements. Site plan applications and procedures shall be in accordance with Section VII.F and the following additional requirments for Site Plan Content:

   1) Elevations of all proposed buildings, prepared and stamped by a registered professional architect.

   2) A landscaping plan showing the location, name, number and size of plant types, and the locations and elevation and/or height of planting beds, fences, walls, steps and paths, prepared by a registered landscape architect.

i. Site plan approval criteria. The Planning Board shall approve a Site Plan only upon a determination that the plan meets the requirements of Section VII.F(h) and the following additional criteria:

   1) Complies with the Route 20 Overlay District Development Regulations under this Section N(7).

   2) Enhances the natural environment by preserving mature trees where they exist, reducing the volume of earth materials cut or filled, reducing soil erosion during and after construction and reducing the extent of alteration in the amount, timing and location of stormwater runoff from the site.

   3) Contributes to a visually attractive parkway image along Route 20 by providing appropriate front yard landscaping and landscaping between adjoining properties.

4) Complies to the maximum feasible extent with the Route 20 Design Standards in Section N(8).

j. Landscaping standards. Landscaping shall be comprised primarily of non-invasive, drought-resistant plantings that include trees, flowers, shrubs, succulents and ornamental grasses. High-water use turf shall not exceed 20% of all landscaped areas or open space on the site. Outdoor watering may be achieved by drip irrigation or low-energy spray irrigation, or a comparable water-conserving irrigation system, but sprinkler systems are prohibited unless the applicant can demonstrate to the Planning Board's satisfaction that the proposed system meets acceptable water conservation standards. All outdoor irrigation systems shall be served by a private water supply.

k. Multi-Family Townhouse Dwellings. Multi-family townhouse dwellings may be allowed by special permit from the Planning Board when part of a Mixed Use Development: Horizontal in the Route 20 Overlay District, subject to the following requirements or modifications: (added 5/18/2017)

1. Multi-family townhouse-type structures and structures for dwellings containing not more than three (3) stories may be allowed in separate buildings. Building disposition (placement) shall be subject to the approval of the Planning Board.

2. The separation between multi-family townhouse structures shall be determined by special permit granted by the Planning Board.

3. Multi-family townhouse-type structures must provide affordable housing in accordance with Section VII.K. of the Zoning Bylaw.

l. Maximum Number of Units. Notwithstanding any other provision in this Bylaw to the contrary the maximum number of residential dwelling units in a Mixed-Use Development: Horizontal Mix shall not exceed two hundred fifty (250) units being a mix of one (1) and two (2) bedroom units. Units greater than two (2) bedrooms are prohibited. (added 5/18/2017)

m. Site Development; Location of Buildings and Structures. In addition to the requirements of Section VII of this Bylaw, the following development regulations apply in the Route 20 Overlay District. (added 5/18/2017)

1. Multiple buildings on a single lot. By special permit from the Planning Board, a lot in the Route 20 Overlay District may contain more than one structure with a principal use, but the total amount of development on any lot shall not exceed a gross floor area ratio of 1.5. The Planning Board may grant approval for two or more structures on one lot only upon making a determination that the proposed development:

a. Contains a mix of commercial and residential uses.

b. Meets Route 20 Overlay District Design Guidelines.

8. Design Standards

The following design standards apply to development in the Route 20 Overlay District and should be addressed in an application for Site Plan Approval.

a. General. Buildings and landscape treatments, not parking, should serve as the focal points for development along Route 20. They should contribute to a sense of continuity and coherence from Route 20 and distant vantage points.

b. Size, mass, facades and exterior features. Windows should be recessed and include visually prominent sills, shutters, or similar forms of framing. Windowless buildings with standardized facade treatments are explicitly prohibited. No building shall have more than 100 linear feet of unbroken wall area.

c. Exterior materials. Exterior materials may include painted clapboard, wood shingles, brick or materials of comparable appearance. Neutral or earth-tone colors are appropriate, but brighter colors may be applied to building trim with approval of the Planning Board. Variations in materials, colors and textures are encouraged when they contribute to the purposes of the Route 20 Overlay District.

d. Rooflines and roof features. Gabled, stepped, and peaked roofs add variety and interest to buildings and should be incorporated in large developments. A flat or nearly flat roof is prohibited on any building facing Route 20, except that the Planning Board authorize a flat roof that includes green roof technology with greenroof plants suited for the local climate.

e. Environmental design. Applicants are encouraged to use green building technologies and materials, wherever possible, to limit environmental impacts.

9. Large Retail Development Standards

Any development with 15,000 square feet or more of retail use shall meet the following in addition to subsections (a) through (g) of Section N(8) above.

a. Articulation, exterior materials and patterns. A building with a facade of 100 feet or more in linear length shall incorporate wall projections or recesses at least three feet in depth and a minimum of 20 contiguous feet within each 100 feet of facade length, and shall extend over 20 percent of the facade. Animating features such as arcades, display windows, entry areas, or awnings shall be used along at least 60 percent of the facade. Variation in materials, colors and textures is required. Blank walls are explicitly prohibited.

b. Windows. Windows must be at least 40 percent of the length and 20 percent of the ground level wall area. Ground level walls include all exterior wall areas up to 9 feet

above the finished grade. In a development with more than one retail establishment, each served by a separate building entrance, the ground level facade of such stores shall be transparent between the height of three feet and eight feet above the walkway grade for no less than 60 percent of the horizontal length of the building facade.

c. Roof. Roof lines shall be varied with a change in height every 100 linear feet in the building length. Parapets, mansard roofs, gable roofs, hip roofs, or dormers shall be used to conceal roof top equipment. The Planning Board may accept alternating lengths and designs where appropriate.

d. Outdoor amenities. Retail developments shall provide outdoor spaces and amenities such as a patio/seating area, pedestrian plaza with benches, kiosk area, play areas.

e. Architectural focal points. Each principal building on a site shall have clearly defined, highly visible customer entrances featuring no less than three of the following:

1) Canopies or porticos

2) Overhangs

3) Recesses/projections

4) Arcades

5) Raised corniced parapets over the door

6) Peaked roof forms

7) Arches

8) Outdoor patios

9) Display windows

10) Architectural details such as tile work and moldings which are integrated into the building structure and design

11) Planters or wing walls that incorporate landscaped areas and/or places for sitting

f. Landscaping. Visual relief from buildings and hard materials shall be accomplished with landscape treatments such as shrubs, trees, flower boxes and other greenery around buildings.

10. Mixed-Use Development: Horizontal Mix. Any development seeking a special permit for a Mixed-Use Development: Horizontal Mix shall meet the following: (added 5/18/2017)

a. Mixed-Use Development: Horizontal Mix shall be originally developed upon land not less than twenty-five (25) acres in size.

b. Articulation, exterior materials and patterns. A building with a façade of one hundred (100) feet or more in linear length shall incorporate wall projections or recesses at least three (3) feet in depth and a minimum of twenty (20) contiguous feet within each one hundred (100) feet of façade length, and shall extend over twenty (20%) percent of the façade. For commercial or retail buildings animating features such as arcades, display windows, entry areas, or awning shall be used along at least sixty (60%) percent of the façade. Variation in materials, colors and textures is required. Blank walls are explicitly prohibited.

c. Windows. Windows must be at least forty (40%) percent of the length and twenty (20%) percent of the front ground level wall area. Ground level walls include all exterior wall areas up to nine (9) feet above the finished grade. In a development with more than one (1) retail establishment, each served by a separate building entrance, the ground level façade of such stores shall be transparent between the height of three (3) feet and eight (8) feet above the walkway grade for no less than sixty (60%) percent of the horizontal length of the building façade.

d. Roof. Roof lines shall be varied with a change in height every one hundred (100) linear feet in the building length. Parapets, mansard roofs, gable roofs, hip roofs, or dormers shall be used to conceal roof top equipment. The Planning Board may accept alternating lengths and designs where appropriate.

e. Notwithstanding the provisions of Section VII.N.7.d. of the Shrewsbury Zoning Bylaw, off-street parking for a Mixed-Use Development:
Horizontal Mix may be located in the front yard and a Mixed-Use Development:
Horizontal Mix Use shall not be subject to the provisions of Section VII.N.5. establishing a maximum front yard setback.

f. Outdoor Amenities. Retail developments shall provide outdoor spaces and amenities such as a patio/seating area, pedestrian plaza with benches, kiosk area and/or play areas.

g. Architectural Focal Points. Each principal building used for commercial or retail purposes on a site shall have clearly-defined highly-visible customer entrances featuring no less than three (3) of the following:

(i) Canopies or porticos
(ii) Overhangs
(iii) Recesses/projections
(iv) Arcades
(v) Raised corniced parapets over the door
(vi) Peaked roof forms
(vii) Arches

(viii) Outdoor patios
(ix) Display windows
(x) Architectural details such as tile work and moldings that are integrated into the building structure and design
(xi) Planters or wing walls that incorporate landscaped areas and/or places for sitting

h. Landscaping. Visual relief from buildings and hard materials shall be accomplished with landscape treatments such as shrubs, trees, flower boxes and other greenery around buildings.

i. Low-income affordable housing. A Mixed-use Development: Horizontal Mix that includes structures for dwelling units of not more than three (3) stories and/or multi-family townhouse type structures shall provide ten (10%) percent of the dwelling units as affordable in perpetuity to households with incomes at or below eighty (80%) percent of area median income as determined by the U.S. Department of Housing and Urban Development (HUD). "Affordable" shall account for adjustments to income based on household size/s suitable for the proposed dwelling units, as presented in the formula for below-market housing.

For mixed-use developments that receive a special permit, a condition of the decision shall be:

(i) An affordable housing use restriction or regulatory agreement approved by the DHCD Local Initiative Program (760 CMR 56.00) shall be recorded at the Registry of Deeds.

(ii) Applicant shall provide evidence acceptable to the town that the unit(s) has/have been approved by the DHCD Local Initiative Program (760CMR 56.00) for listing on the Chapter 40B Subsidized Housing Inventory.

11. Exceptions. A contiguous area of land may be considered as one (1) lot and under one (1) ownership for the purposes of compliance with the Dimensional, Setback and Intensity Regulations, Development Regulations, Off-Street Parking and other requirements of this Section VII.N. of the Zoning Bylaw where there is management, lease or ownership control that will provide evidence sufficient in the written opinion of the Building Inspector that a grouping of contiguous tracts of real estate is designed, constructed and will continue to be operated and maintained as a single unit. For purposes of this Section VII.N.11. of the Bylaw, tracts of land shall be considered contiguous despite the presence of private and/or public streets and/or rights of way. (added 5/18/2017)

O. EDGEMERE VILLAGE OVERLAY DISTRICT (adopted 10/11/2005)

1) Purposes and Intent

The purpose of the Edgemere Village Overlay District is to provide for neighborhood business and residential uses at a scale appropriate for a small village area.

2) Applicability

The Edgemere Village Overlay District applies to the Limited Business District on Route 20, as shown on the EDGEMERE VILLAGE OVERLAY DISTRICT map dated August 31, 2005, on file with the Town Clerk. The Edgemere Village Overlay District Map amends and is hereby made part of the Official Zoning Map of the Town of Shrewsbury. As an overlay, it provides for flexible development options that do not exist in the underlying district.

3) Use Regulations

a) The following uses are permitted in the Edgemere Village Overlay District:

1. All uses permitted in the Limited Business District

2. Dwelling units accessory to a commercial use, subject to O(5) below

3. Accessory commercial uses

b) Uses and Structures Allowed by Special Permit:

The Planning Board may grant a Special Permit for the following uses:

1. All uses allowed by Special Permit in the Limited Business District, except where prohibited in Section O(3)(c) below

2. Accessory uses customarily incidental to a Special Permitted use

c) Prohibited Uses:

1. All uses prohibited in the Limited Business District

2. Banking machines, as stand-alone structures or where public access is available via drive-up windows or from outside a building

3. Funeral homes

4. Building materials salesrooms

5. Overnight storage, parking, or garaging of commercial vehicles of more than 14,000 pounds gross vehicle weight

6. Any use not explicitly provided for in this Bylaw

d) Use variances shall not be granted in the Edgemere Village Overlay District

4) Dimensional and Intensity Regulations

a. Uses in the Edgemere Village Overlay District shall comply with the following requirements:

1. Minimum Lot Area:	
Dwellings accessory to commercial use	16,000 square feet
All other uses	12,500 square feet
2. Minimum Frontage	100 feet
3. Yard Setbacks:	
(1) Minimum Front Yard Setback	20 feet
(2) Minimum Side Yard Setback	None, except 50 feet abutting a residential district
(3) Minimum Rear Yard Setback	20 feet, but 50 feet abutting a residential district
4. Minimum Open Space % Lot Area	10%
5. Maximum Lot Coverage	50%
6. Maximum Height	35 feet
7. Maximum Number of Stories	2.5 stories

5) Development Regulations

a) Dwelling units accessory to a commercial use are allowed above the ground floor of a building occupied by a principal commercial use, provided that the building is located on a lot of at least 16,000 square feet and at least 65% of the ground floor net leasable area is used for commercial purposes. The dwellings must be accessed by an entrance separate and distinct from commercial uses. The maximum number of dwelling units accessory to a commercial use shall not exceed 1 unit per 3,000 square feet of lot area.

b) No off-street parking shall be permitted in the front yard setback or in front of any building on a lot with frontage on Route 20, except that for additions or alterations to a building existing on the effective date of this bylaw, the Planning Board may grant a Special Permit to retain use of an existing off-street parking area that does not comply. At least 15 feet of the front yard setback shall be landscaped with indigenous, non-invasive species suited for highway exposure, as determined by the Planning Board. Further, five feet of the required setback shall be designed as a paved sidewalk if no sidewalk exists or if no space for a sidewalk can be accommodated within the existing public right of way.

c) If parking for at least 20 vehicles is provided at grade, but under the second story of the principal building and the said parking is located so as not to be visible from the front facade of the building and at least 25 feet of the sides of said building, the maximum height permitted shall be 45 feet and 3 ½ stories.

P. FLEXIBLE DEVELOPMENT OVERLAY DISTRICT (adopted 5/20/2009)

1. Purposes and Intent.

The purposes of the Flexible Development Overlay District are to:

a. Encourage planned developments that provide employment and fiscal benefits to the Town;

b. Provide flexibility to develop office, research, health care, light industrial, and accessory uses;

c. Consolidate development review and permitting procedures, as appropriate, for a Priority Development Site designated by the Town under the provisions of G.L. c. 43D; and

d. Facilitate shared access and appropriate links to adjoining properties, thereby reducing the need for curb cuts and improving traffic safety on Route 20.

2. Applicability.

The Flexible Development Overlay District applies to land located within the Office/Research District on South Street and Route 20, as shown on the Flexible Development Overlay District map dated March 17, 2009, on file with the Town Clerk. The Flexible Development Overlay District Map amends and is hereby made part of the Official Zoning Map of the Town of Shrewsbury.

In the Flexible Development Overlay District, all requirements of the underlying district shall remain in effect except where these provisions provide an alternative to such requirements, in which case these provisions shall supersede. In the event that a applicant wishes to develop in accordance with the regulations hereunder, the rules and regulations of the Flexible Development Overlay District shall apply, and by filing an application for a Special Permit, site plan review or building permit under this Section VII.P, the owner shall be deemed to accept and agree to them. In such event, where the provisions of the Flexible Development Overlay

District are silent on a zoning regulation that applies in the underlying district, the requirements of the underlying district shall apply.

If the applicant elects to proceed under the zoning provisions of the underlying district, the zoning bylaws applicable in the underlying district shall control and the

provisions of the Flexible Development Overlay District shall not apply.

3. Use Regulations

a. The following uses are permitted in the Flexible Development Overlay District:

1) All uses permitted in the Office-Research District.

2) Accessory uses customarily incidental to a permitted use.

3) Uses exempt under G. L. c. 40A, s. 3.

b. Uses and Structures Allowed by Special Permit. The Planning Board may grant a Special Permit for the following uses in accordance with Section VII.P(6):

1) In Subdistrict A:

a) Uses allowed by Special Permit in the Office-Research District.

b) Manufacturing enterprise, which may include up to 15 percent accessory retail, measured by gross floor area, and warehouse space as an accessory use.

c) Health care facility, such as a medical office building, medical clinic, ambulatory surgery facility, or hospital.

d) Assisted living residence or continuing care retirement community, which may include an adult day care facility.

e) Corporate conference or training center with reception areas, meeting rooms or meeting halls equipped for conferences and training programs, and which may include accessory uses such as a function hall, guest dining facilities, and guest rooms for overnight occupancy. As used in this bylaw, corporate conference or training center shall not be construed to mean a hotel or motel, an apartment hotel or extended stay hotel, or a lodging house.

f) For-profit educational use. As used in this bylaw, for-profit educational use means an educational use that is not exempt under G.L. c. 40A, s. 3.

g) Campus Master Plan Development on ten (1) or more acres of land, in accordance with Section VII.P(7).

h) Other accessory uses customarily incidental to a Special Permitted use.

2) In Subdistrict B:

a) Any use allowed by Special Permit in Subdistrict A.

b) Warehousing and distribution.

c) Restaurant, with food service limited to the interior of the building, except that an outdoor dining area directly adjacent to the building may be allowed as an accessory use.

d) Indoor athletic facility or health club as a principal use.

c. Use variances shall not be granted in the Flexible Development Overlay District.

4. Dimensional and Intensity Regulations

a. Uses in the Flexible Development Overlay District shall comply with the following requirements except as provided under subsection 4(b) below:

Minimum Lot Area:	80,000 sq. ft., except for lots created within a Campus Master Plan Development, for which the minimum lot area shall be 40,000 square feet
Minimum Frontage:	150 feet
Yard Setbacks	
Minimum Front Yard Setback:	50 feet
Minimum Side Yard Setback:	50 feet *
Minimum Rear Yard Setback:	50 feet *
Minimum Open Space % Lot Area:	25%
Maximum Lot Coverage:	50%
Maximum Height:	50 feet and 4 stories
* Except that Table II, footnote 8, shall also apply in the Flexible Development Overlay District.	

b. Alternatives Allowed by Special Permit. The Planning Board may grant a Special Permit for the following alternatives to VII.P(4)(a):

1) A minimum lot frontage of 100 feet for a development that provides consolidated or shared access for two or more adjoining parcels.

2) For a Campus Master Plan Development: An increase in height up to 60 feet and five stories, provided that the Planning Board may require an increase in yard setbacks, stepping-down of building elevations, visual buffering, screening, or other appropriate measures to provide a height transition between the development and adjacent uses. Such increase in height shall not be approved except for a proposed building that meets one or both of the following conditions:

a) A building with parking for at least 100 cars to be located at grade under the building, with the parking facility constituting one story; or

b) If the increase in building height is necessary to accommodate one or more renewable energy sources or manufacturing processes.

5. Site Plan Approval

Section VII.F of this Bylaw shall apply to all uses in the Flexible Development Overlay District. For uses requiring a Special Permit from the Planning Board, Site Plan Approval under Section VII.F(3) shall be combined with the Special Permit application and the Special Permit decision shall include any Site Plan conditions or modifications imposed by the Planning Board. In such cases, the public hearing, review and decision timeline for Site Plan Approval shall be in accordance with G.L. c.40A, s. 9 and Section IX of this Bylaw.

6. Special Permits in the Flexible Development Overlay District

a. The Special Permit Granting Authority (SPGA) in the Flexible Development Overlay District shall be the Planning Board. The application, review, decision and appeal procedures shall be in accordance with G.L. c.40A, Section 9 and Section IX of this Bylaw, and the rules and regulations of the Planning Board.

b. Special Permit Granting Criteria. The Planning Board may grant a Special Permit in the Flexible Development Overlay District only upon finding that the proposed development:

1) Complies with all applicable requirements of the Zoning Bylaw;

2) Provides adequate space for vehicular access to the site and off-street parking and loading/unloading on the site;

3) Provides adequate water supply and distribution for domestic use and fire protection;

4) Complies with DEP and Town of Shrewsbury stormwater management requirements;

5) Provides adequate methods of storage and disposal for sewage, refuse and other wastes resulting from the uses permitted on the site; and

6) Provides for water conservation by incorporating low-impact development techniques in the design of the site and buildings, to the maximum feasible extent given the development's location, size, and proposed use(s).

7) For a Campus Master Plan Development, the Planning Board shall further find that the proposed development complies with Section VII.P(7)(d) below.

c. Uses requiring a Special Permit shall be subject to this Section VII.P(6). However, if such uses are proposed for ten (10) or more acres of land, the applicant may elect to apply under the provisions of Section VII.P(7), Campus Master Plan Development.

7. Campus Master Plan Development.

a. Purposes and Intent. The purposes of this Campus Master Plan Development provision are to encourage planned, unified developments that make efficient use of land; to protect abutting properties and natural resources; to increase employment in the Town of Shrewsbury; and to establish a process for reviewing and permitting major developments that will be constructed in phases. For a Campus Master Plan Development, the Planning Board may grant a Special Permit for a concept plan subject to the provisions of this Section VII.P(7), and shall be the issuing authority for Site Plan Approval as provided below.

b. Campus Master Plan Special Permit; Procedures.

1) The applicant is strongly encouraged to meet with the Planning Board prior to submitting a Campus Master Plan Development Special Permit application. The purpose of the pre-application meeting is to provide an opportunity for the applicant to discuss plans for the site with the Planning Board and to receive feedback and guidance from the Planning Board at an early stage in the development process. The Planning Board shall invite other boards with issuing authority to participate in the meeting and shall conduct the meeting as a scoping session.

2) The applicant shall submit a Campus Master Plan Special Permit application to the Planning Board. The Special Permit application shall be in accordance with Section IX of this Bylaw and the rules and regulations of the Planning Board, and shall include a concept plan for the proposed development. The concept plan may be prepared from existing data, such as deed information, USGS topographical maps, FEMA floodplain maps, assessor's maps, orthophotographs, soil maps, and Department of Environmental Protection (DEP) Wetlands Conservancy Program maps, unless the applicant has already obtained approval of a resource area delineation from the Shrewsbury Conservation Commission under G.L. c.131 Section 40.

3) The concept plan shall be prepared by a registered civil engineer and a registered landscape architect, and shall include all of the following:

a) A title block with the name of the owner of record, name of applicant, address of the property, the assessors' map and lot number; name of the individual or firm preparing the plan, address and phone number, and date of plan;

b) The location of the proposed development;

c) The size of the site in acres;

d) The proposed use(s) of the site;

e) The total number and approximate locations of the proposed buildings, the approximate size of each building in square feet, the approximate height of each building, and schematic elevation drawings;

f) The approximate delineation of areas that will be used for buildings, access, and parking, including calculation of the required and proposed number of off-street parking spaces;

g) The areas and approximate acres to be reserved as open space;

h) A preliminary landscaping plan;

i) A general description of how stormwater and drainage will be handled, and the general area of the site to be used for stormwater management facilities;

j) A narrative submission that describes existing conditions on the site, the applicant's water and energy conservation plans for the development, and a description of how the proposed development addresses or will be designed to address the Development Standards in Section VII.P(7)(d); and

k) A traffic impact analysis, unless waived by the Planning Board.

4) The Planning Board shall hold a public hearing within 65 days of receipt of a complete Campus Master Plan Development Special Permit application. Notice of the public hearing shall be in accordance with G.L. c.40A, s. 11.

5) The Planning Board shall invite other boards, commissions, or departments of the Town with authority to issue permits for any aspect of the proposed development to attend the public hearing. In addition, the Planning Board may conduct its public hearing process jointly with any other permitting authority that also is required to conduct a public hearing.

6) The Planning Board shall issue a written decision no later than 90 days from the close of the public hearing. For a site designated as a Priority Development Site under G.L. c.43D, the Planning Board shall make every reasonable effort to expedite its decision process.

7) The Planning Board may grant a Campus Master Plan Special Permit, subject to any conditions or limitations it deems appropriate, or deny the Special Permit in accordance with the decision criteria in Section VII.P(6) and Section IX of this Bylaw.

8) The Campus Master Plan Special Permit shall lapse no later than two years from the date of issuance if a substantial use thereof has not commenced sooner, except for good cause. For a Priority Development Site, the Special Permit shall lapse in accordance with the provisions of G.L. c. 43D. The issuance of a building permit or commencement of any construction activity in the development shall be deemed to constitute substantial use of rights under the Campus Master Plan Special Permit.

c. Special Permit Amendments. The applicant may propose to amend, modify or supplement a Campus Development Master Plan Special Permit in order to bring the plan into conformity with changed circumstances, ongoing development, and information disclosed through detailed study and engineering of particular development sites within the Campus Master Plan Development. The Planning Board may approve such amendments and shall hold a

public hearing, with notice given under G.L. c.40A, s. 11, if it deems the proposed modification to be substantial.

d. Relationship to Subdivision Control. For any project requiring subdivision approval, the applicant shall submit a subdivision plan to the Planning Board under the Planning Board's Subdivision Rules and Regulations. A decision on the Special Permit shall not constitute a decision on the subdivision plan.

e. Site Plan Approval; Procedures.

1) No building permit shall be issued for a Campus Master Plan Development unless a Site Plan has been approved by the Planning Board in accordance with the provisions of this section.

2) For Site Plans submitted under an approved Campus Development Master Plan Special Permit, the submission requirements shall be the same as for Site Plan Approval under Section VII.F(3). In addition, the applicant shall provide written statements that the project for which a building permit is sought complies with (a) the Campus Development Master Plan Special Permit, and (b) all requirements of this Section P, and shall provide such plans, information, analyses, computations and other data as are reasonably necessary to document such statements.

3) The Planning Board shall review the Site Plan within 45 days of the date of submission.

4) The Planning Board shall approve the Site Plan, subject to any conditions or modifications it deems appropriate, or disapprove the site plan if (a) the applicant fails to furnish adequate information for the Planning Board to render a decision or (b) if the Site Plan does not comply with the Campus Development Master Plan Special Permit. The Board's decision shall be based on the criteria in Section VII.F(3) and this Section P.

5) If no action is taken on the Site Plan within sixty (60) days of the date of submission, the application shall be deemed approved as submitted except where the Planning Board and the applicant have agreed in writing to extend the review period and such extension has been filed with the Town Clerk.

f. Campus Master Plan Development Standards. A Campus Master Plan Development shall address the following standards:

1) Overall unity of site design and attention to the public realm, including coordinated patterns for streets, ways and pedestrian paths; distributed open space, appropriate landscaping; aesthetic harmony of features including building architecture, street furniture, pedestrian amenities and signage.

2) Preservation and integration of open spaces, wetlands, mature trees and other features of environmental significance into the design of the site.

3) Drainage systems that protect and appropriately employ open spaces and wetlands, utilizing best management practices and other measures to manage stormwater runoff in

accordance with the Town of Shrewsbury's stormwater management bylaw and requirements of the Massachusetts Department of Environmental Protection (DEP).

4) Underground utilities, except for existing above ground electric and telephone lines.

5) Mitigation of the adverse effects of development on traffic circulation and street capacity; air quality; noise (including that generated by traffic); stormwater runoff on adjacent and downstream surface water bodies; flooding, erosion, sedimentation, changes in water tables; wildlife, wildlife habitat, rare or endangered plant or animal species; water supply, including adverse impacts on aquifers and the public water distribution system; and adverse effects of sewage disposal on ground water, aquifers, surface water and, where applicable, the municipal sewer system.

6) Compatibility with uses of abutting properties, including aesthetic compatibility; or appropriate separation and buffers from such abutting property by plantings or terrain.

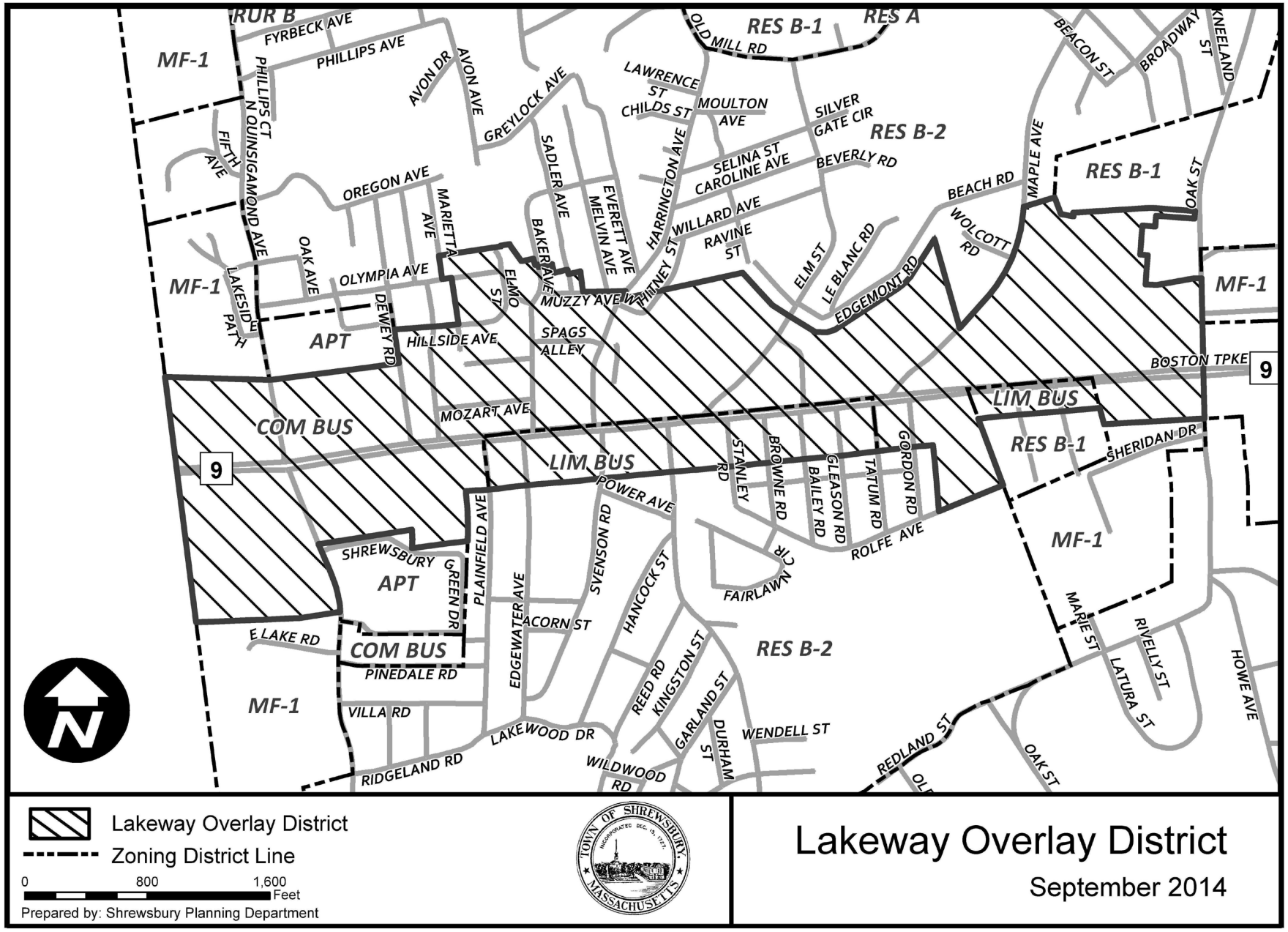
7) Availability of public services and impacts on municipal services, including but not limited to police and fire services, public road maintenance, traffic control and solid waste disposal.

8) Facilities for meeting transportation needs, and planning for control and reduction of vehicle trips by means such as ride sharing, car pooling or use of vans or shuttles.

9) Organizational and management arrangements and documents pursuant to which the master plan will be implemented and common facilities will be maintained, including provisions for architectural review and control, enforcement of applicable restrictions, and the planning with respect to transportation.

8. Severability.

If any portion of this Bylaw is declared to be invalid, the remainder shall continue to be in full force and effect.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OAK AVE
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HILLSIDE AVE
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BAKER AVE
ELMO ST
EVERETT AVE
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MUZZY AVE
SPAGS ALLEY
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HARRINGTON AVE
WHITNEY ST
OLD MILL RD
RES B-1
RES A
MOULTON AVE
SILVER GATE CIR
RES B-2
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CAROLINE AVE
BEVERLY RD
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ELM ST
LE BLANC RD
EDGEMONT RD
BEACH RD
WOLCOTT RD
MAPLE AVE
BEACON ST
BROADWAY
KNEELAND ST
OAK ST
BOSTON TPKE
9
LIM BUS
COM BUS
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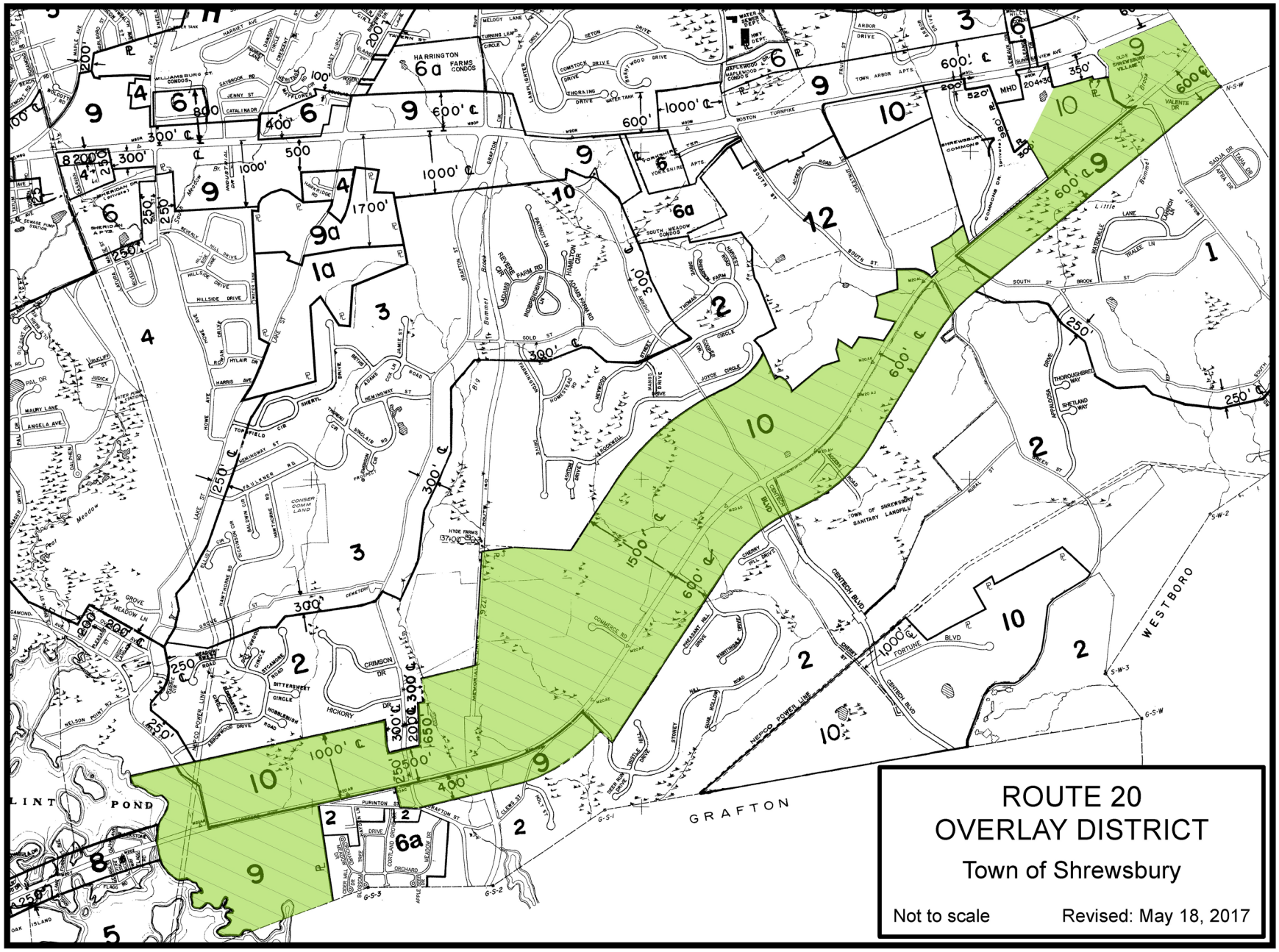
POWER AVE
STANLEY RD
BROWNE RD
BAILEY RD
GLEASON RD
TATUM RD
GORDON RD
ROLFE AVE
SHERIDAN DR
SHREWSBURY GREEN DR
PLAINFIELD AVE
SVENSON RD
HANCOCK ST
FAIRLAWN CIR
ACORN ST
EDGEWATER AVE
E LAKE RD
PINEDALE RD
REED RD
KINGSTON ST
GARLAND ST
DURHAM ST
WENDELL ST
VILLA RD
LAKEWOOD DR
RIDGELAND RD
WILDWOOD RD
REDLAND ST
MARIE ST
RIVELLY ST
LATURA ST
HOWE AVE
N
Lakeway Overlay District
Zoning District Line
0
800
1,600
Feet
Prepared by: Shrewsbury Planning Department
TOWN OF SHREWSBURY
MASSACHUSETTS
Lakeway Overlay District
September 2014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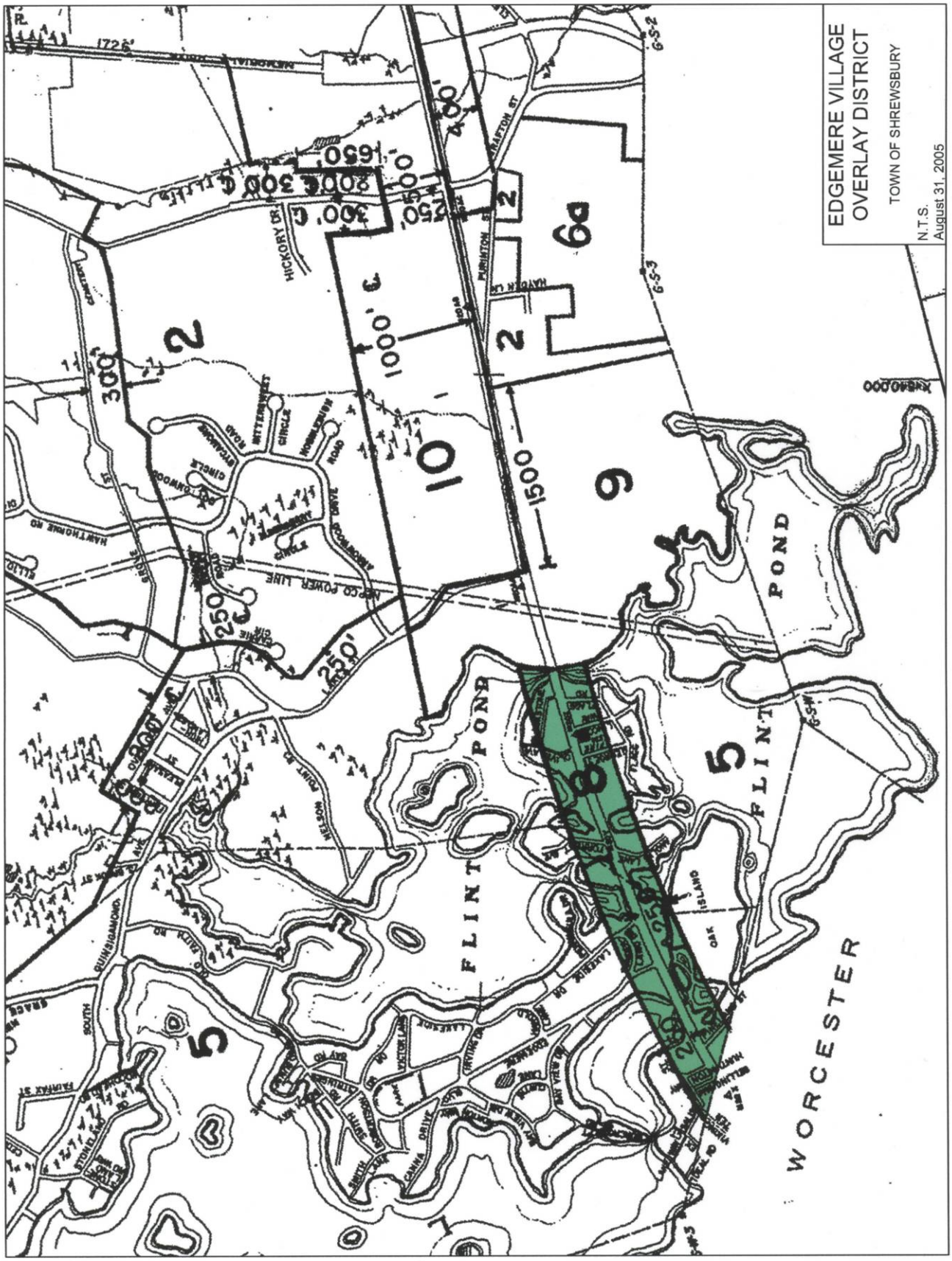
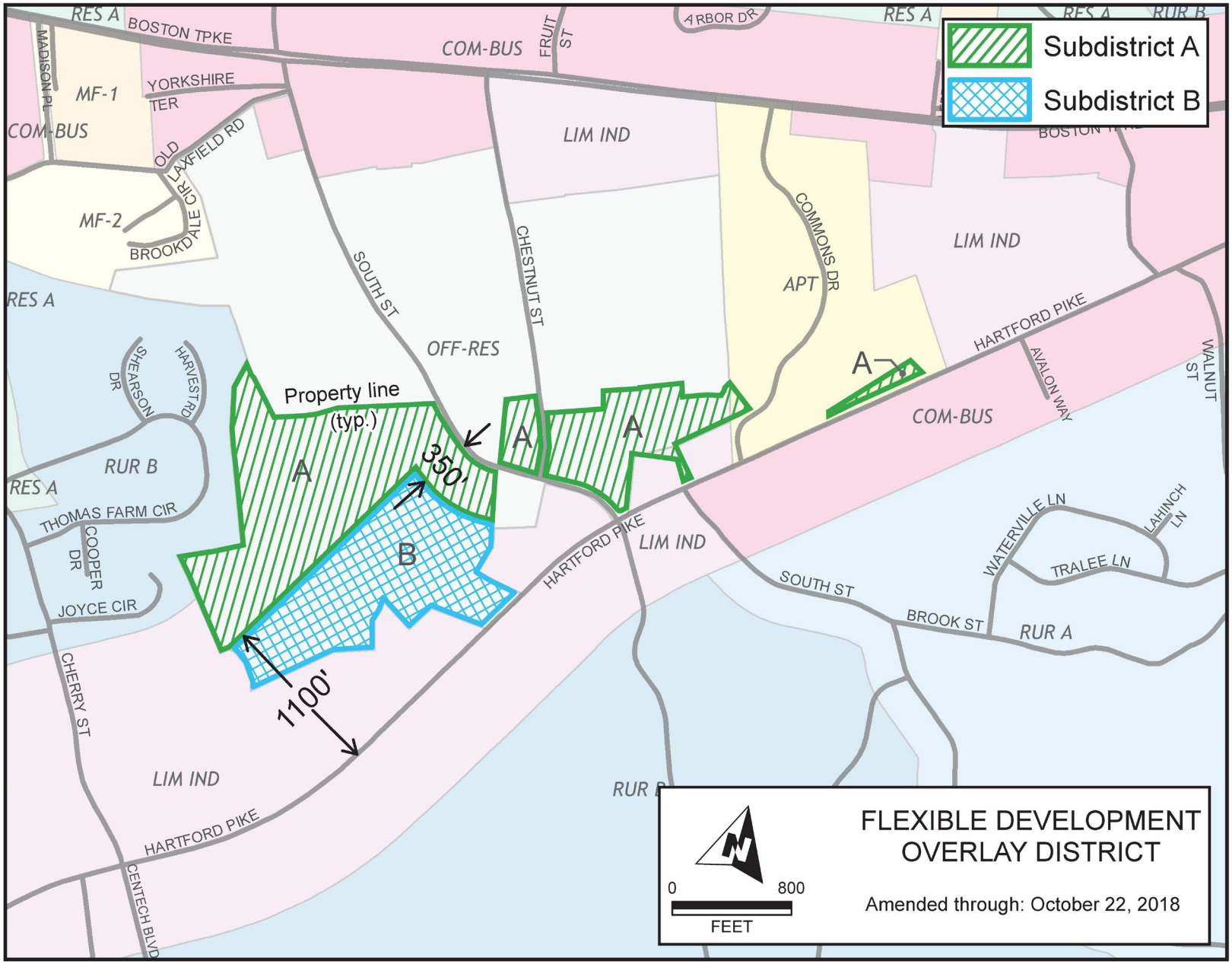
OVERLAY DISTRICT
Town of Shrewsbury
Not to scale
Revised: May 18, 2017
GRAFTON
WESTBORO
LINT POND
BOSTON TURNPIKE
SOUTH ST
CENTECH BLVD
FORTUNE BLVD
NEPCO POWER LINE
TOWN OF SHREWSBURY SANITARY LANDFILL
HARRINGTON FARMS CONDOS
SHREWSBURY COMMONS
SOUTH MEADOW CONDOS
TOWN ARBOR APTS.
MAPLEWOOD CONDOS
WATER SEWER DEPT.
HWY DEPT.
MHD


EDGEMERE VILLAGE
OVERLAY DISTRICT
TOWN OF SHREWSBURY
N.T.S.
August 31, 2005
FLINT POND
FLINT POND
WORCESTER
NEPCO POWER LINE
HICKORY DR
HAMPTON ST
HAYDEN LN
HAWTHORNE RD
SOUTH
1726'
1650'
1000'
1500'
300'
250'
6a
6
5
2
10


Subdistrict A
Subdistrict B
FLEXIBLE DEVELOPMENT OVERLAY DISTRICT
Amended through: October 22, 2018
0
800
FEET
Property line (typ.)
350'
1100'
A
B
RES A
BOSTON TPKE
MADISON PL
MF-1
COM-BUS
YORKSHIRE TER
OLD LAKEFIELD RD
MF-2
BROOKDALE CIR
FRUIT ST
ARBOR DR
LIM IND
SOUTH ST
CHESTNUT ST
OFF-RES
COMMONS DR
APT
HARTFORD PIKE
AVALON WAY
WALNUT ST
SHEARSON DR
HARVEST RD
RUR B
THOMAS FARM CIR
COOPER DR
JOYCE CIR
CHERRY ST
CENTECH BLVD
WATERVILLE LN
LAHINCH LN
TRALEE LN
BROOK ST
RUR A

Q. PLANNED RESIDENTIAL DEVELOPMENT.

1. Purposes and Intent. The purpose of Planned Residential Development (PRD) is to encourage creatively designed residential development that maximizes the amount of land reserved for open space, wildlife habitat, passive recreation, and agricultural, horticultural, and forestry uses.

2. Applicability. The Planning Board may grant a special permit for a PRD in the Rural AA district subject to the provisions of this Section Q.

3. Use Regulations.

   a. Residential Uses. A PRD may contain any of the following residential uses, provided that no single residential use type shall comprise more than 60 percent of the total number of units in the PRD. The maximum number of bedrooms in any unit in a PRD shall be two, except that up to 25 percent of the total number of units in a PRD may be three-bedroom units if approved by the Planning Board.

      1) Detached dwellings

      2) Duplexes

      3) Townhouses, with not more than five (5) units per building

      4) Multi-family garden-style units, with not more than twelve (12) units per building

      5) Accessory uses subordinate and customarily incidental to the above-listed residential uses, such as but not limited to a community center and other amenities for residents of the PRD

   b. Nonresidential Uses. A PRD may contain any of the following nonresidential uses, provided that not more than 5 percent of the total gross floor area in the PRD shall be used for nonresidential purposes.

      1) Professional office

      2) Retail not exceeding 1,200 sq. ft. of floor area, only in a PRD with more than 100 units and only in a building with other nonresidential uses

   c. Conservation, recreation, or agricultural uses.

4. Density and Dimensional Regulations.

   1. The minimum tract size for a PRD shall be ten (10) acres.

2. The maximum number of dwelling units shall be determined as follows:

Step 1. Calculate Net Acreage	Step 2. Estimate "by right" development potential	Step 3. Apply PRD incentive to estimated "by right" potential:
Net acreage = gross site acreage *minus* 10% of the gross site acreage to account for roads and infrastructure; *minus* 50% percent of the acreage with slopes of 20% or greater; *minus* 75% percent of the land subject to easements or restrictions prohibiting development, lakes, ponds, streams, vernal pools, 100 year floodplains as most recently delineated by FEMA, and wetlands as defined in G.L. c. 131. 3. 40, as delineated by a wetlands specialist and approved by the Shrewsbury Conservation Commission; *minus* 100% of the land in Zone I and A around public water supplies.	Divide net acreage by the minimum lot area in the Rural AA district: Net acreage 45,000	Maximum PRD density = By-right units x 1.5 Example: if the estimated "by right" development potential is 20 lots, the maximum PRD density is 30 dwelling units, of which not more than 60 percent shall be detached cottages, duplexes, townhouse units, or multi-family garden-style units, and the remaining 40 percent may be any combination of the other three residential use types.

3. The minimum lot area, minimum lot frontage, minimum open space, and maximum lot coverage requirements in Section VII, Table II shall not apply to lots in a PRD.

4. For interior lots in a PRD, the minimum setback from any property line shall be ten (10) feet, and no principal building within the PRD shall be closer than twenty (20) feet to any other principal building. When a PRD lot abuts a lot with an existing single-family dwelling, the minimum setback shall be fifty (50) feet.

5. All other requirements in Section VII, Table II shall apply to lots and structures in a PRD.

5. Open Space Requirement.

a. Minimum Requirement. At least 60 percent of the land in a PRD shall be preserved as permanent open space. The applicant may propose to set aside a greater percentage of the site as open space in exchange for additional dwelling units, and the Planning Board may approve the same subject to any conditions it seems appropriate. All land to be protected must be shown on the approved plans for the PRD, and all such land shall be subject to the same requirements that apply to the minimum open space required under this section.

b. Shape and Location. The preserved open space shall be contiguous to the greatest extent practicable. Where the protection of conservation areas will be achieved best with pockets of unconnected open space, the applicant shall attempt to create connections between resources areas by providing trails or vegetated corridors. Open space will be considered contiguous if it is separated by a shared driveway, roadway, or an accessory amenity (such as a barn, paved pathway or trail, or shed for the storage of recreational equipment).

c. Permitted Uses of Open Space. The open space in a PRD shall be kept perpetually in an open state, preserved for the purposes set forth herein and maintained in a manner to ensure

its suitability for its intended purposes. Proposed use(s) of the open space consistent with this section shall be specified in the application.

1) The open space shall be used for wildlife habitat and conservation and the following additional purposes: historic preservation, outdoor education, passive recreation, aquifer protection, agriculture, horticulture, forestry, or a combination of these uses, and shall be served by suitable access for such purposes.

2) Subject to approval by the Planning Board, up to 10% of the open space may be altered and used for active recreation purposes such as playing fields or community gardens.

3) The Planning Board may authorize up to 5% of the open space to be paved or built upon, preferably using permeable pavement and other means of retaining natural hydrology, for structures accessory to the use or uses of such open space, e.g., farm structures, parking to support public access for passive recreation, or bike paths, as long as the conservation values of the open space are not compromised.

4) Stormwater management systems consistent with Low Impact Development (LID) that serve the PRD may be located within a portion of the open space, not to exceed 15%. Conventional surface systems, such as detention or retention ponds, shall not qualify toward the minimum open space required, but treated stormwater from such systems may be discharged into the open space.

d. Ownership. The open space shall be owned by:

1) The Shrewsbury Conservation Commission;

2) A non-profit organization, the principal purpose of which is the conservation of open space for any of the purposes set forth herein;

3) A private owner for agricultural, horticultural, forestry or any other purpose not inconsistent with the conservation restriction; or

4) A homeowners association (HOA) as defined in herein owned jointly or in common by the owners of lots or units within the project. Under this option, the requirements of Section Q(6) shall apply.

e. Restriction Required.

1) Any land set aside as open space shall be protected in perpetuity under Article 97 of the Constitution of the Commonwealth of Massachusetts or a perpetual restriction under G.L. c. 184, § 32. Unless conveyed to the Shrewsbury Conservation Commission, the required open space shall be subject to a permanent conservation or agricultural preservation restriction that meets the standards of the Massachusetts Executive Office of Environmental Affairs, Division of Conservation Services, or Department of Agricultural Resources in accordance with G.L. c. 184,§ 31, approved by the Planning Board and Board of Selectmen, and held by the Town of Shrewsbury, the Commonwealth of Massachusetts, or a non-profit conservation organization qualified to

hold conservation restrictions under G.L. c. 184, § 31. Any proposed open space that does not qualify for inclusion in a conservation restriction or agricultural preservation restriction or that is rejected from inclusion in these programs by the Commonwealth of Massachusetts shall be subject to a restrictive covenant under G.L. c. 184, §§ 26-30, which shall be approved by the Planning Board and Board of Selectmen and enforceable by the Town of Shrewsbury.

2) The restriction shall specify the permitted uses of the restricted land, and shall permit public access or access by residents of the development to the protected land.

3) Any restriction or other legal document necessary to conserve open space in perpetuity as required herein shall be recorded before lots are released or building permits are issued, whichever comes first.

6. Homeowners Association.

a. Each PRD shall have a Homeowners Association (HOA), which shall be responsible for maintenance of roadways, stormwater management systems, utilities, shared or common wastewater disposal facilities, and any open space conveyed to the HOA. The HOA must be created and recorded before final approval of the PRD, comply with all applicable provisions of state law, and pass with conveyance of the lots or units in perpetuity. Each individual deed, and the deed, trust, or articles of incorporation, shall include language designed to effect these provisions.

b. Membership must be mandatory for each property owner, who must be required by recorded covenants and restrictions to pay fees to the HOA for taxes, insurance, and maintenance of common open space, private roads, and other common facilities.

c. The HOA shall be responsible in perpetuity for liability insurance, property taxes, the maintenance of recreational and other facilities, private roads, and any shared driveways.

d. Property owners must pay their pro rata share of the costs in subsection (c) above, and the assessment levied by the HOA must be able to become a lien on the property.

e. The HOA must be able to adjust the assessment to meet changing needs.

f. The applicant shall make a conditional offer of dedication to the Town, binding upon the HOA for all open space to be conveyed to the HOA. Such offer may be accepted by the Town at the discretion of the Board of Selectmen, upon the failure of the HOA to take title to the open space from the applicant or other current owner, upon dissolution of the association at any future time, or upon failure of the HOA to fulfill its maintenance obligations hereunder or to pay its real property taxes.

g. Ownership shall be structured in such a manner that real property taxing authorities may satisfy property tax claims against the open space lands by proceeding against individual owners in the HOA and the dwelling units they each own.

h. The Planning Board shall find that the HOA documents satisfy the conditions in subsections (a) through (g) above, and such other conditions as the Planning Board deems necessary.

7. Maintenance. Ongoing maintenance standards shall be established as a condition of development approval to ensure that utilities are properly maintained and the open space land is not used for storage or dumping of refuse, junk, or other offensive or hazardous materials. Such standards shall be enforceable by the Town against any owner in the PRD, including an HOA. If the Board of Selectmen finds that the maintenance provisions are being violated to the extent that the condition of the utilities or the open land constitutes a public nuisance, it may, upon thirty (30) days written notice to the owner, enter the premises for necessary maintenance, and the cost of such maintenance by the Town shall be assessed ratably against the landowner or, in the case of an HOA, the owners of properties within the development, and shall, if unpaid, become a property tax lien on such property or properties.

8. Procedures and Submission Requirements.

a. The special permit procedures for a PRD shall be in accordance with G.L. c. 40A, § 9, and Section IX(C) of this Bylaw.

b. Application for a PRD special permit shall be made in accordance with the Planning Board's rules and regulations and shall include a site plan that conforms to Section VII(F) of this Bylaw and the Planning Board's site plan submission requirements.

c. The special permit application shall include, in addition to the Planning Board's usual submission requirements:

1) A conservation analysis of the site proposed for a PRD. The conservation analysis shall identify and delineate primary conservation areas, such as wetlands, riverfront areas, and floodplains regulated by state or federal law. Development shall be prohibited within primary conservation areas. The analysis shall also identify secondary conservation areas, including unprotected elements of the natural landscape such as steep slopes, mature woodlands, prime farmland, meadows, wildlife habitats, and cultural features such as historic and archaeological sites and scenic views. Land outside the primary and secondary conservation areas identified in the analysis shall be the potentially developable area of the site. It shall be the applicant's burden to demonstrate that the proposed locations of buildings and roads are within the potentially developable area of the site.

2) Plans, data, analysis, narrative submissions, proposed HOA documents, and other information sufficient to demonstrate to the Planning Board's satisfaction that the PRD complies with the Design Standards in Section Q(9).

d. The Planning Board, in consultation with the Conservation Commission shall study the conservation analysis, may conduct field visits, and shall formally determine which land should be preserved and where development may be located. The Planning Board's special permit decision shall contain findings supporting this determination.

e. No later than ninety (90) days from the date of the public hearing, the Planning Board shall take final action on the PRD special permit application. The Planning Board may approve, approve with any conditions it deems appropriate, or deny the special permit.

f. The Planning Board shall not approve any PRD special permit application that lacks sufficient information to make conservation findings, that deviates from the requirements of this section, or that does not preserve land that the Planning Board determines should be preserved from development as a result of the conservation analysis and findings.

g. A subdivision is not required for a PRD, but a PRD that involves a subdivision shall be submitted to the Planning Board in accordance with the Shrewsbury Subdivision Regulations.

9. PRD Design Standards. The following standards shall apply to all PRDs and govern the design and development process:

a. Disturbed Areas. To maximize the amount and contiguity of preserved open space, every effort shall be made to minimize and concentrate the amount of disturbed area, i.e., any land not left in its natural vegetated state, by minimizing tree and soil removal. Grade changes shall be in keeping with the general appearance of the neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover. Topography, tree cover, surface water buffers, and natural drainage ways shall be treated as fixed determinants of road and lot configuration rather than as malleable elements that can be changed to follow a preferred development scheme.

b. Ways. Streets shall be located and designed in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject parcel. The Planning Board may modify the applicable road construction requirements for new roads within a PRD as provided in the Shrewsbury Subdivision Regulations if it finds that such modifications will be consistent with the purposes of this Section.

c. Aesthetics. Development shall be related harmoniously to the terrain and the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings. All open space (landscaped and usable) shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.

d. Cultural Resources. The removal or disruption of historic, traditional, or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.

e. Landscaping. The PRD shall be enhanced and complemented by a coordinated approach to landscape design, including landscaping of structures, parking areas, driveways, and pedestrian facilities. The landscaping plan shall incorporate key features of the site, such as mature trees, stone walls, rocks, and other natural elements, and stress simplicity in form. Further, the landscaping plan shall emphasize the use of native plant materials and landscape elements that require low maintenance, are resistant to insect infestations,

drought, disease, roadside salt, urban conditions, and auto emissions, and are suitable for growing conditions in Shrewsbury. Attention shall be given to integrating buildings into the landscape through techniques such as masses or drifts that emphasize colors and texture in order to soften edges, especially around larger buildings. Landscaping shall be coordinated with the location of underground and above ground utilities and light fixtures.

f. Low-Impact Development Techniques. The use of Low Impact Development techniques, i.e., practices that limit off-site stormwater runoff (both peak and non-peak flows) to levels substantially similar to natural hydrology by emphasizing decentralized management practices and the protection of on-site natural features, is required. Drainage design shall be in accordance with the most recent edition of the Massachusetts Stormwater Management Policy standards.

g. Hard Stormwater Management Facilities. All structural surface stormwater management facilities shall be accompanied by a conceptual landscape plan.

h. Utilities. Each dwelling unit in the PRD shall be provided with access, drainage, and utilities that are functionally equivalent to the requirements set under the Shrewsbury Subdivision Regulations.

i. On-site Pedestrian and Bicycle Circulation. Walkways, trails and bicycle paths shall be provided to link residences with recreation facilities (including parkland and open space) and adjacent land uses where appropriate.

R. Large-Scale Ground-Mounted Solar Photovoltaic Installations (added 5/24/2012)

1.0 Purpose

The purpose of this bylaw is to promote the creation of new Large-Scale Ground-Mounted Solar Photovoltaic Installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations to address public safety, minimize impacts on scenic, natural and historic resources, and provide adequate financial assurance for the eventual decommissioning of such installations.

The provisions set forth in this section shall apply to the construction, operation, and/or repair of Large-Scale Ground-Mounted Solar Photovoltaic Installations.

1.1 Applicability

This section shall apply to Large-Scale Ground-Mounted Photovoltaic Installations proposed for construction after the effective date of this section. This section shall also pertain to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.

2.0 Definitions

2.1 As-of-Right Siting: As-of-Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-Right development may be subject to Large Scale Solar Review to determine conformance with local zoning ordinances or bylaws.

Projects subject to Large Scale Solar Review cannot be prohibited, but can be reasonably regulated by the Building Inspector.

2.2 Designated Location: The location[s] designated by the Zoning Bylaw, in accordance with Massachusetts General Laws Chapter 40A, Section 5, where Large–Scale Ground-Mounted Solar Photovoltaic Installations may be sited As-of Right.

2.3 Large-Scale Ground-Mounted Solar Photovoltaic Installation: A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC. All Large-Scale Ground-Mounted Solar Photovoltaic Installations shall be owned and operated by either the Town of Shrewsbury or the Shrewsbury Electric and Cable Operation (SELCO) or by an entity which shall be under a Power Purchase Agreement with SELCO.

2.4 Large Scale Solar Review: Site Plan Review by the Planning Board to determine conformance with local zoning ordinances or bylaws.

2.5 On-Site Solar Photovoltaic Installation: A solar photovoltaic installation that is constructed at a location where other uses occur at the underlying property.

2.6 Nameplate Capacity: The maximum rated output of the electric power production of the photovoltaic system in Direct Current (DC).

2.7 Solar Photovoltaic Array: an arrangement of solar photovoltaic panels.

3.0 General Requirements for all Large Scale Solar Power Generation Installations

3.1 Compliance with Laws, Bylaws and Regulations
The construction and operation of all Large–Scale Ground-Mounted Solar Photovoltaic Installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of the installation shall be constructed in accordance with the State Building Code.

3.2 Building Permit and Building Inspection
No large scale solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

3.3 Fees
The application for a building permit for large scale solar photovoltaic installation must be accompanied by the fee required for the building permit.

3.4 Site Plan Review

Ground-mounted large scale solar photovoltaic installations with 250 kW or larger of rated nameplate capacity shall undergo Site Plan Review with the Planning Board prior to construction.

3.4.1 General

All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed in Massachusetts.

3.4.2 Required Documents

Pursuant to the Site Plan Review process, the project proponent shall submit the following documents to the Planning Board through the Town Clerk:

a. Elements required in Article VI, Section 1 of the Planning Board Rules and Regulations for Special Permit and Site Plan Review.

b. Site Plans shall additionally include:

1. Property lines and physical features, including roads, for the project site.

2. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures.

3. Drawings of the solar photovoltaic installation showing the proposed layout of the system and any potential shading from nearby properties.

4. One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection method, with all National Electrical Code compliant disconnects and overcurrent devices.

5. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter.

6. Name, address, phone number and email for proposed system installer.

c. Three (3) copies of the following documents shall be submitted:

1. Documentation of actual or prospective access and control of the project site (see Section 3.5).

2. An operation and maintenance plan (see Section 3.6).

3. Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose).

4. Proof of liability insurance;

5. Proof of SELCO involvement.

6. Description of financial surety that satisfies Section 3.12.3.

The Planning Board may waive documentary requirements as it deems appropriate.

3.5 Site Control

The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation.

3.6 Operation & Maintenance Plan

The project proponent shall submit a plan for the operation and maintenance of the Large-Scale Ground-Mounted Solar Photovoltaic Installation, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.

3.7 Utility Notification

No Large-Scale Ground –Mounted Solar Photovoltaic Installation shall be constructed until a signed Interconnection Agreement with SELCO has been given to the Planning Board. Off-grid systems shall be exempt from this requirement.

3.8 Dimensional and Density Requirements

3.8.1 Setbacks

For large-scale, ground-mounted solar photovoltaic installations, front, side and rear setbacks shall be as follows:

In all Commercial and Industrial Zoning Districts the setbacks are as follows:
Front yard: The front yard depth shall be at least 10 feet
Side yard: The side yard depth shall be at least 15 feet
Rear yard: The rear yard depth shall be at least 25 feet

If the project abuts a Residential Zoning District, the front, side and rear setbacks shall be not less than 50 feet.

3.8.2 Appurtenant Structures

All appurtenant structures to Large-Scale Ground-Mounted Solar Photovoltaic Installations shall be subject to reasonable regulations

concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

3.9 Design Standards

3.9.1 Lighting

Lighting of Large-Scale Ground-Mounted Solar Photovoltaic Installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

3.9.2 Signage

Signs on Large-Scale Ground-Mounted Solar Photovoltaic Installations shall comply with Section VII.E Signs of the Shrewsbury Zoning Bylaw. A sign that identifies the owner and provides a 24-hour emergency contact phone number shall be required. Large-Scale Ground-Mounted Solar Photovoltaic Installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the installation.

3.9.3 Utility Connections

Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections for the Large-Scale Ground-Mounted Solar Photovoltaic Installation underground on-site, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

3.10 Safety and Environmental Standards

3.10.1 Emergency Services

The Large–Scale Ground-Mounted Solar Photovoltaic Installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Shrewsbury Fire Chief. Upon request, the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

3.10.2 Land Clearing, Soil Erosion and Habitat Impacts

Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the Large–Scale Ground-Mounted Solar Photovoltaic Installation or otherwise prescribed by applicable laws, regulations, and bylaws.

3.11 Monitoring and Maintenance

3.11.1 Solar Photovoltaic Installation Conditions

The Large-Scale Ground-Mounted Solar Photovoltaic Installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Shrewsbury Fire Chief and Police Chief. The owner or operator shall be responsible for the cost of maintaining the installation and any access road(s), unless accepted as a public way.

3.11.2 Modifications

All material modifications to a Large-Scale Ground-Mounted Solar Photovoltaic Installation made after issuance of the required building permit shall require approval by the Planning Board

3.12 Abandonment or Decommissioning

3.12.1 Removal Requirements

Any Large-Scale Ground-Mounted Solar Photovoltaic Installation which has reached the end of its useful life or has been abandoned consistent with Section 3.12.2 shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal.

Decommissioning shall consist of:

a. Physical removal of all Large-Scale Ground-Mounted Solar Photovoltaic installations, structures, equipment, security barriers, transmission lines and utility lines (cable, phone, ect.) from the site.

b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.

c. Stabilization or re-vegetation of the site as necessary to minimize erosion. the Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

3.12.2 Abandonment

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning Board. If the owner or operator of the large-scale, ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the installation with the Financial Surety described in Section 3.12.3.

3.12.3 Financial Surety

Proponents of Large-Scale Ground-Mounted Solar Photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by Planning Board, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. Such surety will not be required for municipally- or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

S. Clear-Cutting: (added 11/9/2015)

With the exception of the issuance of a building permit, definitive subdivision approval or site plan approval, clear-cutting, defined as the removal of all trees in a woodland, of over 20,000 square feet of woodlands, as defined as land covered with trees and bushes, in any 12 month period is prohibited.

Limited site clearing only, as defined herein, shall be allowed. As used herein, "limited site clearing" is defined as the removal of that number and amount of trees and topsoil reasonably necessary for:

1. Pre-development work before or following:
   a. The endorsement by the Planning Board of a subdivision plan or
   b. The endorsement by the Planning Board of a Site Plan Approval and/or Special Permit Plan.

   Limited to, creating site access and digging test pits, borings, pursuant to accepted engineering practices, or

2. Implementing an approved Forest Cutting Plan, Forest Management Plan or Habitat Plan approved by the Massachusetts Department of Conservation and Recreation.

All other site clearing is prohibited.

3. Enforcement
   a. The Town may take any or all of the enforcement actions prescribed in this Bylaw to ensure compliance with, and/or remedy a violation of this Bylaw; and/or when immediate danger exists to the public or adjacent property, as determined by the Zoning Enforcement Officer.
   b. The Building Inspector may post the site with a Stop Work order directing that all vegetation clearing not authorized cease immediately. The issuance of a Stop Work order may include remediation or other requirements which must be met before clearing activities may resume.
   c. No person shall continue clearing in an area covered by a Stop Work order, except work required to correct an imminent safety hazard as prescribed by the Town.

The bylaw may also be enforced pursuant to M.G.L. c.40A §7.

T. <u>Marijuana Establishments</u> (added 4/23/2018)

1. <u>Authority, Purpose and Intent</u>

These provisions are enacted pursuant to the Home Rule Amendment to the Massachusetts Constitution, M.G.L. c. 40A, § 5, and M.G.L. c. 94G, § 3(a), the majority of voters in the Town of Shrewsbury having voted in the negative on Question 4 on the 2016 State Election Ballot entitled "Legalization, Regulation, and Taxation of Marijuana."

It is recognized that the nature of the substance cultivated, processed, and/or sold by Marijuana Establishments may have objectionable operational characteristics and should be located in such a way as to ensure the health, safety, and general well-being of the public as well as customers seeking to purchase marijuana for recreational use. This Section VII.T - Marijuana Establishments, is necessary to advance these purposes.

2. <u>Special Permit Requirements</u>

   a. The Planning Board shall be the Special Permit Granting Authority for any Marijuana Establishment. The application requirements and procedures shall be in accordance with this Section, Section IX of the Zoning Bylaw, and the Planning Board's Rules and Regulations Governing Special Permits & Site Plan Review.
   b. It shall be unlawful for any person to operate a Marijuana Establishment without obtaining a Special Permit to operate pursuant to the requirements of this Section of the Zoning Bylaw.
   c. A Special Permit granted under this Section shall run with the applicant and shall be non-transferrable to another owner or operator without an amendment to the Special Permit following a noticed public hearing in accordance with M.G.L. c. 40A and this Zoning Bylaw.

3. Application Requirements

In addition to the standard application requirements for Site Plans and Special Permits, an application for a special permit to allow a Marijuana Establishment use under this Section shall include the following:

a. The name and address of each owner of the proposed facility/operation;
b. For marijuana retailers, a description of the proposed operating hours, including opening and closing times for customers, delivery days and hours, and a trash and recycling schedule;
c. Copies of documentation demonstrating a pending application or a license from the state Cannabis Control Commission;
d. Evidence that the applicant has site control and the right to use the site for a facility in the form of a deed or valid purchase and sale agreement, or, in the case of a lease, a notarized statement from the property owner and a copy of the lease agreement;
e. A Security Plan in accordance with the security regulations of the Cannabis Control Commission that includes the details of all exterior proposed security measures for the premises, lighting, fencing, gates and alarms, etc. and for the transportation of marijuana and marijuana products to and from off-site premises to ensure the safety of employees, patrons, and the public and to protect the premises from theft or other criminal activity;
f. Where operations are co-located, a plan for separating the operations of a Registered Marijuana Dispensary (medical) and the operations of the proposed Marijuana Establishment (recreational); and
g. Written Operating Procedures in accordance with Cannabis Control Commission's requirements, including but not limited to the following: fire prevention, sanitation requirements, waste disposal procedures, electrical system overview, proposed energy demand, proposed ventilation system and air quality control, proposed water system.

Upon written request from the applicant, the Special Permit Granting Authority may waive the submission of such information, or parts thereof, as may not be necessary for the consideration of the application. The Special Permit Granting Authority's waiver decision shall be set forth in the written Special Permit decision.

4. Restrictions and Prohibitions

In addition to the following, Marijuana Establishments shall comply with all regulations that may be promulgated by the Cannabis Control Commission.

a. Marijuana Establishments shall not be located within five hundred (500) feet of the following uses, said distance to be measured in a straight line from the nearest property line of the proposed Marijuana Establishment to the nearest property line of a lot containing:

i. A public or private school providing education in kindergarten through grade 12
ii. A licensed and/or registered daycare or preschool
iii. A public library
iv. A public playground or park

b. All aspects of a Marijuana Establishment relative to the acquisition, cultivation, possession, processing, sales, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials must take place at a fixed location within a fully enclosed building and shall not be visible from the exterior of the building.

c. No outside storage of marijuana, related supplies, or educational materials is permitted.

d. Ventilation – all Marijuana Establishments shall be ventilated in such a manner that:
   i. No pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere; and
   ii. No odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the Marijuana Establishment or at any adjoining use or property.

e. No smoking, burning, consumption, or use of marijuana or any product containing marijuana shall be permitted on the premises of a Marijuana Establishment.

5. Limitation on number of Marijuana Retailers
Pursuant to M.G.L. c. 94G, § 3(a)(2)(ii), the number of Marijuana Retailers in the Town of Shrewsbury shall be limited to two (2), with said limitation applying to any Registered Marijuana Dispensary converting to a Marijuana-Retailer.

6. Severability
If any provision of this Section is held to be invalid by a court of competent jurisdiction then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

SECTION VIII -- ADMINISTRATION

The provisions of this Bylaw and any amendments thereto shall be administered and enforced by the Building Inspector.

A. Building Permits:

1. Application for building permits when required shall be in accordance with the Commonwealth of Massachusetts State Building Code in effect at the time of the application.

2. The Building Inspector shall not issue a building permit for the erection or alteration of any building or part thereof unless the plans, specifications and intended uses of such building on the lot are in all respects in conformity with this Bylaw. Where special permits are required under this Bylaw, the Building Inspector shall issue no permit until so directed in writing by the Board of Appeals, or where applicable, the Planning Board.

3. Whenever such permit is refused because of some provision in this Bylaw, the reason therefor shall be clearly stated in writing.

4. The fee required for a building permit shall be that established by the Board of Selectmen.

5. Any person, officer, official or board aggrieved by reason of his inability to obtain a permit, or by any order or decision of the Building Inspector or other administrative official shall file his written appeal with the Town Clerk for delivery to the chairman of said Board of Appeals, together with the current appeal fee set by the Board of Appeals, not later than thirty (30) days after the mailing of notice of said order or decision causing the aggrievance of the refusal to issue such permit.

6. Any building, structure or use authorized by the issuance of a building or special permit shall conform to any subsequent Bylaw amendment unless the use or construction authorized by such building or special permit is commenced within one year from the date of issuance of such permit and, in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

B. <u>Occupancy Permits</u>:

No building hereafter erected, altered or relocated shall be used, and no change shall be made of the use of any building or of any parcel of land, unless an occupancy permit signed by the Building Inspector has been granted to the owner or occupant of such land or building. This permit shall be applied for at the same time that the building permit is applied for, or in the case of land, before any improvements are made thereon, and shall be issued within ten (10) days after notification from the permittee that the premises are ready for occupancy.

Such permit shall not be granted unless the proposed use of the land or building and all necessary uses comply in all respects with this Bylaw, and no use shall be made of such land or building except the use or uses authorized by such occupancy permit.

If the permit is denied, the permittee shall be so notified in writing within the stated ten (10) days. All the specific conditions of non-conformance shall be enumerated in the notification.

C. Violations and Enforcement: (deleted 5/16/2011)

C. <u>Penalty Non-Criminal Disposition</u> (adopted 5/16/2011)

Any person violating any provision of the Zoning By-Law of the Town of Shrewsbury, the violation of which is subject to a specific penalty, may be penalized by a non-criminal disposition as provided in Massachusetts General Laws Chapter 40, Section 21D. When enforcing the provisions of this Zoning Bylaw by non-criminal complaint, the Inspector of Buildings shall issue fines. The penalty shall be zero ($0) dollars for the first offense, fifty ($50) dollars for the second offense, and one hundred ($100) dollars for the third and subsequent offense(s). Each day on which a violation exists shall constitute as a separate offense.

a. Before proceeding with non-criminal disposition of a zoning violation, the Building Inspector may give a written warning to an offender allowing the offender up to fifteen (15) calendar days to terminate the violation and repair any damage caused thereby.

b. If the violation is not corrected within said fifteen (15) days, the Building Inspector shall give the offender a written notice to appear before the clerk of the district court at any time during office hours, not later than twenty-one (21) days after the date of such notice. If the offender desires to contest the violation alleged in the notice, they may avail of the procedure provided in MGL Chapter 40, Section 21D.

c. Any person notified to appear before the clerk of the district court may mail to the Town Clerk together with the notice, the specific sum of money as penalty for violation of the Bylaw. Such payment shall if mailed, be made only by postal note, money order or check. Upon receipt of such notice, the Town Clerk shall forthwith notify the district court clerk of such payment and the receipt by the district court of such notification shall operate as a final disposition of the case.

SECTION IX - BOARD OF APPEALS AND SPECIAL PERMIT GRANTING AUTHORITY

A. Establishment of Board of Appeals/Special Permit Granting Authority:

A Board of Appeals shall be established in accordance with the provisions of Section 12 of Chapter 40A of the Massachusetts General Laws.

The Board of Appeals shall consist of five (5) members and three (3) associate members, all appointed by the Board of Selectmen. Members and associate members shall be registered voters in the Town. (amended 10/22/2018)

Members shall be appointed for two (2) year terms as of April 1 of each year. Associate members shall be appointed for one (1) year terms. (amended 10/21/2019)

Where provided in Section VI, Subsection H and K and Sections VII, Subsections F and J, of this Bylaw, the Planning Board shall act as the Special Permit Granting Authority in accordance with the provisions of Massachusetts General Laws, Chapter 40A, Section 9.

The Planning Board, when acting as the Special Permit Granting authority, shall have one (1) Associate Member. The Associate Member shall be appointed by the Town Manager for a period of one (1) year and shall act in the case of absence, an 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.

B. Basis for Appeals:

1. An appeal to the Board of Appeals may be taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of Chapter 40A of the Massachusetts General Laws, or of this Bylaw or amendments thereto, by the Central Massachusetts Regional Planning Commission or by any person, including an officer or board of the Town of Shrewsbury, or of an abutting city or town, aggrieved by an order or decision of the Building Inspector, or other administrative official, in violation of any provision of Massachusetts General Laws, Chapter 40A, or of this Bylaw or amendments thereto.

2. An appeal to the Board of Appeals for a variance as provided for in Massachusetts General Laws, Chapter 40A, Section 10, may be made by any person, including an officer or board of the Town of Shrewsbury, or an officer or board of any other city or town.

3. An appeal or a petition to the Board of Appeals/Special Permit Granting Authority for a Special Permit as provided for in Massachusetts General Laws, Chapter 40A, Section 9, may be made by any person, including an officer or board of the Town of Shrewsbury, or an officer or board of any other city or town.

C. Powers of the Board of Appeals/Special Permit Granting Authority:

1. Board of Appeals: To hear and decide appeals taken as provided in Massachusetts General Laws, Chapter 40A, Section 8.

2. Board of Appeals: To hear and decide appeals or petitions for variances as provided in Section 10 of Chapter 40A of the Massachusetts General Laws. Variance may be granted which would authorize a use or activity in the district in which the land or structure is located which is not otherwise permitted by this Bylaw.

3. Board of Appeals: To hear and decide applications for special permits as provided in Massachusetts General Laws, Chapter 40A, Section 9.

   In exercising the powers granted by Section 14 of Chapter 40A, the Board of Appeals may impose limitations both of time and use, and a continuation of the use permitted may be conditioned upon compliance with regulations to be made and amended from time to time thereafter. The Board may also make orders or decisions, reverse or affirm in whole or in part, or modify any order or decision, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit.

4. Special Permit Granting Authority: To hear and decide applications for special permits as provided in Massachusetts General Laws, Chapter 40A, Section 9.

D. <u>Procedure for Appeals</u>:

An appeal under Section 8 of Chapter 40A of the Massachusetts General Laws shall be taken within thirty (30) days from the date of the order or decision which is being appealed, by filing a Form of Appeal, specifying the grounds thereof, with the Town Clerk, who shall forthwith transmit copies thereof to such officer or board whose order or decision is being appealed, and to the members of the Board of Appeals. Such officer or board shall forthwith transmit to the Board of Appeals all documents and papers constituting the record of the case in which appeal is taken.

Any appeal or petition for a variance or special permit shall be made by filing with the Town Clerk a Form of Appeal. Upon such submission, the Town Clerk shall submit copies thereof forthwith to the Board of Appeals or the Special Permit Granting Authority, as applicable.

E. <u>Conditions for Approval</u>:

The Board of Appeals/Special Permit Granting Authority may grant upon appeal or petition a Special Permit for those uses as specified in this Bylaw upon satisfaction that said use is appropriate and that it will not create a nuisance by virtue of noise, odor, smoke, vibration, traffic generated, unsightliness or other conditions detrimental to the public good.

The rights authorized by the granting of a special permit in accordance with the provisions of this section shall terminate if the use or, in the case of a building or structure, construction has not commenced except for good cause, within two years from the date of such granting

exclusive of such time required to pursue or await the determination of an appeal referred to in Massachusetts General Laws, Chapter 40A, Section 17.

In the case of a Special Permit granted for a professional office or customary home occupation, such permit shall terminate with the change in ownership of the property for which the Special Permit was issued.

The provisions of this section shall terminate upon abandonment of such use or if such use is discontinued for a period of two (2) years.

F. Public Hearing:

Meetings of the Board of Appeals/Special Permit Granting Authority shall be held at the call of the chairman or when called on such other manner as the Board of Appeals/Special Permit Granting Authority shall determine in its rules. The Board of Appeals/Special Permit Granting Authority shall hold a public hearing on any appeal, application or petition transmitted to it from the office of the Town Clerk in accordance with the provisions of Massachusetts General Laws, Chapter 40A, Sections 9 and 15.

The Board of Appeals/Special Permit Granting Authority shall cause notice of such hearing to be published and sent to "parties in interest" as designated in Massachusetts General Laws, Chapter 40A, Section 11. The Chairman, or in his absence the Acting Chairman, may administer oaths, summon witnesses, and call for the production of papers.

All hearings of the Board of Appeals/Special Permit Granting Authority shall be open to the public and shall be conducted in accordance with the applicable provisions of Massachusetts General Laws, Chapter 40A, Sections 9, 11 and 15.

SECTION X - AMENDMENTS, VALIDITY AND EFFECTIVE DATE

A. Amendments:

This Bylaw may be amended from time to time at an annual or special town meeting in accord with the provisions of Section 5 of Chapter 40A of the General Laws.

B. Validity:

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

In general, this Bylaw is supplementary to other Bylaws affecting the use and dimensions of buildings, structures and premises. Where this Bylaw imposes greater restrictions than imposed by other Bylaws, the provisions of this Bylaw shall control.

C. Effective Date:

The adoption of this Zoning Bylaw shall have the force and effect of repealing all presently existing Zoning Bylaws and Regulations and Amendments thereto, heretofore adopted by the Town.

The effective date of the regulations and restrictions of this Bylaw and of the establishment of the respective districts shall be deemed to be August 2, 1967.