

Town of Upton



Zoning By-Laws

DRAFT – FOR DISCUSSION

*THE EXISTING SECTION 6.4 PLANNED VILLAGE DEVELOPMENT
IS REPLACED WITH NEW SECTION 6.4
VILLAGE CENTER DEVELOPMENT DISTRICTS A & B*

AUGUST 18, 2016
SEPTEMBER 13, 2016
September 19, 2016

Comment [cmrpc1]: NOTE: This is a partial red-lined version. Some sections have been removed or edited based on 9/13/16 Planning Board meeting. Comments have been added as narrative.

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Comment [cmrpc2]: This page is included in order to preserve the number formatting in the new Section 6.4

Comment [cmrpc3]:
FORMATTING NOTE: The preceding pages contain some formatting issues that will be resolved (bullet locations, spacing, etc.).

Some of the formatting issues are created by the inclusion of the new Section 6.4 within the formatting patterns of the existing bylaw.

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6.4 VILLAGE CENTER DEVELOPMENT DISTRICTS A (VCD-A) and B (VCD-B)

- 6.4.1 **Intent.** The Town of Upton finds that the revitalization of our village centers will benefit the general health and welfare of our residents and the region by fulfilling existing housing, economic development, transportation and employment needs. Therefore, the Town implements this bylaw and establishes certain zoning districts as Village Center Development Districts to encourage economic and residential growth that fits the character of the Town and to help achieve the Town’s objectives for the village center regarding use, design and functionality.

Village Center Development District

The purposes of the Village Center Development District A and B are to:

- 1) Build upon the historic development patterns in existing village centers to create attractive, vibrant, compact, and pedestrian-oriented neighborhoods;
- 2) Permit greater flexibility and more creative and imaginative design for the development of municipal, commercial, retail, general business, and residential mixed-use areas than is generally possible under conventional zoning provisions.
- 3) Encourage adaptive reuse of abandoned, vacant, or underutilized buildings or structures where consistent with the character, massing, and density of the neighborhood;
- 4) Allow for a mix of land uses that are appropriate to both the needs of the community and the scale of structures in the surrounding neighborhoods;
- 5) Provide for the development of housing that allows for a full range of housing opportunities for various family, age, ethnic, income, disability, stage of life, and social situations to promote unmet housing needs including affordable housing and handicap barrier free housing;
- 6) Provide incentives to develop larger parcels at higher densities and in a coordinated, planned approach;
- 7) Maintain a consistently high level of design quality throughout the district;
- 8) Further the Region’s and the Town’s economic development potential by encouraging a vibrant town and village center areas where people can live, shop, eat, conduct business, and enjoy arts and cultural activities; and
- 9) Create new development and redevelopment that is designed to follow traditional New England village development in terms of its physical design, scale, mix of uses, and visual character but with modern amenities and services
- 10) The particular purpose of Village Center Development District A is to allow for denser residential, commercial, and mixed use development while embracing village center design principals to encourage compatible development, redevelopment, adaptive reuse, and targeted preservation that enhances the economic base, encourages pedestrian activity, and attracts visitors.

Comment [cmrpc4]: 8/18/16: This section outlines the purpose and intent of the new Village Center Districts. The major impetus for this rezoning is outlined in numerous sections of the 2005 Master Plan which specifically states the following:

Section 3.8, Land Use Recommendations (p. 26) –

“Create Village Scale Zoning District for Town Centers and West Main Street - Upton cherishes the village feel of the town center and the connecting neighborhoods along West Main Street. However, the existing zoning mandates a strip commercial style of development that is inconsistent with the traditional village scale and design of the area. The neighborhood could see continued disinvestment, particularly if the Planned Village Development west of the two town centers creates a new destination for shopping and services. Therefore, in an effort to preserve the existing neighborhood, create additional and appropriate economic development, and to permit small scale mixed use structures, complete with apartments on the upper stories, the town should create a new zoning district for the town centers and the connecting segment of West Main Street. This new zoning district would allow for small scale commercial and mixed use structures with minimal front yard and side yard setbacks. Parking should be on street or to the side or rear of the structures.”

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11) The particular purpose of Village Center Development District B is to create a transition between the denser VCD-A areas and the residential areas of SRA and to generally protect, maintain, and enhance the existing primarily residential low density and historical character of the Main Street corridor while allowing for targeted and compatible development and redevelopment that enhances the economic base and facilitates compatible and complementary uses throughout the corridor.

6.4.2 Applicability.

Any new use, change in use, building or site alteration, or new development shall be subject to the permit requirements of Section 3.1, Table of Principal Uses, and Section 9.3 for Special Permits, and Section 9.4 for Site Plan Approvals (including Minor Site Plan Approval under the Site Plan Approval Rules and Regulations).

6.4.3 Parking.

1) Parking minimums. With the exception of residential uses, parking shall be provided according to the schedule or parking requirements outlined in Section 5.10 of the Zoning Bylaw. Residential parking minimums are outlined below.

a. Parking spaces for one use shall not be considered as providing the required spaces for any other use, except as hereinafter provided. As part of the special permit process for this district, the applicants are encouraged to request reductions to minimum requirements or alternative methods for meeting the required parking.

b. When units or measurements that determine the number of required parking or loading spaces result in a requirement of a fractional space, a fraction over ½ shall require one parking or loading space.

c. Parking Minimums for Residential uses

Use	Minimum Parking Spaces
Studio, efficiency, and One bedroom unit	1 space
2 bedrooms or more	1.5 spaces

Comment [cmrpsc5]: 9/19/2016: This section is revised pursuant to the 9/13/16 Planning Board meeting. The previous section is removed and replaced. Generally, the permitting requirement for a proposed use must be determined from the Table of Uses. It establishes which uses are allowed as of right, with a Planning Board Special Permit or with a ZBA Special Permit.

For a change in use where no significant alterations to the building or site are required, will be dictated by the Table of Uses. Some uses are regulated by Special Permit from the Planning Board and some uses by the Zoning Board of Appeals.

Uses that are allowed as of right by the Planning Board but involve minor building or site changes may be regulated by the Minor Site Plan Review requirements found in the Rules and Regulations. Any use that requires a Special Permit and Site Plan Review from the Planning Board will be consolidated as listed under the existing Section 9.4.2.7. Other uses that require both a Special Permit from the ZBA and Site Plan Approval from the Planning Board shall follow Section 9.4.2.6.

Comment [cmrpsc6]: 8/18/16: This section adds a minimum requirement for new residential uses and allows for shared parking, both of which are commonly found in village center zoning bylaws.

The section also adds several design components, the primary one is a requirement that parking be located at the side or rear of any new commercial/residential building. While this is waivable (see Section 6.4.21), the purpose and intent is to, overtime, remove or reduce the automobile-oriented development patterns and replace them with more pedestrian oriented development found in traditional village center areas.

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- 2) Shared, Leased and Off-Site Parking. Applicants for a Site Plan Review approval or Special Permit may request to share and/or lease parking spaces and/or locate parking spaces off-site, based on the following conditions:
- a. Amount
 - (1) Parking spaces to be shared represent the difference between peak parking needs generated by on-site uses occurring at different times. This may include reductions in parking use resulting from employees, tenants, patrons or other parking users of the site being common to and shared by more than one different use on the site, and/or:
 - (2) Parking spaces to be shared represent the difference between current levels of peak parking utilization and anticipated lower future levels of peak parking utilization, said difference to be generated in whole or in part by a parking management plan approved by the permit granting authority. Said plans shall include and implement measures such as car and van pooling, bicycling and public transit. The permit granting authority may require periodic documentation of reductions in parking utilization realized as a result of the parking management plans.
 - b. Location
 - (1) Separate from, or in conjunction with shared parking provisions contained herein, an applicant may use off-site parking to satisfy their parking requirements in accordance with the following conditions: Off-site parking shall be within 500 of the front entrance of the use it is proposed to serve as measured along an easily accessible and well-lit pedestrian pathway, except that in the case of parking spaces for employees only, the distance may be increased to 800 feet. In order to satisfy this requirement, an applicant may propose improvements to an existing pedestrian access within the permitting process, with any such improvements completed prior to issuance of certificate of occupancy.
 - (2) The shared or leased parking is suitably located in the neighborhood in which it is proposed, as deemed appropriate by the permit granting authority.
 - (3) The shared parking spaces may only be located in a zone in which the parking area is permitted.

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c. Agreements

- (1) An agreement, lease, deed, contract or easement establishing shared or leased use of a parking facility shall be submitted to and approved by the Planning Board. The approved agreement shall be recorded in the Registry of Deeds prior to the issuance of an occupancy permit for the project.
- (2) In the event that a shared or leased parking agreement is terminated, those uses with less than the required number of spaces shall notify the Planning Board within fourteen (14) days and do one of the following:
 - Provide at least fifty (50) percent of the required parking within sixty days and provide the remaining required parking within six (6) months following termination of the shared use agreement; or
 - Demonstrate to the Planning Board, using a study deemed reliable by the Board, that the available parking is sufficient to accommodate the use's peak parking demand.
- 3) Parking area design and access.
 - a. Parking areas shall be located to the side and rear of the structure. No parking shall be within the front yard setback.
 - b. Parking areas shall provide effective screening of the parking area from adjacent streets or properties. Such screening may be accomplished by: depressions in grade 3 feet or more; a hedge or wall; or any type of appropriate natural or artificial permanent division. Any required screening barrier shall not be less than 3 feet high. Screening shall not be located to obstruct driver visions so as to impair safety at intersections or driveway entrances or exits.
 - c. Parking areas shall provide adequate exterior lighting. All exterior site lighting associated with parking areas shall be downcast and shall be directed or shielded to eliminate light trespass onto any street or abutting property.
 - d. Individual spaces shall be painted, marked or otherwise delineated in a manner sufficient to visibly identify said spaces.
 - e. To minimize turning movements onto adjacent public ways, developers are encouraged to provide internal circulation systems that

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connect to adjacent developments. When several adjacent lots front onto one street, the Board may require such lots to share a single driveway, or that the lots be accessed by an internal service road. Where such sharing cannot be achieved in the short run, the means and location for future long term inter-parcel connections shall be required through right-of-way reservation and/or dedication. Thought should be given to continuing such internal ways between two public ways to facilitate town-wide traffic flow. The Board may waive height, open space, or other requirements of this by-law to achieve such purposes.

- f. Where a vacant property is developed, or an existing site is significantly re-developed as a Major Physical Modification, existing curb cuts shall be re-designed to improve traffic flow. To the extent feasible, multiple curb cuts shall be combined to minimize traffic entry points onto adjacent streets.
- g. To the extent feasible, parking areas altered as a Minor Site Plan Approval, Site Plan Approval, or Special Permit as part of a Major Physical Modification shall also be designed in accordance with the Planning Board's Village District Design Standards and Guidelines.

Comment [cmrpc7]: 9.19/2016: Changes made to match changes to "development thresholds" section (i.e. permitting requirements)

6.4.6 Dimensional Requirements.

See Section 4.4, Table of Dimensions and associated notes.

Comment [cmrpc8]: 9/19/2016: This section is revised pursuant to the 9/13/16 PB meeting. The previous section was removed and replaced with simple reference to Section 4.4, Table of Dimensions which regulates all applicable dimensional regulations for projects in the VCD A and B.

6.4.7 Building Design.

- 6.4.7.1. – New buildings shall be designed in keeping with the desirable historical patterns of a village center. Architects should research building types and layouts that typify the village center patterns and incorporate details in their structures based on examples from the region.
- 6.4.7.2. – New buildings should contain variation in detail to provide visual interest and to avoid monotony.
- 6.4.7.3. – New buildings should be of quality design and construction and shall be compatible with the neighborhood and the Town as to design characteristics, including but not limited to scale, massing, proportions, height, roofs, colors, and materials.
- 6.4.7.4. – Architecture based upon generic franchise design is discouraged. Rather, where franchise buildings of national chains are proposed, architects should rely upon the Upton Design Guidelines Planning Board's Village

Comment [cmrpc9]: 8/18/16: This section is added to provide the Planning Board with the ability to ensure that building design, both in terms of architecture and siting, will be compatible with its surroundings.

Numerous sections of the 2005 Master Plan identified the importance of considering the design of new buildings, for example:

Section 3.8, Land Use Recommendations (p. 18):

"Create Design Review Guidelines, Bylaw, and Review Committee - The Design Review process is a complement to the existing Site Plan review process. Site Plan Approval addresses technical criteria such as conformance with zoning, proper drainage, and safe access. Design Review focuses on aesthetic criteria. The Design Review Guidelines is a written document that identifies what types of building designs, building materials, and landscape treatments are preferred in the town. In Upton's case, preferred designs would probably be consistent with the rural development patterns and historic structures. The Guidelines give developers an up-front idea of what the town is looking for and ensures that the Design Review process is as objective as possible."

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District Design Standards and Guidelines to incorporate alternative design options.

- 6.4.7.5. – Where existing buildings are to remain and are part of a major site plan review project, their facades shall be renovated incorporate desirable elements of the Upton Design Guidelines Planning Board’s Village District Design Standards and Guidelines.

- 6.4.8 Unmet Housing Needs. In order to promote the intent and purpose of this By-Law, the Planning Board shall require development projects resulting in ten or more housing units to contribute ten (10) percent of these housing units toward the town’s stock of affordable housing units.

Affordable housing units are housing units which are affordable for rent or purchase by households making 80% of the median household income for Upton, as calculated by the U.S. Department of Housing and Urban Development, with adjustments for family size. These affordable housing units must meet the eligibility standards for inclusion on the MGL Chapter 40B Massachusetts Subsidized Affordable Housing Inventory.

- 6.4.9 Pre-Application. To be eligible to apply for a VCD-A and VCD-B special permit, applicants are first required to have submitted a conceptual site plan prepared by a landscape architect, a registered architect, and a registered professional engineer for review at a scheduled Planning Board meeting. The Planning Board may conduct its review of a conceptual site plan at more than one meeting. The conceptual site plan shall include a detailed analysis of site topography, wetlands, unique land features, soil type, site layout and building design. The purpose of this requirement is to help applicants and Town officials develop a better understanding of the property and to help establish an overall design approach that respects the intent of this By-Law.

As an integral part of the pre-application process and prior to its formal review conducted in its capacity as SPGA, the Planning Board shall set forth its preliminary findings pursuant to its review of a conceptual site plan. These findings may include but not be limited to suggestions related to the design, scope, building, use, or development program, open space, infrastructure, or other components related to an anticipated VCD-A or VCD-B large scale development project proposal for the subject property.

Comment [cmrpc10]: 8/18/16: This section requires the provision of affordable housing units for any project containing 10 or more new dwelling units. Once a project contains 10 or more new units, 10% of those units would need to be permanently set aside as affordable as defined by the Massachusetts Department of Housing and Community Development (DHCD).

This section helps to fulfill several of the housing strategies identified in the Town’s 2011 Housing Production Plan:

- Promote greater diversity and density of permitted housing types
- Promote mixed-use development
- Develop an inclusionary or incentive Zoning Bylaw

It should be noted that to provide affordable units as part of a new development will increase the costs for a developer. Depending on the residential market demand, this requirement could prevent some projects from creating more than nine units.

Comment [cmrpc11]: 9/19/2016: removed. This section was duplicative of earlier “Development Requirements” section; which was revised to be “applicability”.

Comment [cmrpc12]: 9/19/2016: Removed as per recommendation. This section, while it has some additional language, is duplicative of the process and requirements listed in Section 9.3 and Section 9.4

Comment [cmrpc13]: 8/18/16: Except for the last section, Section 6.4.21, Waivers and Modifications, the remaining text was carried over from the Planned Village Development section. The only changes were adding references to Village Center Development Districts instead of Planned Village Development.

Comment [cmrpc14]: 9/19/2016: Unclear whether this is necessary. First, it only references “special permit” and does not refer to Site Plan Approval. This language was originally part of the larger and more complex Planned Village Development Bylaw.

Check with Planning Board as to whether they have ever had a pre-application public meeting and given advice on project.

Comment [cmrpc15]: 9/19/16: Previous sections related to application process removed as it was duplicative of Section 9.3 and 9.4

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6.4.10 Basis for Approval, and Required Findings and Determinations.

- 1) Special permits shall be granted by the Planning Board or Zoning Board of Appeals, unless otherwise specified herein, upon its written determination that:
 - a. The proposed development is consistent with the intent of this By-Law, as set out in 6.4.1
 - b. Municipal services such as water, sewer or other services are adequate or will be adequate at the time of completion of the development
 - c. The benefit to the Town and the neighborhood outweigh the adverse effects of the proposed use, taking into account the characteristics of the site and of the proposal in relation to that site.
- 4) In addition to the determination listed above, prior to granting approval of the VCD-A large scale development project, the Planning Board shall also give consideration of each of the following:
 - a. Social, economic, or community needs that are served by the proposal;
 - b. Adequacy of vehicular and pedestrian traffic safety on and off the site, and adequacy of parking and loading areas;
 - c. Adequacy of utilities and other public services;
 - d. Impacts on neighborhood character and social interaction;
 - e. Impacts on the natural environment; and
 - f. Potential fiscal impact, including impact on municipal services, tax base, and employment.
- 5) The Planning Board shall not grant approval when:
 - a. Municipal services such as water, sewer or other services are not adequate or will not be adequate at the time of completion of the development. Proof of adequacy of municipal services shall be the burden of the developer. The Planning Board shall determine, based on all evidence submitted, what constitutes adequate municipal services.
 - b. A VCD-A or VCD-B large scale development project does not meet the specified intent of this By-Law.

6.4.11 Conditions. The special permit may be granted with such reasonable conditions, safeguards, or limitations on time or use, performance guarantees, site construction requirements, inspection requirements, and owner/occupancy reporting requirements to satisfy compliance with the special permit. The Planning Board may require additional conditions as it finds reasonably appropriate to safeguard the health, safety, and welfare of the existing neighborhoods and the Town of Upton or otherwise serve the intent of this By-Law.

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- 6.4.12 Change in Plans after Grant of Special Permit. No change in any aspect of the approved plans shall be permitted unless approved by the Planning Board. A new or amended special permit will be required if the Planning Board determines any proposed change to be substantial. The Planning Board shall hold a public hearing if the proposed change is determined to be substantial, within the provisions of this By-Law.

No land for which a special permit for a VCD-A or VCD-B large scale development project has been granted shall be further subdivided without action by the Planning Board.

- 6.4.13 Development Impact Statement. At the discretion of the Planning Board, the submittal of a Development Impact Statement may be required at the expense of the applicant. The Planning Board may deny a special permit when the Development Impact Statement discloses that the proposed use does not comply with the provisions of this By-Law or would be detrimental to the Town or its citizens. The Development Impact Statement shall be prepared by an interdisciplinary team including a Registered Landscape Architect or Architect, a Registered Civil Engineer, Registered Surveyor, and a Land Planner, and may include all or some of the following information.

Comment [cmrpc16]: 9/19/2016: recommend keeping this section. However, it is only required at the discretion of the Planning Board for a more complicated or complex projects.

1) Physical Environment

- a. Describe the general physical conditions of the site, including amounts and varieties of vegetation, general topography, unusual geologic, archeological, scenic and historical features or structures, locations of significant viewpoints, stone walls, trees over 16 inches in diameter, trails and open space links, and indigenous wildlife.
- b. Describe how the project will affect these conditions, providing a complete physical description of the project and its relationship to the immediate surrounding area.

2) Surface Water and Subsurface Conditions.

- a. Describe locations, extent, and types of existing water and wetlands, including existing surface drainage characteristics, both within and adjacent to the site.
- b. Describe any proposed alterations of shorelines or wetlands.
- c. Describe any limitations imposed on the project by the site's soil and water conditions.
- d. Describe the impact upon ground and surface water quality and recharge, including estimated phosphate and nitrate loading on groundwater and surface water from septic tanks, lawn fertilizer, and other activities within the site.

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- 3) Vehicle Circulation System
 - a. Project the number of motor vehicles to enter or depart the site per average day and during peak hours. Also state the number of motor vehicles to use streets adjacent to the site per average day and during peak hours. Such data shall be sufficient to enable the Planning Board to evaluate: existing traffic on streets adjacent to or approaching the site; traffic generated by or resulting from the site; and the impact of such additional traffic on all ways within and providing access to the site.
 - b. Actual study results, a description of the study methodology, and the name, address, and telephone number of the person responsible for producing the study shall be attached to the Development Impact Statement.

- 4) Support Systems
 - a. Water Distribution: Discuss the water system proposed for the site, and the means of providing water for fire fighting, and any problems unique to the site.
 - b. Sewage Disposal: Discuss the sewer system to be used, and evaluate impact of sewage disposal on the wastewater treatment facility.
 - c. Refuse Disposal: Discuss the location and type of facilities, the impact on existing Town refuse disposal capacity, hazardous materials requiring special precautions.
 - d. Protection Service: Discuss the distance to the fire station, police station, and emergency medical service, and the adequacy of existing equipment and manpower to service the proposed site.
 - e. Recreation: Discuss the distance to and type of public facilities to be used by the residents of the proposed site, and the type of private recreation facilities to be provided on the site.
 - f. School System: Project the increase to the student population for nursery, elementary, middle school, and high school levels.

- 5) Phasing. Where development of the site will be phased over more than one [1] year, indicate the following:
 - a. Describe the phasing of the construction with a dated time line with dated milestones.
 - b. Describe the approximate size and location of the portion of the parcel to be cleared at any given time and the length of time of exposure.
 - c. Describe the phased construction, if any, of any required public improvements, and how such improvements are to be integrated into site development.
 - d. Describe how the site will be separated into work areas and made safe for workmen and residents.

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- 6) Preparation of Plans. A Registered Professional Engineer, Registered Land Surveyor, Architect, or Landscape Architect shall prepare plans, as appropriate, which shall be clearly and legibly drawn in black line on white paper. Dimensions and scale shall be adequate to determine that all requirements are met and to enable complete analysis and evaluation of the proposal. Sheet size shall be as specified in the Planning Board Site Plan Rules and Regulations. If multiple sheets are used, an index sheet showing the entire Planned Village Development, adjacent streets, and abutting properties shall accompany them.
- 7) Contents of Plans. Contents of Plans shall include:
 - a. Plan form and content shall be as specified in the Planning Board’s Site Plan Rules and Regulations.
 - b. A written statement indicating the estimated time required to complete the proposed project and any and all phases thereof shall accompany the plan. There shall be submitted a written estimate, showing in detail the costs of all site improvements planned.
 - c. A written summary of the contemplated project(s) shall be submitted with the plan indicating, where appropriate, the number of dwelling units to be built and the acreage in residential use, the evidence of compliance with parking and off-street loading requirements, the forms of ownership contemplated for the property and a summary of the provisions of any ownership or maintenance thereof, identification of all land that will become common or public land, and any other evidence necessary to indicate compliance with this By-Law.
 - d. Storm drainage design and roadways, private and public, must conform to the durability requirements and other requirements of the Town of Upton subdivision rules and regulations, unless another standard is specified by the Planning Board. When in the public interest, and to meet the objectives of this By-Law, alternative road width and other requirements varying from the subdivision rules and regulations may be specified in the granting of a Planned Village Development.

6.4.14 -Waivers and Modifications - The Board may modify or waive any requirement of this section upon finding that due to topography, location or other unusual conditions affecting the property, the requirements of this section would unreasonably restrict the use of the property or would be detrimental to the orderly development of the area. In granting such modification or waiver, the Board may impose conditions it deems necessary to protect the public interest

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and to insure that the development will be consistent with the purpose of this section.

Definitions:

Village center multi-family building – A building containing three or more dwelling units but no more than ten units per building. Multiple buildings on one parcel is allowed. The maximum density shall not exceed eight units per acre.

Village center retail stores – A book, stationery or news store, cigar store, drug store, delicatessen, dry goods or variety store, florist or gift shop, fruit or grocery store, hardware store, jewelry store, meat market or wearing apparel store. Retail stores are prohibited from selling any quantity of drug paraphernalia. Square footage shall be limited to 9,000 square feet gross floor area in the VCD-A and 6,000 square feet gross floor area in the VCD-B.

Village center eating establishment – A restaurant or other place selling foods prepared on premises, which does not offer drive-thru service, where consumption of foods is on-site or off-site. Square footage shall be limited to 3,500 square feet gross floor area for by-right approval. Larger projects may receive approval through the Planning Board special permit process.

Watchman’s Apartment: A dwelling unit on the site of a commercial, industrial, or institutional use occupied only by a guard or caretaker (and their family) employed by the premises.

Movie or live performance theatre - An establishment which is regularly used for the exhibition of motion pictures, live broadcasts, or other similar performances on a regular basis to the general public.

Mixed use development – Mixed use development may permit differing uses limited to retail stores, personal services, eating establishments, business and professional offices, and multi-family residential all on the same lot or planned development site. The maximum density shall not exceed eight units per acre.

Mixed use building – Mixed use building permits differing uses in the same building with the ground floor limited to retailing, eating establishments and personal services and upper floors limited to residential and business and professional office uses. The maximum density shall not exceed eight units per acre.

Live-work space – A mixed use unit consisting of a commercial or light industrial and residential function. The commercial function may be anywhere in the unit. It is intended to be occupied by a business operator who lives in the same structure or lot that contains the commercial activity or industry.

Comment [cmrpc17]: 9/19/16: Most definitions are pulled from the descriptions contained in Section 4.4 Table of Uses. This is a pattern in the Zoning Bylaw where certain uses are not defined in the definition section but are defined (by constraints or descriptions) in notes associated with the Table of Uses.

Comment [cmrpc18]: 9/19/16: NOTE: to be added to Section 10 of the Zoning Bylaw. Shown here for convenience.

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SECTION 3.0, TABLE OF USES

- USE REGULATIONS

TABLE OF PRINCIPAL USES. No land shall be used and no structure shall be erected or used except as set forth in the following Table of Principal Uses, Table A, including the notes to Table A, or as otherwise set forth herein, or as exempted by General Laws. Any building or use of premises not herein expressly permitted is hereby prohibited.

Symbols. Symbols employed in the Table of Principal Uses shall mean:

Y = Permitted as of right
 N = Prohibited
 BA = Special Permit/Board of Appeals
 PB = Special Permit/Planning Board

SRA = Single Residential A
 SRB = Single Residential B
 SRC = Single Residential C
 SRD = Single Residential D
 AR = Agricultural Residential
 GB = General Business
 C&I = Commercial & Industrial
[VCD-A Village Center Development A](#)
[VCD-B Village Center Development B](#)
 MGF = Municipal Government Facilities

If Classified Under More than One Use. Where an activity may be classified as more than one of the principal uses listed in the Table of Principal Uses, the more specific classification shall determine permissibility; if equally specific, the more restrictive shall govern.

Table of Principal Uses: See Table A, below.

Table A – Table of Principal Uses By District												
	Principal Use	SRA	SRB	SRC	SRD	AR	GB	C&I	MGF	VCDA	VCDB	
	Residential											
1	One-family house, with not more than one such house located on any lot.	Y	Y	Y	Y	Y	BA	BA	N	BA	Y	
2	Conversion From Single Family to Two-Family Dwelling (SEE note 1)	BA	BA	BA	BA	BA	BA	BA	N	Y BA	Y BA	
3	Village Center Multi family building (SEE note 17)	N	N	N	N	N	N	N	N	PB	N	
4	Bed and breakfast, boarding or lodging house but not including overnight cabins, motels, or hotels	BA	BA	BA	BA	N	BA	BA	N	Y	BA	
5	Senior Housing Community (SEE Section 7.4 for additional regulations)	PB	PB	PB	PB	PB	N	N	N	PB	N	
6	Townhouses and garden apartments (SEE Section 7.2 for additional regulations)	BA	BA	N	N	N	BA	BA	N	PB	N	

Comment [cmrpc1]: 9/19/16: Pursuant to 9/13/16 PB meeting, permit requirement changed from "as of right" to ZBA Special Permit. BA was chosen based on pattern in other Zoning Districts.

NOTE: As proposed, note 1 is changed to remove the "double lot area" requirement for a second unit in the VCD-A and VCD-B. If a Special Permit is required, allowing it to occur on small lots should be an option.

Comment [cmrpc2]: 9/19/16: Maximum allowed density is reduced to eight units per acre. Provision for Site Plan Approval for less units is removed pursuant to 9/13/16 PB meeting.

Table A – Table of Principal Uses By District

	Principal Use	SRA	SRB	SRC	SRD	AR	GB	C&I	MGF	VCDA	VCDB
7	Open Space Preservation Subdivision (SEE Section 7.3 for additional regulations)	N	PB	PB	PB	PB	N	N	N	PB	N
	Agricultural										
8	Farm, orchard, nursery or similar open use of the land for the raising of agricultural or horticultural crops, on less than five (5) acres.	Y	Y	Y	Y	Y	Y	Y	N	N	N
9	The raising and/or keeping of livestock on less than five (5) acres.	N	N	N	N	BA	BA	BA	N	N	N
10	The raising of hogs, pigs, or fur-bearing animals for commercial purposes on less than five (5) acres. (SEE note 4)	N	N	N	N	BA	N	N	N	N	N
11	Salesroom of stand for the display and sale of agricultural, floricultural, viticultural or horticultural products including wine and dairy products where the majority of such products are grown on the premises (SEE note 2)	N	N	N	N	BA	BA	BA	N	N	N
12	Riding stable for commercial purposes on less than five (5) acres	N	N	N	N	BA	N	N	N	N	N
	Institutional, Educational and Municipal										
13	Use of land or structures for religious purposes or for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation.	Y	Y	Y	Y	Y	Y	Y	N	Y	Y
14	Non-profit museum, art gallery or community center.	BA	BA	BA	BA	BA	Y	Y	N	Y	N
15	Municipal administration buildings and uses, including town library, fire or police station, public works facility, sewer and water pump stations.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
16	Municipal recreation or public water supply use.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
17	Child care facility, as defined in G.L. c. 40A, s.3	Y	Y	Y	Y	Y	Y	Y	N	Y	Y
18	Family day care home, as defined in G.L. c. 28A, s.9	BA	BA	BA	BA	BA	BA	BA	N	BA	BA
19	Cemetery	BA	BA	BA	BA	N	BA	BA	N	BA	BA
20	Lodge building for use by private club, or other non-profit civic organization	BA	BA	BA	BA	N	BA	N	N	BA	N
	Recreational										
21	Golf course	N	N	N	N	BA	N	N	N	N	N
22	Boat Rental and Storage Facility	N	N	N	N	BA	BA	N	N	Y	N

Table A – Table of Principal Uses By District

	Principal Use	SRA	SRB	SRC	SRD	AR	GB	C&I	MGF	VCDA	VCDB
23	Country club	BA	BA	BA	BA	N	BA	N	N	N	N
24	Place of amusement or assembly. (SEE note 5)	N	N	N	N	N	BA	BA	N	BA	N
	Retail and Consumer Service										
25	Retail Stores (SEE note 10)	N	N	N	N	N	Y	Y	N	Y	N
26	Village center retail stores (SEE note 12)	N	N	N	N	N	N	N	N	Y	PB
27	Village center eating establishments (See note 13)	N	N	N	N	N	N	N	N	Y	PB
28	Outdoor markets (SEE note 14)	N	N	N	N	N	N	N	N	Y	N
29	Vehicle Repair Shops and Vehicle-Related Businesses (SEE note 3)	N	N	N	N	N	BA	BA	N	N	N
30	Personal Services (SEE note 9)	N	N	N	N	N	Y	Y	N	Y	BA
31	Eating Establishments (SEE note 8)	N	N	N	N	N	Y	Y	N	Y	PB
32	Business or professional office	N	N	N	N	N	Y	Y	N	Y	PB
33	Banks	N	N	N	N	N	Y	Y	N	Y	N
34	Wine and spirits retailer	N	N	N	N	N	N	N	N	PB	N
35	Showroom for building supplies, including plumbing, heating and ventilating equipment, with storage limited to floor samples only.	N	N	N	N	N	BA	BA	N	N	N
36	Showroom for boats, trailers, trucks, farm implements, or machinery, with no repair services.	N	N	N	N	N	BA	BA	N	N	N
37	Showroom for Wholesale Establishments	N	N	N	N	N	Y	Y	N	N	N
38	Funeral home	N	N	N	N	N	Y	Y	N	Y	PB
39	Movie or live performance theatre	N	N	N	N	N	N	N	N	PB	N
40	Drive-thru Establishments (SEE Section 6.5 for additional regulations)	N	N	N	N	N	PB	PB	N	N	N
	Utilities, Communication and Transportation										
41	Personal wireless service facilities (SEE Section 6.2 for additional regulations)	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB
42	Privately owned electrical substations and other utilities (not including power plants) that are intended to serve specific areas of town.	BA	BA	BA	BA	N	BA	BA	Y	BA	BA
43	Large-Scale Ground-Mounted Solar Photovoltaic Installations with Rated Nameplate Capacity of 250 kW DC to 500 kW DC and that occupy from 40,000 to 80,000 square feet of surface area (See Section 6.6 for additional regulations) (See Note 11)	N	N	N	N	N	N	Y	N	N	N

Table A – Table of Principal Uses By District

	Principal Use	SRA	SRB	SRC	SRD	AR	GB	C&I	MGF	VCDA	VCDB
44	Large-Scale Ground-Mounted Solar Photovoltaic Installations with Rated Nameplate Capacity greater than 500 kW DC or that occupy more than 80,000 square feet of surface area (See Section 6.6 for additional regulations) (See Note 11)	N	N	N	N	N	N	PB	N	N	N
	Industrial, Manufacturing and Storage										
45	Establishment for the repair or storage of trailers, trucks, farm implements, or machinery. (SEE note 3)	N	N	N	N	N	N	BA	N	N	N
46	Trucking terminal or motor freight station.	N	N	N	N	N	N	BA	N	N	N
47	Storage facilities and warehouses. (SEE note 6)	N	N	N	N	N	BA	BA	N	N	N
48	Plant for light manufacturing or packaging.	N	N	N	N	N	N	BA	N	N	N
	Mixed Use										
49	Mixed use development (SEE note 15)	N	N	N	N	N	N	PB	N	PB	N
50	Mixed use building (SEE note 16)	N	N	N	N	N	N	PB	N	PB	PB
51	Live-work space	N	N	N	N	N	N	PB	PB	Y	PB

Notes To Table A

- 1) The alteration of a single family dwelling existing on the effective date of this By-Law (October 1, 1958) to accommodate two families if located on a lot having an area not less than twice that required for the erection of a single family dwelling in the same district, provided that no exterior change is made which alters the single family character of the dwelling. In the VCD-A and VCD-B, twice the lot area is not required.
- 2) Provided that any display, whether open or closed, is not less than fifty (50) feet from side and rear lot lines and not nearer the exterior line of any way than the front yard depth required for a building in the district in which said salesroom or stand is located; except that temporary portable stands, not exceeding four feet in height and not exceeding forty square feet in area may be placed nearer the exterior line of any way than the required front yard depth, required in said district, but in no case less than five feet from the exterior of said way.
- 3) Parking lot for passenger automobiles, salesroom for automobiles, automobile repair garage or automobile service station, provided that all heavy repairs (such as body and fender work, or welding) are conducted within a completely enclosed building.
- 4) The term "fur bearing animals" is not intended to apply to the keeping of cats and dogs. The raising of hogs, pigs or fur-bearing animals for commercial purposes on less than five (5) acres shall be carried on at least two hundred feet (200') from any property line.
- 5) Only the following amusement uses: fitness clubs, dance studios, driving ranges and miniature golf
- 6) All above-ground storage are limited to ten thousand (10,000) gallons.
- 7) Provided that all parts and portions of any such use are not less than five hundred feet (500') from any boundary line of a Single Residential SRA, SRB, SRC or SRD District
- 8) Restaurant or other place for the serving of food or beverage only to persons seated at tables or counter that does not offer drive-thru service, provided that no dancing or live entertainment is furnished except for private gatherings.
- 9) Only the following personal or consumer service establishments: barber or beauty shop, collection station for laundry or dry cleaning, laundry facilities, photographic studio, shoe or hat repair shop, shop for custom work by dressmaker, milliner or tailor, bicycle repair shop, blueprinting establishment, business or trade school, clothing rental establishment, television or household appliance repair shop, computer repair shop, copy shop, day spa and massage therapists.
- 10) Only the following retail businesses: book, stationery or news store, cigar store, drug store, delicatessen, dry goods or variety store, florist or gift shop, fruit or grocery store, hardware store, jewelry store, meat market or wearing apparel store. Retail stores are prohibited from selling any quantity of drug paraphernalia, defined as all equipment, products and materials of any kind that are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body marijuana and/or a controlled substance as defined by Massachusetts State Law.
- 11) Provided that Large-Scale Ground-Mounted Solar Photovoltaic Installations in the SRA, SRB, SRC, SRD, AR, GB and MGF Districts are not otherwise exempted by General Laws.
- 12) All uses described in note 10 provided that square footage shall be limited to ~~15,000~~ 9,000 square feet gross floor area in the VCD-A and 6,000 square feet gross floor area in the VCD-B.
- 13) Restaurant or other place selling foods prepared on premises, which does not offer drive-thru service, where consumption of foods is on-site or off-site. Square footage shall be limited to ~~40,000~~ 3,500 square feet gross floor area for by-right approval. Larger projects may receive approval through the Planning Board special permit process.
- 14) Outdoor markets may be established subject to applicable licensing requirements.
- 15) Mixed use development may permit differing uses limited to retail stores, personal services, eating establishments, business and professional offices, and multi-family residential all on the same lot or planned development site. The maximum density shall not exceed eight units per acre.
- 16) Mixed use building permits differing uses in the same building with the ground floor limited to retailing, eating establishments and personal services and upper floors limited to residential and business and professional office uses. The maximum density shall not exceed eight units per acre.
- 17) Village Center Multi-family building: A building containing three or more dwelling units but no more than ten units per building. Multiple buildings on one parcel is allowed. The maximum density shall not exceed eight units per acre.

Comment [cmrpc3]: 9/19/16: As proposed, note 1 is changed to remove the "double lot area" requirement for a second unit in the VCD-A and VCD-B. If a Special Permit is required, allowing it to occur on small lots should be an option.

Comment [cmrpc4]: 9/19/16: size limit is reduced to ensure better compatibility with village center.

NOTE: This requirement is based on gross floor area. Another option is to limit footprint. As proposed, a single story building could have a 9,000 square foot footprint where as a three story building would have a 3,000 square foot footprint.

Examples of size will be provided.

Comment [cmrpc5]: 9/19/16: Size reduced based on fact that most new restaurants are limited to one story.

Comment [cmrpc6]: 9/19/16: Maximum allowed density is reduced to eight units per acre. Provision for Site Plan Approval for less units is removed pursuant to 9/13/16 PB meeting.

Section 4.2 Dimensional Regulation Tables

DIMENSIONAL REGULATION TABLES

Table B: Residential District Lots

District	Minimum Lot Dimension (Note 1)		Minimum Setback Requirements			Maximum Building Height		Max % Coverage Including Accessory Building
	Area Square Feet	Front Linear Feet (Note 2)	Front Linear Feet (Note 2)	Side Linear Feet (Note 9)	Rear Linear Feet (Note 9)	# of stories	Height Linear Feet (Note 8)	
SRA	15,000	100	25	10	30	2.5	30	30
SRB	25,000	150	40	20	30	2.5	30	30
SRC	40,000	180	40	25	30	2.5	30	30
SRD	60,000	210	40	30	30	2.5	30	30
AR	80,000	240	50	30	50	2.5	30	30

Table C: General Business and Commercial & Industrial District Lots

District	Minimum Lot Dimension (Note 1)		Minimum Setback Requirements (Note 6)			Maximum Building Height		Max % Coverage Including Accessory Building
	Area Square Feet	Front Linear Feet	Front Linear Feet (Note 2)	Side Linear Feet (Notes 4 & 9)	Rear Linear Feet (Notes 5 & 9)	# of stories	Height Linear Feet (Note 8)	
GB	(Note 7)	(Note 7)	30	10	20	2	25	40
C&I	(Note 7)	(Note 7)	30	20	20	1	25	40

Table D: Municipal Government Facilities District Lots

District	Minimum Lot Dimension (Note 1)		Minimum Setback Requirements			Maximum Building Height		Max % Coverage Including Accessory Building
	Area Acres	Front Linear Feet	Front Linear Feet (Note 2)	Side Linear Feet (Note 4)	Rear Linear Feet (Note 5)	# of stories	Height Linear Feet (Note 8)	
MGF	5	200	40	50	50	3	35	50

Table E: Village Center Development District Lots

District	Minimum/Maximum Lot Dimension		Minimum/Maximum Setback Requirements			Maximum Building Height		Max Building Coverage
	Area (Square Feet)	Front Linear Feet	Front Linear Feet	Side Linear Feet	Rear linear Feet	# of stories	Height Linear Feet	Percent
VCD-A	See Note 10		10 feet (See Note 11)	10 feet (See Note 12)	20 feet (See Note 13)	<u>3</u>	<u>35'</u>	45% (See Note 14)
VCD-B	See Note 10		10 feet (See Note 11)	20 feet (See Note 12)	20 feet (See Note 13)	<u>2</u>	<u>25'</u>	35% (See Note 14)

Notes For Table B through Table E:

- (1) A lot or parcel of land having an area or a frontage of lesser amounts than required by this table may be considered as coming within the area and frontage requirements of this section, provided such lot or parcel of land was shown on a plan or described in a deed duly recorded or registered at the time of the effective date of this By-Law (October 1, 1958) and did not at the time of the effective date of this By-Law (October 1, 1958) adjoin other land of the same owner available for use in connection with such lot or parcel. In all Districts, except as herein provided, no dwelling shall be constructed on a lot having a width at any point between the frontage way and that part of the dwelling nearest thereto of less than eighty (80) percent of the frontage distance required for the district in which said lot is located.
- (2) To be measured from the right-of-way line where a plan of the way is on file with the Registry of Deeds or, in the absence of such a plan, from a line twenty-five feet (25') from and parallel with the center line of the traveled way.
- (3) Open Space Preservation lots shall only be created upon the approval of a Definitive Plan by the Planning Board. The total number of lots in an Open Space Preservation subdivision shall not exceed the number of lots in a standard subdivision as determined by the Planning Board.
- (4) Side yard minimum setback requirement shall be fifty feet (50') when a lot is adjacent to a Single Residential SRA, SRB, SRC or SRD District or Agricultural Residential District except for accessory structures with a footprint less than or equal to 120 square feet and a height less than fifteen feet which shall have a minimum side and rear setback of ten feet.
- (5) Rear yard minimum setback requirement shall be fifty feet (50') when a lot is adjacent to a Single Residential SRA, SRB, SRC or SRD District or Agricultural Residential District except for accessory structures with a footprint less than or equal to 120 square feet and a height less than fifteen feet which shall have a minimum side and rear setback of ten feet.
- (6) No open display or other open use, where permitted, and no structure shall be located nearer than thirty (30) feet from the exterior line of any public or private way, except the following: utility pole; mailbox; plants growing in the soil if not obstructing the view of vehicles entering and leaving the premises; and parking lot for vehicles.
- (7) In all General Business Districts and Commercial & Industrial Districts, except as herein provided, no building shall be constructed on a lot having less area or having less frontage on a public or private way than the area and frontage, respectively, required for the least restricted Single Residential District adjacent thereto.
- (8) Except as noted herein, chimneys, spires, towers and other projections not used for living purposes, whether constituting separate structures or attached to buildings, may be constructed above the height limitations hereinbefore established, but no such structure or projection shall be constructed in any district to a height greater than fifty (50) feet without authorization of the Board of Appeals. Exception: Personal wireless service facilities. (SEE Section 6.2.6)
- (9) Except for accessory structures with a footprint less than or equal to 120 square feet and a height less than fifteen feet which shall have a minimum side and rear setback of ten feet.

(10) Lot area and frontage for parcels within a VCD-A or VCD-B district shall not be made less than the existing lot area or frontage.

(11) New structures shall not be set back more than ten (10) feet, or, more than the average of the front yard setbacks of existing buildings on the abutting lots on either side, whichever is less. The Planning Board reserves the right to seek to establish new norms for block setbacks as may be appropriate.

(12) 10 feet is required for properties within the VCD-A or VCD-B Districts. However, the required side or rear yard setback shall be 50 feet when the lot is adjacent to a Single Residential SRA, SRB, SRC or SRD District. Said buffer shall be adequately landscaped pursuant to a detailed landscape plan approved by either the ZBA or Planning Board.

(13) 20 feet is required for properties within the VCD-A or VCD-B Districts. However, the required side or rear yard setback shall be 50 feet when the lot is adjacent to a Single Residential SRA, SRB, SRC or SRD District. Said buffer shall be adequately landscaped pursuant to a detailed landscape plan approved by either the ZBA or Planning Board.

Comment [cmrpc1]: 9/19/2016: Lot area and lot frontage should allow existing to remain.

Comment [cmrpc2]: 9/19/16: Front yard setback is required to be 10 feet (but is waivable) to encourage pedestrian oriented development.

8/19/16: This section is added to encourage new buildings to be located closer to the street and to remove and eliminate the auto-mobile oriented development patterns with large areas of parking adjacent to the street and buildings at the rear of a property. This is a key component of allowing for the creation, overtime, of a more pedestrian oriented pattern of development. Similar to the parking requirement, this requirement can be waived or modified by the Planning Board under Section 6.4.21

Comment [cmrpc3]: 9/19/16: Side and rear yards should be 10 feet with a similar provision for 50 feet when adjacent to SF Districts (note 4 in Dimensional Regulations)

Comment [cmrpc4]: 9/19/16: 9/19/16: Side and rear yards should be 10 feet with a similar provision for 50 feet when adjacent to SF Districts (note 4 in Dimensional Regulations)

(14) 45% building coverage is allowed in the VCD-A and 35% building coverage is allowed in the VCD-B District. However, the total allowed building coverage may be increased by the Permit Granting Authority under Section 6.4.21. In considering an increase in lot coverage, the Permit Granting Authority shall consider the following:

- (a) Ability for the site to incorporate necessary drainage systems and designs incorporating Low Impact Development (LID) principals.
- (b) Where buildings and/or sites are improved based on the purpose and intent of this Section 6.4 and therefore be harmonious or consistent with historic New England town center densities and site massing.
- (c) Provides for a public good such as a plaza, public art, day care center, space for public meetings, public parking, or other amenity that serves the public:

(15)

(9)(16)

Comment [cmrpc5]: This provision may be modified as listed in Section 6.4.21

Comment [cmrpc6]: 9/19/16: The previous section is removed. The proposed building coverages seek to allow modest increases over what is allowed in other districts:

Municipal District (50%)
General Business (40%)
Residential Districts (30%)

- 3) Said driveway openings are at the exterior line of a private way whose primary function, in the opinion of the Board of Appeals, is to provide access to premises located in non-residential districts, and a variance from these requirements is accordingly authorized by said Board.

5.12 SIGNS

5.12.1 Purpose. The following regulations are intended to establish reasonable regulations for signs within the Town in order to reduce traffic hazards, to facilitate an attractive, harmonious community and to protect property values.

5.12.2 Applicability. This By-Law applies to signs that advertise, promote, call attention to or provide directional instruction to a product, profession, commercial event, organization, service, or business/commercial/industrial establishment including exterior signs and signs visible from the exterior by way of being placed in or on a window or outside door. Political signs are exempt from this By-Law (reference Town General By-Laws for political sign regulations).

5.12.3 General Requirements. The following applies to all zoning districts:

- 1) The material of which the sign is constructed and the intermediate structure and manner of affixation to a building or post shall be subject to approval from the Building Inspector from a standpoint of public safety.
- 2) Signs and any associated structural elements shall be kept in good repair and in a proper state of preservation to the reasonable satisfaction of the Building Inspector. The Building Inspector may order the removal of any sign determined to be in a state of disrepair.
- 3) Any sign and its associated structural elements pertaining to anything that ceases to be applicable, whether on, near or adjacent to the particular premises shall be removed by the owner of the sign within thirty-days.
- 4) Only signs authorized by the Board of Selectmen may be located on Town property. Any unauthorized sign located on Town property may be immediately removed. Such signs shall be stored for a minimum of two weeks to allow the owner to retrieve the sign after which time the Building Inspector may dispose of such signs.
- 5) Any non-conforming sign that was legally erected prior to the adoption of this By-Law Section shall be allowed subject to the following: such signs may not be enlarged, reworded, redesigned or altered in any way unless brought into conformity.
- 6) Any sign in place for greater than a three month period may be considered a permanent, non-temporary sign.

5.12.4 Prohibited Signs. The following signs are prohibited in all zoning districts:

- 1) Signs erected at or near a street intersection or street and driveway intersection in such a manner as to obstruct free and clear vision.
- 2) Signs erected at any location where the sign may interfere with any traffic sign, signal or device due to obstruction, confusion or any other applicable interference.

- 3) Signs constructed of permanent paper, cardboard, cloth, canvas, plastic or other similar non-rigid material that are tacked, posted or otherwise affixed to a utility pole, tree, rock, hydrant, bridge, fence or other similar surface.
- 4) Signs affixed in any way above a building roof including signs affixed to a cupola, tower, chimney or other structure located on or above the roofline.
- 5) Signs that contain any part that moves, flashes or is in any way animated including moving lights, rotating beacons, pennants, ribbons, streaming signs and animated signs intended to create the illusion of movement.
- 6) Billboards (except for non-commercial billboard signs on Town property). Billboards shall include any sign advertising or promoting material not sold, manufactured or distributed from the premises on which the sign is located.

5.12.5 Illumination.

- 1) ~~Sign illumination shall be limited to a fixed white light from an externally downward directed source unless otherwise provided for by this By-Law.~~ All permanent signs may be non-illuminated, illuminated by internal, or internal indirect (halo), or they may be lit by external indirect illumination. Externally lit signs shall be illuminated only with steady, stationary, and shielded light sources directed solely onto the sign.
- 2) Illuminated signs are prohibited in the Residential SRA, SRB, SRC, SRD and A-R Districts.
- 3) Signs that incorporate tube-type gaseous elements, neon elements, or strings of light bulbs, ~~or upward directed spotlights~~ are prohibited except for one non-flashing interior neon window sign less than three square feet indicating that an establishment is open for business.
- 4) Signs that result in excessive glare as determined by the Building Inspector are prohibited.
- 5) Signs that incorporate internal light or rear illuminated light sources shall only be allowed by a special permit of the Board of Appeals in accordance with Section 9.3 of this By-Law.
- 6) Signs shall be illuminated for no more than thirty minutes before opening or after closing of a commercial establishment.

5.12.6 Signs in Single Residential SRA, SRB, SRC, SRD and A-R Districts. The following signs are allowed as of right subject to any additional regulations or prohibitions set forth in this By-Law:

- 1) One sign per dwelling unit or lot pertaining to a home occupation or business not-to-exceed four square feet and no portion of which is greater than five feet above ground level. Such sign shall be setback a minimum of twenty feet from the side and rear property lines.
- 2) One temporary on-site sign pertaining to the advertisement of the sale or lease of a dwelling unit not-to-exceed six square feet and no portion of which is greater than five feet above ground level. Such temporary sign shall be removed within one week following the date of recording of the deed or signing of the lease.
- 3) Two temporary off-site directional signs pertaining to the advertisement of

the sale or lease of a dwelling unit not-to-exceed three square feet. Such temporary signs shall be installed and removed on the same day and shall only be allowed during daylight hours.

- 4) One temporary sign per dwelling unit pertaining to the advertisement of an architect, engineer or contractor or other participant relating to construction work on the premises not-to-exceed eight square feet and no portion of which is greater than five feet above ground level. Such sign shall be removed within one week following completion of said construction work.
- 5) One sign not exceeding twelve square feet and no portion of which is greater than five feet above ground level bearing the name of a residential subdivision at each entrance to the subdivision.
- 6) One on-site sign pertaining to a residential subdivision advertising the sale or lease of subdivision lots. Such sign shall not exceed twenty square feet no portion of which shall be greater than five feet above ground level.
- 7) Signs erected on a lot associated with a religious organizational use or non-profit educational organization use subject to the following criteria: one sign shall be allowed for each public entrance up to but not exceeding three signs; each sign not-to-exceed twenty square feet and with no standing sign greater than seven feet in height above ground level.

5.12.7 Signs in General Business Districts and Commercial & Industrial Districts. The following signs pertaining to permitted buildings, structures and uses on the premises are allowed as of right on a building, subject to any additional regulations or prohibitions set forth in this By-Law:

- 1) One primary building sign for each building tenant either affixed to a building or standing in accordance with the following:
 - a. Signs affixed to an establishment building wall shall not exceed one square foot for each one hundred square feet of establishment ground floor area up to a maximum of twenty square feet and shall not extend more than six inches from such wall if affixed parallel to the wall or no more than six feet when affixed perpendicular to wall.
 - b. Standing signs shall not exceed one square foot for each one hundred square feet of establishment ground floor area up to a maximum of twenty square feet and shall not exceed ten feet in any dimension or ten feet above ground level. A standing sign shall be subject to the setback provisions of Section 4.0 of this By-Law.
- 2) One additional secondary building sign for each building tenant affixed to the building only if such building has more than one public entrance. The minimum allowable secondary building sign size shall not exceed 50% of the allowable primary building sign size or four (4) square feet, whichever is greater.
- 3) One additional similar sign indicating a directory of building tenants either affixed to a building or standing, except that the directory of building tenants sign size shall not exceed a total area greater than two square feet for each tenant up to a maximum of twenty square feet. A standing directory of

building tenants sign shall only be allowed if there are no other standing signs associated with a building.

- 4) One interior window sign illuminated or otherwise for each building tenant not to exceed three square feet indicating that an establishment is open for business.
- 5) Customary signs on gasoline pumps and the price thereof.
- 6) Any sign allowed in the Single Residential SRA, SRB, SRC, SRD and A-R Districts.

5.12.8 Signs in Village Center Development District. The following signs pertaining to permitted buildings, structures and uses on the premises are allowed as of right on a property, subject to any additional regulations or prohibitions set forth in this By-Law:

- 1) A property may display one ground sign—either a pole sign or monument sign—on each street on which it has frontage.
 - a. Size, setback, and height regulations. Ground signs must comply with the following size, setback, and height regulations:
 - i. Size. Ground signs may not be more than 25 square feet in size. Size is determined as the total area of the face that is used to display a street sign, not including its supporting poles or structures.
 - ii. Setback: Ground signs must be set back at least 5 feet from the nearest property line.
 - iii. Height. Ground signs may not exceed 6 feet above ground level.
 - b. Multiuse buildings. A multiuse building may have one ground sign facing each street or highway on which the building has frontage, if no ground signs are displayed by the occupants of the multi-use building. The maximum size restriction for such ground sign may be increased by up to 50 percent if three or more occupants share the same ground sign.
 - c. Landscaping. A landscaped area located around the base of the ground sign equal to two and one-half square feet for each square foot of ground sign area, is required for all ground signs. The landscaped area shall contain living landscape material consisting of shrubs, perennial ground cover plants, or a combination of both placed throughout the required landscape area and having a spacing of not greater than three feet on center.
- 2) A property, and each occupant of a multiuse building, may display either one wall sign or one projecting sign on walls adjacent to each street or highway on which it has frontage.
 - a. Wall signs
 - i. Signable area designation for wall signs. A property displaying wall signs is allowed one signable area on each façade of the building that has frontage on a street or highway. A signable area consists of one area free of architectural details on the

facade of a building or part of a building, which shall include the entire area (1) enclosed by a box or outline or (2) within a single continuous perimeter composed of a single rectangle, circle, triangle, or parallelogram enclosing the extreme limits of characters, lettering, illustrations, ornamentations, or other figures.

ii. Size of signable area for wall signs. A sign may use only 30 percent of the signable area for wall signs if the signable area exceeds 50 percent of the building façade.

b. Projecting signs

i. Signable area for projecting signs. A property displaying a projecting street sign is allowed one signable area for each side of the projecting street sign. A signable area for projecting signs and awnings: One area (1) enclosed by a box or outline or (2) within a single continuous perimeter composed of a single rectangle, circle, triangle, or parallelogram enclosing the extreme limits of characters, lettering, illustrations, ornamentations, or other figures.

ii. Size of projecting signs. Projecting street signs may be no larger than six square feet.

iii. Additional limitations. The following additional limitations apply to projecting signs: a. Projecting signs must clear sidewalks by at least eight feet and may project no more than four feet from a building or one-third the width of the adjacent sidewalk, whichever is less. b. Projecting signs must be pinned away from the wall at least six inches and must project from the wall at an angle of 90 degrees. c. Projecting signs should not extend vertically beyond the windowsill of the second story. d. Where possible, projecting signs should be located in the center of a storefront or establishment so that the projecting sign does not block the view of adjacent storefronts and/or signs.

3) Awning signs. One sign may be displayed on each awning. The sign shall not exceed 40 percent of the area of the principal face of the awning, and it shall not exceed and shall be subtracted from the total signable area allowed for the wall or projecting sign under section . The awning sign:

a. Shall not project above, below, or beyond the edges of the face of the building wall or architectural element on which it is located, or beyond the edges of the awning on which it is displayed.

b. Shall not extend horizontally a distance greater than sixty percent of the width of the awning on which it is displayed. Height and width. Awnings shall clear sidewalks by at least eight feet and may extend up to one foot from the vertical plane formed by the curb or the right-of-way line.

4) Window signs. A property, or an occupant of a multiuse building, may display permanent window signs not to exceed 15 per cent of the window area of the

facade of the building and may display temporary window signs not to exceed an additional 15 percent of the facade of the building for no more than 14 days during any 12 consecutive calendar months.

- 5) Multiple-driveway signs. A property with multiple driveways, or an occupant of a multiuse building on a premise with multiple driveways, may display one multiple-driveway sign at each entrance or exit. A multiple-driveway sign may not be more than two feet square feet and may be located anywhere on the property as long as it does not create a traffic safety hazard by blocking visibility of traffic on a public street from a driveway and shall not overhang a public sidewalk.
- 6) The Board may modify or waive any requirement of this section upon finding that due to topography, location or other unusual conditions affecting the property, the requirements of this section would unreasonably restrict the effectiveness of signs on the property or use of the property or would be detrimental to the orderly development of the area. In granting such modification or waiver, the Board may impose conditions it deems necessary to protect the public interest and to insure that the development will be consistent with the purpose of this section.

5.12.8 Administration.

- 1) The Building Inspector shall be the permit granting authority.
- 2) No permanent sign greater than two square feet shall be erected until an application together with a scale drawing, colored rendering of the sign and other such information as the Building Inspector may require is submitted to the Building Inspector and a Building Permit has been issued.
- 3) The Board of Selectmen shall establish and from time to time review a sign permit fee that shall be published as part of the sign permit application.
- 4) Building Inspector shall within thirty days approve or reject any permit application for a permanent sign filed with the Building Inspector. A Building Permit shall be issued for any sign application that is consistent with the purpose of this section and is compliant with all requirements of this section and all other applicable laws, bylaws and regulations.
- 5) The Board of Appeals may issue a special permit in accordance with Section 9.3 of this Zoning By-Law for a larger sign up to twice the size provided for as of right if it is determined that such sign is consistent with the purpose and intent of this section, will not be a detriment to the surrounding area, and is consistent with the architecture of the building, the building lot and surrounding area. The Board of Appeals shall specify the size and location of such sign and may impose other terms and conditions as it may deem to be in the public interest.
- 6) In addition to any other remedy granted or penalty imposed by law, whoever is in violation of any provision of this section who fails to remedy such violation within five days after receipt of such notice given by the Building Inspector or Board of Selectmen shall be punished by a fine not exceeding one hundred dollars for each such violation for each day such violation occurs.