

Summary of Zoning By-law Amendments
General Revisions:

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By Kelly A. McElreath at 11:52 am, Apr 20, 2021

References to the Massachusetts General Laws are standardized to the following format: MGL c. __, § ____.

Throughout this bylaw, the term “Fire Department” is amended to read “Fire and EMS Department”; the terms “Building Inspector” and “Inspector of Buildings” are amended to read “Building Commissioner”; the term “Board of Appeals” is amended to read “Zoning Board of Appeals.”

Specific Revisions:

Table A in § 300-3.1C is amended as follows:

To delete Note 7, which originally read “Provided that all parts and portions of any such use are not less than 500 feet from any boundary line of a Single Residential SRA, SRB, SRC or SRD District.” Original Notes 8 through 12 are renumbered as 7 through 11, respectively, and the note references in the table are updated accordingly.

Under the Institutional, Educational and Municipal heading in the Principal Use column, the entry for “child care facility” is amended to update the reference to MGL c. 28A, § 9, to read “MGL c. 15D, § 1A.” The entry for “family day care home” is amended to read “family child care home,” and the reference to MGL c. 28A, § 9, is updated to read “MGL c. 15D, § 1A.”

Section 300-4.2C is amended as indicated:

General Business, ~~and~~ Commercial & Industrial District and Upton Center Business District lots (Table C). A building or structure hereafter erected in a General Business District or Commercial & Industrial District or the Upton Center Business District shall be located on a lot having not less than the minimum requirements set forth in the Table ~~D~~ C.

Section 300-4.2D is amended as indicated:

A building or structure hereafter erected in a Municipal Government Facilities District shall be located on a lot having not less than the minimum requirements set forth in ~~the~~ Table ~~ED~~.

The tables and notes in § 300-4.2D are amended to delete Note 3, which originally read “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.” Original Notes 4 through 10 are renumbered 3 through 9, respectively, and the note references in Tables B through D are updated accordingly.

Original Sec. 5.1f of the Zoning Bylaw, regarding performance standards pertaining to all uses, is repealed.

Section 300-5.7 is amended to change “State Board of Health” to read “State Department of Public Health.”

Section 300-5.9A(1) is amended to change “and all uses thereto” to read “and all uses accessory thereto.”

Section 300-5.9A(2) is amended to change “Zoning Officer” to read “Building Commissioner,” and to change “therefore” to read “thereafter” in the first sentence.

Section 300-5.10A(4) is amended as indicated:

Shops of the building trades, printing and publishing establishments, and all storage, manufacturing or other uses ~~first~~ specifically listed herein a Commercial & Industrial District shall have at least one off-street parking space for each two persons employed, or anticipated being employed, on the largest shift.

Section 300-5.12G(2) is amended as indicated:

The ~~minimum~~ allowable secondary building sign size shall not exceed 50% of the allowable primary building sign size or four square feet, whichever is greater.

Section 300-6.2G(4)(b) is amended to change “radio frequent engineering” to read “radio frequency engineering.”

Section 300-6.2I(1) is amended as indicated:

Annual certification demonstrating continuing compliance with the standards of the Federal Communications Commission[,] and Federal Aviation Administration, and required maintenance shall be filed with the Building Commissioner by the special permit holder, with a copy received by the Planning Board no later than January 31 of each year.

Section 300-6.7F(1)(b) is amended to change “Building Department” to read “Code Enforcement Department.”

Section 300-6.7F(2)(c) and (h) are amended to change “Zoning Enforcement Officer” to read “Building Commissioner.”

Section 300-6.7F(2)(h) is amended to change “cessation of operation of the marijuana establishment’s expiration” to read “cessation of operation of the marijuana establishment or the expiration.”

Section 300-7.1E is amended to change “exempt for” to read “exempt from.”

Section 300-7.2E is amended to change “State Department of Health” to read “State Department of Public Health.”

Section 300-7.2L is amended as indicated:

Each applicant who seeks a special permit from the Zoning Board of Appeals for construction of townhouses or garden apartments shall also file a definitive plan with the Planning Board in accordance

with the Subdivision Rules and Regulations and otherwise comply with all the procedures contained therein for the submission of a definitive plan.

In § 300-7.4C(1), the following definitions are repealed: “assisted living facility,” “congregate senior housing,” “independent senior living,” and “restorative care/skilled nursing facility.”

Section 300-7.4H(6) is amended as indicated in the last sentence:

The SPGA shall hold a public hearing if the proposed change is determined to be substantial, in accordance with the provisions of this bylaw.

Section 300-7.5H(1) is amended as indicated in the last sentence:

The Planning Board shall hold a public hearing if the proposed change is determined to be substantial, in accordance with the provisions of this bylaw.

Section 300-7.6F(2) is amended to change “Code Enforcement Officer” to read “Building Commissioner.”

Section 300-8.1E(1)(a) is amended to update the reference to 780 CMR 120.G, Flood Resistant Construction and Construction in Coastal Dunes to read “780 CMR Appendix G, Flood-Resistant Construction in Coastal Dune.”

Section 300-9.3E is amended as indicated:

Unless otherwise provided by the rule or regulation of the special permit granting authority.

Section 300-9.4F(9) is amended to change “Massachusetts Architectural Barriers Board” to read “Massachusetts Architectural Access Board.”

Section 300-10.1.

The definition of “adult day-care facility” is amended to change “Department of Elder Affairs” to read “Executive Office of Elder Affairs.”

The definition of “child care facility” is amended to read as follows:

A child care center or school-aged child care program, as those terms are defined in MGL c. 15D, § 1A.

The definition of “family day care home” is amended to read “family child care home,” and the statutory reference is updated from MGL c. 28A, § 9 to read “MGL c. 15D, § 1A.”

The definition of “FCC (Federal Communications Commission)” is amended to change “Title 47 Regulations, Section 1, 51.1307” to read “47 CFR 1.1307.”

The definition of “junk” is amended as indicated:

Any article or material or collection thereof that is worn out, cast off or discarded and which is ready for destruction or has been collected or stored for salvage or conversion. 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.

The definition of “senior housing community” is amended to update the reference to MGL c. 151B, § 4.6 to read “MGL c. 151B, §§ 4 to 6.”

The definition of “storage facilities and warehouses” is amended to delete “hereinafter listed” from the end of the definition.