

TOWN OF EASTON

# ZONING BY LAW



Adopted at Town Meeting, March 27, 1973,  
including amendments through May 16, 2011

## EASTON PLANNING AND ZONING BOARD

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## Section I. Title, Authority and Purpose

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The "Easton Zoning By-Law and Map" adopted October 2, 1967, and all subsequent amendments thereto is hereby amended in total and a revised "Easton Zoning By-Law and Map" hereinafter called "this By-Law" is adopted pursuant to the authority granted by Chapter 40A of the General Laws of the Commonwealth of Massachusetts and amendments thereto, herein called the "Zoning Act" and the powers granted to the Town under the Home Rule amendment to the Massachusetts Constitution. In addition to the purposes stated in the Zoning Act, this By-law gives consideration to the development objectives and recommendations contained in the Easton Master Plan of 1971.

The purposes of this Zoning By-Law are to promote the health, safety, morals, convenience and general welfare of the inhabitants of Easton; to lessen the danger from fire and congestion, and from the hazards of flood water inundation; to conserve health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to protect and conserve the value of land and buildings; to prevent overcrowding of land; to avoid undue concentration of population; to encourage housing for persons of all income levels; to preserve and increase the amenities of the Town by the promulgation or regulations to fulfill said objectives; to conserve natural resources and protect public and private water supply; to promote the educational, cultural and economic welfare of the public through the preservation and protection of buildings, sites, and districts of historic interest; to facilitate the adequate provisions of transportation, water, drainage, sewerage, schools, parks, open space, and other public requirements; and to improve and beautify the Town by encouraging the most appropriate uses of land within the Town including consideration of the recommendation of the Master Plan, and the comprehensive plan of the Old Colony Planning Council; and under the provisions of Chapter 40A of the General Laws as amended.

In accordance with these purposes, the use, construction erection, establishment, movement, repair, alteration, enlargement, height, appearance, location and occupancy of buildings and structures, and the uses and occupancy of premises in the Town of Easton are hereby regulated and restricted as hereinafter provided.

## Section II. Definitions

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For the purpose of this by-law certain terms and words shall have the following meanings. Words used in the present tense include the future; the singular number includes the plural; the plural the singular; the words "used" or "occupied" include the words "designed," "arranged," "intended," or "offered," to be used or occupied; the words "building," "structure," "lot," "land," or "premises" shall be construed as though followed by the words "or any portion thereof"; and the word "shall" is always mandatory and not merely directory. Terms and words not defined herein but defined in the Easton Subdivision Rules and Regulations shall have the meanings given therein unless a contrary intention clearly appears.

### **ABANDONMENT**

The discontinuance or non-use for a period of two (2) years or more, of any nonconforming use of a structure or land, or both, shall constitute the abandonment of such use.

### **ADULT ENTERTAINMENT ESTABLISHMENTS**

Shall include and be defined as follows:

#### 1. Adult Bookstore

An establishment having as a substantial or significant portion of its stock in trade printed matter, books, magazines, picture periodicals, motion picture films, video cassettes, or coin operated motion picture machines for sale, barter or rental which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Sexual Conduct" as that term is defined in G.L. C. 272, Sec. 31; "Sexual Devices" or an establishment having for sale sexual devices which shall mean any artificial human penis, vagina or anus or other device primarily designed, promoted or marketed to physically stimulate or manipulate the human genitals, pubic area or anal area, including: dildos, penisators, vibrators, penis rings, erection enlargement or prolonging creams or other preparations or an establishment with a segment or section devoted to the sale or display of such materials.

#### 2. Adult Motion Picture Theater

An enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "sexual Conduct" as defined in G.L. c. 272, Section 31, for observation by patrons therein.

#### 3. Adult Mini Motion Picture Theater

An enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by emphasis on matter depicting, describing or relating to "Sexual Conduct" as defined in G.L. C. 272 Sec. 31 (as defined below) for observation by patrons therein.

#### 4. Adult Live Entertainment Establishments

Establishments which feature live entertainment which consists of entertainers engaging in "Sexual Conduct" or "Nudity" as defined in G.L. C. 272 Sec. 31.

#### 5. Massage Service Establishments

- a. Massage: Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulation of external parts of the human body with the hands or with the aid of any mechanical or electric apparatus or appliances, with or without supplementary aids as rubbing alcohol, liniment, antiseptics, oils, powder, creams, lotions, ointment or other such similar preparations commonly used in the practice of massage under such circumstances that it is reasonably expected that the person to whom the service is provided, or some third person on his or her behalf, will pay money or give any other consideration or any gratuity therefore.
- b. The practice of massage shall not include the following individuals while engaged in the personal performance of duties of their respective professions:
  - 1) Physicians, surgeons, chiropractors, osteopaths, physical therapists, or massage therapists who are duly licensed to practice their respective professions in the Commonwealth of Massachusetts.
  - 2) Registered nurses, licensed practical nurses or nurses aides under the direction of a., above, registered nurses, or licensed practical nurses who are duly licensed to practice their respective professions in the Commonwealth of Massachusetts.
  - 3) Barbers and beauticians who are duly licensed under the laws of the Commonwealth of Massachusetts, except that this exclusion shall apply solely to the massage of the neck, face and scalp of the customer or client for cosmetic or beautifying purposes.

### **AGRICULTURE**

The cultivation of ground for purpose of producing fruits and vegetables for the use of man and beast, or the act of preparing the soil, sowing and planting seeds, dressing plants and removing crops, and includes gardening, horticulture, silviculture and raising or feeding of cattle and other livestock.

**ALTERATION**

Any construction, reconstruction or other action resulting in a change in the structural parts or height, number of stories or exits, size, use or location of a building or other structure.

**BASEMENT**

A portion of a building, partly below grade, which has more than one half of its height, measured from finished floor to finished ceiling, above the average finished grade of the ground adjoining the building. A basement is not considered a story unless its ceiling is 4.5 feet or more above the finished grade or one-half of the total height above finished grade, whichever is greater.

**BEDROOM**

Any area in a dwelling unit which is or could be used for the provision of private sleeping accommodations for residents of the premises, whether such area is designated as a bedroom, guest room, maid's room, dressing room, den, loft, study, library, or by another name. Any room intended for regular use by all occupants of the dwelling unit such as a living room, dining area, or kitchen shall not be considered a bedroom, nor shall bathrooms, halls, or closets.

**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 that is safe and stable supported by columns or walls resting on its own foundation for the shelter, housing, or enclosure of persons, animals, chattels, or property of any kind. For the purposes of this definition "roof" shall include an awning or any similar covering, whether or not permanent in nature.

**BUILDING, ACCESSORY**

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

**BUILDING, ATTACHED**

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

**BUILDING, DETACHED**

A building having open space on all sides.

**BUILDING, PRINCIPAL**

A building in which is conducted the principal use of the lot on which it is located.

**CELLAR**

A portion of a building, partly or entirely below grade, which has more than one half of its height measured from finished floor to finished ceiling, below the average established finished grade of the ground adjoining the building. A cellar is not deemed a story.

**COMMUNICATIONS TOWER AND WIRELESS COMMUNICATIONS FACILITY**

A tower, including antennas and accessory structures, if any, built for wireless communications, including, but not limited to, radio, television, cellular, and digital communications, which facilitates the provision of wireless communications services.

**COMMUNITY FACILITIES**

Premises owned and operated by a governmental or chartered nonprofit organization, but not including fraternal sports, or similar membership organizations.

**CONDOMINIUM**

A structure in which an individual owns separately one or more single dwelling units in a multi-unit building. He and the owners of other units have an undivided interest in the common areas and facilities that serve the project. The Common areas include such items as land, roof, floors, main walls, stairways, lobby, hall, parking space, and community and commercial facilities.

**CONSTRUCTED**

The word "constructed" shall include the words "built," "erected," "reconstructed," "altered," "enlarged," "moved," and "placed."

**COURT, INNER**

An open, outdoor space enclosed on all sides by exterior walls of a building or by exterior walls and property lines on which walls are allowed.

**DISTRICT**

A zoning district as established by Section III of this by-law.

**DOG KENNEL**

Means one pack or collection of four or more dogs whether maintained for breeding, boarding, sale, training, hunting or other purposes.

**DRIVEWAY**

An open space, located on a lot, built for access to a garage, off-street parking or loading space. A driveway may not be more than 24 feet in width in Residential, Residential I, and Business

Neighborhood Zones, and not more than 36 feet in width in Business, Industrial, Eleemosynary, and Municipal Zones. Each driveway shall service no more than one lot.

**DUPLEX DWELLING**

A two-family building designed with separated dwelling units, side by side, separated by a fire wall.

**DWELLING**

A privately or publicly owned permanent structure containing a dwelling unit or dwelling units. The terms "one family," "two family," or "multifamily" dwelling shall not include hotel, lodging house, hospital, membership club, trailer, however mounted, or dormitory or structure solely for transient or overnight occupancy.

**DWELLING UNIT**

One or more living or sleeping rooms arranged for the use of one or more individuals living as a single housekeeping unit, with permanent provisions for cooking, living, sanitary, eating, and sleeping facilities.

**DWELLING, MULTIFAMILY**

A building containing three or more dwelling units constructed on a single lot (apartment house).

**EXCEPTION**

A use of a structure or lot or any action upon a premises which may be permitted under this by-law only upon application to and the approval of the Zoning Board of Appeals and in accordance with provisions of this by-law.

**FAMILY**

One or more persons, including domestic employees, occupying a dwelling unit and living as a single, nonprofit housekeeping unit provided that a group of five or more persons who are not within the second degree of kinship shall not be deemed to constitute a family.

**FLOOD PLAIN**

The area subject to periodic flooding, the limits of which are determined by Paragraph 7-11.

**FLOOR AREA, GROSS**

The sum of the areas of the several floors of a building, measured from the exterior faces of the walls. It does not include cellars, unenclosed porches or attics not used for human occupancy or any floor space in accessory buildings or in the main building intended and designed for parking of motor vehicles in order to meet the parking requirements of this by-law, or any such floor space intended and designed for accessory heating and ventilating equipment.

## **FRONTAGE**

The greatest uninterrupted linear or curvilinear distance measured along a front lot line where it is co-linear with the right-of-way of an abutting street or way, such that:

1. Where a single lot abuts a street at more than one location (as with a U-shaped lot) or abuts more than one street (as with a corner lot), the greatest uninterrupted linear or curvilinear measurement of a front lot line along one side of one street shall be considered the frontage.
2. On lots abutting curved streets or cul-de-sacs, the arc length between the side lot lines will be considered the frontage.
3. The ends of streets without a turning circle shall not be considered frontage.

## **HEIGHT**

Measured as the vertical distance from the mean grade of the natural ground contiguous to the building, as such ground existed prior to construction at the location of existing or proposed exterior walls ("Grade Plane"), to the mean height of the highest roof surface. For new subdivisions the Grade Plane shall be calculated based upon finished grades as shown on site plans approved by the Planning and Zoning Board. The limitation shall not apply to chimneys, vents, and other similar features provided such features do not cover more than fifteen percent (15%) of the area of the roof of the building or other structure and in no way are used for human occupancy.

## **HOME OCCUPATION**

An accessory use which by custom has been carried on entirely within a dwelling unit, and is incidental and subordinate to the dwelling use and which shall not occupy more than twenty-five (25) percent of the net floor area or four hundred (400) square feet whichever is less, of the dwelling unit so used. No commodities shall be sold on the premises. Such use shall be carried on by the occupants of the dwelling unit with no more than three employees, one of whom can be a nonresident, and shall not in any manner change the residential character of the building.

## **HOSPITAL**

A building providing 24-hour in-patient or animal services for the diagnosis, treatment or other care of human or animal ailments including, where appropriate, a sanitarium, nursing home, convalescent home, and veterinarian services.

## **HOTEL**

A building or any part of a building containing rooming units without individual cooking facilities for transient occupancy and having a common entrance or entrances including an inn, motel, motor inn and tourist court, but not including a boarding house, lodging house or rooming house.

**JUNK YARD**

A yard, field or other area used as a place for storage for more than thirty days for three or more unserviceable, discarded, worn-out, or junk motor vehicles. Also a yard, field, or other area used as a place of storage for (A) discarded, worn-out or junk plumbing, heating supplies, household appliances or furniture and/or (B) discarded, scrapped or junk lumber and/or (C) old scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste, and/or scrap metal.

**LOADING SPACE**

An off-street space used for loading or unloading not less than fourteen (14) feet in width, 45 feet in length, and 14 feet in height, and containing not less than 1,300 square feet including both access and maneuvering area.

**LODGING UNIT**

One or more rooms for the use of one or more individuals not living as a single housekeeping unit and not having cooking facilities. A "lodging unit" shall include rooms in boarding houses, tourist houses, or rooming houses.

**LOT**

An uninterrupted contiguous tract of land excluding streams, ponds, wetlands, flood plain, and detention/retention basins, held in the same ownership throughout, and defined by bounds or lot lines ascertainable by recorded deed or plan.

**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 the case of a curved street, extended lot line, being not more than 135 degrees.

**LOT, DEPTH**

The distance between the front lot line and the rear lot line.

**LOT LINE, FRONT**

The property line dividing a lot from a street (right of way).

**LOT LINE, REAR**

The lot lines opposite from the front lot line.

**LOT LINE, SIDE**

Any lot line not a front or rear lot line.

**LOT, NONCONFORMING**

A lot lawfully existing at the effective date of this by-law or any subsequent amendment thereto, which is not in accordance with all provisions of this by-law.

**LOT, WIDTH**

The horizontal distance between the side lot lines as measured at the minimum front yard depth (required setback distance) required by this by-law.

**LOWEST FLOOR**

The lowest floor in the lowest enclosed area including the basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this by-law.

**MANUFACTURED HOME**

A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes, term "Manufactured Home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "Manufactured Home" does not include park trailers, travel trailers and other similar vehicles.

**MEMBERSHIP CLUB**

A social, sports or fraternal association or organization which is used exclusively by members and their guests which may contain bar facilities.

**OWNER (REAL ESTATE)**

Any person or entity of record holding fee simple title to a lot of land.

**OPEN SPACE**

The space on a lot unoccupied by buildings, unobstructed to the sky, not devoted to streets, driveways, sanitary systems, or off-street parking or loading spaces and expressed as a percentage to total lot area.

**OUTSIDE DINING FACILITY**

An accessory use of a restaurant or eating establishment where seating and/or other facilities are provided on the premises for the consumption of food and/or beverages with table service outside of the confines of the building structure.

**PARKING SPACE**

An off-street space, whether inside or outside a structure for exclusive use as a parking stall for one motor vehicle.

**PARTIES IN INTEREST**

Parties in interest shall mean the petitioner, abutters, owners of land directly opposite on any public or private street or way and owners of land within three hundred feet of the property line all as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town; the Planning Board of the Town, and the Planning Board of every abutting city or town.

**PLACE FOR MANUFACTURING, ASSEMBLING, OR PACKAGING OF GOODS**

Those used primarily for heavy or light industry or the manufacture or assembly of a product including processing, blending, fabrication, assembly, treatment and packaging.

**PLANNED DEVELOPMENT**

A development involving the construction of two or more principal buildings on the same lot for any permitted use.

**PREMISES**

A lot together with all buildings, structures, and uses thereon.

**RECORDED**

Recorded in the Bristol County Northern District Registry of Deeds or registered in the Bristol County Northern District Land Court Records.

**RESEARCH AND DEVELOPMENT FACILITIES**

Those facilities used primarily for research, development and/or testing of innovative information, concepts, methods, processes, materials, or products. This can include the design, development, and testing of biological, chemical, electrical, magnetic, mechanical, and/or optical components in advance of product manufacturing. The accessory development, fabrication, and light manufacturing of prototypes, or specialized machinery and devices integral to research or testing may be associated with these uses.

**SIGN**

Any permanent or temporary representation used as, or which is in the nature of, an advertisement, announcement, or direction, or is designed to attract the eye by intermittent or repeated motion or illumination, provided however, that the following shall not be included in the application of the regulation herein:

1. Flags and insignia of any government except when displayed in connection with commercial promotion.
2. Legal notices, identification, informational or directional signs erected or required by government bodies.
3. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

### **SIGN, SURFACE AREA OF**

1. For a sign the area shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed. Both sides of double-faced signs shall be computed in determining gross display area. Frames and structural members not bearing advertising matter shall not be included in computation of sign area.
2. For a sign consisting of individual letters, designs, and symbols attached to or painted on a surface, building, wall or window, the area shall be considered to be that of the smallest quadrangle which encompasses all of the letters, designs and symbols.

### **SPECIAL PERMIT GRANTING AUTHORITY**

Authority to issue specific special permits as designated by this Zoning By-Law shall be limited to the Board of Appeals and the Planning & Zoning Board.

### **STORY**

That part of a building comprised between a floor and the floor or roof next above.

### **STORY, BASEMENT**

The lower most story of which any portion of the floor is below the exterior grade.

### **STREET**

A way which is over twenty-four (24) feet in right-of-way width which is dedicated or devoted to public use by legal mapping or by any other lawful procedure. A street includes all public ways, a way which the Town Clerk certified is maintained and used as a public way, a way shown on a plan approved and endorsed in accordance with the "Subdivision Rules and Regulations in Easton, Massachusetts" and a way having in the opinion of the Easton Planning & Zoning Board sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed uses 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.

## **STRUCTURE**

A combination of materials assembled at a fixed location that is safe and stable to give support or shelter, such as a building, bridge, trestle, tower, framework, retaining wall, tank, tunnel, tent, stadium, reviewing stand, platform, bin, sign, fence, flagpole, swimming pool, shelters, sheds, or the like.

## **STRUCTURE, NONCONFORMING**

A structure lawfully existing at the effective date of this by-law or any subsequent amendment thereto, which does not conform to one or more provisions of this by-law.

## **TRAILER**

Any vehicle which is designed primarily to be portable, and is arranged, intended, designed, or used temporarily for sleeping, eating, or business use in conjunction with construction, or is a place in which persons may congregate including a manufactured home, a tent trailer, travel trailer, motor home, or camper.

## **USE**

The purpose for which a structure or lot is arranged, designed, or intended to be used, occupied or maintained.

## **USE, ACCESSORY**

A use incidental and subordinate to the principal use of a structure or lot, or a use, not the principal use, which is located on the same lot as the principal structure. Accessory use by area shall be interpreted not to exceed 10 percent of the area of the total use of the structure or lot on which it is located.

## **USE, NONCONFORMING**

A use lawfully existing at the time of adoption of this by-law, or any subsequent amendment thereto, which does not conform to one or more provisions of this by-law, including an existing use permissible on special authorization of the Board of Appeals but which has not been so authorized.

## **USE, PRINCIPAL**

The main or primary purpose for which a structure, building, or lot is designed, arranged, constructed, or intended, or for which it may be used, occupied or maintained under this by-law. Any other use within the main structure or the use of any other structure or land on the same lot and incidental or supplementary to the principal use and under this by-law shall be considered an accessory use.

**USE, SUBSTANTIALLY DIFFERENT**

A use which by reason of its normal operation would cause readily observable differences in patronage, service, sight, noise, employment or similar characteristics from the use to which it is being compared.

**VARIANCE**

Such departure from the terms of the by-law as the Board of Appeals upon appeal in specific cases is empowered to authorize under the terms of Section 12-6.

**WETLANDS**

The term "wetlands", as used in this bylaw, shall mean wet meadows, marshes, swamps, bogs, areas where groundwater, flowing or standing surface water or ice provide a significant part of the supporting substrate for a plant community for at least five months of the year; emergent and submergent plant communities in inland waters; that portion of any bank which touches any inland waters, or the most recent definition of the term "freshwater wetlands" found in MGL c.131, §40. Where these definitions conflict, the definition found in MGL c. 131, §40 shall apply.

**YARD**

A portion of a lot, upon which the principal building is situated, unobstructed artificially from the ground to the sky, except as otherwise provided herein. A court shall not be considered to be a yard or any part thereof.

**YARD, FRONT**

A yard extending for the width of the lot between the front line of the nearest building wall and the front lot line.

**YARD, REAR**

A yard, except by an accessory structure or accessory use as herein permitted, extending for the full width of the lot between the rear line of the building wall and the rear lot line.

**YARD, SIDE**

Yard extending for the full length of a building between the nearest building wall and the side lot line.

**ZONING ACT**

Chapter 40A of the General Laws.

## Section III. Establishments of Zoning Districts

---

### 3-1 DIVISION INTO DISTRICTS

The Town of Easton, Massachusetts, is hereby divided into ten (10) Zoning Districts to be designated as follows:

<b><u>Full Title</u></b>	<b><u>Abbreviation</u></b>
Residential	R
Residential 1	R1
Business	B
Business Neighborhood	BN
Industrial	I
Eleemosynary	E
Flood Plain	F
Municipal or Open Space	M
Queset Smart Growth Overlay District	QSGOD
Solar Photovoltaic Overlay District	SPOD

### 3-2 ZONING MAP

The location and boundaries of the zoning districts are hereby established as shown on a map titled "Town of Easton, Massachusetts Zoning Map" dated April 8, 2009, which accompanies and is hereby declared to be a part of this By-law. The authenticity of the Zoning Map shall be identified by the signature of the Town Clerk and the imprinted seal of the Town under the following words: "This is to certify that this is the Zoning Map of the Town of Easton, Massachusetts, referred to in the Zoning By-Law of the Town of Easton, Massachusetts, which was approved by the Town Meeting on May 18, 2009.

### 3-3 CHANGES TO MAP

Any change in the location of boundaries of a Zoning District hereafter made through the amendment of this By-law shall be indicated by the alteration of such map, and the map thus altered

as declared to be part of the By-law thus amended. It shall be the responsibility of the Planning & Zoning Board to direct such alterations.

### **3-4 BOUNDARIES OF DISTRICTS**

Where any uncertainty exists with respect to the boundary of any district as shown on the Zoning Map, the following rules apply:

1. Where a boundary is indicated as a street, railroad, watercourse or other body of water, it shall be construed to be the centerline or middle thereof, or where such boundary approximates a town boundary, then to the limits of the town boundary.
2. Where a boundary is indicated as following approximately or parallel to a street, railroad, watercourse, or other body of water, it shall be construed to be parallel thereto and at such distance there from as dimensioned on the Zoning Map. If no dimension is given, such distance shall be determined by use of the scale shown on the Zoning Map.
3. Where a dimensioned boundary coincides within ten (10) feet or less with a lot line, the boundary established by records as of March 1973 shall be construed to be the lot line.
4. Where a boundary is indicated as intersecting the centerline of a street, railroad, watercourse or other water body, it shall be construed to intersect at right angles to said centerline, or in the case of a curved centerline, at right angle to the tangent to the curve at the point of intersection.
5. Whenever any dispute arises on district boundaries as to the exact location of a district boundary line, the location of such line shall be determined by the Planning & Zoning Board.

## Section IV. Interpretation and Application

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### 4-1 INTERPRETATION

The provisions of this by-law shall be interpreted to be the minimum requirements adopted for the promotion of the health, safety, or the general welfare of the Town of Easton, Massachusetts; and except for the zoning By-law of the Town of Easton dated 1967 and any amendments thereto, the provisions of this by-law are not intended to repeal, or in any way impair or interfere with any lawfully adopted by-law, regulations, or rules. Whenever the regulations made under the authority hereof differ from those prescribed by any by-law or other regulations, that provision which imposes the greater restriction or the higher standard shall govern.

### 4-2 APPLICATION

Except as herein provided, or as specifically exempted by the Zoning Act, the provisions of this by-law shall apply to the erection, construction, reconstruction, alteration, or use of buildings and structures or use of land. Except as herein provided, any existing conforming use, structure, or lot shall not by any action become nonconforming and any existing nonconforming use, structure, or lot shall not become further nonconforming.

### 4-3

When a lot is situated in part in the Town of Easton and in part in an adjacent municipality, the provisions of this by-law shall be applied to the portion of such lot in the Town of Easton in the same manner as if the entire lot were situated in the Town of Easton.

### 4-4

When a lot is transected by a zoning district boundary, the regulations of the by-law applicable to the larger part of the area of such lot may also at the option of the lot owner be deemed to govern in the smaller part beyond such zoning district boundary but only to an extent not more than thirty (30) linear feet in depth beyond such zoning district boundary.

### 4-5

No building shall be erected except on a lot fronting on a street, and there shall be not more than one principal building on any lot except that there may be two buildings on a lot subject to the provisions of Section VII, Paragraph 7-2.

#### **4-6**

Land within the lines of a street on which a lot abuts shall not be counted as part of such lot for the purposes of meeting the area requirements of the by-law even though the fee to such land may be in the owners abutting lots.

#### **4-7**

The area, frontage, width, yard or depth requirements of this by-law shall not apply to any single lot or any mutually adjoining pair of lots for single and two family residential use, having been lawfully recorded as separate lots at the Bristol County Northern District Registry of Deeds prior to the adoption of this by-law, provided that such lot or lots conformed to the area, frontage, width, or depth requirements applicable to such lot or lots under the provisions of the prior Easton zoning by-law and zoning map, adopted on October 2, 1967, and not being held in common ownership with any adjoining land.

#### **4-8**

Any land taken by eminent domain, or conveyed for a public purpose for which the land could have been taken by eminent domain, shall not be deemed to be transferred in violation of the land area, width and space provisions of this by-law.

#### **4-9 EXISTING BUILDINGS AND LAND**

This by-law shall not apply to existing buildings or structures, nor to the existing use of any building or structure, or of land, to the extent to which it is used at the time of this By-law, but it shall apply to any change of use thereof and to any alteration of a building or structure when the same would amount to reconstruction, extension or structural change, and to any alteration of a building or structure to provide for its use for a purpose or in a manner substantially different from the use to which it was put before alteration, or for its use for the same purpose to a substantially greater extent.

#### **4-10 MULTIPLE USE**

In cases of multiple use the regulation for each use shall apply to the portion of the building or land so used. A multiple use of a premises for a residential and a business purpose in a business zone may be permitted subject to the foregoing and site plan submission and approval by the Planning & Zoning Board under Section 7-10.

#### **4-11 SIDE LOT LINE**

In no case shall a side lot line be created that the mean direction shall form an angle of less than seventy-five (75) degrees with the street line for a distance of 100 feet except where the side lot line intersects the arc of a cul-de-sac or turnaround, in which case the Planning & Zoning Board may waive the requirement.

#### **4-12 SEWAGE DISPOSAL**

The manner of sewage disposal shall be approved in writing by the Board of Health.

#### **4-13 CURB CUTS ONTO PUBLIC WAYS**

Distances are to be measured along the property line. The maximum distance for Residential, Residential I, and Business Neighborhood zones is 24 feet for each opening; and for Business, Industrial, Eleemosynary and Municipal is 36 feet each opening.

#### **4-14 DRIVEWAYS**

A driveway shall not be more than 24 feet in width at the throat in the Residential, Residential I, and Business Neighborhood Zoning Districts, and shall not be more than 36 feet in width at the throat in the Business, Industrial, Eleemosynary, and Municipal Zoning Districts. Each driveway shall service no more than one lot.

## Section V. Use Regulations

### 5-1 USE REGULATIONS

Except as provided by law or in this By-law in each district no building, structure, or land shall be used or occupied except for the purposes permitted as set forth in the accompanying Table of Use Regulations, Section 5-3.

### 5-2

A use listed in Section 5-3 is permitted as of right in any district under which it is denoted by the letter "Y" subject to such requirements as may be specified elsewhere in this By-law. If designated in the Table by the letters "SP," the use may be permitted as an exception only if the Board of Appeals so determines and grants a special permit therefore as provided in Section XII subject to such restrictions as set forth elsewhere in this By-law and such further restrictions as said Board of Appeals may establish. The letter "N" shall designate that the use is not permitted.

### 5-3 TABLE OF USE REGULATIONS

R - Residential, R1 - Residential 1, B - Business, BN - Business Neighborhood, I - Industrial, E - Eleemosynary, F - Flood Plain, and M - Municipal or Open Space.

	EASTON ZONING DISTRICTS							
	R	R1	B	BN	I	E	F	M
<b>PRINCIPAL USES</b>								
<b>A. Residential Uses</b>								
1. Detached dwelling on a separate lot occupied by not more than one family	Y	Y	Y	SP	N	SP	SP	N
2. One 2-family or one duplex dwelling on a separate lot	SP	SP	SP	N	N	N	SP	N
4. Apartments (See Sec. VII)	N	N	Y	N	N	N	SP	N

	EASTON ZONING DISTRICTS							
	R	R1	B	BN	I	E	F	M
5. and 6. deleted Special Town Meeting 1/23/95								
7. Motels (See Section VII)	N	N	Y	N	N	N	SP	N
8. Renting of rooms in an existing dwelling in excess of three (3. persons	SP	SP	SP	N	N	N	SP	N
9. Conversion of an existing dwelling to accommodate not more than two families	SP	SP	Y	N	N	N	SP	N
10. Manufactured Home	N	N	N	N	N	N	N	N
11 Manufactured home or manufactured home subdivision	N	N	N	N	N	N	N	N
<b>B. Institutional, Recreational, and Educational Uses</b>								
1. Place of Worship	Y	Y	Y	Y	Y	Y	Y	Y
2. Religious, sectarian, non-sectarian, denominational, private or public school or other educational facility (see paragraph 7-12)	Y	Y	Y	Y	Y	Y	Y	Y
3. Cemeteries	SP	SP	N	N	N	SP	SP	Y
4. Recreation facility owned or operated by an agency of Town or other government	Y	Y	Y	N	Y	SP	SP	Y
5. Public Utilities	Y	Y	Y	Y	Y	Y	Y	Y
6. Private nonprofit libraries or museums	Y	Y	Y	Y	Y	Y	SP	Y

	<b>EASTON ZONING DISTRICTS</b>							
	<b>R</b>	<b>R1</b>	<b>B</b>	<b>BN</b>	<b>I</b>	<b>E</b>	<b>F</b>	<b>M</b>
7. Private nonprofit, community center building, settlement house, adult education center or other similar facility provided indoor or outdoor noisy activities shall be not less than 50 ft. from any lot line and shall not be detrimental to the neighborhood by reason of noise in any season	SP	SP	SP	N	N	Y	SP	N
8. Hospital, infirmary, nursing home, convalescent home, elderly retirement facility and/or elderly congregate housing	SP	SP	Y	N	N	Y	SP	Y
9. Day nursery, nursery, school, kindergarten, or other agency giving day care to children, provided any outdoor play area is screened by fence, wall, or planting line and from any neighboring residential structure and is not detrimental to the neighborhood by reason of noise	Y	Y	Y	Y	Y	Y	Y	Y
10. Trade, professional, or other school conducted as a private business for gain	N	N	Y	Y	SP	Y	SP	N
11. Fraternal, nonprofit membership club or lodge	SP	SP	Y	N	N	Y	SP	N
12. Country, golf, swimming, tennis, fitness center, or other recreational facility	SP	SP	SP	SP	SP	SP	SP	SP

	<b>EASTON ZONING DISTRICTS</b>							
	<b>R</b>	<b>R1</b>	<b>B</b>	<b>BN</b>	<b>I</b>	<b>E</b>	<b>F</b>	<b>M</b>
13. Entertainment and recreational facilities operated as a business for gain, including but not limited to bowling alley, theater, or sports arena, provided such use is housed indoors in sound-insulated structure protecting neighborhood from inappropriate noise in any season	N	N	SP	N	SP	N	SP	N
14. All Town and municipal uses	Y	Y	Y	Y	Y	Y	Y	Y
<b>C. Agricultural Uses</b>								
1. Farming - agricultural, orchard, horticultural, or silvicultural	Y	Y	Y	Y	Y	Y	Y	Y
2. Farming - livestock or poultry but not swine, provided that any building housing livestock or poultry be not less than 50 ft. from the property boundary	Y	Y	SP	N	SP	Y	Y	Y
3. One roadside stand per farm for sale of agricultural products, the major portion of which are grown or produced on the premises	Y	Y	Y	Y	Y	N	SP	N
<b>D. Office and Laboratory</b>								
1. Business, financial, and professional use	N	N	Y	Y	Y	N	SP	N

	<b>EASTON ZONING DISTRICTS</b>							
	<b>R</b>	<b>R1</b>	<b>B</b>	<b>BN</b>	<b>I</b>	<b>E</b>	<b>F</b>	<b>M</b>
2. Offices and clinics for medical, psychiatric, or other health services for examination or treatment of persons as outpatients, including only laboratories that are part of such office or clinic	N	N	Y	Y	Y	N	SP	N
3. Lab or research facility	N	N	Y	Y	Y	N	SP	N
4. Commercial or educational radio or television studio	N	N	Y	Y	Y	N	SP	N
<b>E. Retail Business and Consumer Service Establishments</b>								
1. Store for retail sale of merchandise, provided all display, storage, and sale of materials are conducted within a building and provided there be no manufacturing or assembly on the premises	N	N	Y	Y	Y	N	SP	N
2. Eating places serving food and beverages to be consumed within the building	N	N	Y	N	SP	N	SP	N
3. Drive-in, open-air restaurant, outside dining facility, or other establishment providing food and beverages with no live or mechanical entertainment	N	N	SP	N	SP	N	SP	N

	<b>EASTON ZONING DISTRICTS</b>							
	<b>R</b>	<b>R1</b>	<b>B</b>	<b>BN</b>	<b>I</b>	<b>E</b>	<b>F</b>	<b>M</b>
4. Space for manufacturing, assembly, or packaging of consumer goods, provided that at least 50% of such merchandise is sold at retail on premises and that all display, sales, and storage is conducted within building and further provided that not more than 25% of floor area is devoted to manufacturing, assembly, or packaging of consumer goods and not more than 5 persons are employed at any one time for manufacturing, assembly, or packaging of such goods	N	N	Y	N	Y	N	SP	N
5. Service businesses serving local needs, such as barber shops, beauty shops, shoe repair, self- service laundry, or dry cleaning or pick-up agency	N	N	Y	Y	SP	N	SP	N
6. Hand laundry, dry cleaning, or tailoring, or other similar uses, provided personnel is limited to not more than six (6) persons at any one time on the premises	N	N	Y	N	Y	N	SP	N
7. Mortuary, undertaking, or funeral establishment	N	N	Y	N	N	N	SP	N
8. Veterinary establishment, provided that animals are kept indoors	N	N	Y	Y	Y	N	SP	N

	<b>EASTON ZONING DISTRICTS</b>							
	<b>R</b>	<b>R1</b>	<b>B</b>	<b>BN</b>	<b>I</b>	<b>E</b>	<b>F</b>	<b>M</b>
9. Store for retail sale of merchandise such as but not limited to lumber yards and building supply yards wherein merchandise is stored in the open, provided that all merchandise is screened from ground level view from any abutting street or abutting property where such materials are stored	N	N	N	N	Y	N	SP	N
10. Planned Business Development	N	N	Y	N	SP	N	SP	N
<b>F. Automotive Service and Open Air Drive-in Retail Service</b>								
1. Gasoline service station	N	N	SP	N	Y	N	SP	N
2. Sale or rental of automobiles, boats, and other motor vehicles and accessory storage conducted partly or wholly within an enclosed sound-insulated structure to protect the neighborhood from inappropriate noise and other disturbing effects such as but not limited to flashing, fumes, gases, smoke, and vapors	N	N	Y	N	Y	N	SP	N
3. Automobile repair shops, provided all work is carried out within the building	N	N	Y	N	Y	N	SP	N
4. Car washing establishments	N	N	SP	N	SP	N	N	N
5. Truck and heavy equipment repair shops provided all work is carried out within the building	N	N	SP	N	Y	N	SP	N

	<b>EASTON ZONING DISTRICTS</b>							
	<b>R</b>	<b>R1</b>	<b>B</b>	<b>BN</b>	<b>I</b>	<b>E</b>	<b>F</b>	<b>M</b>
6. Sales places for flowers, garden supplies, agricultural produce partly or wholly outdoors, including commercial green-houses	N	N	Y	N	Y	N	SP	N
7. Outdoor sports facility conducted for profit such as golf course, country clubs, tennis club	SP	SP	SP	SP	SP	SP	SP	SP
8.Place for exhibition, lettering, or sale of grave- stones	N	N	Y	N	N	N	SP	N
<b>G. Industrial, Wholesale, and Transportation Uses</b>								
1.Laundries and dry cleaning plant	N	N	N	N	Y	N	SP	N
2.Printing, binding, publishing and related arts and trade	N	N	N	N	Y	N	SP	N
3.Bottling of beverages	N	N	N	N	Y	N	SP	N
4.Plumbing, electrical, or carpentry shop or other similar service or repair establishment	N	N	SP	N	Y	N	SP	N
5. Place for manufacturing, assembling, or packaging of goods, provided that all resulting cinders, dust, flashing, fumes, gases, odors, refuse matter, smoke and vapor be effectively confined to the premises or be disposed of in a manner that does not create a nuisance or hazard to safety or health	N	N	N	N	Y	N	SP	N

	<b>EASTON ZONING DISTRICTS</b>							
	<b>R</b>	<b>R1</b>	<b>B</b>	<b>BN</b>	<b>I</b>	<b>E</b>	<b>F</b>	<b>M</b>
6. Wholesale business and storage in a roofed structure	N	N	N	N	Y	N	SP	N
7. Trucking and freight terminals	N	N	N	N	Y	N	SP	N
8. Planned Industrial Development	N	N	N	N	Y	N	SP	N
<b>H. Other Principal Uses</b>								
1. Extractive industries, manufacture, distribution or sale of explosives, or any trade, industry or other use that is noxious or hazardous by reason of vibration or dust, gas, fumes, smoke, cinders, flashing, or excessively bright lights, refuse matter or electro- magnetic radiation	N	N	N	N	N	N	N	N
2. Open-lot storage including storage in trailers and semitrailers	N	N	N	N	N	N	N	N
3. Any use hazardous to health because of danger of flooding, inadequacy of drainage or inaccessibility of drainage or inaccessibility to firefighting apparatus or other protective service	N	N	N	N	N	N	N	N
4. Junk yard, sales of junk, or salvaged materials	N	N	N	N	N	N	N	N
5. Heliport, helistop	N	N	N	N	SP	SP	N	N
6. Dog Kennel	SP	SP	SP	N	SP	SP	N	SP
7. Trailer for business use	N	N	SP	N	SP	SP	N	SP

	<b>EASTON ZONING DISTRICTS</b>							
	<b>R</b>	<b>R1</b>	<b>B</b>	<b>BN</b>	<b>I</b>	<b>E</b>	<b>F</b>	<b>M</b>
8. Communications Tower and Wireless Communications Facility	N	N	SP	SP	SP	SP	N	SP
<b>I. Accessory Uses</b>								
1. Private greenhouse, stable, tennis court, swimming pool, or other similar building or structure for domestic use	Y	Y	Y	Y	Y	Y	SP	Y
2. The raising or keeping of livestock or poultry as pets or for use by residents of the premises provided that no building for livestock or poultry may be less than 25 ft. from any side or rear lot line nor nearer than 50 ft. to any front lot line	Y	Y	Y	Y	Y	Y	SP	Y
3. Any customary home occupation provided that not more than three (3) employees, one of whom can be a nonresident shall be employed on the premises at any one time	Y	Y	Y	Y	Y	N	SP	N

	<b>EASTON ZONING DISTRICTS</b>							
	<b>R</b>	<b>R1</b>	<b>B</b>	<b>BN</b>	<b>I</b>	<b>E</b>	<b>F</b>	<b>M</b>
4. The use of a portion of a dwelling or accessory building thereto by a resident builder, rental office, carpenter, painter, plumber, electrician, or mason or by a resident tree surgeon or landscape gardener or for incidental work and storage in connection with an off-premise occupation, provided there is no external change which alters the residential appearance of the buildings and further provided that all storage is kept indoors	Y	Y	Y	SP	Y	N	SP	N
5. Home office for resident physician, dentist, attorney-at-law, architect, engineer or member of other recognized profession provided that not more than three (3) persons shall be employed on the premises at any one time.	Y	Y	Y	Y	Y	N	SP	N
6. Heliport, helistop	N	N	N	N	SP	SP	N	N
7. Dog Kennel	SP	SP	SP	N	SP	SP	N	SP
8. Car Washing Establishments	N	N	SP	N	SP	N	N	N
9. Trailer for business use	N	N	SP	N	SP	SP	N	SP

	EASTON ZONING DISTRICTS							
	R	R1	B	BN	I	E	F	M
10. Adult Entertainment Establishments may not be located less than 750 (seven hundred fifty) feet from: a. Each other; b. Residential uses; c. Public or private nursery schools; d. Public or private day care centers; e. Public or private kindergartens; f. Public or private elementary schools; g. Public or private secondary schools; h. Playgrounds; i. Churches	N	N	N	N	SP	N	N	N
11. Antenna Transmitter/ Receiving Tower, Residential Use (in excess of 25 feet above roof ridge height)	SP	SP	SP	SP	SP	SP	N	Y
12. Antenna Transmitter/Receiving Tower, Commercial (in excess of 25 feet above roof ridge height)	N	N	SP	SP	SP	SP	N	Y

#### 5-4. AQUIFER PROTECTION DISTRICTS

##### A. FINDINGS

The Town of Easton finds the following conditions to occur:

1. The ground water underlying the town is the sole source of its existing and future drinking water supply.
2. The ground water aquifers are integrally connected with and flow into the surface waters, lakes, ponds and streams which constitute significant recreational and economic resources used for water related recreation and fishing.
3. Accident spills and discharges of petroleum products and other toxic or hazardous materials and sewage discharge have repeatedly threatened the quality of such ground water supplies and related

water resources throughout Massachusetts, posing potential public health and safety hazards and threatening economic losses to affected communities.

## **B. AQUIFER PROTECTION DISTRICTS**

Aquifer Protection Districts shall be as delineated on the Zoning Map of the Town of Easton and shall be superimposed over any other district established by this By-law. They are based upon a 5-foot contour interval water table map, surficial geologic mapping and ground water modeling.

## **C. PROHIBITED USES**

Within an Aquifer Protection District, the following uses are specifically prohibited:

1. Sales or storage of fuels
2. Junk yards
3. Municipal sewage treatment facilities with on-site disposal of primary or secondary treated effluent
4. Packaged sewage treatment plants
5. Car washes
6. Road salt stockpiles not stored in approved structures
7. Dumping of snow from outside the district
8. Dry cleaning establishments
9. Motor vehicle and boat service and repair facilities
10. Metal plating establishments
11. Veterinary clinic/animal hospital
12. Planned Business Development
13. Planned Industrial Development
14. Chemical and bacteriological laboratories
15. Any other use which involves as a principal activity the manufacture, storage, use, transportation or disposal of toxic or hazardous materials, except as allowed by special permit in Section 5-4. (F).
16. Sanitary Landfills\*
17. Solid waste facilities\*\*
18. Land filling of sludge and septage.

\* Specifically excluded from this provision is the continued use and vertical expansion of the existing municipal sanitary landfill off Prospect Street in accordance with approval by the Massachusetts Department of Environmental Quality Engineering (DEQE).

\*\* With the specific exception that the existing landfill located off Prospect Street may be converted to a composting facility and/or a solid waste transfer station.

#### **D. DENSITY REGULATIONS**

Residential dwellings shall be permitted only at a density not greater than that allowed in Section 6-3.

#### **E. SPECIAL PERMIT USES**

Within the Aquifer Protection District the following uses shall be allowed only upon receipt of a special permit:

1. Any use involving toxic or hazardous materials in quantities greater than those associated with normal household use.
2. Golf courses, either private or public.

#### **F. SPECIAL PERMITS**

##### *1. THE SPECIAL PERMIT GRANTING AUTHORITY*

The special permit granting authority (SPGA) under this By-law shall be the Planning & Zoning Board. Such special permits shall be granted if the SPGA determines, in conjunction with the other Town agencies indicated in Section 5-4 (F) (2) that the intent of this By-law, as well as its criteria, are met. In making such a determination, the SPGA shall give consideration to the simplicity, reliability and feasibility of the control measures proposed and the degree and threat to water quality which would result if the control measures fail.

##### *2. REVIEW BY OTHER TOWN AGENCIES*

Upon receipt of the special permit application, the SPGA shall transmit one (1) copy to the following: Department of Public Works, Water Division, Board of Health, Zoning Board of Appeals, Conservation Commission and the Building Inspector for their written recommendations. Failure to respond within thirty (30) days shall indicate approval or no desire to comment by said agency. The necessary number of copies of the application shall be furnished by the applicant.

##### *3. SPECIAL PERMIT CRITERIA*

Special permits under Section 5-4 (F) (4) (a) shall be granted only if the SPGA determines, in conjunction with the Department of Public Works, Water Division, that ground water quality resulting

from on-site wastewater disposal and other on-site operations remains within current EPA and DEQE standards for drinking water at the downgradient property boundary.

#### 4. SUBMITTALS

In applying for a special permit required by this section, the applicant shall provide the following information:

- a. A complete list of all chemicals, pesticides, fuels and other potentially toxic or hazardous materials to be manufactured, used or stored on the premises in quantities greater than those associated with normal household use, accompanied by a description of measures proposed to protect all storage containers/facilities from vandalism, corrosion and leakage and to provide for the control of spills.
- b. A description of potentially toxic or hazardous wastes to be generated, indicating storage and disposal methods.
- c. Evidence of approval by the Massachusetts Department of Environmental Quality Engineering (DEQE) of any industrial waste treatment or disposal system or any wastewater treatment system with a capacity of 15,000 gallons per day or more.
- d. Projections of downgradient concentrations of nitrogen and other relevant chemicals at property boundaries and other locations deemed pertinent by the SPGA. Projections shall be based upon appropriate ground water models and the following information/ standards:
  - i. Nitrogen loading calculations
    - Wastewater per person: 5 lbs. of nitrogen per year
    - Persons per dwelling: 3
    - Lawn fertilizers: 2 lbs. of nitrogen per 1,000 square feet of lawn area per year
    - Road runoff: 0.19 lbs. of nitrogen per curb mile per day
    - Background nitrogen concentration: actual field measurements
  - ii. Groundwater flow and impacts to drinking water and supply wells
    - Identify probably impacted water supply well(s) by constructing flow lines on the Easton Water Table Map (IEP, 1986) downgradient of the proposed site
    - Use 15 inches per year for sand and gravel and 7 inches per year for till for aril recharge rates
    - Determine the value for hydraulic conductivity from the closest downgradient public water supply well in the Easton Aquifer Protection Plan (IEP, 1986)

- Determine the saturated thickness of the site as shown on the Saturated Thickness Map (IEP, 1986) supplemented with on-site borings.

5.

When an application is made for a building permit which involves the use of land in the Aquifer Protection District, the Building Inspector shall require that the applicant for such a permit provide a plan of the lot on which the proposed development is intended showing 2-foot contour intervals. The datum shall be the National Geodetic Vertical Datum and the bench marks shall be identified on the plan. The plan shall be stamped by a Registered Engineer or Registered Land Surveyor. The Building Inspector shall transmit one (1) copy of the plan to the following Town agencies for written comments: Department of Public Works, Water Division, Board of Health, Planning and Zoning Board and Conservation Commission.

## **G. DESIGN AND OPERATIONS GUIDELINES**

The following design and operation guidelines shall be observed within the Aquifer Protection Districts.

### *1. SAFEGUARDS*

Provisions shall be made to protect against toxic or hazardous material discharge or loss resulting from corrosion, accidental damage, pillage or vandalism through such measures such as:

- prohibition of underground fuel storage tanks
- spill control provisions in the vicinity of chemical or fuel delivery points
- secured storage areas for toxic or hazardous materials
- indoor storage provisions for corrodible or dissolvable materials
- a closed vapor recovery system for each structure which allows the evaporation of toxic or hazardous materials into its interior to prevent discharge of contaminated condensate into the ground water.

### *2. LOCATION*

Where the premises are partially outside the Aquifer Protection District, potential pollution sources such as on-site waste disposal systems shall be located outside the District to the extent feasible.

### *3. DISPOSAL*

For any toxic or hazardous wastes to be produced in quantities greater than those associated with normal household use, the applicant must demonstrate the availability and feasibility of disposal methods which are in conformance with MGL, Chapter 21C, as amended.

#### 4. DRAINAGE

All runoff from impervious surfaces shall be recharged on the site, diverted towards areas covered with vegetation for surface infiltration to the extent possible. Dry wells shall be used only where other methods are not feasible and shall be preceded by oil, grease and sedimentation traps to facilitate removal of contaminants.

#### H. VIOLATIONS

Written notice of any violations of this By-law shall be provided by the Building Inspector to the owner of the premises with said notice specifying the nature of the violation(s) and a schedule of compliance, including cleanup of any spilled materials. This compliance schedule must be reasonable in relation to the public health hazard involved and the difficulty of compliance. In no event shall more than thirty (30) days be allowed for either compliance or finalization of a plan for longer-term compliance.

A toxic or hazardous material shall be defined as any substance or mixture of such physical, chemical or infectious characteristics as to pose a significant, actual or potential hazard to water supplies or other hazard to human health, if such substance or mixture were discharged to land or waters of the Town. Toxic or hazardous materials include, without limitation, the following:

- organic chemicals
- petroleum products
- heavy metals
- radioactive or infectious wastes
- acids and alkali's
- products such as pesticides, herbicides, solvents and thinners

Wastes generated by the following activities, without limitation, are presumed to be toxic or hazardous unless and except to the extent that anyone engaging in such activity can demonstrate to the satisfaction of the Board of Health and the Department of Public Works, Water Division:

- airplane, boat and motor vehicle service and repair
- chemical and bacteriological laboratory operation
- cabinet making
- dry cleaning
- electronic circuit assembly

- metal plating, finishing and polishing
- motor and machinery service and assembly
- painting, wood preserving and furniture stripping
- pesticide and herbicide application
- photographic processing
- printing

## Section VI. Dimensional and Density Regulations

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### 6-1

No building or structure shall be built or shall any existing building or structure be enlarged except in conformance with the regulations of the Easton Zoning By-law as to lot coverage, lot area per dwelling unit, lot width, front, side and rear yards, and maximum height of structures, in the districts as set forth below except as may otherwise be provided elsewhere in the Easton Zoning By-law.

### 6-2

If more than one building (other than a one, two or three-car garage, a tool-shed, a greenhouse or a cabana) may lawfully be placed on any lot in single or common ownership, the distance between the nearest parts of such buildings shall be not less than forty (40) feet.

### 6-3 DIMENSIONAL AND DENSITY REGULATIONS TABLE

Zoning District	Min. Lot Size in Sq. Ft.	Continuous Min. Lot Frontage in Lin. Ft. (2)	Min. Yard Depth in Feet (2)			Min. Lot Depth in Ft.	Max. Bldg. Hgt. in Ft. (3)	Max. % of Lot Coverage by Structure	Max. # of Stories Above Grade (5)
			Front (10)	Rear	Side				
Residential-R	40,000	150	25	20	15	100	25 (15)	20	3
Residential 1 - R1 (11)	40,000	150	25	20	15	100	25 (15)	20	3
Business - B	40,000	150	75	40	25	125	35	25	3
Business Neighborhood BN	40,000	150	50	20	25	125	35	25	3
Industry - I (9)	40,000	150	50	40	25	160	40	25	3
Eleemosynary E	(8)	(8)	(8)	(8)	(8)	(8)	(8)	(8)	(8)
Flood Plain - F	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)
Municipal or Open Space - M	(7)	(7)	50	40	25	125	(7)	(7)	(7)
Apartments	60,000	250	75	40	25	160	40	25	3

Note 6

Motel	60,000	250	75	50	50	160	35	25	3
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These are notes for apartments and motels and are not to be construed as separate zones.

- (1) Restrictive Use.
- (2) On lots abutting streets on more than one side, the front yard requirements shall apply to each of the abutting streets.
- (3) These height restrictions shall not apply to chimneys, water towers, skylights and other necessary features appurtenant to buildings which are usually carried above roofs and are not used for human occupancy.
- (4) Deleted in its entirety at Adjourned Annual Town Meeting April 9, 1985.
- (5) This restriction does not apply to above-ground swimming pools.
- (6) Apartments--See Section VII for requirements.
- (7) No restriction.
- (8) Permit from the Planning & Zoning Board.
- (9) No industry which produces dust, fumes, smoke, odors, noise, or pollutants of any type shall in the future be constructed or placed on a parcel of land in the industrial zone within five hundred (500) feet of any church, school or dwelling, existing or in the process of being erected at the time of adoption of this by-law.
- (10) Where present buildings on adjoining lots are less than twenty-five (25) feet from the front lot lines, new buildings may be placed as near the way as the average of the buildings on said adjoining lots. A vacant lot shall, for this purpose, be treated as so occupied by a building set back twenty-five (25) feet.
- (11) Deleted Special Town Meeting 1/23/95
- (12) Continuous minimum Lot Width shall require that each RESIDENTIAL LOT shall have 150 feet of frontage width, and at least 100 feet of horizontal distance between the side lot lines at the minimum front yard depth of 100 feet for residential lots.
- (13) Continuous minimum Lot Width shall require that each BUSINESS LOT shall have 150 feet of frontage width, and at least 100 feet of horizontal distance between the side lot lines at the minimum front yard depth of 125 feet for business lots.
- (14) Continuous minimum Lot Width shall require that each INDUSTRIAL LOT shall have 150 feet of frontage width, and at least 100 feet of horizontal distance between the side lot lines at the minimum.

## (15) Height

- One (1) foot may be added to the Maximum Building Height for each additional foot by which (i) the front setback exceeds the minimum front setback distance) or (ii) the narrower side setback exceeds the minimum side setback distance, whichever of these two distances is the smallest; provided the height shall not in any case exceed thirty-five (35) feet.
- In situations where a building is allowed to be closer to a property line one (1) foot shall be deducted from the Maximum Allowable Building Height for each foot by which (i) the front setback is less than the minimum front setback distance or (ii) the narrower side setback is less than the minimum side setback distance, whichever of these two distances is the greatest. This reduction in Maximum Height shall apply only to the portions of the building that occupy the space between the property line and the corresponding setback line.
- In instances where a building has a walk out basement located on the rear wall the grade plane shall be calculated using the mean grade from all front and side walls.

## Section VII. Special Provisions

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### 7-1

The following uses may be permitted as designated in Section V. 5-3., Table of Use Regulations, provided they meet the following requirements in addition to any other applicable requirements of the by-law (see ADMINISTRATION, Sec. 7-8. below).

### 7-2 APARTMENTS, MULTIPLE OR ATTACHED DWELLINGS

For any building intended for three or more dwelling units to be constructed, the following conditions shall apply:

- A) Maximum number of bedrooms per 60,000 square-foot lot: 3 bedrooms. The maximum number of bedrooms per dwelling unit shall not exceed 3.
- B) In the case of lots in excess of 60,000 square feet in area, the requirements shall be the same as set forth herewith with the exception that 20,000 square feet of land shall be required for each single bedroom dwelling unit and 20,000 square feet of land shall be required for each additional single bedroom. However, in no case shall the maximum number of bedrooms in any building exceed 10 bedrooms.
- C) Each dwelling unit shall have two separate exits.
- D) Inner courts shall not be permitted.
- E) There shall be a paved driveway a maximum length of 200 feet from the front lot line, paved walk, unobstructed way or any combination thereof, adequate to accommodate fire apparatus within forty feet of the building.
- F) Automobile parking spaces shall be required within the lot area. There shall be paved parking spaces for automobiles that shall not be less than two automobile spaces for each dwelling unit and reasonably accessible. Such parking spaces shall not be within 15 feet of any lot line. All parking facilities so provided are to be for the exclusive use of residents of the property or their guests.
- G) Screening and buffers shall be required along the side lot lines. This strip shall be at least 20 feet in width; it shall contain a screen of trees and shrubs at the time of occupancy of such lot and shall be maintained by the owners. A solid wall or fence not to exceed six feet in height,

complemented by suitable plantings, may be substituted for such landscape buffer strip. The strip may be part of the yard area.

- F) No apartment dwelling units shall be allowed in a basement story.

### **7-3 MOTELS**

For any building or buildings intended for use as a motel to be constructed, the following conditions shall apply:

- A) Screening and buffers shall be required along the side lot lines. This strip shall be at least 20 feet in width; it shall contain a screen of trees and shrubs at the time of occupancy of such lot and shall be maintained by the owners. A solid wall or fence, not to exceed six feet in height, complemented by suitable plantings, may be substituted for such landscape buffer strip. The strip may be part of the yard area.
- B) Each rental unit shall contain not less than two hundred (200) square feet of habitable floor area.
- C) The site shall be provided with not more than two motor vehicle driveways for each abutting street that shall intersect the abutting street or streets at ninety degrees.

### **7-4. ESTATE LOTS**

The Planning and Zoning Board may grant a special permit for development on a lot in the Residential District with less than the required amount of frontage, according to the criteria for "estate lots" as set forth herein. Estate lots shall comply with all of the General Requirements set forth in subsection A below, and with the requirements for pre-existing estate lots or newly-created estate lots in subsections B or C, as applicable.

#### **A. GENERAL REQUIREMENTS**

1. The applicant shall submit an Approval Not Required (ANR) Plan under the Subdivision Control law depicting the estate lot and the conforming lots (if any). The Approval Not Required Plan shall take the place of the plan otherwise required for special permit applications.
2. A building area shall be designated on the plan, and the width of the estate lot at the widest portion of the building area shall equal or exceed the number of feet normal required for street frontage in the district.

3. Lot width for the estate lot shall at no point be less than 40 feet, and lot frontage shall be not less than 40 feet. Frontage shall meet all of the requirements contained in the definition for "frontage" in Section II, herein.
4. Front, rear and side yard depths shall equal or exceed those required in the district.

#### **B. PRE-EXISTING ESTATE LOTS**

A pre-existing lot lacking the minimum frontage requirement for the district may be utilized for any use permitted in the district provided that all of the following conditions are met for the estate lot:

1. The area of the estate lot shall be at least three times the minimum area normally required for the district.
2. The estate lot shall have existed in separate ownership from any abutting lot. Documentation to this effect shall be submitted to the Planning and Zoning Board. The Building Inspector shall not issue a building permit for any estate lot without first establishing that compliance with this provision has been determined by the Planning and Zoning Board.

#### **C. CREATION OF NEW ESTATE LOTS**

A lot may be divided into an estate lot and one or more lots each of which conforms to all applicable dimensional regulations in Section 6-3 and as defined in Section II, provided that all of the following conditions can be met for the estate lot:

1. The area of the estate lot shall be at least double the minimum area normally required for the district.
2. Not more than one (1) estate lot shall be created from a lot, or a set of contiguous lots held in common ownership. Documentation to this effect shall be submitted to the Planning and Zoning Board along with the application for Approval Not Required Plan under the Subdivision Control Law. The Building Inspector shall not issue a building permit for any estate lot without first establishing that compliance with this provision has been determined by the Planning and Zoning Board.
3. At the time of the creation of the estate lot, it shall be held in common and contiguous ownership with the front lot from which the estate lot is proposed to be created.
4. The sight distance at the intersection of the estate lot driveway and the street shall be such as to provide for safety to all vehicular traffic.

5. The existing drainage patterns shall not be disrupted by the construction of a driveway on the reduced frontage portion of the estate lot. A grading and sloping plan, showing existing and proposed conditions, shall be submitted with the special permit application to demonstrate compliance with this requirement.

The Planning and Zoning Board is the Special Permit Granting Authority (SPGA) for this By-law.

## **7-5 RESIDENTIAL COMPOUND**

### **A. PURPOSE**

The purposes of this Section 7-5 are:

1. To provide sub-dividers an option to develop a parcel of land under less stringent requirements, where, and only where, the Board determines that such alternative procedures will promote development of the parcel in the best interests of the Town.
2. To promote a lower density of housing than is normally allowed through conventional subdivision.
3. To alleviate the Town's short-and long-term costs for road maintenance and lighting.
4. To minimize construction in or near environmentally sensitive areas.
5. To preserve the rural character of the Town.

### **B. GENERAL PROVISION**

The Planning and Zoning Board may grant a special permit to allow the development of a subdivision as a Residential Compound. Subdivision approval, pursuant to Chapter 41, MGL also is necessary.

Compliance with §7-16 Affordable Housing Requirements is also necessary. The Special Permit hearings and decisions under this §7-5 Residential Compounds and under this §7-16 may be combined.

### **C. ELIGIBILITY**

To qualify for consideration as a Residential Compound, the subdivision must satisfy all of the following conditions:

1. The Residential Compound must create at least three but not more than eight lots, be located entirely in a district in which single-family residences are permitted, and have a minimum of forty (40) feet of frontage on an existing public way in Easton.

2. The average contiguous upland area of the lots so created shall be at least one and one-half times the minimum lot size set forth for the district in Section 6-3 and as defined in Section II. No lot shall have less than the minimum lot size for the district.
3. All lots in a Residential Compound shall have ingress and egress to a Private Lane, ownership of and rights to which shall be retained by a homeowners' association.
4. The minimum frontage of each lot on the Private Lane shall be at least 75 feet.
5. The Private Lane shall extend from a Town of Easton Accepted or public way, and shall end in a cu-de-sac or connect back to itself.
6. A buffer zone of at least 75 feet in width of indigenous vegetation shall separate the new structures in the development from any adjacent public way. The buffer zone shall provide a dense vegetative screen, which shall be supplemented by additional indigenous vegetation, and landscaping that is designed to block the view of the residential structures from the existing public way.

#### **D. APPLICATION PROCESS**

##### *1. PRE-SUBMISSION MEETING*

Prior to submission of the Special Permit application, it is strongly advised that the applicant meet with the Town Planner or other Board designee to review the proposed development of the parcel of land, in order to explore general conditions involving the site and to discuss potential problems. Pencil sketches, which need not be professionally prepared, will assist in this discussion and should show the critical features of the Residential Compound plan.

##### *2. SPECIAL PERMIT APPLICATION AND DEFINITIVE SUBDIVISION PLAN*

The special permit application shall contain a plan in form and with the contents required of a Definitive Subdivision Plan by the Easton Subdivision Rules and Regulations. The application for a Special Permit and for approval of a Definitive Plan shall be filed concurrently. To the extent permitted by law, the Planning and Zoning Board shall consider both applications at the same time.

#### **E. PLANNING AND ZONING BOARD APPROVAL**

The Planning and Zoning Board may approve a Residential Compound subdivision upon a determination that the Residential Compound, as compared to a conventional subdivision of the same parcel, is likely to:

1. Reduce the number of lots having egress onto existing streets;

2. Reduce the number of lots having frontage on existing public ways;
3. Reduce cut and fill in road construction and subdivision development;
4. Promote public safety and welfare, particularly with regard to traffic and pedestrian safety;
5. Be constructed in a manner which will have the least visual impact on the parcel of land in question as viewed from the public way providing access to the Residential Compound subdivision, or from adjacent residentially zoned properties;
6. Produce less irregularly shaped or contorted lot configurations;
7. Promote housing affordable to persons or families of low or moderate income, as defined by the standards and criteria of the Massachusetts Department of Housing & Community Development; or
8. Afford protection to the town's groundwater resources.

#### **F. CONDITIONS**

Any plan approved as a Residential Compound must contain or refer to recorded covenants regarding each of the following:

1. The Private Lane shall remain permanently a private way, which shall not be extended.
2. The Private Lane shall not be connected to any other way except where it originates on a public way.
3. Ownership of a lot in the Residential Compound shall confer automatic membership in a homeowner association responsible for all maintenance of and snow removal from the Private Lane. The homeowners association shall retain ownership of and all rights in the Private Lane.
4. The Private Lane does not meet the standards of the Town for acceptance for new ways and shall not be proposed for such acceptance.
5. The homeowners association shall indemnify, hold harmless and release the Town from liability for any damages resulting from an action brought by a third party or the association in any court due to the repair, use, or maintenance of the Private Lane.
6. A perpetual easement in favor of the Town of Easton shall be granted to allow access to and maintenance of public utilities as appropriate.

## **G. PRIVATE LANES**

Private Lanes shall have:

1. A leveling area of at least 40 feet in length from the street pavement with a minimum width of 20 feet of pavement in accordance with the Subdivision Regulations (except where such paving is prohibited by other Town By-laws), and sloped not more than 4percent grade for the 40 feet it extends from the street pavement.
2. A center line intersection with the street centerline of not less than 60 percent.
3. A roadway surface, on that portion of the Private Lane extending beyond the leveling area, of a minimum of 6 inches of graded gravel, placed over a properly prepared base, graded and compacted to drain from the crown. Where the property rises in elevation from the street, the way shall be paved from the street to the first high point (break in grade) in order to prevent erosion toward the street, except where such paving is prohibited by other Town By-laws.
4. Proper drainage appurtenances, where required, to prevent washout and excessive erosion, with particular attention to the leveling area, so that water draining onto the street surface from the leveling area is eliminated to the maximum extent feasible.
5. A roadway surface, on the at portion of the Private Lane extending beyond the leveling area, with a minimum width of 18 feet for its entire length, and a minimum right-of-way width of 30 feet for its entire length.
6. A turnaround or cul-de-sac of not less than 30 feet in depth and 40 feet in width provided at the end of the terminus.
7. A buffer zone of indigenous vegetation supplemented by new plantings and landscaping as maybe required by the Planning and Zoning Board separating the Private Lane from any pre-existing residential lot line.

## **H. RULES AND REGULATIONS**

The Planning and Zoning Board shall establish, and from time to time amend, regulations for the administration of this section, including a schedule of filing fees to cover to the costs of processing and engineering review by Town personnel, and review fees to cover the costs of expert technical review by outside consultants.

The Planning and Zoning Board is the Special Permit Granting Authority (SPGA) for this By-law.

## **7-6 PLANNED BUSINESS DEVELOPMENT**

For planned business development of land subject to maximum building coverage more than the maximum permitted in the Table of Density and Dimensional Regulations and less than the parking requirements contained in the Table of Off-Street Parking Regulations, the following conditions shall apply:

- A. The tract shall be in single or consolidated ownership at the time of application and shall be at least 5 acres in size.
- B. Uses shall be contained in one continuous building except that groupings of buildings may be allowed by the Planning & Zoning Board where such groupings are consistent with the safety of the users of the development and are further consistent with the overall intent of this section.
- C. The gross floor area of buildings shall not exceed 50% of the total area.
- D. The development shall be served by one common parking area and by common exit and entrance areas except that the Planning & Zoning Board may allow segmented parking areas.
- E. Reduction in parking space requirements shall not exceed more than 10 percent of those required
- F. The development shall be served by a public water system.
- G. Roadway and utility construction shall conform to the Town of Easton Planning Board Subdivision Rules and Regulations except as may be modified or may be waived by the Planning Board.

## **7-7 PLANNED INDUSTRIAL DEVELOPMENT**

For the planned industrial development of land within an Industrial District for manufacturing or service industrial purposes subject to area regulations less than the minimum required in Table of Density and Dimensional Regulations, the following shall apply:

- A. The tract in single or consolidated ownership at the time of application shall be at least 15 acres in size. Where the site plan constitutes a subdivision, it shall also require approval by the Planning & Zoning Board under the Subdivision Rules and Regulations of the Town of Easton, MA, latest edition.
- B. Individual lot sizes shall not be reduced more than 20 percent below that normally required for manufacturing or service industrial purposes in the District.

- C. The total number of establishments in the development shall not exceed the number of establishments, which could be developed under normal application requirements of the District.
- D. The permitted uses shall be limited to manufacturing or service industrial uses with the total use completely within the building.
- E. The development shall be served by a public water system.
- F. At least 25 percent of the total tract area (of which at least 25 percent shall not be wetlands or over 5 percent slope land) shall be set aside as common land and shall be either deeded to the Town or be conveyed to a nonprofit organization, the principal purpose of which is the conservation of open space, or be conveyed to a corporation or trust owned or to be owned by the owners of lots or residential units within the land and covenanted with the Town to be maintained as permanent "open space." If such a corporation or trust is utilized, ownership thereof shall pass with conveyances of the lots or residential units. In any case where such land is not conveyed to the Town, that such land shall be kept in an open or natural state and not be built upon. Determination of open space shall be made by the Planning Board.
- G. Such common land shall be restricted to open space, recreation, or conservation area and shall have suitable access as determined by the Planning & Zoning Board.
- H. Such common land shall not be used for the purposes of disposing of debris, building material or the like. The applicant and/or owner shall take adequate measures, as satisfactory condition exists in the interest of public health, safety and welfare of the public.

## **7-8 ADMINISTRATION**

Actions undertaken by a developer under the sections of this By-law shall be interpreted as voluntary with the understanding that applicable zoning and subdivision regulations would have remained in effect had not the developer elected to pursue the terms of the applicable sections of this by-law. Acceptance of gifts, grants, or bequests by the Town from public or private sources under this By-law shall not be interpreted as requiring certain consideration in return. Such acceptance shall be interpreted as within the rights of the Town to accept gifts, grants or bequests as stated under applicable Massachusetts Law.

- A. An applicant desiring to erect or cause to be erected apartments, motels, planned business developments, or planned industrial developments shall submit an application\* and the necessary documentation including the site and building plans to the Planning & Zoning Board to determine that said proposed use conforms to the By-law.

\*Denotes standard form prepared by the Easton Planning & Zoning Board

- B. The application shall clearly state all particulars and shall be accompanied by all documentation, specifications and plans necessary to allow the Board to fully understand the intent of said use, construction and development. The application and/or accompanying plans shall indicate the record owner, location, easements or other legal restrictions and applicable information stipulated under the paragraph Definitive Plan, sub-paragraph Contents, of the Rules and Regulations Governing the Subdivision of Land, Town of Easton, MA., latest edition. The applicant shall submit engineering and architectural site plans for the entire tract drawn at a scale of forty feet to the inch and prepared by a registered professional engineer or architect showing but not limited to exact location of building(s) on the lot with side, front and rear dimensions, lot dimensions, adjacent public ways, location of off-street parking, traffic circulation plan, projected occupancy, lighting, utility systems, location and nature of open spaces, with specific notations as landscaping, locus plan, and other details deemed necessary by the Planning & Zoning Board such that an initial decision may be arrived at and subsequent enforcement carried out.
- C. One copy of the application and documents and twelve copies of the accompanying plans are required to be submitted to Planning & Zoning Board.
- D. The applicant shall submit the subdivision to the Planning and Zoning Board as a separate required action, all documents to conform with the Subdivision Rules and Regulations.

## **7-9 HOME OCCUPATION**

For the use of a dwelling in the "R" District for a home occupation, the following conditions shall apply:

- A. No more than three employees, one of whom can be a nonresident, shall be employed therein.
- B. The use is carried on strictly within the principal building.
- C. Not more than 25 percent of the existing net floor area not to exceed 400 square feet is devoted to such use.
- D. There shall be no display of goods or wares visible from the street.

## **7-10 SITE PLAN APPROVAL**

### **A. APPLICABILITY**

#### *1. NON-RESIDENTIAL DISTRICTS*

No commercial, industrial, business, institutional, recreational, or educational use and no apartment, multiple or attached dwellings, municipal or school building, public utility structure, or parking lot, shall be constructed or externally enlarged, and no such use or structure shall be expanded or established in an building not theretofore used for such purposes, except in conformity with a site plan bearing an endorsement of approval by the Planning & Zoning Board.

#### *2. RESIDENTIAL DISTRICTS*

No multiple or attached dwellings, school building, parking lot, or public utility structure and no institutional, recreational, or educational use shall be constructed or externally enlarged, and no such use or structure shall be expanded or established in an building not theretofore used for such purposes, except in conformity with a site plan bearing an endorsement of approval by the Planning & Zoning Board.

### **B. APPLICATION AND SITE PLAN REQUIREMENTS**

#### *1. SITE PLAN REQUIREMENTS*

Said site plan shall show: the record owner; location; zone boundary lines; easements, or other legal restrictions; exact location of building(s) on the lot with side, front and rear dimensions; lot dimensions; topography; adjacent public ways; location of off-street parking, lighting, and utility systems; surface drainage; traffic flow; location and nature of open spaces with specific notations as to landscaping; locus plan; and other details as applicable and deemed necessary by the Planning & Zoning Board.

#### *2. PROCEDURE*

Any person desiring approval of a site plan under this Section application packages to the Planning & Zoning Board, the contents, number, and format of which may be required in its rules and regulations. The Planning & Zoning Board will review the application and plans and circulate the application to the Fire and Police Departments, the Building Inspector, the Land Use Agent, Handicap Advisory Committee, and other Boards and Committees and Town Departments, as requested. The Planning & Zoning Board may also require the employment of outside consultants such as may reasonably be required to perform design and engineering review, and may impose fees to charge for such pursuant to M.G.L 44, Section 53G.

### 3. CRITERIA FOR EVALUATION

The Planning & Zoning Board will review the application and plans and determine whether the application conforms to the Town of Easton Zoning By Law, and, in considering a site plan under this section, shall assure, to a degree consistent with Site Plan Guidelines established under Section 7-10 (G) of this by-law and a reasonable use of the site for the purposes permitted or permissible by the regulations of the district in which located:

1. Protection of adjoining premises against seriously detrimental uses on the site.
2. Convenience and safety of vehicular and pedestrian movement within the site, and in relation to adjacent streets, property, or improvements.
3. Adequacy of the methods of drainage for surface water.
4. Provisions for off-street loading operation of vehicles incidental to the normal operation of the establishment.
5. Traffic and safety provisions to protect the convenience and welfare of the public.
6. Functional design review.

C. A time period for the completion of the site construction work required to be done under this section may be established by the Planning & Zoning Board to ensure compliance therewith.

D. Noncompliance with the provisions of the site plan shall result in rescission of the site plan approval: at the stipulated expiration date; or at any other time by vote of the Planning & Zoning Board.

E. Substantial completion of the public safety provisions of the site plan is a prerequisite for issuance of an occupancy permit.

F. Application Fees: The Planning and Zoning Board shall establish, and from time to time amend, a schedule of filing fees to cover the costs of processing and engineering review by Town personnel, and review fees to cover the costs of expert technical review by outside consultants.

G. The Planning & Zoning Board shall establish site plan guidelines to provide general guidance regarding safety and functional site considerations with respect to siting of the proposed structure.

H. The Planning & Zoning Board shall issue decisions for research and development facilities and places for manufacturing, assembling, or packaging of goods as identified in Section II of the Zoning By Law within one (1) year from the date of initial application to the date of final approval by the

Planning Board. Failure on the part of the Board to do so will be considered a constructive approval of the Site Plan.

## **7-11 FLOOD PLAIN**

The purpose of the Flood Plain is to preserve and protect streams, brooks, ponds, lakes, and other water courses and their adjoining lands within the Town; to protect the health and safety of persons and property against the hazards of flooding; to preserve the natural flood control characteristics, and the flood storage capacity of the flood plain, and to preserve and maintain the ground water table and water recharge areas within the flood plain; to protect the community against the detrimental use and the development of lands adjoining such water courses and to conserve the watershed areas of the Town for the health, safety, and welfare of the public.

### **A. DISTRICT DELINEATION**

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Easton designated as Zone A, AE, AH, AO, A1-30, A99, on the Bristol 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 Bristol County FIRM that are wholly or partially within the Town of Easton are panel numbers 25005C0033F, 25005C0034F, 25005C0041F, 25005C0042F, 25005C0043F, 25005C0044F, 25005C0052F, 25005C0053F, 25005C0054F, 25005C0061F, 25005C0062F, 25005C0063F, 25005C0064F, 25005C0068F, 25005C0132F, 25005C0151F, 25005C0152F and 25005C0156F dated July 7, 2009. 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 Bristol County Flood Insurance Study (FIS) report dated July 7, 2009. The FIRM and FIS report are incorporated herein by reference and are on file with the Planning and Zoning Board.

### **B. PERMITTED USES**

See Table of Use Regulations, Section V, 5-3.

### **C. USE REGULATIONS**

1. The Flood Plain District is established as an overlay district to all other Districts and these overlain districts shall be subject to all requirements of the Flood Plain District. All developments in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in conformance with Article 227 Town of Easton By Law, Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- Section of the Massachusetts State Building Code which addresses flood plain and coastal high hazard areas (currently 780 CMR 120.G "Flood Resistant Construction and Construction in Coastal Dunes");
  - Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
  - Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
  - Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);
2. Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.
  3. No encroachment, including fill, new construction, substantial improvements, and other developments within the regulatory floodway will be allowed unless it has been demonstrated through hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in an increase in flood levels within the community during the occurrence of the base flood discharge, as per Section 60.3 (d) (3) of the National Flood Insurance Program Regulations.
  4. Within Zone A at any location where the 100 year flood elevation is not shown on the FIRM, the Planning & Zoning Board, may utilize any base flood elevation and floodway data available from Federal, State, or other official sources as criteria for requiring that new construction, substantial improvements or other development within Zone A meet 44 CFR 60.
  5. Within Zone A at any location where the 100 year base flood elevation is not specifically delineated on the FIRM and no base flood elevations and floodway data is available from Federal, State, or other official sources, the base flood elevation shall be developed by a Registered Professional Engineer, assuming 7 inches of rain falling on the watershed area over a 24-hour period.
  6. Base flood elevation data shall be required for all new subdivisions and other proposed development (including for manufactured home parks and subdivisions), as per Section 60.3 (b) (3) of the National Flood Insurance Program regulations. Should all areas of the site be above the base flood elevations, it should be so noted on the plans.

7. In a riverine situation, the Building Inspector shall notify adjacent communities , the National Flood Insurance Program State Coordinator at the Massachusetts Department of Conservation and Recreation and the National Flood Insurance Program Specialist at the Federal Emergency Management Agency, Region I prior to any alteration or relocation of a watercourse and submit copies of such notifications to the Coordinating Agency Administrator, as per Section 60.3 (b) (6) of the National Flood Insurance Program Regulations and Flood Hazard Management Program Model By Laws for Floodplain Districts, Article III Notification of Watercourse Alteration.
8. Floodway Data. In Zones A, A1-30, and AE, along with watercourses that have not had a regulatory floodway designated the best available Federal, State, local or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
9. Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the

#### **D. EXCEPTIONS**

The following exceptions are specifically exempted from Paragraph 7-11:

1. All residential, commercial, business, educational and municipal buildings and those portions only of their lots therefore needed for such repair, rebuilding, modifications, or enlargement thereof;
  - a. existing in the Flood Plain District as of March 7, 1973 or
  - b. for which building permits have been issued prior to March 7, 1973.
2. All buildings referred to above may be repaired, rebuilt, modified or enlarged, including but not limited to, the addition of garages or living space and construction of appurtenant use of the building together with such filling, diking, and/or as may be necessary for the protection of said structures from flooding consistent with all other laws of the Commonwealth of Massachusetts and to this Zoning By Law. It should be noted that exceptions to the By Laws do not constitute exceptions to appropriate state regulations.

The above exceptions do not apply to the requirements of Paragraph C3.

**E. PROHIBITED USES**

Dumping, filling, excavating or transferring of any material which will reduce the natural storage capacity of the land, interfere with the patterns of any watercourses or degrade the quality of surface or ground water within this District is prohibited, except as provided in paragraph (B) herein and activities that are incidental to flood or mosquito control work performed by and under the direction of an authorized government agency or activities incidental to the agricultural uses described in Section V, 5-3.

**F.**

If any land within the Flood Plain District is found by the Board of Appeals not to be subject to seasonal or periodic flooding and unsuitable drainage conditions, the Board of Appeals, may, after a public hearing with due notice, approve the use of such land and for the construction and erection of a building or structure for any purpose permitted in the underlying District, subject, however, to any other applicable provision of the Zoning By Law. Prior to the required public hearing, the Board of Appeals shall refer the case to the Planning & Zoning Board, the Board of Health, and the Conservation Commission for their review and report. Such report must be issued within 45 days of receipt of the question. Failure to respond by any such Board or Commission within the said 45 day limit will be deemed an approval of any Board or Commission.

**7-12 RELIGIOUS AND EDUCATIONAL USES**

The use of land or structures for religious or educational purposes shall be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot areas, setbacks, open space, parking and building coverage requirement as may be adopted by the Zoning Board of Appeals. Compliance with such regulations shall be determined by the site plan approval procedure as specified in section 7-10 of this By-Law.

**7-13 COMMUNICATIONS TOWER AND WIRELESS COMMUNICATIONS FACILITY**

**A. PURPOSE, APPLICABILITY AND USE**

The purpose of this By Law is to establish appropriate siting criteria and standards for communications towers and facilities including, but not limited to radio, television, cellular, and digital communications in order to minimize adverse visual impacts and maintain the residential and historic character of the Town, and preserve scenic views to and from the Town’s roadways. This By

Law is intended to establish reasonable regulations while allowing adequate service to residents, the traveling public and others within the Town and to accommodate the need for the minimum possible number of such facilities within the Town. The requirements of this By Law shall apply to all communications towers and wireless communication facilities that require a special permit in accordance with Section 12-7 of this By Law, excluding in-kind or smaller replacement of existing equipment.

## **B. REQUIRED PERFORMANCE STANDARDS**

1. Any tower shall be set back from property lines a distance at least equal to the height of the tower.
2. No towers may be constructed within areas subject to protection under the Wetland By Law (Article 29, Town of Easton By Law and Chapter 131, § 40, M.G.L.).
3. Any tower shall be at least five hundred feet (500') from any existing building.
4. Accessory structures housing support equipment for towers shall not exceed 400 square feet in size and fifteen feet (15') in height and shall be screened from view.
5. Clearing of natural vegetation should be limited to that which is necessary for the construction, operation and maintenance of the tower.
6. Night lighting shall be prohibited unless required by Federal authorities and shall be the minimum necessary.
7. One tower shall be permitted per lot.
8. No tower shall be more than one hundred fifty feet (150') above the natural grade.
9. Shared use of tower and co-location of communications devices is encouraged. All towers constructed as principal uses shall be designed to accommodate the maximum number of communications facilities possible.
10. Wherever feasible, wireless communication facilities shall be located on existing towers or other nonresidential structures, minimizing construction of new towers.
11. Wireless communication facilities placed on existing buildings shall be camouflaged or screened and designed to be harmonious and architecturally compatible with the building. No facility shall project more than five feet (5') above the existing roofline of the building. Any equipment associated with the facility shall be located within the building.

12. Towers and facilities shall be painted a neutral, non-reflective color designed to blend with the surrounding environment.
13. A facility shall not be erected nearer to a residential lot line than five hundred feet (500').
14. There shall be no signs, except for announcement signs, no trespassing signs and a required sign giving a phone number where the owner can be reached on a twenty-four hour basis. All signs shall conform with the Sign By Law (Section X of the Easton Zoning By Law).
15. Satellite dishes and/or antenna shall be situated on a structure in such a manner that they are screened, preferably not being visible from abutting streets. Free standing dishes or antenna shall be located on the landscape in such a manner so as to minimize visibility from abutting streets and residences and to limit the need to remove existing vegetation.
16. All equipment shall be colored, molded and/or installed to blend into the structure and/or the landscape.
17. Antennas or dishes located on a structure shall not exceed ten feet (10') in height above the level of its attachment to the structure.
18. No structure shall extend in a horizontal distance from the centerline of the tower more than twenty-five feet (25') without approval of the Special Permit Granting Authority. Such extension has to conform to the same set back requirements as the tower itself. Setbacks are the furthest extension of the tower.
19. At its discretion, the Special Permit Granting Authority may require the applicant to simulate at the proposed location through the use of some device at the specific location.

#### **C. ADMINISTRATIVE PROCEDURES**

1. Site plan approval (pursuant to Section 7-10) and a Special Permit shall be granted by the Board of Appeals in accordance with M.G.L. Chapter 40A, Section 9. The Board of Appeals shall adopt rules relative to the issuance of special permits, including application fees, and file a copy with the Town Clerk.

#### **D. CRITERIA FOR REVIEW AND APPROVAL**

1. The SPGA shall review all applications for communication towers and shall find:
  - a. that the location of the tower or device is suitable and that the size, height, and design is the minimum necessary for that purpose;

- b. that the proposed tower or devices will not adversely impact historic structures or scenic views;
  - c. that there are no feasible alternatives to the location of the proposed tower or devices (including co-location) that would minimize their impact;
  - d. that the proposed tower or device is in compliance with federal and state requirements regarding aviation safety.
2. The Special Permit is granted for a period of two (2) years and shall lapse if substantial use or construction has not commenced by such a date, except for good cause shown. And provided further that such construction, once begun, shall be actively and continuously pursued to completion within a reasonable time. Any extension, addition of cells or construction of new or replacement towers shall be subject to an amendment of the Special Permit following the same procedure as for an original grant of a Special Permit.

## **7-14 ADULT RETIREMENT DEVELOPMENT**

### **A. PURPOSE. THE PURPOSES OF THIS SECTION ARE:**

1. To provide an alternative housing opportunity for persons 55 years of age and older;
2. To provide an attractive and suitable residential environment that is more amenable to the needs of people in their later years;
3. To encourage creative and innovative site planning and design, in order to enhance the attractiveness and suitability of this alternative housing type, and to better meet the specific housing needs of this segment of the population; and;
4. To encourage the preservation of common land for open space and recreational use by promoting the highest and best utilization of land in harmony with its natural features, and to retain the rural character of the town.

Compliance with §7-16 Affordable Housing Requirements is also necessary. The Special Permit hearings and decisions under this §7-14 Adult Retirement Development and under this §7-16 may be combined.

### **B. SPECIAL PERMIT**

In the Residential, Business and Industrial Districts, the Planning and Zoning Board may grant a Special Permit for an ADULT RETIREMENT DEVELOPMENT (ARD) as an alternative to conventional subdivision. Subdivision approval pursuant to Chapter 41 MGL is also required.

## **C. DEFINITIONS**

For the purpose of this section only, certain terms, words and phrases are herein defined as follows:

1. **ADULT RETIREMENT DEVELOPMENT (ARD)**, a self-contained alternative residential community constructed expressly for and specifically limited to use and residency by persons who have achieved a minimum age requirement for residency of at least fifty-five (55) years. Such developments shall comply in all respects to the requirements of MGL Chapter 151B, as it may be amended.
2. **COMMUNITY FACILITY(IES)** – Developed common areas, constructed solely for the use of the residents of the ARD and their guests. The Community Facility(ies) may include buildings housing activities and amenities such as game room, entertainment room, sewing room, library, kitchen, laundry facilities, exercise room, toilet facilities, locker rooms for men and women, etc. Facility(ies) may also include outdoor activities and amenities such as swimming pools, gardens, paths and walkways, putting greens, and the like. All Community Facility(ies) shall be designed and maintained in conformance with the latest Massachusetts standards for handicap accessibility.

## **D. ADULT RETIREMENT DEVELOPMENT GENERAL STANDARDS:**

### *1. PERMITTED USES*

Land in the ARD is specifically limited to use, residence and occupancy by persons who have achieved a minimum age of fifty-five (55) years of age, in accordance with MGL Chapter 151B, as it may be amended, and community facilities for residents of the ARD and their guests.

### *2. AREA AND DIMENSIONAL REQUIREMENTS*

- a. **Minimum Tract Size:** The Tract of land for an ARD must contain at least twenty-five (25) acres and have at least forty (40) feet of frontage on a public way.
- b. **Lot Area, Frontage, Width and Yard Requirements:**
  - 1) **Minimum Lot Area:** nine-thousand (9,000) square feet;
  - 2) **Minimum lot frontage:** seventy-five (75) feet;
  - 3) **Minimum lot width:** seventy-five (75) feet;
  - 4) **Minimum yard requirements** – see Table 6-3.

### 3. *BUILDING LOCATION REQUIREMENTS*

- a. No building (except accessory structures not in excess of 65 square feet) shall be located within 25 feet of a public way or private way; within 30 feet of the boundary line of the ARD; or within 30 feet of any designated Common Land.
- b. The Planning and Zoning Board may require larger setbacks and distances, and it may permit smaller setbacks and distances if it finds that such smaller setbacks will not detract from the purpose and intent of the ARD.

### 4. *NUMBER OF DWELLINGS*

- a. The maximum number of ARD dwelling units in the Town of Easton shall be limited to a number equivalent to five percent (5%) of the existing single-family residential housing units (excluding ARD units) location in the Town of Easton. The number of single-family residential housing units for the purpose of this By-law shall be established by the Board of Assessors as of January 1 of the calendar year, in which the special Permit application is filed.
- b. The maximum number of dwelling units permitted in an ARD shall be computed by dividing the developable area of the ARD tract (in square feet) by one-half (1/2) of the minimum lot size required in the underlying zoning district. For the purpose of this computation, the "developable" area shall be the total area of the tract, including the Common Land, but excluding all streams, ponds, wetlands, 100 year floodplains, drainage easements, and areas subject to existing valid open space restrictions.
- c. The maximum number of dwelling units in any one (1) ARD shall be one hundred fifty (150).
- d. The minimum number of dwelling units in any one (1) ARD shall be forty (40).

### 5. *STREETS AND UTILITIES*

All streets in the ARD shall be private ways. All streets, and all sewage, drainage facilitates, and utilities, shall be designed and constructed in compliance with the Town of Easton Subdivision Rules and Regulations, except as specifically modified by the following design standards:

- a. The minimum width of rights-of-way shall be forty (40) feet.
- b. The minimum widths of roadways (paved travel area) shall be twenty-two (22) feet for streets providing access for up to and including 40 dwellings, and twenty-four (24) feet for streets providing access for more than 40 dwellings.

- c. Exceptions to the Subdivision Rules and Regulations may be authorized by the Planning and Zoning Board in granting a special permit hereunder provided that the Board determines such exceptions are in the public interest and are not inconsistent with the purposes of Section A.

#### 6. *CONDITIONS*

Any plan approved as an ARD must contain or refer to recorded covenants regarding each of the following:

- a. The streets within the ARD shall remain permanently a private way, which shall not be extended;
- b. The Private Way shall not be connected to any other way except where it originates on a public way; except another private way within the ARD.
- c. The lots shall obtain access from the Private Way if, and only if, ownership of the lot provides automatic membership in a homeowner association or any other entity responsible for all maintenance and snow removal of or from the Private Way. The homeowners association or entity hereafter shall retain all rights in the Private Way.
- d. The Private Way does not meet the standards of the Town for acceptance for new ways and shall not be proposed for such acceptance.
- e. A perpetual easement in favor of the Town of Easton shall be granted to allow access to and maintenance of public utilities as appropriate.

#### 7. *COMMON LAND*

Dimensional Requirements: In an ARD, at least thirty (30) percent of the total tract area shall be set aside as Common Land for the use of the ARD residents. The following additional requirements shall apply:

- a. The minimum required area of the Common Land shall not contain a greater percentage of wetlands than the percentage of wetlands areas found in the overall tract of land on which the ARD is located.
- b. Common Land shall be planned as large, contiguous parcels whenever possible. Strips or narrow parcels of Common Land shall be permitted only when necessary for providing access to the Common Land from a public or private way, or if the Planning and Zoning Board finds that a vegetated buffer strip along the site's perimeter is appropriate and consistent with the purpose of ARD development.
- c. Common Land may be set aside in more than one parcel provided that the size, shape, and location of such parcels are suitable for the designated uses.

The Common Land shall include adequate upland access from a way public or private.

8. *USE OF THE COMMON LAND*

- a. The Common Land shall be dedicated and used for natural resource protection, recreation, park-purposes, Community Facilities, outdoor education, agriculture, horticulture forestry, or for any combination of such uses. Not other uses shall be allowed in the Common Land, except as follows:
  - 1) A portion of the Common Land may also be used for the construction of leaching areas associated with septic disposal systems serving the ARD or for water supply wells serving the ARD, if the Planning and Zoning Board determines that such use will enhance the specific purpose of the ARD and promote better overall site planning. Septic disposal easements shall be no larger than reasonably necessary. If any portion of the Common Land is used for the purpose of such leaching areas or wells, the Planning and Zoning Board shall require adequate assurances and covenants that such facilities shall be maintained by the lot owners within the ARD.
  - 2) A portion of the Common Land may also be used for ways serving as pedestrian walks, bicycle paths and emergency access or egress to the Common Land or adjacent land, if the Planning and Zoning Board determines that such a use will enhance the specific purpose of the ARD and promote better overall site planning, and if the Planning and Zoning Board finds that adequate assurances and covenants exist to ensure proper maintenance of such facilities by the owner(s) of the Common Land.
  - 3) The Common Land may be subject to easements for the construction, maintenance, and repair of utility and drainage facilities serving the ARD or adjacent parcels.
- b. The Common Land shall remain unbuilt upon, provided that an overall maximum of ten (10) percent of such land may be subject to pavement and structures accessory to the dedicated use or uses of the Common Land, exclusive of private ways.
- c. The proposed use of the Common Land shall be specified on a plan, and appropriate dedications and restrictions shall be part of the deed to the Common Land.
- d. The Planning and Zoning Board shall have the authority to approve or disapprove particular uses proposed for the Common Land in order to enhance the specific purposes of the ARD and to further efforts to equitably distribute a variety of open space benefits throughout the ARD community.

9. *OWNERSHIP OF COMMON LAND*

- a. The Common Land shall be conveyed in the whole or in part to a corporation or trust owned or to be owned by the owners of the dwelling units within the ARD; or to an entity responsible for the management of the ARD; or to a non-profit entity, the principal purpose of which is the conservation of open space. The Planning and Zoning Board shall approve the form of ownership of the Common Land.
- b. If any portion of the Common Land is not conveyed to the Town of Easton, a perpetual restriction, approved by the Planning and Zoning Board and enforceable by the Town of Easton, shall be imposed on the use of such land, providing in substance that the land be kept in its open or natural state and that the land shall not be built upon or developed or used except in accordance with provisions of an ARD as set forth herein and, if applicable, as further specified in the decision of the Planning and Zoning Board governing the individual ARD.
- c. The proposed ownership of all Common Land shall be specified for the ARD.
- d. At the time of its conveyance (if applicable), the Common Land shall be free of all encumbrances, mortgages or other claims (including pre-existing conservation easements or restrictions), except as to easements, restrictions and encumbrances required or permitted by this by-law.

**E. SITE DEVELOPMENT STANDARDS**

- 1. Within the ARD, adequate access shall be provided to each dwelling unit; said access shall be convenient and appropriate for residents and emergency services.
- 2. To the greatest extent possible, open spaces, common land, house sites, streets and house lots shall be designed with due respect to natural landscape features, scenic views, topography, soils, and natural drainage patterns.
- 3. All utilities shall be installed underground.
- 4. Within the ARD, there shall be a buffer zone of at least twenty-five (25) feet in width around the entire perimeter of the Development. The buffer zone shall include natural vegetation, plantings, walls, fences, or vegetated earthen berms to provide a screening barrier between the development and the abutting properties. Screening plantings shall be provided between the wall or fence and the abutting property. The buffer zone and its associated screening barrier shall be designated on the Special Permit Plan. The detailed plan for planting and screening shall be prepared by a Registered Landscape Architect and shall be part of the Special Permit application.

The actual requirements regarding buffering, plantings and screening shall be determined by the SPGA, the Planning and Zoning Board, as part of the Special Permit process.

5. Retail sales and/or services may be provided within the ARD site for the convenience of residents and guests only. Signage for such sales or services shall be building-mounted only; sign area shall not exceed six (6) square feet; there shall be only one identification sign per business; and signage shall not be illuminated. All commercial uses within the development shall be delineated as part of the Special Permit application and must be specifically approved by the SPGA as an integral part of the Special Permit. Adequate parking for the approved commercial uses, as determined by the SPGA, shall be provided and depicted on the plan.
6. Deleted at Town Meeting, May 19, 2008
7. The ARD shall conform with the requirements for a self-contained retirement community as established by Massachusetts General Laws, Chapter 151B, Section 5, Subsection 8, together with any amendment thereto.

#### **F. APPLICATION PROCESS**

An application for an Adult Retirement Development special permit shall cover the entire Adult Retirement Development.

##### *1. PRE-SUBMISSION MEETING*

Prior to submission of the special permit application to the Board, the applicant is strongly advised to meet with the Town Planner or other Board designee to review the proposed development of the parcel of land, in order to explore general conditions involving the site and to discuss potential problems. Pencil sketches, which need not be professionally prepared, will assist in this discussion, and should show the critical features of the ARD plan.

##### *2. SPECIAL PERMIT APPLICATION AND DEFINITIVE SUBDIVISION PLAN.*

The special permit application shall contain a plan in the form and with the contents required of a Definitive Subdivision Plan by the Easton Subdivision Rules and Regulations. The applications for Special Permit and for approval of a Definitive Subdivision Plan shall be file concurrently. To the extent permitted by law, the Planning and Zoning Board shall consider both applications at the same time.

#### **G. PLANNING AND ZONING BOARD ACTION**

1. In evaluating the proposed ARD, the Planning and Zoning Board shall consider:
  - a. the general purpose and objectives of this by-law;

- b. the existing and probable future development of surrounding areas;
  - c. the appropriateness of the proposed layout of streets, ways, lots and structures; and
  - d. the proposed layout and use of the Common Land in relation to the proposed dwelling units in the ARD, adjoining public or private common land or open space, or the topography, soils and other characteristics of the tract of land in question.
2. The Planning and Zoning Board may grant a special permit for an ARD if it finds that the ARD:
- a. complies with the requirements of this Section 7-14, other applicable requirements of the Zoning By-laws and any regulations and guidelines promulgated there to, where applicable, the construction and design standards of the Easton Subdivision Rules and Regulations;
  - b. is consistent with the purposes of this section; and
  - c. is in harmony with the existing and probable future uses of the area and with the character of the surrounding area and neighborhood.
3. If the Special Permit granted under this section is for more than 100 units, the SPGA may, at its discretion, specify that the construction of the ARD shall be phased in accordance with the following schedule:
- a. PHASE I (0-12 months from issuance of SPECIAL PERMIT): Total number of building permits issued for dwelling units shall not exceed fifty percent (50%) of the total number of dwelling units approved under this Special Permit;
  - b. PHASE II (12-24 months from issuance of SPECIAL PERMIT): Total number of building permits issued for dwelling units shall not exceed seventy-five percent (75%) of the total number dwelling units approved under this Special Permit;
  - c. PHASE III (24-36 months from issuance of SPECIAL PERMIT): Total number of building permits issued for dwelling units may equal the total number of dwelling units approved under this Special Permit.

#### **H. SPECIAL PERMIT CONDITIONS**

As a condition of approval, the Planning and Zoning Board may require such changes in the proposed development plans and may impose such conditions and safeguards as it deems necessary to secure the objectives of this by-law, and to protect the health, safety, and welfare of the inhabitants of the neighborhood and of the Town of Easton.

## **I. CHANGE IN PLANS AFTER GRANT OF SPECIAL PERMIT**

No change in any aspect of the approved plans shall be permitted unless approved in writing by the Planning and Zoning Board. A new or amended special permit will be required if the Planning and Zoning Board determines any proposed change to be substantial.

## **J. BUILDING PERMITS**

No building permit shall be issued for any structure within an approved ARD unless such structure is in compliance with this By-law and terms and conditions of any special permit there under.

The Planning and Zoning Board is the Special Permit Granting Authority (SPGA) for this By-law.

## **7-15 OPEN SPACE RESIDENTIAL DEVELOPMENT**

### **A. THE PURPOSES OF THIS SECTION ARE:**

1. To preserve open space for natural resource protection, recreation, agriculture and forestry;
2. To preserve significant natural, historical, and archaeological resources;
3. To preserve and foster the Town of Easton' rural and scenic character;
4. To promote development that is in harmony with natural features and resources, the town's historic and traditional landscapes, the existing and probable future use of adjacent land, and the general intent of the Zoning By-law; and
5. To establish flexible residential development standards and procedures that will support these objectives

### **B. SPECIAL PERMIT**

In the Residential District, the Planning and Zoning Board may grant a special permit for an Open Space Residential Development (OSRD) as an alternative to conventional subdivision.

### **C. OPEN SPACE RESIDENTIAL DEVELOPMENT STANDARDS**

#### **1. PERMITTED USES**

Land in an OSRD may be used for any purpose permitted in the Residential District.

#### **2. AREA AND DIMENSIONAL REQUIREMENTS**

##### **A. MINIMUM TRACT SIZE**

1. The tract of land for an OSRD must contain at least five (5) acres, and have at least forty (40) feet of frontage on a public way.

2. The Planning and Zoning Board may permit lots on directly opposite sides of a street to qualify as a single tract of land. To permit such division of a tract of land by a street, the Planning and Zoning Board must find that this would comply with the purposes of this section and not result in any more dwelling units than would be possible in accordance with the provisions of this By-law if the lots on either side of the street were developed separately. If the Board approves a tract of land divided by a street, it may permit the dwelling units to be concentrated on one side of the street and the Common Land to be concentrated on the opposite side of the street.

**B. LOT AREA, FRONTAGE, WIDTH, AND YARD REQUIREMENTS**

Residential building lots in an OSRD shall comply with the following dimensional requirements:

1. Minimum lot area: 10,000 square feet
2. Minimum lot frontage: 20 feet
3. Minimum lot width: no requirement

**C. BUILDING LOCATION REQUIREMENTS**

1. No residential building shall be located within 20 feet of a public way, private way, or common drive; within 20 feet of a lot line within the OSRD; or within 30 feet of the boundary line of the OSRD; or within 30 feet of the Common Land.
2. The Planning and Zoning Board may require larger setbacks and distances, and it may permit smaller setbacks and distances if it finds that such smaller setbacks will not detract from the purpose and intent of the OSRD.
3. Where the tract contains a pre-existing residential structure, the area and frontage of the lot on which such structure is located after development of the OSRD shall not be reduced below the minimum lot size and minimum frontage required in the underlying zoning district.

**D. NUMBER OF DWELLING UNITS**

The maximum number of dwelling units permitted in an OSRD shall be computed by dividing the developable area of the OSRD tract by the minimum lot size required in the underlying zoning district. For the purpose of this computation, the "developable" area shall be the total area of the tract, including the Common Land, but excluding all streams, ponds, wetlands, floodplains, detention/ retention basins, and areas subject to existing valid open space restrictions.

**E. STREETS AND UTILITIES**

Whether or not the OSRD is a subdivision, all streets whether public or private, and all sewage, drainage facilities and utilities, shall be designed and constructed in compliance with the Town of Easton Subdivision Rules and Regulations, except as specifically modified by the following design standards:

1. The minimum widths of right-of-way shall be forty feet (40').
2. The minimum widths of roadways (paved travel area) shall be twenty-two (22') for streets providing access to up to and including 40 dwellings, and twenty four feet (24') for streets providing access to more than 40 dwellings.
3. Up to eight dwellings may be served by a Private Lane conforming to the requirements for such ways set forth in Rules and Regulations adopted by the Planning and Zoning Board.

Exceptions to the Subdivision Rules and Regulations may be authorized by the Planning and Zoning Board in granting a special permit hereunder provided that the Board determines such exceptions are in the public interest and are not inconsistent with the purposes of Section A.

**3. COMMON LAND**

**A. DIMENSIONAL REQUIREMENTS**

In an OSRD, at least sixty percent (60%) of the total tract area shall be set aside as Common Land for the use of the OSRD residents or the general public. The following additional requirements shall apply:

1. The minimum required area of Common Land shall not contain a greater percentage of wetlands than the percentage of wetlands found in the overall tract of land on which the OSRD is located.
2. Common Land shall be planned as large, contiguous parcels whenever possible. Strips or narrow parcels of Common Land shall be permitted only when necessary for providing access to the Common Land from a public or private way, or if the Planning and Zoning Board finds that a vegetated buffer strip along the site's perimeter is appropriate and consistent with the purpose of OSRD development.
3. Common Land may be set aside in more than one parcel provided that the size, shape and location of such parcels are suitable for the designated uses.

4. If the tract of land abuts adjacent Common Land, undeveloped lots or open space, the Common Land, wherever possible, shall be connected with such adjacent Common Land, undeveloped abutting lots or open space.
5. The Common Land shall include adequate upland access from a way or street.

**B. USE OF THE COMMON LAND**

1. The Common Land shall be dedicated and used for natural resource protection, recreation, park purposes, outdoor education, agriculture, horticulture, or forestry, or for any combination of such uses. No other uses shall be allowed in the Common Land, except as follows:
  - a. A portion of the Common Land may be also be used for the construction of leaching areas associated with septic disposal systems serving the OSRD or for water supply wells serving the OSRD, if the Planning and Zoning Board determines that such use will enhance the specific purpose of Open Space Residential Development and promote better overall site planning. Septic disposal easements shall be no larger than reasonably necessary. If any portion of the Common Land is used for the purpose of such leaching areas or wells, the Planning and Zoning Board shall require adequate assurances and covenants that such facilities shall be maintained by the lot owners within the OSRD.
  - b. A portion of the Common Land may also be used for ways serving as pedestrian walks, bicycle paths and emergency access or egress to the OSRD or adjacent land, if the Planning and Zoning Board determines that such a use will enhance the specific purpose of Open Space Residential Development and promote better overall site planning, and if the Planning and Zoning Board finds that adequate assurances and covenants exist to ensure proper maintenance of such facilities by the owner of the Common Land.
  - c. The Common Land may be subject to easements for the construction, maintenance, and repair of utility and drainage facilities serving the Open Space Residential Development or adjacent parcels.
2. The Common Land shall remain unbuilt upon, provided that an overall maximum of five (5) percent of such land may be subject to pavement and structures accessory to the dedicated use or uses of the Common Land or as otherwise permitted herein.
3. The proposed use of the Common Land shall be specified and appropriate dedications and restrictions shall be part of the deed to the Common Land.

4. The Planning and Zoning Board shall have the authority to approve or disapprove particular uses proposed for the Common Land in order to enhance the specific purposes of Open Space Residential Development, and to further efforts to equitably distribute a variety of open space benefits throughout the community.

**C. OWNERSHIP OF COMMON LAND**

1. The Common Land shall be conveyed in whole or part to the Town of Easton and accepted by it; or to a nonprofit organization, the principal purposes and uses to which the Common Land is to be dedicated; or to a purpose of which is the conservation of open space and/or any of the corporation or trust owned or to be owned by the owners of the dwelling units within the Open Space Residential Development. The Planning and Zoning Board shall approve the form of ownership of the Common Land.
2. If any portion of the Common Land is not conveyed to the Town of Easton, a perpetual restriction, approved by the Planning and Zoning Board and enforceable by the Town of Easton, shall be imposed on the use of such land, providing in substance that the land be kept in its open or natural state and that the land shall not be built upon or developed or used except in accordance with provisions of an OSRD as set forth herein and, if applicable, as further specified in the decision of the Planning and Zoning Board governing the individual OSRD.
3. The proposed ownership of all Common Land shall be specified on a plan required by the Board.
4. At the time of its conveyance, the Common Land shall be free of all encumbrances, mortgages or other claims, except as to easements, restrictions and encumbrances required or permitted by this bylaw.

**D) MAINTENANCE OF COMMON LAND**

If the Common Land is to be held by a homeowners association, or other approved entity, a management plan shall be prepared establishing responsibilities and schedules for maintenance of the Common Land.

**4. ADDITIONAL DESIGN CRITERIA**

**A) FOUR-STEP DESIGN PROCESS.**

Each plan for Open Space Residential Development shall follow a four-step design process, as described below. When the application is submitted, applicants shall be prepared to demonstrate to the Planning and Zoning Board that these four design process, as described below. When the application is submitted, applicants shall be prepared to demonstrate to the Planning and Zoning

Board that these four design steps were followed by their designers in determining the layout of their proposed streets, house lots, and open space.

1. **Designating the Open Space.** First, identify the open space to be protected. The open space shall include, to the extent feasible, the most sensitive and noteworthy natural, scenic and cultural resources on the property.
2. **Location of House Sites.** Second, locate the potential house sites. House sites shall be located not closer than 100 feet to wetlands, but may be situated within 50 feet of open space areas (other than the wetlands), in order to enjoy views of the latter without negatively impacting the former.
3. **Street and Lot Layout.** Third, align the proposed streets to provide vehicular access to each house in the most reasonable and economical way. When lots and access streets are laid out, they shall be located in a way that minimizes adverse impacts on open space. To the greatest extent practicable, wetland crossings shall be strongly discouraged, in order that the maximum number of homes in new developments may enjoy views of open space.
4. **Lot Lines.** Fourth, draw in the lot lines (where applicable). These are generally drawn midway between house locations.

***B) IN ADDITION TO THE STANDARDS SET FORTH IN THE PREVIOUS SECTIONS OF THIS SECTION 7-15,***

The OSRD shall be designed with the following objectives, in order of priority:

1. Septic systems shall be placed on the most suitable soil for subsurface septic disposal.
2. Buildings shall be sited within any woodland contained in the parcel or along the edges of the open fields adjacent to any woodland as to reduce any impact upon the site's natural, scenic and cultural resources, and to enable new construction to be visually absorbed by the natural landscape features.
3. Buildings shall be sited in locations where the greater number of units can be designed to take maximum advantage of solar heating opportunities.
4. Buildings shall be sited in locations where the greater number of units can be designated to take maximum advantage of solar heating opportunities.
5. Buildings shall be sited to avoid sensitive environmental features, including wildlife habitat, wetlands, water bodies, steep slopes or other important site features.

6. New buildings may be sited in clusters close to an existing public road to reflect the traditional locations, patterns and setbacks of nearby buildings. Such roadside clusters shall be compatible with the scale of the surrounding neighborhood and shall maintain at least 75% of the existing undeveloped road frontage in conservation. Architectural design of new buildings (proportions, roof pitches, exterior materials and fenestration) shall reflect the character of nearby existing structures.

In addition to the standards set forth in previous sections of this Section 7-15, the OSRD shall be designed in accordance with the following objectives, in order of priority:

#### **D. SPECIAL PERMIT APPLICATIONS AND PROCEDURES**

An application for an Open Space Residential Development special permit shall cover the entire Open Space Residential Development.

##### *1. PRE-SUBMISSION MEETING*

Prior to submission of the Special Permit application, the applicants strongly advised to meet with the Town Planner or other Board designee review the proposed development of the parcel of land, in order to explore general conditions involving the site and to discuss potential problems. Pencil sketches, which need not to be professionally prepared, will assist in this discussion, and should show the critical features to be included in the special permit application as set forth in section 2, below.

##### *2. OSRD REQUIRING SUBDIVISION APPROVAL*

If the Open Space Residential Development requires approval under the Subdivision Control Law, the "Open Space Residential Development Site Plan" shall contain a plan in the form and with the contents required of a Definitive Subdivision Plan by the Easton Subdivision Rules and Regulations. The applications for an OSRD Special Permit and for approval of a Definitive Subdivision Plan shall be filed concurrently. To the extent permitted by law, the Planning and Zoning Board shall consider both applications at the same time.

##### *3. PLANNING AND ZONING BOARD ACTION*

- a. In evaluating the proposed OSRD, the Planning and Zoning Board shall consider:
  - 1) the general purpose and objectives of this by-law;
  - 2) the existing and probable future development of the surrounding areas;
  - 3) the appropriateness of the proposed layout of streets, ways, lots and structures; and

- 4) the proposed layout and use of the Common Land in relation to the proposed dwelling units in the OSRD, adjoining public or private common land or open space or the topography, soils and other characteristics of the tract of land in question; and
  - 5) to the extent reasonable, whether the areas designated as Common Land are consistent with the objectives stated in the Town of Easton Open Space and Recreation Plan then in effect, if any)
- b. The Planning and Zoning Board may grant a special permit for an OSRD if it finds that the OSRD:
- 1) Complies with the requirements of this Section 7-15, other applicable requirements of the Zoning By-laws and where applicable, the construction and design standards of the Easton Subdivision Rules and Regulations.
  - 2) Is consistent with the purposes of this section; and
  - 3) Is in harmony with the existing and probable future uses of the area and with the character of the surrounding area and neighborhood.
- c. In addition, in order to grant a special permit for an OSRD, the Planning and Zoning Board must find that the number of housing units to be developed in the OSRD will not exceed by more than ten percent (10%) the number of house lots that could be developed under standard lot area frontage requirements.

#### 4. *SPECIAL PERMIT CONDITIONS*

As a condition of approval, the Planning and Zoning Board may require such changes in the proposed development plans and may impose such conditions and safeguards as it deems necessary to secure the objectives of this bylaw, and to protect the health, safety and welfare of the inhabitants of the neighborhood and of the Town of Easton. The Special Permit shall specify the timing for conveyance of the Common Land.

#### **E. CHANGE IN PLANS AFTER GRANT OF SPECIAL PERMIT**

No change in any aspect of the approved plans shall be permitted unless approved in writing by the Planning and Zoning Board. A new or amended special permit will be required if the Planning and Zoning Board determines any proposed change to be substantial.

## **F. BUILDING PERMITS**

No building permit shall be issued for any structure within an OSRD unless such structure is in compliance with this by-law and the terms and conditions of any special permit there under.

The Planning and Zoning Board is the Special Permit Granting Authority (SPGA) for this By-law.

Compliance with §7-16 Affordable Housing Requirements is also necessary. The Special Permit hearings and decisions under this §7-15 Open Space Residential Developments and under this §7-16 may be combined.

## **7-16 AFFORDABLE HOUSING REQUIREMENTS**

### **1. PURPOSE**

The purpose of this section is to promote the public welfare by:

- a. increasing the supply of housing that is available and affordable to low or moderate income households, with an emphasis on family housing;
- b. encouraging residential growth in already developed areas; and
- c. preventing the displacement of Easton residents.

Units created through these provisions are intended to be meet the requirements of Ch. 40B §§20-24 and of any comparable affordable housing programs, and to be recognized as Local Initiative Units as defined by the Department of Housing and Community Development (DHCD).

### **2. DEFINITIONS**

The following definitions shall apply in this §7-16. Where a term is undefined herein, the definition set forth in the Affordable Housing Guidelines adopted pursuant to this §7-16, if any, shall control. All other undefined terms in this section shall either be governed by Section II, Definitions of this Zoning Bylaw or shall be interpreted in accord with such normal dictionary meaning or customary usage as is appropriate to the context.

AFFORDABLE HOUSING GUIDELINES are written policies and criteria, recommended by the Affordable Housing Trust Fund Board of Trustees and adopted by the Planning Board, which supplement and serve to aid in the interpretation of this section. They may be revised from time to time without an amendment to the Zoning Bylaw.

AFFORDABLE HOUSING PLAN means a document that constitutes the applicant's showing of compliance with the requirements of this section.

AFFORDABLE UNIT means a dwelling unit which meets the following conditions:

1. In a project in which affordable dwelling units will be rented, a unit shall be considered an affordable unit if: (a) it is rented to an eligible low or moderate income household; and (b) it qualifies for inclusion on the Subsidized Housing Inventory.
2. In a project in which affordable dwelling units will be sold, a unit shall be considered an affordable unit if: (a) it is sold to an eligible low or moderate income household; and (b) it qualifies for inclusion on the Subsidized Housing Inventory.

COMPREHENSIVE PERMIT GUIDELINES refers to guidelines promulgated by DHCD pursuant to MGL c. 40B, §§20-23.

INCOME, LOW OR MODERATE means a combined household income which is less than or equal to 80% of the Area Median Income, as defined by HUD.

PROJECT means a residential development, or development with a residential component, subject to the requirements of this §7-16 Affordable Housing Requirement, as described in paragraph 3, below.

### **3. APPLICABILITY**

In all zoning districts, the provisions of this §7-16 shall apply to:

- 1) any subdivision developed in conjunction with a Special Permit for Residential Compound, Open Space Residential Development, or Adult Retirement Development;

The development of any project set forth in this **§7-16, paragraph 3**, shall require the grant of a special permit from the Planning & Zoning Board.

### **4. REQUIRED AFFORDABLE UNITS**

As a condition for granting any special permit hereunder, applicants shall contribute to the Town's stock of affordable units in accordance with the following requirements:

- a. In any subdivision developed in conjunction with a Special Permit for Residential Compound, Open Space Residential Development, or Adult Retirement Development, the applicant shall be required to set aside 20% of the units so created as affordable units; except as the provisions of §7-16 (6), below, shall apply.

- b. The required affordable units shall contain 20% of the bedrooms in the project as a whole.
- c. In determining the total number of affordable units or bedrooms required in subparagraphs a. and b. above, a fractional unit of 0.4 or more shall be regarded as a whole unit or bedroom.

**5. STANDARDS**

Projects containing affordable units shall meet the following standards:

- a. Projects shall not be segmented or phased to avoid compliance with these provisions.
- b. Affordable units shall be dispersed throughout the project and shall be indistinguishable from market rate units in external appearance. The affordable units shall have the same mechanical systems as market units, except that affordable units with up to two bedrooms may have only one bathroom, affordable units with three or more bedrooms shall have at least 1.5 bathrooms. Affordable units shall have the same finishes and appliances as the market rate units except where the Planning & Zoning Board specifically approves, in advance, a request for different finishes and/or appliances.
- c. The affordable units shall contain square footage which is no less than (1) the average size of market rate units containing the same number of bedrooms, or (2) the following, whichever is the smaller:
  - 0 bedrooms: 500 square feet
  - 1 bedroom: 700 square feet
  - 2 bedrooms: 900 square feet
  - 3 bedrooms: 1100 square feet
  - 4 bedrooms: 1300 square feet
- d. Sales prices, resale prices, initial rents, and rent increases for the affordable units shall be established in accordance with this section and the Comprehensive Permit Guidelines, as further clarified in the Affordable Housing Guidelines and shall be permanently restricted, to the extent legally permissible, to ensure long-term affordability.
- e. The Town may establish a system of priorities for selecting buyers or renters, in accordance with the Affordable Housing Guidelines.
- f. The Town may require that lessees of affordable rental units meet income recertification requirements upon renewal of lease terms, in accordance with the Affordable Housing Guidelines.

- g. Affordability restrictions shall be embodied in applicable deed covenants, restrictive covenant agreements, other contractual agreements, land trust arrangements, and/or other mechanisms designed to ensure compliance with this section.
- h. Covenants and other documents necessary to ensure compliance with this section shall be executed and, if applicable, recorded prior to and as a condition of the issuance of any building permit or certificate of occupancy, as the Planning & Zoning Board shall deem appropriate.

## **6. ALTERNATIVE REQUIREMENTS FOR AFFORDABLE UNITS**

Subject to a finding by the Planning & Zoning Board that the result will be advantageous to the Town in creating or preserving affordable units and not result in the undue concentration of affordable units, the requirements of this section may be satisfied through one or more of the following methods, listed in the order of preference:

- a. Off-Site Location—Affordable units may be located on an alternative site or sites in Easton suitable for housing use, preferably in the same neighborhood as the on-site development. While off-site affordable units may be located in an existing structure, the potential for displacement of existing tenants shall be considered by the Planning & Zoning Board. Affordable units provided through this alternative method shall comply in all other respects other with the requirements of this section. The applicant's Affordable Housing Plan shall show that the applicant shall provide a greater affordable housing benefit to the Town than would have been provided on site.
- b. Cash Payment— The applicant may choose to make a cash payment to the Housing Trust, as clarified in the Affordable Housing Guidelines.

## **7. PROCEDURES**

All projects shall comply with the following procedures as applicable:

- 1. Pre-Application Meeting—The applicant shall convene a pre-application meeting with the Planning & Zoning Board to discuss the project proposal and affordable housing requirements.
- 2. Submittal of Affordable Housing Plan—The applicant shall fill out and submit an Affordable Housing Plan form to the Department of Planning and Community Development prior to making an application for a building permit. This form requires the following information:
  - a) On-Site Unit Projects—Applicants electing to develop on-site affordable units shall provide a schedule of all project units by location, square footage, unit types, number and types of rooms, and location of affordable units.

- b) Cash Contribution Projects Under Paragraph 6, Subparagraph b.— Applicants electing to make a cash contribution in lieu of providing affordable units shall provide a statement of the number of project units and the corresponding formula required by the Affordable Housing Guidelines.
  - c) Alternative Requirements—Applicants proposing to employ paragraph 6, Alternative Requirements for Affordable Units, above shall provide a proposal specifying the buildings, off-site affordable units, and/or cash contribution; and a schedule and proposed security for providing these.
3. Planning & Zoning Board Application—The applicant shall make a formal application for a special permit to the Town Clerk.
  4. Affordable Housing Trust Fund Board of Trustees Review—Except for applications proposing cash contributions under paragraph 6, subparagraph b., the Affordable Housing Trust Fund Board of Trustees shall, in the next regularly scheduled meeting after necessary public notice, review the Affordable Housing Plan and prepare a recommendation to the Planning & Zoning Board.
  5. Planning & Zoning Board Review—The Planning Board shall meet to hear the special permit application. The Planning & Zoning Board decision may require modifications, conditions, and safeguards, including documentation regarding affordability and funding commitments reasonably related hereto, and shall explain any deviation from Affordable Housing Trust Fund Board of Trustees recommendations in writing in its decision.

## **8. CONDITIONS**

1. The Planning & Zoning Board shall require that a Revised Affordable Housing Plan, which shall include any conditions in the grant of a special permit from the Planning & Zoning Board, shall be submitted to the Planning Director for final approval prior to the issuance of a building permit. For projects providing affordable units, the Affordable Housing Plan shall include a reference to specific floor plans of the affordable units that shall be attached to the plan. For projects providing cash or other contributions under Paragraph 6, the revised Affordable Housing Plan shall set forth a detailed description, if applicable, and schedule for contributions, including any documentation required to secure such, in accordance with the Affordable Housing Guidelines. The Revised Affordable Housing Plan shall be legally binding as part of a special permit which shall refer to it in any decision.


2. Where set forth as a condition in the approved Revised Affordable Housing Plan, no building permit shall be issued until the applicant submits to the Director of the Department of Planning and Community Development a proper bond, or other financial instrument designed to secure performance of the requirements of this section.
3. No building permit shall be issued until the applicant submits proof that the special permit decision has been recorded and that the Planning Director has issued a final approval letter for the Revised Affordable Housing Plan.
4. The Zoning Board of Appeals may impose conditions in which the Building Commissioner may limit, restrict, or withhold the issuance of a certificate of occupancy for any market rate unit(s) in a development until:
  - a) all of the affordable units have obtained a certificate of occupancy; or
  - b) any cash contribution, buildings and/or off-site units required to be donated to the Town or its designee have been conveyed.
5. Prior to issuance of any certificate of occupancy for the a project including affordable units, the applicant shall submit to the Director of Planning and Community Development for approval a plan for marketing and selection of occupants; initial rents or sales prices for the units designated as affordable; and, prior to their being recorded, condominium, cooperative or other homeowner association documents, as appropriate. For projects including affordable units for rent, this plan shall be recorded as a part of the affordable housing restriction set forth in paragraph 5 herein. All plans shall be consistent with the Affordable Housing Guidelines.
6. Initial Sales/Rental will be through a lottery implemented by a qualified non-profit housing agency such as the Easton Housing Authority, the South Shore Housing Development Corporation, or the Citizens Housing and Planning Association, and a comparable agency will oversee re-sales or re-rentals to preserve affordability in perpetuity, in accordance with the Comprehensive Permit Guidelines.

## **9. AFFORDABLE HOUSING GUIDELINES**

The Planning Board, in consultation with the Affordable Housing Trust Fund Board of Trustees and after public notice and hearing, shall adopt Affordable Housing Guidelines.

## **10. CONTRIBUTIONS OF CASH**

Cash contributions made to the Affordable Housing Trust in accordance with this §7-16 shall be used only for purposes of providing affordable housing for low or moderate income households as defined by this section.



## 7-17 QUESET SMART GROWTH OVERLAY DISTRICT (QSGOD)

### A. PURPOSE

It is the purpose of this Section to establish a Queset Smart Growth Overlay District and to encourage smart growth in accordance with the purposes of G. L. Chapter 40R, and to foster a range of housing opportunities along with a mixed-use development component, to be proposed in a distinctive and attractive site development program that promotes compact design, preservation of open space, and a variety of transportation options, including enhanced pedestrian access to employment and nearby transportation systems.

Other objectives of this Section are to:

1. Promote the public health, safety, and welfare by encouraging diversity of housing opportunities;
2. Provide for a full range of housing choices for households of all incomes, ages, and sizes in order to meet the goal of preserving municipal character and diversity;
3. Increase the production of a range of housing units to meet existing and anticipated housing needs;
4. Provide a mechanism by which residential development can contribute directly to increasing the supply and diversity of housing;
5. Establish requirements, standards, and guidelines, and ensure predictable, fair and cost effective development review and permitting;
6. Establish development standards to allow context-sensitive design and creative site planning;
7. Enable the Town to receive Zoning Incentive Payments and/or Density Bonus Payments in accordance with G. L. Chapter 40R, 760 CMR 59.06, and additional Chapter 70 aid in accordance with G.L. Chapter 40S arising from the development of housing in the Queset Smart Growth Overlay District.

### B. DEFINITIONS

For purposes of this Section, the following definitions shall apply. All capitalized terms shall be defined in accordance with the definitions established under the Enabling Laws or this Section 7-17.B. To the extent that there is any conflict between the definitions set forth in this Section and the Enabling Laws, the terms of the Enabling Laws shall govern.

**AFFORDABLE HOMEOWNERSHIP UNIT**

An Affordable Housing unit required to be sold to an Eligible Household.

**AFFORDABLE HOUSING**

Housing that is affordable to and occupied by Eligible Households.

**AFFORDABLE HOUSING RESTRICTION**

A deed restriction of Affordable Housing meeting statutory requirements in G.L. c. 184, Section 31 and the requirements of Section 7-17.D of this Bylaw.

**AFFORDABLE RENTAL UNIT**

An Affordable Housing unit required to be rented to an Eligible Household.

**AS-OF-RIGHT PROJECT OR PROJECT**

Multifamily Use development or a Mixed Use development allowed under Section 7-17.E without recourse to a special permit, variance, zoning amendment, or other form of zoning relief.

**ASSISTED LIVING FACILITY**

A facility licensed by the Executive Office of Elder Affairs pursuant to G.L. c. 19D and all of applicable requirements. This definition shall not include any other forms of group living quarters such as group foster care group homes, single room occupancy residences, rooming or lodging houses, and other facilities as listed in Commonwealth of Massachusetts Regulations (651 CMR 12.01).

**DESIGN STANDARDS**

See Section 7-17. O

**DEVELOPMENT PROJECT**

A residential, commercial or mixed-use development undertaken under Section 17-7. A Development Project shall be identified on the Site Plan which is submitted to the Plan Approval Authority for Site Plan Review.

**DHCD**

The Department of Housing and Community Development of the Commonwealth of Massachusetts or any successor agency.

**ELIGIBLE HOUSEHOLD**

An individual or household whose annual income is less than 80 percent of the area-wide median income as determined by the United States Department of Housing and Urban Development

(HUD), adjusted for household size, with income computed using HUD's rules for attribution of income to assets.

**ENABLING LAWS**

G.L. Chapter 40R and 760 CMR 59.00.

**MIXED USE**

Structure in which multifamily use is permitted as of right with allowed commercial uses.

**MULTIFAMILY USE**

Dwelling containing four or more dwelling units.

**PLAN APPROVAL**

Standards and criteria which a Project in the QSGOD must meet under the procedures established herein and in the Enabling Laws.

**PLAN APPROVAL AUTHORITY**

For purposes of reviewing Project applications and issuing decisions on development Projects within the QSGOD, the Plan Approval Authority (PAA), consistent with G.L. Chapter 40R and 760 CMR 59.00, shall be the Planning and Zoning Board. The PAA is authorized to approve a site plan to implement a Project.

**RECREATIONAL USES**

Active recreational uses, including but not limited to ball fields; and passive recreational uses, including but not limited to walking and bicycle paths. Amusements or motorized uses shall not be considered eligible recreational uses.

**SITE PLAN**

A plan depicting a proposed Development Project for all or a portion of the Queset Smart Growth Overlay District and which is submitted to the Plan Approval Authority for its review and approval in accordance with provisions of this Bylaw.

**SUBSTANTIALLY DEVELOPED LAND**

Land within the QSGOD that is currently used for commercial, industrial, institutional or governmental use, or for residential use consistent with or exceeding the densities allowable under the underlying zoning.

**ZONING BYLAW**

The Zoning Bylaw of the Town.

## **C. OVERLAY DISTRICT**

### *1. ESTABLISHMENT*

The Quset Smart Growth Overlay District, hereinafter referred to as the QSGOD, is an overlay district having a land area of approximately 69.95 acres, being 10 portions of Assessor's Map U28, Lots 28 & 43; Assessor's Map 32, Lot 23; Assessor's Map 33, Lots 4, 5A, 6, 7, 11, 12, 21, 21A, 104, 105, 106 that is superimposed over the underlying zoning district, as shown on the Zoning Map as set forth on the map entitled "Quset Commons Smart Growth Zoning Map," dated April 5, 2007, as revised through December 3, 2007, attached hereto as Appendix B. This map is hereby made a part of the Zoning Bylaw and is on file in the Office of the Town Clerk.

### *2. UNDERLYING ZONING*

The QSGOD is an overlay district superimposed on all underlying zoning districts. Except as limited herein, the underlying zoning shall remain in full force and effect.

### *3. APPLICABILITY OF QSGOD*

In accordance with the provisions of G.L. Chapter 40R and 760 CMR 59.00, an Applicant for a Project located within the QSGOD may seek Plan Approval in accordance with the requirements of this Section 7-17. In such case, then notwithstanding anything to the contrary in this Zoning By-law, such Plan Approval shall not be subject to any other provisions of this Zoning By-law, including limitations upon the issuance of building permits for residential uses related to a rate of development or phased growth limitation or to a local moratorium on the issuance of such permits, or to building permit or dwelling unit limitations, including but not limited to any rate of development limitations provided in the Zoning By-law. When a building permit is issued for any Project approved in accordance with this Section 7-17, the provisions of the underlying district(s) shall no longer be applicable to the land shown on the site plan which was submitted pursuant to Section 7-17.M for such Project.

## **D. HOUSING AND AFFORDABILITY**

### *1. MARKETING PLAN*

Prior to granting Plan Approval for housing within the QSGOD, an Applicant for such approval must submit a narrative document and marketing plan that establishes that the proposed development of housing is appropriate for diverse populations, including households with children, other households, individuals, households including individuals with disabilities, and the elderly. These documents in combination, to be submitted with an application for Plan Approval pursuant to Section 7-17.M, below, shall include details about construction related to the provision, within the

Project, of units that are accessible to the disabled. The marketing plan must be approved by DHCD prior to the issuance of a building permit for a Development Project.

## 2. *NUMBER OF AFFORDABLE HOUSING UNITS*

For all Projects, not less than twenty percent (20%) of the total housing units constructed in a Project shall be Affordable Housing. For all Projects where the Affordable Units proposed are Rental Units not less than twenty five percent (25%) of total housing units in any building containing rental units shall be Affordable Housing; provided, however, that 20% of such units may be affordable where restricted to households earning less than 50% of area median income. For purposes of calculating the number of units of Affordable Housing required within a Project, any fractional unit shall be deemed to constitute a whole unit.

## 3. *REQUIREMENTS*

Affordable Housing shall comply with the following requirements:

- a. For an Affordable Rental Unit, the monthly rent payment, including utilities and parking, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one, unless other affordable program rent limits approved by the DHCD shall apply.
- b. For an Affordable Homeownership Unit the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, insurance, and parking, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one.
- c. Affordable Housing required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.
- d. The QSGOD shall not include the imposition of restrictions on age upon the entire District, but the development of specific Projects within the QSGOD may be exclusively for the elderly, persons with disabilities, or for assisted living, provided that any such Project shall be in compliance with all applicable federal, state and local fair housing laws and regulations and not less than 25% of the housing units in such a restricted Project shall be restricted as Affordable Housing.
- e. At least 10% of the Affordable Housing Units shall be handicapped-accessible.

#### 4. DESIGN AND CONSTRUCTION

Units of Affordable Housing shall be finished housing units. Units of Affordable Housing shall be dispersed throughout the development of which they are part and be comparable in initial construction, quality and exterior design to other housing units in the development. The total number of bedrooms in the Affordable Housing shall be proportionate to the total number of bedrooms in all the units in the Development Project of which the Affordable Housing is part.

#### 5. AFFORDABLE HOUSING RESTRICTION

Each unit of Affordable Housing shall be subject to an Affordable Housing Restriction which is recorded with the appropriate registry of deeds or district registry of the Land Court and prior to such recording has been approved by DHCD. Such Affordable Housing Restriction shall contain the following:

- a. Specification of the term of the affordable housing restriction which shall be the maximum period allowed by-law but not less than ninety nine years;
- b. The name and address of a Monitoring Agent with a designation of its power to monitor and enforce the affordable housing restriction;
- c. A description of the Affordable Homeownership Unit, if any, by address and number of bedrooms; and a description of the overall quantity and number of bedrooms and number of bedroom types of Affordable Rental Units in a Project or portion of a Project which are rental. Such restriction shall apply individually to the specifically identified Affordable Homeownership Unit and shall apply to a percentage of rental units of a rental Project or the rental portion of a Project without specific unit identification.
- d. Reference to a housing marketing and resident selection plan, to which the Affordable Housing is subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. If approved by DHCD, the housing marketing and selection plan may provide for preferences in resident selection. for the Affordable Housing Units; the plan shall designate the household size appropriate for a unit with respect to bedroom size and provide that the preference for such Unit shall be given to a household of the appropriate size.
- e. A requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of Eligible Households compiled in accordance with the housing marketing and selection plan.

- f. Reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership will be set;
- g. Designation of the priority of the Affordable Housing Restriction over other mortgages and restrictions, provided that a first mortgage of a Homeownership Housing Unit to a commercial lender in an amount less than maximum resale price may have priority over the Affordable Housing Restriction if required by then current practice of commercial mortgage lender;
- h. A requirement that only an Eligible Household may reside in Affordable Housing and that notice of any lease or sublease of any unit of Affordable Housing shall be given to the Monitoring Agent;
- i. Provision for effective monitoring and enforcement of the terms and provisions of the
- j. Provision that the restriction on an Affordable Homeownership Unit shall run in favor of the Monitoring Agent and the Town, in a form approved by municipal counsel, and shall limit initial sale and resale to and occupancy by an Eligible Household;
- k. Provision that the restriction on Affordable Rental Units in a rental Project or rental portion of a Project shall run with the rental Project or rental portion of a Project and shall run in favor of the Monitoring Agent and the Town, in a form approved by municipal counsel, and shall limit rental and occupancy to an Eligible Household;
- l. Provision that the owner[s] or manager[s] of Affordable Rental Unit[s] shall file an annual report to Monitoring Agent, in a form specified by that Agent certifying compliance with the affordability provisions of this Bylaw and 13 containing such other information as may be reasonably requested in order to ensure affordability;
- m. A requirement that residents in Affordable Housing provide such information as the Monitoring Agent may reasonably request in order to ensure affordability.

#### 6. *MONITORING AGENT*

A Monitoring Agent which may be the Local Housing Authority, or other qualified housing entity shall be designated by the PAA as the Monitoring Agent for all Projects in the QSGOD. In a case where the Monitoring Agent cannot adequately carry out its administrative duties, upon certification of this fact by the PAA or by DHCD, such duties shall devolve to and thereafter be administered by a qualified housing entity designated by the PAA or, in the absence of such timely designation, by an entity designated by the DHCD. In any event, such Monitoring Agent shall ensure the following,

both prior to issuance of a Building Permit for a Project within the OSGOD, and on a continuing basis thereafter, as the case may be:

- a. Prices of Affordable Homeownership Units are properly computed; rental amounts of Affordable Rental Units are properly computed;
- b. Income eligibility of households applying for Affordable Housing is properly and reliably determined;
- c. The housing marketing and resident selection plan conforms to all requirements and is properly administered;
- d. Sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given; and
- e. Affordable Housing Restrictions meeting the requirements of this Section are recorded with the proper registry of deeds.

#### *7. HOUSING MARKETING AND SELECTION PLAN*

The housing marketing and selection plan shall make provision for payment by the Project applicant of reasonable costs to the Monitoring Agent to develop, advertise, and maintain the list of Eligible Households and to monitor and enforce compliance with affordability requirements, as set forth in 7-17.D.

#### *8. PHASING*

The PAA, as a condition of any Plan Approval, may require a Project to be phased in order to mitigate any extraordinary adverse Project impacts on nearby properties. For Projects that are approved and developed in phases, the PAA shall assure the required number of Affordable Housing Units in the Project, as per Section 7-17(D)(2). Such assurance may be provided through use of the security devices referenced in G.L. c. 41, § 81U, or through the PAA's withholding of certificates of occupancy until proportionality has been achieved. No Density Bonus Payment will be received by the Town until such proportionality has been achieved by the issuance of occupancy permits for the Affordable Housing Units in the Project.

#### *9. COMPUTATION*

Prior to the granting of any Plan Approval of a Project, the applicant must demonstrate, to the satisfaction of the Monitoring Agent, that the method by which such affordable rents or affordable

purchase prices are computed shall be consistent with state or federal guidelines for affordability applicable to the Town.

**10. NO WAIVER**

Notwithstanding anything to the contrary herein, the Affordability provisions in this Section 7-17.D shall not be waived.

**E. PERMITTED AND PROHIBITED USES**

Except as otherwise provided by-law in each subzone, no building, structure or land shall be used or occupied except for the purposes permitted as set forth in the following Table of Use Regulations. The letter “Y” shall designate that a use requires Plan Approval. The letter “N” shall designate that a use is not permitted.

The letters SP shall designate that the use requires a special permit from the Special Permit Granting Authority designated by the referenced Section of the Zoning Bylaw.

**TABLE OF USES**

	SUBZONE		
	A	B	C
<b>1. RESIDENTIAL USES</b>			
Multifamily dwellings including dwelling units over nonresidential space	Y	Y	N
Assisted Living Facility	N	Y	Y
<b>2. NONRESIDENTIAL USES</b>			
Trade, professional, or other school conducted as a private business for gain	N	Y	Y
Swimming, tennis, fitness center, or other indoor or outdoor recreational facility as an accessory use	Y	Y	Y
Town and municipal uses	Y	Y	Y
Business, financial, and professional use	N	Y	Y
Offices and clinics for medical, psychiatric, or other health services for examination or treatment of persons as out-patient, including only laboratories that are part of such office or clinic	N	Y	Y
Commercial or educational radio or television studio; theatre as an accessory use	N	Y	Y
Store for retail sale of merchandise, provided all display, storage, and sale of materials are conducted within a building and provided there be no manufacturing or assembly on the premises	N	Y	Y
Eating places serving food and beverages to be consumed within the building as an accessory use	N	Y	Y
Restaurant, dining facility, or other establishment providing food and beverages with no live or mechanical entertainment as an accessory use	N	Y	Y

	SUBZONE		
	A	B	C
Service businesses serving local needs, such as barber shops, tailor, beauty shops, shoe repair, or dry cleaning pick-up agency	N	Y	Y
Sales places for flowers, garden supplies, or agricultural produce partly or wholly outdoors	N	Y	Y
Communications tower and wireless communications facility	N	N	N
Wireless communication facility, when incorporated into the structure of a building	Y	Y	Y
Any use listed above involving toxic or hazardous materials in quantities greater than those associated with normal household use, as regulated by the Section 5.4 of the Zoning Bylaw, Aquifer Protection Districts, as in effect on May 21, 2007	SP	SP	SP
<b>3. ACCESSORY USES</b>			
Home Occupation; provided that it is conducted solely within a dwelling and solely by the person(s) occupying the dwelling as a primary residence; does not produce offensive noise, vibration, smoke, dust, odors, heat, lighting, electrical interference, radioactive emission or environmental pollution; does not utilize exterior storage of material or equipment; does not exhibit any exterior indication, except a sign not exceeding two s.f., of its presence or any variation from residential appearance; does not produce any customer, pupil, or client trips to the occupation site and has no nonresident employees; and is registered as a business with the Town Clerk	Y	Y	N
Home Occupation in compliance with the above, which, in addition to the resident(s) of the premises, has not more than 16 one additional employee; and produces reasonable customer, pupil, or client trips to the occupation site, as governed by Section 7.9 of the Easton Zoning By-Law , as in effect on May 21, 2007	SP	SP	N
Theatre or auditorium accessory to a use permitted above	Y	Y	Y

#### 4. SUBSTANTIALLY DEVELOPED LAND

For Substantially Developed Land, the construction of infill housing on existing vacant lots, and of additional housing units in existing residential buildings or additions thereto or replacements thereof, shall be permitted as of right. The allowable residential densities in such Substantially Developed Land shall be equal to those set forth in the underlying zoning. The adoption of the QSGOD shall supersede the use regulations applicable in the underlying zoning to the extent necessary to permit such residential uses as of right.

#### 5. PROHIBITED USES

No use defined as an Adult Entertainment Establishment under the Easton Zoning Bylaw shall be allowed in the QSGOD. The following uses prohibited in the Aquifer Protection Bylaw shall not be allowed in the QSGOD:

1. Sales or storage of fuels
2. Junk yards

3. Car washes
4. Road salt stockpiles when not stored in approved structures
5. Dumping of snow from outside the district
6. Dry cleaning establishments, except pick-up and drop-off
7. Motor vehicle and boat service and repair facilities
8. Metal plating establishments
9. Veterinary clinic or animal hospital
10. Chemical or bacteriological laboratories
11. Sanitary landfills
12. Solid waste facilities
13. Landfilling of sludge and septage
14. Any other use which involves as a principal activity the manufacture, storage, use, transportation or disposal of toxic or hazardous materials, except as allowed by Section 5-4 (F) of the Zoning Bylaw.

These prohibitions shall not be waived.

#### **F. DENSITY**

##### *1. IN SUBZONE A*

Multifamily Use with a density of 20 dwelling units per acre of developable land.

##### *2. IN SUBZONE B*

- a. Mixed Use with a density of 20 dwelling units per acre of developable land with residential units over available commercial uses. No commercial use shall be allowed except where developed as a Mixed Use with residential use located in the same building.
- b. The total amount of commercial space in Subzone B shall not exceed 80,000 sq. ft. aggregate gross floor area.

##### *3. IN SUBZONE C*

The total amount of commercial space in Subzone C shall not exceed 30,000 sq. ft. aggregate gross floor area.

**G. REQUIRED INTEGRATION OF USES AND MARKET RATE AND SUBSIDIZED DWELLING UNITS**

1. No more than half of the allowed commercial space shall be issued a certificate of occupancy until at least 100 dwelling units have been issued a certificate of occupancy.
2. In any phase, no more than 70% of approved market rate units shall be issued a certificate of occupancy until all required subsidized dwelling units have been issued a certificate of occupancy.

**H. TRAFFIC AND PEDESTRIAN SAFETY**

1. Driveways. Curb cuts provide for safe entering and exiting. The location of driveway openings in relation to traffic and to adjacent streets shall provide for the convenience and safety of vehicular and pedestrian movement within the site. The number of curb cuts on state and local roads shall be minimized.
2. Interior Design. The proposed development shall assure safe interior circulation within its site by separating pedestrian, bike ways, and vehicular traffic.
3. Transportation Plan. The proposed development shall be subject to an approved Transportation Plan. The Transportation Plan shall consist of the following information:
  - a. A plan showing the proposed parking, loading, traffic and pedestrian circulation within the site; access and egress points; and other features related to traffic generated by the proposed use.
  - b. A traffic study, prepared by a qualified traffic engineer, detailing the expected traffic impacts. The required traffic study shall substantially conform to the Institute of Transportation Engineers' "Traffic Access and Impact Studies for Site Development: A Recommended Practice," latest edition. The PAA shall approve the geographic scope and content of the study. In addition, the applicant shall submit a Transportation Demand Management (TDM) plan tailored to the specific uses and the geographic location of the site.
  - c. Proposed mitigation measures, if any, such as left-turn lanes, roadway widening, signage, signalization of intersections.

**I. NOISE**

Any Project in the QSGOD shall comply with all provisions contained in Section 11-1 of the Zoning Bylaw governing sound levels.

**J. DIMENSIONAL REGULATIONS**

No building or structure shall be built or shall any existing building or structure be enlarged except in conformance with the accompanying table as to lot coverage, front, side and rear yards, and maximum height of structures, in the districts as set forth below.

*TABLE OF DIMENSIONAL REGULATIONS*

		<b>ZONING DISTRICT</b>		
		A	B	C
Min. Yard (ft.)	Front	25	0	25
	Rear	20	0	20
	Side	15	0	15
Max. Bldg. Height (ft.)		60	60	35
Max. # of Stories above Grade		4	4	3
Max. % of Lot Coverage by Structure		25	25	25

For the purposes of this provision, the term “lot” shall mean the entirety of the QSGOD.

**K. OFF-STREET PARKING AND LOADING REGULATIONS**

*1. OFF-STREET PARKING AND LOADING REQUIREMENTS*

Any structure that is constructed, enlarged, or extended, or has a change of use which affects the computation of parking spaces, and any use of land established, or any existing use is changed, parking and loading spaces shall be provided in accordance with the Table of Off-Street Parking Regulations and the Table of Off-Street Loading Regulations. An existing structure which is enlarged or an existing use which is extended shall be required to provide parking and loading spaces in accordance with the following tables for the entire structure or use.

*2. EXISTING SPACES*

Parking or loading spaces being maintained in connection with any existing use shall not be decreased so long as said use remains, unless a number of parking or loading spaces is constructed elsewhere such that the total number of spaces conforms to the requirements of the tables of this Section provided: this regulation shall not require the maintenance of more parking or loading spaces than is required according to the tables.

### 3. COMPUTATION OF SPACES

When the computation of required parking or loading spaces results in the requirement of fractional space, any fraction over one-half shall require one space.

### 4. COMBINED FACILITIES

Parking required for two or more buildings or uses may be provided in combined facilities on the same or adjacent lots, where it is evidence that such facilities will continue to be available for the several buildings or uses.

### TABLE OF OFF-STREET PARKING REGULATIONS

<b>Uses</b>	<b>Minimum Number of Parking Spaces per Unit</b>
Multifamily Dwellings	1.75 for each dwelling unit in Subzone A; 1.25 for each dwelling unit in Subzone B
Restaurant, church, radio or television studio, accessory auditorium or theatre or similar place of public assembly with seating facilities	One for each three seats of total seating capacity
Retail, service, offices, finance, insurance, real estate establishment, or shopping center	Three per each 1,000 sq. ft. of gross floor space
Assisted Living Facility	One per bed at design capacity, plus employees on largest shift
Community facility (Town building, recreation, etc.)	One per each 1,000 sq. ft. of gross floor space
Multiple Use	Sum of various uses computed as in Section K.6 of this QSGOD

### 5. LOCATION OF LOADING SPACES

The loading spaces required for the uses listed in the Table of Off-Street Loading Requirements shall in all cases be on the same lot as the use they are intended to serve. In no case shall the required loading spaces be part of the area used to satisfy the parking requirements of this by-law.

6. SHARED PARKING

Shared parking may be applied when land uses have different parking demand patterns and are able to use the same parking spaces/areas throughout the day. Shared parking is most effective when these land uses have significantly different peak parking characteristics that vary by time of day, day of week, and/or season of the year. In these situations, shared parking strategies will result in fewer total parking spaces needed when compared to the total number of spaces needed for each land use or business separately. Shared parking is a strategy that can significantly reduce that amount of land devoted to parking while providing a number of spaces and encouraging compact land development.

For multiple uses, the number of parking spaces required shall be determined by a study prepared by the applicant following the procedures of the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other accepted procedures approved by the Plan Approval Authority.

TABLE OF OFF-STREET LOADING REGULATIONS

Uses	Number of Loading Spaces
Retail trade	One per 20,000 sq. ft. or fraction thereof of gross floor area up to two spaces; one additional space for each 60,000 sq. ft. or fraction thereof of gross floor area over 40,000 sq. ft.
Business, community facility	One per 75,000 sq. ft. or fraction thereof of gross floor area up to two spaces; one additional space for each 200,000 sq. ft. or fraction thereof of gross floor area over 150,000 sq. ft.

7. WAIVER OF PARKING AND LOADING REQUIREMENTS

Notwithstanding anything to the contrary herein, any minimum required amount of parking or loading may be reduced upon a demonstration to the reasonable satisfaction of the PAA that the lesser amount of parking will not cause excessive congestion, endanger public safety, or that lesser amount of parking will provide positive environmental or other benefits, taking into consideration:

- a. The availability of surplus off street parking or loading in the vicinity of the use being served and/or the proximity of a bus station or major transportation route;
- b. The availability of public or commercial parking facilities in the vicinity of the use being served;
- c. Shared use of off street parking spaces serving other uses having peak user demands at different times;

- d. Age or other occupancy restrictions which are likely to result in a lower level of auto usage;
- e. Impact of the parking or loading requirement on the physical environment of the affected lot or the adjacent lots including reduction in green space, destruction of significant existing trees and other vegetation, destruction of existing dwelling units, or loss of pedestrian amenities along public ways; and
- f. Such other factors as may be considered by the PAA.

## **L. APPLICATION FOR PLAN APPROVAL**

### *1. PRE-APPLICATION*

Prior to the submittal of a site plan, a "Concept Plan" may be submitted to help guide the development of the definitive site plan for Project buildout and individual elements thereof. Such Concept Plan should reflect the following:

- a. Overall building envelope areas;
- b. Areas which shall remain undeveloped;
- c. General site improvements, groupings of buildings, and proposed land uses.

The Concept Plan is intended to be used as a tool for both the applicant and the PAA to ensure that the proposed Project design will be consistent with the Design Standards and Guidelines and the other requirements of the QSGOD.

### *2. APPLICATION.*

An application for Plan Approval shall be submitted to the PAA on the form provided by the PAA. An application shall show the proposed buildout of the entire Project, whether the Project will be phased or not.

### *3. REQUIRED SUBMITTALS.*

The application for Plan Approval shall be accompanied by the following plans and documents:

- a. Properly executed application form, and (if applicable) all materials necessary for facilitating a public hearing on the application;
- b. A filing fee of \$1,500 to cover Town administrative costs.
- c. List of any requested waivers from the requirements of this Section 7-17, including a detailed explanation/justification of the reason for such request.

d. A Site Plan prepared by a professional architect or registered professional engineer, at a scale of one inch equals forty feet (1" = 40'), or at other scale as may be necessary to show all detail clearly and accurately. Sheet sizes shall not exceed twenty-four inches by thirty-six (24" x 36"), and shall not be less than eleven inches by seventeen inches (11" x 17"). If multiple sheets are used they shall be accompanied by an index sheet showing the entire parcel at an appropriate scale. If the plans submitted are 11" x 17" in size, a total of twenty-five (25) copies of the plans shall accompany the application. If the plans prepared exceed 11" x 17" in size, a total of five (5) copies of such plans and twenty (20) sets of reduced-size copies (11" x 17") shall be submitted. The Plan shall include the following information:

1. Name and address of the person or entity submitting the application;
2. Name and address of the owner of the subject property, if different;
3. Present use of the land and description and use of existing building thereon, if any;
4. Proposed use of the land;
5. Proposed use of existing buildings, if any;
6. Description and proposed use of the proposed building, if any;
7. Subzone in which the parcel is located, including floodplain if applicable;
8. Locus Map (scale of 1"=1,000') and north arrow;
9. Title Block containing: name of the project; applicant; property owner; property address and Assessor's Map/Lot number; date (with revisions); name, address and phone number, and the signature and seal of the professional architect or engineer preparing the plan;
10. Wetlands, Ponds, Streams, or other water bodies, including all applicable buffer zones;
11. Ownership of all abutting land and approximate location of buildings, driveways, and parking areas thereon within a maximum distance of two hundred feet (200') of the property lines;
12. Existing and proposed topography at two-foot (2') elevation intervals;
13. All property lines of the subject property, and all setbacks of buildings and parking areas from said lines, and existing and proposed easements, if any;

14. Extent and type of all existing and proposed surfaces (pervious and impervious) on the property, including specific materials;
  15. Lot coverage calculations showing percentage of buildings, percentage of pavement, and percentage of open space/landscaped areas;
  16. Parking calculations for proposed use, including all existing use that will continue to exist on the property, if applicable;
  17. Calculations of the volume of earth material to be removed or filled on the property, and delineation of the location of such activity;
  18. Driveways and driveway openings/entrances;
  19. Parking and loading spaces;
  20. Service areas and all facilities for screening;
  21. Landscaping;
  22. Lighting;
  23. Proposed signs (business, traffic, etc.);
  24. Sewage, refuse and other waste disposal;
  25. Stormwater management facilities (drainage);
  26. All structures and buildings associated with the proposed and existing use(s) on the property;
  27. Exterior storage areas and fences;
  28. Utilities and their exterior appurtenances (e.g., fire connections);
  29. Provisions for dust and erosion control and;
  30. Any other details or information deemed necessary by the PAA due to the unique nature of a proposed use or the subject property;
- e. A stormwater management hydrological study prepared in accordance with the Design Standards.
- f. A report, if applicable, showing calculations of the volume of earth material to be removed from or delivered to the site, including a description of such removal or fill activity. Depending upon the volume of material to be removed or filled, the Planning Board may require the Applicant to

submit additional information (if not submitted in the report) regarding, but not limited to, the following: the hours of fill/removal activity; proposed route of transporting materials to and from site; measures for dust and erosion control (both on- and off-site) for the activity.

- g. Scaled architectural drawings showing all proposed development, including site plans, elevation drawings, and floor plans. Drawings should clearly and comprehensively illustrate all aspects of the project and detail conformance with the Design Standards.

## **M. PROCEDURES**

### *1. FILING*

An applicant for Plan Approval shall file the application and all required submittals with the Town Clerk and shall also file forthwith 20 copies of the application and the other required submittals with the PAA including notice of the date of filing with the Town Clerk.

### *2. CIRCULATION TO OTHER BOARDS*

Upon receipt of the Application, the PAA shall immediately provide a copy of the application materials to the Board of Selectmen, Zoning Board of Appeals, Board of Health, Housing Partnership, Conservation Commission, Fire Department, Police Department, Building Commissioner, Department of Public Works, and other municipal officers, agencies or boards designated by the PAA for comment, and any such board, agency or officer shall provide any written comments within 60 days of its receipt of a copy of the plan and application for approval.

### *3. HEARING*

The PAA shall hold a public hearing for which notice has been given as provided in Section 11 of G.L. Chapter 40A. The decision of the PAA shall be made, and a written notice of the decision filed with the Town Clerk, within 120 days of the receipt of the application by the Town Clerk. The required time limits for such action may be extended by written agreement between the applicant and the PAA, with a copy of such agreement being filed in the office of the Town Clerk. Failure of the PAA to take action within said 120 days or extended time, if applicable, shall be deemed to be an approval of the application and site plan.

### *4. PEER REVIEW*

In addition to the application fee, the applicant shall be required to pay for reasonable consulting fees to provide peer review of the Plan Approval application, pursuant to G.L. c. 40R, s. 11. This technical review fee shall be paid at the time of the application. The initial deposit shall be \$15,000 and shall be subject to replenishment as needed. Such fees shall be held by the Town in a separate account and used only for expenses associated with the review of the application by outside

consultants, including, but not limited to, attorneys, engineers, urban designers, housing consultants, planners, and others. Any surplus remaining after the completion of such review, including any interest accrued, shall be returned to the applicant.

## **N. DESIGN STANDARDS**

In order to preserve and augment the QSGOD's architectural qualities, historic character and pedestrian scale, the "Smart Growth Overlay District Design Standards," as amended from time to time by majority vote of the PAA and upon approval of DHCD, are incorporated herein as an appendix hereto, and are applicable to all Projects within the QSGOD. Said design standards address: architectural elements; the scale and proportion of buildings; the alignment, width, grade, and surfacing materials of streets and sidewalks; the type and location of infrastructure; site design; off-street parking; landscaping design and species selection; exterior and window signs; and buffering in relation to adjacent properties. Said design standards are intended to be applied flexibly by the PAA as part of the Plan Approval process. All applications for Plan Approval shall comply, except where a specific waiver is granted, to said design standards.

## **O. DECISION**

### *1. WAIVERS*

Except where expressly prohibited herein, upon the request of the Applicant the Plan Approval Authority may waive dimensional and other requirements of Section 7.17, including the Design Standards, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the QSGOD, or if it finds that such waiver will allow the Project to achieve the density, affordability, mix of uses, and/or physical character allowable under this Section.

### *2. PLAN REVIEW*

An Application for Plan Approval shall be reviewed for consistency with the purpose and intent of this Section, and such Plan Review shall be construed as an as-of-right review and approval process as required by and in accordance with the Enabling Laws.

### *3. PLAN APPROVAL*

Plan Approval shall be granted by a simple majority where the PAA finds that:

- a. The applicant has submitted the required fees and information as set forth herein; and
- b. The Project and site plan meet the requirements and standards set forth this Section 7-17, or a waiver has been granted therefrom; and

- c. Extraordinary adverse potential impacts of the Project on nearby properties have been adequately mitigated by means of suitable conditions.

#### 4. *PLAN DISAPPROVAL*

A site plan may be disapproved only where the PAA finds that:

- a. The applicant has not submitted the required fees and information as set forth herein; or
- b. The Project and site plan do not meet the requirements and standards set forth this Section 7-17, or a waiver has not been granted therefrom; or
- c. It is not possible to adequately mitigate significant adverse project impacts on nearby properties by means of suitable conditions.

#### 5. *FORM OF DECISION*

All decisions of the PAA shall be by a majority vote of the members present and voting. The PAA shall issue to the applicant a copy of its decision containing the name and address of the owner, identifying the land affected, and the plans that were the subject of the decision, and certifying that a copy of the decision has been filed with the Town Clerk and that all plans referred to in the decision are on file with the PAA. If twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the Town Clerk shall so certify on a copy of the decision. A copy of the decision shall be provided to the Building Commissioner. A copy of the decision or application bearing such certification shall be recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the applicant.

### **P. CHANGE IN PLANS AFTER APPROVAL OF PAA**

#### 1. *MINOR CHANGE*

After Plan Approval, an applicant may be apply to make minor changes involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall buildout or building envelope of the site, or provision of open space, number of housing units, or housing need or affordability features. Such minor changes must be submitted to the PAA on redlined prints of the approved plan, reflecting the proposed change, and on application forms provided by the PAA. The PAA may authorize such changes at any regularly scheduled meeting, without the need to hold a public hearing. The PAA shall set forth any decision to approve

or deny such minor change by motion and written decision, and provide a copy to the applicant for filing with the Town Clerk. A copy of the decision shall be provided to the Building Commissioner.

## **2. MAJOR CHANGE**

Those changes deemed by the PAA to constitute a major change because of the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the PAA as a new application for Plan Approval pursuant to this Section.

## **Q. ENFORCEMENT; APPEAL**

The provisions of the QSGOD shall be administered by the Zoning Enforcement Officer, except as otherwise provided herein. Any appeal arising out of action by the PAA regarding an application for Plan Approval for a Project shall be governed by the applicable provisions of G. L. c. 40R. Any other request for enforcement or appeal arising under this Section shall be governed by the applicable provisions of G. L. c. 40A.

## **R. SEVERABILITY**

If any provision of this Section 7-17 is found to be invalid by a court of competent jurisdiction, the remainder of Section 7-17 shall remain in full force. The invalidity of any provision of this Section 7-17 shall not affect the validity of the remainder of the Town's Zoning By-Law.

## **APPENDICES**

A. SMART GROWTH OVERLAY DISTRICT DESIGN STANDARDS

B. MAP OF QSGOD



## APPENDIX A:

### SMART GROWTH OVERLAY DISTRICT (SGOD) DESIGN STANDARDS

These General Design Standards are set forth to:

- Promote preservation of open space and natural resources;
- Promote access to and through the site on foot or on bicycle;
- Maintain the visual sense of neighborhood character; and
- Create a vibrant neighborhood center.

These Standards are applicable in all subzones. These Design Standards are intended to clarify the permitting review process, and to define expectations for the size, bulk, exterior sheathing, open space, and placement of structures. These Design Standards shall supersede all other standards set forth elsewhere in the Zoning By-laws, other than those set forth in the QSGOD.

#### I. DEFINITIONS

In these Design Standards, the words “shall,” “should,” and “may” are used to describe specific conditions. To clarify the meanings intended by the use of these words, the following definitions apply:

- A. **Shall:** A mandatory condition. Where certain requirements in the design or application of the standard are described with the “shall” stipulation, it is mandatory that these requirements be met.
- B. **Should:** An advisory condition. Where the word “should” is used, a condition is considered advisable, but is not mandatory. Noncompliance with a condition stipulated with the word “should” will not be the basis for Plan Disapproval.
- C. **May:** A permissive condition. No requirement or recommendation is intended.

#### II. ARCHITECTURAL ELEMENTS

##### A. BUILDING DESIGN

##### 1. **Blank Walls.** Buildings should avoid large blank walls.

- a. Buildings should not be designed with long, undifferentiated surfaces, facades or store frontages.

- b. Buildings should have large windows that open to facilitate indoor-outdoor interaction with street.
  - c. Windows on walls perpendicular to the street are encouraged.
2. **Ground floors.** Ground floors or bases immediately next to pedestrians should reflect a higher level of detail refinement and high quality materials, with substantially transparent, open facades for commercial uses at street level.
  3. **Middle Floors.** Architectural features may include: belt courses or horizontal bands to distinguish individual floors; change in materials and color and/ or texture that enhance specific form elements or vertical elements of the building; a pattern of windows; and/or bay windows to give scale to the structure.
  4. **Top Floors.** Building design should clearly distinguish tops of buildings from the façade walls by including detail elements consistent with the traditional neighborhood buildings such as steep gables with overhangs, parapets and cornices.
  5. **Rooftops.** Rooftop building systems (i.e., mechanical and electrical equipment, antennas) should be screened from all key observation points by integrating them into the building design with parapets, screens or other methods. The roof line or top of the structure shall be clearly distinguished from its façade walls.

#### *B. DISTINCTIVE FEATURES*

New buildings should exhibit design compatible with their context. Design elements should respect the scale, massing and materials of architecturally significant local buildings and landscape.

1. New buildings should generally include:
  - Operable windows, especially on storefronts.
  - Solid kick panels below windows;
  - Large storefront windows, where applicable;
  - High level of fine grained detailing and trim;
  - High quality materials, such as wood, brick, and stone;
  - Canopies, variable parapets, and cornices; and,
  - Pitched roofs.

2. Buildings should be designed with transom or clerestory windows above entrances, display windows and projected bay windows.
3. Multiple paned windows that divide large areas of glass into smaller parts should be used to add human scale.
4. Building entry treatments should be arched or framed in a manner that welcomes people, offers protection from the elements, and emphasizes the building's architecture.
5. Architectural elements should be human-scaled. Improve and support pedestrian orientation by using components such as:
  - Non-reflective storefront windows and transoms;
  - Pedestrian-scaled awnings;
  - Architectural detailing on the first floor; and
  - Detailing at the roof line.
6. Solid canopies or fabric awnings over the sidewalk may be used.
7. Vinyl awnings are not permitted.

### *C. MASSING*

The massing of large buildings should reflect the functions of the building and respond to the scale of traditional buildings by including major facade elements, which help to break the building into smaller pieces with distinctive appearances.

1. Building design should break up building mass by incorporating different facade treatments at an appropriate interval, where practical.
2. Building massing should consider existing views and incorporate site and building design features that may help to preserve those views from public rights-of-way.
3. Color schemes should help reduce apparent size and bulk of buildings and provide visual interest.

### **III. LANDSCAPING**

Landscaping should be designed to:

- Enhance the pedestrian environment,
- Provide shade,

- Minimize irrigation requirements,
- Integrate buildings and paved areas into the environment, and
- Contribute to stormwater management and treatment.

#### A. *LANDSCAPE DESIGN.*

1. Existing significant trees should be preserved where feasible.
2. Streets and access drives shall be lined with shade trees.
3. Large paved areas should be visually divided and screened with greenery.
4. Buffers should be provided within and around the development, with the provision of continuous planting beds for hedges, shrubs or other plantings to screen pavements, especially parking areas from streets, except that landscaping should not create undue barriers for pedestrians.
5. Buildings should be integrated into the landscape with plantings, taking care to soften the harshness where buildings meet parking areas.
6. All buildings shall have foundation landscaping.
7. All islands and landscape areas shall be of a width that is suitable to support healthy plant growth.

#### B. *PLANTINGS*

1. Plantings shall be indigenous and drought resistant. Plants listed on the Massachusetts Prohibited Plant List shall not be used.
2. Plantings should be selected to provide seasonal interest in foliage, bloom and fragrance, so that pedestrians experience a pleasant environment.
3. Street trees should be used in commercial and residential environments to create overhanging canopies of trees.
4. Trees species should be selected so as to minimize damage to trees by vehicles and to maintain signage visibility. Trees listed on the Massachusetts Prohibited Plant List shall not be used.
5. Trees shall be indigenous and draught and disease resistant.

### **IV. MATERIALS**

#### A. *EXTERIOR FINISH MATERIALS.*

1. Materials should have texture or pattern.

2. Materials should be consistent with the existing or intended neighborhood character, including brick, wood, and stone. Wood siding should be clapboard or shingles.
3. Applied foam ornamentation and EIFS (Exterior Insulation & Finish System) shall not be used. Vinyl and aluminum siding are prohibited.

#### **B. SURFACING AND CURBING MATERIALS**

1. Roads, driveways and parking areas shall be graded, surfaced with asphalt, concrete, or other suitable non-erosive material. Pervious paving is encouraged.
2. Sidewalks shall be surfaced with concrete, brick, or stone, and should be constructed to permit rainwater to infiltrate the soil.
3. Overflow parking, which shall be designated and defined as not less than 10% of surface parking spaces, shall be surfaced with pervious materials.
4. Curbing shall be vertical granite for sidewalk areas adjacent to buildings and sidewalks along roadways within Subzone C. Curbing is not required for all areas, and may in fact be undesirable for implementing Low Impact Development stormwater management practices (e.g. allowing stormwater to exit from paved surfaces via sheet flow onto adjacent vegetated areas). Sloped granite curbing, or other material and design suitable for safe and easy migration of reptiles and amphibians shall otherwise be used.

### **V. PROJECT ENVIRONMENT**

#### **A. LIGHTING**

Distinctive features of the building, including entries, signage, canopies, and areas of architectural detail and interest should be illuminated. Pedestrian scale pole lights along streets and walks should be provided.

1. Pedestrian-scale lighting shall be used to illuminate all sidewalks and walkways through parking areas.
2. Light fixtures should be dark-sky friendly light fixtures. All light fixtures, other than pedestrian-scale lighting less than 14 feet tall, shall be fully shielded to reduce light pollution. This shall generally mean that light fixtures should be constructed and installed in such a manner that all light emitted by it, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the lighting fixture, is projected below the horizontal.
3. Fixtures that produce glare or that spill light to adjoining sites are prohibited.

4. Lighting in display windows to illuminate the sidewalk may be provided.
5. Solar powered and/or LED lighting should be used.
6. Lighting should be provided around all structures, driveways, driveway entrances, walkways, entrances, pathways, or other means and handling pedestrian and vehicular traffic, throughout parking areas, and along interior streets. A minimum of two foot-candles is recommended at all locations.

#### **B. LANDSCAPED AREAS**

Projects should be designed and sited to maximize opportunities for creating usable, attractive, well-integrated landscaped common areas.

1. Site design should incorporate quasi-public landscaped common areas with new mixed use development, with special focus on corner landscape treatments and courtyard entries.
2. Site design should create parks as focal points within the Project.
3. Substantial street-side gardens, including rain gardens, between buildings and streets that are visually accessible to the public view should be provided.
4. Development should be set back, where appropriate, to preserve a view corridor.
5. Species selected for landscaped areas shall be indigenous, draught resistant species and should require minimal irrigation or fertilizer.
6. Where feasible, landscaped areas should be utilized for management of stormwater run-off.

#### **C. SCREENING OF DUMPSTERS, UTILITIES AND SERVICE AREAS**

1. All utilities shall be underground, to the extent feasible.
2. All dumpsters, utility/service areas shall be screened.

### **VI. SIGNS**

Signage should provide information that is simple and legible, of a size and location that avoids competing with or obscuring the architecture of the building. In general, the number of signs on a facade should be kept to the minimum necessary to effectively communicate the messages being conveyed. Signage should be unique to this town rather than being generic. Signs should be architecturally compatible with the style, composition, materials, colors and details of the building and with other signs on nearby buildings while providing for adequate identification of the business. These Standards also apply to signage in a residential complex. Alternative signs not meeting these

standards may be allowed if it is found by the Plan Approval Authority that the design and appearance are superior and comply with the intent of these Design Standards.

1. **Lighting.** Building and signage lighting shall be indirect, with the light source(s) hidden from direct pedestrian and motorist view. For exterior sign illumination, shaded gooseneck lamps should be used. Signage should have the capability of being lit in the evening, although the source of light should not be visible to motorists or pedestrians.
2. **Materials.** Signs shall be constructed of natural materials, such as metal or wood. Permanently painted window signage may be used and should be compatible with the architecture of the building. Painted window signs shall not consume more than one-third of the glazed area of the window.
3. **Prohibited and restricted signs.** Internally illuminated signs (including neon) are prohibited. Temporary window signage shall be limited to one-third of the window surface area. Vinyl signs and electronic message boards are prohibited.
4. **Projecting signs.** Projecting signs shall not be greater than twelve square feet in area and may have a maximum width of three feet. Such signs shall not extend beyond the first floor of the building. No less than eight feet of clearance shall be provided between the sidewalk elevation and the lowest point of the projecting sign. The maximum distance between a sign and building face shall be one foot. Signs should not block or obliterate design details, windows or cornices of the buildings on which they are placed.
5. **Sales Center Signage.** Signs used for directional purposes or to advertise any Sales Center within the District shall conform to the general conditions applicable to all signage.
6. **Park, Trail and Bikeway Signage.** Signs used to mark or to indicate directions to parks and bicycle or other trails should be sized so that they can be read by passing cars when adjacent to roadways, or by pedestrians and cyclists when adjacent to pedestrian- or bikeways. Use of natural materials such as wood is preferred.
7. **Other Signs.** The provisions of the Easton Zoning By-Law, Chapter 10, "Regulation of On-Site Premise Signs By Zone" as in effect May 21, 2007 shall otherwise apply.

## **VII. SITE PLANNING**

### **A. CONNECTIVITY**

1. The site shall provide, within the Project boundaries, constructed pedestrian/bicycle connections to all internal and adjacent recreational, civic, commercial, office, industrial, and/or multifamily

residential uses. Pedestrian walkways or sidewalks shall also connect uses within the site, including business and residential uses. This requirement may only be waived if can be demonstrated that it is not feasible for safety, economic, or topographical reasons.

2. The site plan shall include easements and rights of way within the Project boundaries necessary to provide for future vehicular connections to all adjacent recreational, civic, commercial, office, industrial, and/or multifamily residential uses. If applicable, such easements shall connect to existing off-site easements. This requirement may only be waived if can be demonstrated that it is not feasible for safety, economic, or topographical reasons.

**B. CORNER LOTS**

1. Buildings on corner lots should be oriented to the corner and public street fronts.
2. Parking and automobile access should be located away from the corners, where practical.
3. Residential entries and special landscaping should be incorporated into corner lots by setting the structure back from the property lines.

**C. PARKING AND VEHICLE ACCESS**

1. Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.
2. Surface parking areas shall be set back from structures and property lines by a minimum of 5 feet. Other than parallel parking, off-street parking shall be set back from Washington Street by at least 20 feet and from streets internal to the Project by at least 5 feet.
3. Parking areas should serve both parking and public open space needs.
4. Travel lanes adjacent to surface parking stalls shall be as follows:

<b>Type of Parking</b>	<b>One Way width</b>	<b>Two Way width</b>
90 degree	24 feet	24 feet
75 degree	20 feet	24 feet
60 degree	18 feet	24 feet
45 degree	16 feet	24 feet
Parallel	10 feet	20 feet

5. Surface parking stalls shall be 9' X 18' except that up to 30% of required parking spaces may be for compact cars, and may be 8.5' X 16'. Angled parking shall be sized proportionally.

6. Site access points shall be designed to minimize conflict between vehicles and pedestrians, as illustrated in Figure 1. Driveway entrances shall not resemble that described as “Least Desirable.” Driveway entrances may resemble that described as “Better Design for Some Commercial Driveways.” Driveway entrances should resemble that described as “Most Desirable Design for All Driveways.” Figure 1.



### C. PEDESTRIAN AND BICYCLE AMENITIES

1. Site planning should consider the safety and convenience of pedestrians and bicyclists in traveling within the site and to adjacent destinations, and should preserve and enhance the pedestrian environment in mixed use areas by providing for continuous sidewalks that are unencumbered by parked vehicles and are minimally broken within a block by vehicular access.
2. Sidewalks shall be provided adjacent to all public rights-of-way and streets.
  - a. Sidewalks should connect to destinations within and adjacent to the site.
  - b. Sidewalks shall be surfaced with concrete, brick, or stone; minimum width shall be five feet. Surface treatments should be pervious, unless additional stormwater runoff treatment will be provided through alternate methods.
3. Delineated walkways should be provided through parking lots, connecting to destinations within and external to the site and to sidewalks.
4. Entry areas shall be protected from the weather.
5. Entryways should be provided that link the building to the surrounding landscape.
6. Open spaces at street level should link to the open space of the sidewalk.

7. Building entrances should emphasize pedestrian ingress and egress as opposed to accommodating vehicles.
8. Overhead weather protection should be designed with consideration of: the overall architectural concept of the building; uses occurring within the building (such as entries and retail spaces) or in the adjacent streetscape environment (such as bus stops and intersections).
9. Sidewalks shall be constructed to allow benches, trash containers, and planters, which shall be provided near retail entrances and at bus stops. At bus stops, such benches shall be protected from the weather.
10. Bike racks shall be provided near entrances to retail and residential buildings. Bike racks should be covered. At least 1 bicycle space shall be provided for every parking spots.

*D. STREETS AND STREETSCAPES*

1. Street design standards shall not be limited to defined rights of way but shall also apply to driveways and internal ways which function as streets.
2. Trees shall be provided in continuous planter strips whenever possible, along both interior and exterior streets and along or in between rows of parking stalls, as shown in the example illustrations (Figure 2a, 2b, & 2c). Hedges, shrubs, and other plantings, especially evergreen species, should also be provided.



Figure 2a



Figure 2b



Figure 2c

- a. Street trees shall be deciduous, indigenous species that provide summer shade, winter light, and should provide year-round visual interest.
  - b. Planter strips shall have an inside width suitable to support healthy plant growth.
  - c. The use of tree grates for planting individual trees should be limited to the extent possible.
  - d. This section shall not require that trees be planted where they will obscure traffic sight lines.
3. Vehicle entrances to buildings should not dominate the streetscape. Structures should be oriented to provide pedestrian entrances to the sidewalk.
  4. Streets and sidewalks, especially crossing points, should be designed to promote universal access and shall comply with ADA standards.
  5. Pavement on streets on which there are no parking, loading area, or emergency/fire access requirements shall be no wider than 20 feet. Pavement on streets with parallel parking one side shall be no wider than 28 feet, which shall be 2 driving lanes which shall be 10' wide and one lane of parking which shall be 8' wide.

### **VIII. SURFACING, DRAINAGE, & IRRIGATION**

Roads, driveways and parking areas shall be graded, surfaced with asphalt, concrete, or other suitable non-erosive material, and drained in a manner to prevent nuisance of standing water, erosion, or excessive water flow across abutting streets or ways, within the proposed parking area, to abutting properties, and to wetland resource areas; natural drainage courses shall be utilized insofar as possible. Pervious asphalt, pervious concrete, pervious pavers or reinforced turf should be used where consistent with sound engineering practices, such as in low traffic volume areas and parking

areas located in areas furthest from the buildings being served. To the extent feasible and practical, stormwater management shall incorporate Low Impact Development strategies. Low Impact Development (LID) is a stormwater management strategy concerned with maintaining or restoring the natural hydrologic functions of a site to achieve natural resource protection objectives and fulfill environmental regulatory requirements.

LID employs a variety of natural and built features that:

- Collect and treat stormwater runoff close to its source.
- Reduce the rate of runoff,
- Filter out its pollutants, and
- Facilitate the infiltration of water into the ground.

Rather than collecting runoff in piped or channelized networks and controlling the flow downstream in a large stormwater management facility, LID takes a decentralized approach that disperses flows and manages runoff closer to where it originates, and incorporates a set of overall site design strategies as well as highly localized, small-scale, decentralized source control techniques such as, for example, rain gardens, roof run-off collection or infiltration system, and permeable paving.

1. Low Impact Development techniques should be used throughout the site.
2. Detention and filtration systems shall be located onsite and shall have curvilinear sides, so as to appear a natural part of the landscape.
  - a. Manmade embankments shall have maximum side slopes of three (3) feet horizontal and one (1) foot vertical, or retaining walls shall be employed.
  - b. Landscaped erosion control techniques shall be used in place of visible riprap.
3. Natural drainage courses should be utilized insofar as possible.
4. Curbing shall be required only as necessary to limit off pavement vehicle access or for pedestrian safety, unless other suitable materials are used.
5. All stormwater LID features, detention, and filtration systems shall be designed to conform to the most recent edition of the Stormwater Management Policy of the Massachusetts Department of Environmental Protection.
6. Impervious surface should be minimized.

7. Paved roadway, parking, and other impervious areas should be drained toward Low Impact Development practices such as bioretention areas (rain gardens), roadside swales and infiltration structures.
8. Stormwater from roof areas should be directed to subsurface cisterns properly sized and engineered for re-use as on-site irrigation water. Any excess overflow from such systems should be recharged to the ground. If necessary, supplemental water for irrigation shall be provided from on-site private irrigation wells.
9. Stormwater from roof areas that cannot be practically collected for on-site irrigation reuse shall be infiltrated or directed to landscaped areas (e.g. rain gardens), and shall not be allowed to flow onto paved surfaces.
10. Automatic irrigation systems that incorporate rain shut-off devices shall be used on site to ensure maximum water efficiency. Irrigation systems shall be designed so as not to operate during precipitation events, in windy conditions, or during the hottest part of the day (8am to 6pm). The amount of water applied should be sufficient to only fill the effective root zone and minimize evaporative loss.

#### **IX. EROSION AND SEDIMENTATION CONTROL**

Project design and development practices shall comply with recommendations in the Massachusetts Department of Environmental Protection's most recent edition of the "Massachusetts Erosion and Sediment Control Guidelines for Urban and Suburban Areas."



## **7-18 LARGE-SCALE GROUND MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS**

### **A. Purpose**

The purpose of this bylaw is to facilitate 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 that address public safety, minimize impacts on environmental, scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations. The provisions set forth in this section shall apply to the construction, operation, repair, and/or removal of Large-Scale Ground-Mounted Solar Photovoltaic Installations greater than 250 kW on at least 5 acres of land. Any installation qualifying as a Large-Scale Ground-Mounted Solar Photovoltaic Installation shall require Site Plan Review in accordance with Section 7-10 of the Zoning Bylaws of the Town of Easton.

### **B. Definitions**

#### **Building Inspector:**

The Inspector of Buildings, charged with the enforcement of the zoning ordinance.

#### **Building Permit:**

A construction permit issued by an authorized Building Inspector which provides evidence that the project is consistent with the state and federal building codes as well as local Zoning Bylaws, including those governing ground-mounted large-scale solar installations.

#### **Designated Location:**

The Large-Scale Ground-Mounted Solar Photovoltaic Overlay District, as designated by the Town of Easton, is shown on the Official Zoning Map, dated May 16, 2011, in accordance with Massachusetts General Laws Chapter 40A. This map is hereby made a part of this Zoning Bylaw and is on file in the Office of the Easton Town Clerk.

#### **Large-Scale Ground-Mounted Solar Photovoltaic Installation:**

A solar system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity greater than 250 kW and occupies more than 5 acres of land.

**On-Site Solar Installation**

A solar installation that is constructed at a location where other uses of the underlying property occur.

**Rated Nameplate Capacity**

The maximum rated output of electric power production of the Electric system in Alternating Current (AC) or Direct Current (DC).

**Site Plan Review**

Review by the Planning Board to determine conformance with Section 7-10 of the Zoning Bylaw.

**Site Plan Review Authority**

For purposes of this bylaw, the Planning Board is the Site Plan Review Authority.

**Solar Photovoltaic Array**

An arrangement of solar photovoltaic panels.

**Zoning Enforcement Authority**

The Building Inspector is charged with enforcing the zoning ordinances or bylaws.

**C. Overlay District****1. Establishment**

The Large-Scale Ground-Mounted Solar Photovoltaic Installation Overlay District, hereinafter referred to as the "SPOD", is an overlay district that is superimposed over the underlying zoning districts, as shown on the Zoning Map as set forth on the map entitled "Large-Scale Ground-Mounted Solar Photovoltaic Installation Zoning Map," dated May 16, 2011, attached hereto as Appendix B. This map is hereby made a part of the Zoning Bylaw and is on file in the Office of the Town Clerk.

**2. Applicability**

a. This section applies to Large-Scale Ground-Mounted Solar Photovoltaic Installations greater than 250 kW that occupy no less than 5 acres of land proposed to be constructed in Easton. This Section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment. Such facilities located in the SPOD are subject to Site Plan Review and the Standards and Requirements contained herein. Site Plan Review will be

required if there are any physical modifications that materially alter the type, configuration, or size of these installations or related equipment.

b. Municipal facilities owned, operated by, or developed for and on behalf of the Town of Easton are allowed as-of-right without Site Plan Review, but must meet the other requirements of this Section.

c. Smaller scale ground- or building-mounted solar electric installations which are an accessory structure to an existing residential or non-residential use do not need to comply with this Section, but require a building permit and must comply with the other provisions of Easton's Zoning Bylaws as applicable.

#### **D. General Requirements for all Large-Scale Ground-Mounted Solar Photovoltaic Installations**

The following requirements are common to all solar installations to be sited in designated locations.

##### **1. Compliance with Laws, Ordinances 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 a solar installation shall be constructed in accordance with the State Building Code.

##### **2. Building Permit and Building Inspection**

No Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

##### **3. Fees**

The application for a building permit for a Large-Scale Ground-Mounted Solar Photovoltaic Installations must be accompanied by the fee required for a Building Permit [and Special Permit] and as required by Site Plan Review Section 7-10.

#### **E. Site Plan Review**

Large-Scale Ground-Mounted Solar Photovoltaic Installations shall undergo Site Plan Review in accordance with Section 7-10 of this bylaw by the Planning Board prior to construction, installation

or modification as provided in this Section and shall also meet the requirements of this section. Municipal facilities are not subject to Site Plan Review, but must meet other requirements of this Section including but not limited to the Design and Performance Standards.

## **1. General**

All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.

## **2. Required Documents**

The project applicant shall provide the following documents in addition to or in coordination with those required for Site Plan Review.

- a. Site Plan. The Site Plan must include the following:
  - (i) Property lines and physical features, including roads and topography, for the project site.
  - (ii) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures including their height.
  - (iii) Locations of wetlands, Priority Habitat Areas defined by the Natural Heritage & Endangered Species Program (NHESP).
  - (iv) Locations of Floodplains or inundation areas for moderate or high hazard dams.
  - (v) Locations of Priority Heritage Landscapes and local or National Historic Districts.
  - (vi) A list of any hazardous materials proposed to be located on the site in excess of household quantities and a plan to prevent their release to the environment as appropriate.
  - (vii) Blueprints or drawings of the solar installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures.
  - (viii) One or three line electrical diagram detailing the solar installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices.

- (ix) Documentation of the major system components to be used, including the electric generating components, transmission systems, mounting system, inverter, etc.
  - (x) Name, address, and contact information for proposed system installer.
  - (xi) Name, address, phone number and signature of the project applicant, as well as all co-applicants or property owners, if any.
  - (xii) The name, contact information and signature of any agents representing the project applicant.
  - (xiii) Fire protection measures.
  - (xiv) Storm drainage, including means of ultimate disposal and calculations.
  - (xv) Existing trees 10" caliper or better and existing tree/shrub masses; proposed planting, landscaping, and screening.
  - (xvi) Certified list of abutters.
- b. Site Control. The project applicant 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 installation.
  - c. Operation and Maintenance Plan. The project applicant 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, stormwater management (consistent with DEP's Stormwater Regulations and the Town of Easton's Stormwater Regulations) and vegetation controls, as well as general procedures for operational maintenance of the installation.
  - d. Zoning. 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).
  - e. Insurance. The project applicant shall provide proof of liability insurance.
  - f. Financial Surety. Applicants of Large-Scale Ground-Mounted Solar Photovoltaic Installation 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 the Planning Board, but in no event to exceed more than 125 percent (125%) of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project applicant and the Town. Such surety will not be required for municipal facilities. The project applicant 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.

#### **F. Utility Notification**

No Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be constructed until evidence has been given to the Planning Board that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

#### **G. Dimensional Requirements**

##### **1. Setbacks**

For Large-Scale Ground-Mounted Solar Photovoltaic Installations, front, side and rear setbacks shall be as follows.

- a. Front yard: The front yard depth shall be at least 100 feet.
- b. Side yard. Each side yard shall have a depth of at least 75 feet; provided, however, that where the lot abuts a Residential district, the side yard shall not be less than 100 feet.
- c. Rear yard. The rear yard depth shall not be less than 75 feet; provided, however, that where the lot abuts a Residential district, the rear yard shall not be less than 100 feet.

Every abutting property shall be visually screened from the project through any one or combination of the following location, distance, plantings, existing vegetation and fencing. Said screening is not required to exceed 6 feet in height and the Applicant shall demonstrate that the proposal provides visual screening.

## **2. Appurtenant Structures**

All appurtenant structures to Large-Scale Ground-Mounted Solar Photovoltaic Installations shall be subject to reasonable regulations adopted by the Planning and Zoning Board after a public hearing concerning the bulk and height of structures, lot area, 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 screened from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

## **H. Design and Performance Standards**

### **1. Lighting**

Lighting of Large-Scale Ground-Mounted Solar 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 shielded from abutting properties. Lighting of the Large-Scale Ground-Mounted Solar Photovoltaic Installations shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

### **2. Signage**

Signs on Large-Scale Ground-Mounted Solar Photovoltaic Installations shall comply with Section 10 of the Zoning Bylaws. A sign consistent with the Town's sign bylaw shall be required to identify the owner and provide a 24-hour emergency contact phone number. 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 solar installation.

### **3. Utility Connections**

Electrical transformers or other utility interconnections shall be constructed as required by the utility provider and may be above ground only if necessary. Reasonable efforts shall be made to place all utility connections from the Large-Scale Ground-Mounted Solar Photovoltaic Installation underground (if feasible), depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider.

#### **4. Roads**

Access roads shall be constructed to minimize grading, removal of stone walls or street trees and minimize impacts to environmental or historic resources.

#### **5. Control of Vegetation**

Herbicides may not be used to control vegetation at the Large-Scale Ground-Mounted Solar Photovoltaic Installation. Mowing or the use of pervious pavers or geotextile materials underneath the solar array is a possible alternative.

#### **6. Hazardous Materials**

Hazardous materials stored, used, or generated on site shall not exceed the amount for a Very Small Quantity Generator of Hazardous Waste as defined by the DEP pursuant to Mass DEP regulations 310 CMR 30.000 and shall meet all requirements of the DEP including storage of hazardous materials in a building with an impervious floor that is not adjacent to any floor drains to prevent discharge to the outdoor environment. If hazardous materials are utilized within the solar equipment then impervious containment areas capable of controlling any release to the environment and to prevent potential contamination of groundwater are required.

### **I. Safety and Environmental Standards**

#### **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 local Fire Chief, Highway Superintendent, and Emergency Management Director. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan including the training of any municipal first responders. All means of shutting down the Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

#### **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.

## **J. Monitoring, Maintenance and Reporting**

### **1. Solar 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 local Fire Chief and Emergency Management Director. The owner or operator shall be responsible for the cost of maintaining the solar installation and any access road(s).

### **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. Annual Reporting**

The owner or operator of the installation shall submit an Annual Report demonstrating and certifying compliance with the Operation and Maintenance Plan (see Section 14-5-2(c)) and the requirements of this bylaw and their approved site plan including control of vegetation, noise standards, and adequacy of road access. The annual report shall also provide information on the maintenance completed during the course of the year and the amount of electricity generated by the facility. The report shall be submitted to the Board of Selectmen, Planning Board, Fire Chief, Emergency Management Director, Building Inspector, Board of Health and Conservation Commission (if Wetlands Permit was issued) no later than 45 days after the end of the calendar year.

## **K. Abandonment or Decommissioning**

### **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 7-18(K)(2) shall be removed. The owner or operator shall physically remove the installation no more than 180 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 and transmission lines 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 Site Plan Review Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

## **2. Abandonment**

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the Large-Scale Ground-Mounted 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 180 days of abandonment or the proposed date of decommissioning, the town may enter the property and physically remove the installation at the owner's expense.

## **3. Financial Surety**

Applicants shall submit documentation of financial surety that satisfies Section 7-18(E)(2)(f).

# **7-19 IN-LAW APARTMENTS**

## **A. Purpose and Intent**

The intent of permitting In-Law Apartments is to:

1. Provide an opportunity for family members who choose to live in close proximity, but separate from other family members, to remain within that family environment;
2. Provide for the health and security concerns of elder or disabled homeowners who wish to remain in their homes;
3. Protect residential stability, property values and the single-family character of neighborhoods;

4. Make it possible for the Town to supervise and monitor such additions for code compliance and safety;

## **B. Definitions**

1. In-Law Apartment: An In-Law Apartment is a self-contained housing unit attached to or incorporated within a Single-Family Dwelling. The In-Law Apartment must be accessory to the Single-Family Dwelling and be subordinate in size to said Single-Family Dwelling and shall comply with each of the criteria stated below.

2. Dwelling, Single-Family: A building designed or used exclusively as a residence and including only one dwelling unit.

3. Dwelling Unit: One or more rooms designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household. This definition does not include a trailer, however mounted.

4. Primary Residence: A residentially used building in which is conducted the principal use of the lot on which it is located.

## **C. Use and Dimensional Regulations:**

1. The Building Inspector may issue a Building Permit authorizing the installation and use of an In-Law Apartment within or attached to an existing or new owner-occupied, Single-Family Dwelling only when the following conditions are met:

(a) The In-Law Apartment will be a complete, separate housekeeping unit containing both kitchen and bath.

(b) In-Law Apartments must be accessory to a Single-Family Dwelling and only one In-Law Apartment may be created on any lot.

(c) The owner(s) of the Single-Family Dwelling for which the In-Law Apartment is created must continue to occupy at least one of the dwelling units on the property as their primary residence, except for bona fide temporary absences.

(d) Any new separate outside entrance serving an In-Law Apartment shall be located on the side or in the rear of the building. However, numbering in a form acceptable to the Fire Department must indicate to emergency personnel the existence of an additional unit on the lot.

(e) The gross floor area of an In-Law Apartment (including any additions) shall not be greater than twenty-five percent (25%) of the primary Single-Family Dwelling unit, or nine-hundred (900) square feet, whichever is smaller.

(f) Once an In-Law Apartment has been added to a Single-Family residence or lot, the In-Law Apartment shall never be enlarged beyond the nine hundred (900) square feet allowed by this bylaw/ordinance.

(g) One additional off-street parking space shall be provided for use by the occupant(s) of the In-Law Apartment.

2. Prior to issuance of a building permit, the owner(s) must send a notarized letter to the Building Inspector stating that the owner will occupy one of the dwelling units on the premises as the owner's primary residence, except for bona fide temporary absences. The owner shall also record a copy of the letter at the Registry of Deeds.

3. Prior to issuance of a building permit, a floor plan must be submitted showing the proposed interior and exterior changes to the building.

4. When a Single-Family Dwelling, which has received a permit for an In-Law Apartment, is sold, the new owner(s), if they wish to continue the use, must, within thirty (30) days of the sale, submit a notarized letter to the Building Inspector stating that they will occupy one of the dwelling units on the premises as their primary residence, except for bona fide temporary absences. The new owner shall also record a copy of the letter at the Registry of Deeds.

#### **D. Administration and Enforcement**

1. It shall be the duty of the Building Inspector to administer and enforce the provisions of this Bylaw.

2. No In-Law Apartment may be created or constructed until the Building Inspector has issued a permit. No permit shall be issued until a sewage disposal works permit, when applicable, has first been obtained from the Board of Health and the proposed building and location thereof conform with the town's laws and bylaws. Any new building or structure shall conform to all adopted state and town laws, bylaws, codes and regulations. No In-Law Apartment shall be occupied until a certificate of occupancy has been issued by the Building Inspector where required.

3. The Building Inspector shall refuse to issue any permit for an In-Law Apartment which would result in a violation of any provision of this chapter or in a violation of the conditions or terms of any special permit or variance granted by the Board of Appeals or its agent.

4. The Building Inspector shall issue a cease and desist order on any work in progress or on the use of any premises, either of which are in violation of the provisions of this chapter.

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## Section VIII. Off-Street Parking and Loading Requirements

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### **8-1 OFF STREET PARKING AND LOADING REQUIREMENTS**

In any district if any structure is constructed, enlarged, or extended, or has a change of use which affects the computation of parking spaces, and any use of land established, or any existing use is changed, after the effective date of this by-law, parking and loading spaces shall be provided in accordance with the Table of Off-Street Parking Regulations and the Table of Off-Street Loading Regulations. An existing structure which is enlarged or an existing use which is extended after the effective date of this by-law shall be required to provide parking and loading spaces in accordance with the following tables for the entire structure or use.

### **8-2 EXISTING SPACES**

Parking or loading spaces being maintained in any district in connection with any existing use on the effective date of this by-law shall not be decreased so long as said use remains, unless a number of parking or loading spaces is constructed elsewhere such that the total number of spaces conforms to the requirements of the tables of this Section provided: this regulation shall not require the maintenance of more parking or loading spaces than is required according to the tables.

### **8-3 COMPUTATION OF SPACES**

When the computation of required parking or loading spaces results in the requirement of fractional space, any fraction over one-half shall require one space.

### **8-4 COMBINED FACILITIES**

Parking required for two or more buildings or uses may be provided in combined facilities on the same or adjacent lots, subject to approval by the Planning & Zoning Board, where it is evident that such facilities will continue to be available for the several buildings or uses.

### **8-5 LOCATION OF PARKING SPACES**

Required off-street parking spaces shall be provided on the same lot as the principal use they are required to serve; or, when practical difficulties as determined by the Board of Appeals prevent their establishment upon the same lot, they shall be established no further than 200 feet from the premises to which they are appurtenant.

## 8-6 TABLE OF OFF-STREET PARKING REGULATIONS

<i>USES</i>	<i>NUMBER OF PARKING SPACES PER UNIT</i>
1. One single- or two-family dwelling	Two for each dwelling unit
2. Multifamily apartments	1.25 for each dwelling unit
3. Lodging unit	One for each bedroom in a lodging unit
4. Theater, auditorium, church or similar place of public assembly with seating facilities	One for each five seats of total seating capacity
5. New and used car sales and automotive service establishment and other retail and service establishments utilizing extensive display areas, either indoor or outdoor which are unusually extensive in relation to customer traffic	One per 1,000 sq. ft. of gross floor space. In the case of outdoor display areas, one for each 1,000 sq. ft. of lot area in such use.
6. Other retail, service, offices, finance, insurance, real estate establishment, or shopping center.	One per each 500 sq. ft. of gross floor space.
7. Hotel, motel, tourist court	One for each sleeping room
8. Wholesale establishment, warehouse or storage establishment	One per each 1,000 sq. ft. of gross floor space.
9. Manufacturing or industrial establishment	One per each 600 sq. ft. of gross floor space OR 0.75 per each employee of the combined employment of the two largest successive shifts, whichever is larger.
10. Hospital	Two per bed at design capacity.
11. Nursing Home	Two per 1,000 sq. ft. of gross floor space.
12. Business, trade or industrial school or college	One for each 200 sq. ft. of gross floor area in classrooms.
13. Other school	Two per classroom in an elementary and junior high school. Four per classroom in a senior high plus one space for every ten seats of total seating capacity in auditorium or gymnasium, whichever has the larger capacity.
14. Community facility (Town building, recreation, etc.)	One per each 400 sq. ft. of gross floor space.
15. Dormitory, fraternity, sorority, YMCA or similar use	One for each sleeping room.
16. Public utility	One for each 400 sq. ft. of gross floor area devoted to office use.
17. Transportation terminal establishment	One for each 600 sq. ft. of gross floor area.
18. Multiple use	Shared parking requirement calculated per §7-16 K.6.
19. Bank	Two for each 1,000 sq. ft.
20. Drive-Thru Restaurant	Two for each 1,000 sq. ft.

*USES*

*NUMBER OF PARKING*

*SPACES PER UNIT*

21. Restaurant

One for each four seats of total seating capacity.

22. Any use permitted by this by-law not interpreted to be covered by this schedule

Closest similar use as determined by the Planning & Zoning Board.

**8-7 LOCATION OF LOADING SPACES**

The loading spaces required for the uses listed in the Table of Off-Street Loading Requirements shall in all cases be on the same lot as the use they are intended to serve. In no case shall the required loading spaces be part of the area used to satisfy the parking requirements of this by-law.

**8-8 TABLE OF OFF-STREET LOADING REGULATIONS**

1. Retail trade, manufacturing and hospital establishment with over 5,000 sq. ft. of gross floor area

One per 20,000 sq. ft. or fraction thereof of gross floor area up to two spaces; one additional space for each 60,000 sq. ft. or fraction thereof of gross floor area over 40,000 sq. ft. Space used for ambulance receiving at a hospital is not to be used to meet these loading requirements.

2. Business services, other services, community facility(school, church, town building., recreation, etc.) or public utility establishment with over 5,000 sq. ft. of gross floor area

One per 75,000 sq. ft. or fraction thereof of gross floor area up to two spaces; one additional space for each 200,000 sq. ft. or fraction thereof of gross floor area over 150,000 sq. ft.

**8-9 PARKING AND LOADING SPACE STANDARDS**

All parking and loading areas containing over five spaces, including automotive and drive-in establishments of all types, shall be either contained within structures, or subject to the following, in accordance with the Site Plan Guidelines adopted by the Planning & Zoning Board:

1. The area shall be effectively screened on each side which adjoins or faces the front, side, or rear lot line of a lot situated in any "R", "E", or "M" District.
2. A substantial bumper of masonry, steel or heavy timber, or a concrete curb or berm curb which is backed shall be placed at the edge of surfaced areas except driveways in order to protect abutting structures, properties and sidewalks.
3. The periphery of the building, the parking areas, and the driveway shall be illuminated. Any fixture used to illuminate any area shall be so arranged as to direct the light away from the street and away from adjoining premises used for residential purposes and shall be dark sky friendly.

4. There shall not be any vehicle repair for profit or gasoline or oil service facilities or any repair made to any motor vehicles, except on a lot occupied by a permitted automotive use. Any gasoline or oil facilities shall be at least 25 feet from any lot line.
5. There shall not be any storage of materials or equipment or display of merchandise within required parking area except as part of approved building operations.
6. Parking and loading spaces shall be so arranged as not to permit backing of vehicles onto any street, except in residential districts.
7. Any portion of any entrance or exit driveway shall not be closer than 50 feet to the curb line of an intersecting street.
8. Any two driveways leading to or from a street or to or from a single lot shall not be within 30 feet of each other at their intersections with the front line for an interior lot and 40 feet for a corner lot.
9. An entrance or exit driveway shall not exceed 36 feet in width at its throat.
10. Any open air parking space in districts "B" and "I" shall be at least 10 feet from any sidewalk or street line.
11. In districts "B" and "I", all off-street parking and loading spaces, access ways and maneuvering area shall be laid out so as to provide for adequate drainage, snow and rubbish removal, maneuverability, and curb cuts.
12. In districts "B" and "I", any parking areas(s) adjacent to a building shall be not less than 6" below the elevation of the building entrance(s).
13. The Planning & Zoning Board may reduce the requirements Section VIII, Sub-section 8-6., OFF STREET PARKING AND LOADING REGULATIONS, in an amount not more than 50 per cent due to specific site or public safety considerations.

## **8-10 FIRE LANES**

1. In districts "B" and "I", for non-residential uses, fire lanes shall be provided as follows:
  - a. From the primary entrance of each unit to the travel way, there shall be a 10 foot wide fire lane. From all other entrances and exits to the travel way, there shall be a 6 foot wide fire lane.

- b. In the case of shopping centers, restaurants, theaters, and similar locations, instead of the provisions of "a" above, the fire chief may determine to establish a general fire lane of not less than 12 feet in width extending around as much of the perimeter of the building as deemed necessary.
2. In district "B" for multiple family dwelling units, fire lanes shall be provided as follows:
  - a. From each entrance to the travel way, there shall be a 6-foot-wide fire lane.

## **8-11 COMMON DRIVEWAYS**

### **A. GENERAL**

Common driveways providing actual access to not more than three (3) lots may be allowed by special permit by the Planning and Zoning Board.

### **B. DESIGN STANDARDS AND CRITERIA**

A common driveway must satisfy all of the following conditions:

1. The distance of the common driveway measured from the street line to the point where any principal building is proposed shall not exceed a distance of five hundred (500) feet, unless the Planning and Zoning Board makes a determination that said driveway will provide safe and reasonable access for fire, police and emergency vehicles.
2. The common driveway shall be located entirely within the boundaries of the lots to which the driveway provides access, and shall be separated from any other lots to which access is not being provided by an appropriately landscaped buffer area at least twenty (20) feet in width.
3. The centerline intersection of the common driveway with the street centerline shall not be less than 45 degrees.
4. A minimum cleared width of 18 feet, and a minimum travel way of 12 feet, shall be maintained over the entire length of the common driveway.
5. A roadway surface of a minimum of 4 inches of graded gravel, placed over a properly prepared base, graded and compacted to drain from the crown shall be installed. Where the property rises in elevation from the street, the driveway shall be paved from the street to the first high point (break in grade) in order to prevent erosion toward the street, except where such paving is prohibited by other Town bylaws.

6. The grade of each common driveway where it intersects with the public way shall not exceed eight percent (8%) for a distance of 20 feet from the travel surface of the public way unless the Planning and Zoning Board shall grant a special permit after a determination that said driveway will provide safe and reasonable access for fire, police and emergency vehicles.
7. The common driveway shall not disrupt existing drainage patterns. A grading and sloping plan, showing existing and proposed conditions, shall be submitted with the special permit application to demonstrate compliance with this requirement.
8. Proposed documents shall be submitted to the Planning and Zoning Board demonstrating that, through easements, restrictive covenants, or other appropriate legal devices, the maintenance (including snow removal), repair and liability for the common driveway and all public utilities shall remain perpetually the responsibility of the private parties or their successors in interest.
9. The common driveway shall never be used to satisfy frontage requirements.

### **C. PLAN REQUIREMENT**

An application for a common driveway shall include a plan showing the driveway serving the premises, and existing and proposed topography at 2-foot contour intervals. This information may be shown on a site plan, an Approval Not Required Plan, or any other plan of the lots to which access is to be provided by the common driveway.

The Planning and Zoning Board is the Special Permit Granting Authority (SPGA) for this By-Law.

## **8-12 LANDSCAPING STANDARDS FOR PARKING LOT STORMWATER MANAGEMENT**

Landscaping is required for all parking lots and may be designed: 1) Low Impact Development (LID) Parking Area Design; or 2) Conventional Parking Area Design. LID Landscaping Plans shall denote a drainage design where 75% or more of the [first half inch] of stormwater runoff from impervious surfaces is treated for water quality by a combination of LID techniques in accordance with the most recent version of the *Massachusetts DEP Stormwater Management Manual*. Conventional Parking Area Design shall denote a parking lot landscape design that does not meet the criteria for LID Parking Area Design.

Acceptable LID techniques shall include vegetated swales, rain gardens or bioretention facilities, permeable pavers, infiltration facilities and constructed wetlands. Cisterns and grey water systems that recycle stormwater runoff may also be included in these calculations.

## **A. CONVENTIONAL PARKING AREA DESIGN STANDARDS**

The landscaping requirements in this section are intended to provide a baseline set of standards toward reducing the visual impacts of large areas of pavement, improving the overall environment or parking areas by providing areas for shade and heat reduction, and enhancing the overall aesthetic appeal of parking areas. The following standards shall apply to all Conventional Parking Lot Design as defined in this bylaw.

- 1) Amount. Developments with proposed parking areas of ten (10) spaces or more shall provide 20 square feet of landscaped open space within the parking area for every parking space provided in the lot.
- 2) Buffers. Landscaping shall be required between non-residential uses or mixed use developments and existing or future residential development areas. Buffer zones shall be a minimum of twelve (12) feet in width and shall substantively screen the site from view through the use of evergreen vegetation at least six feet in height. Fences may be used as part of screening but shall not include chain link fences, unless designed to be screened from view with vegetation. These requirements shall not apply to non-residential or mixed use development that are designed to integrate existing or future neighboring residences into the site through the use of walkways, bicycle paths or other pedestrian amenities.
- 3) Parking Lot Entrances. Parking lot entrances shall be landscaped minimally with a combination of trees and shrubs. These areas may also be used for signage in compliance with Section 10 of this Bylaw. No trees or shrubs shall be planted in a way to obstruct sight lines of motorists.
- 4) Parking Aisles. The ends of parking aisles that are more than fifteen (15) spaces in length shall incorporate landscape islands at either end of the row. Where the length of parking aisles exceeds twenty-five (25) spaces, an intermediary landscaped island shall be installed at regular intervals. This interval shall not be more than every thirteen (13) spaces. Landscape islands used at the end of parking aisles shall enclose. The width of landscaped islands at their ends shall not be less than four (4) feet and not less than eight (8) feet at their midpoint.
- 5) Plant Selection. No tree, shrub or plant shall be proposed for use within a parking area that has been identified as an Invasive Species by the Massachusetts Plant Advisory Group in the latest version of The Evaluation of Non-Native Plant Species for Invasiveness in Massachusetts (with annotated list), has been identified as invasive or banned on the Massachusetts Prohibited Plant List as periodically updated by the Massachusetts Department of Agricultural Resources, or in

any other reputable scientific publication that may be acceptable to the Board. All size and location design elements shall comply with the following specifications:

- a) Shade or canopy trees shall be three (3) inches caliper with a height of not less than twelve (12) feet above grade;
- b) Small or minor shade trees shall be two and one-half (2.5) inches caliper with a height of not less than nine (9) feet above grade;
- c) Ornamental or flowering fruit trees shall be two (2) inches caliper with a height of not less than seven (7) feet above grade;
- d) Evergreen trees used for screening shall be not less than six (6) feet in height above grade. Fencing may be used in conjunction with vegetated screening [but chain link fence shall not be allowed];
- e) Shrubs shall be not less than one and one-half (1.5) feet in height above grade.
- f) Turf may be used but shall not be installed in strips less than six (6) feet in width.
- g) Plantings shall be indigenous and drought resistant. Trees species should be selected so as to minimize damage to trees by vehicles and to maintain signage visibility. Trees listed on the Massachusetts Prohibited Plant List shall not be used.

## **B. LID PARKING AREA DESIGN STANDARDS**

The purpose of these standards is provide the Zoning Enforcement Officer or the parties involved with Site Plan Review the opportunity to review plans for a lower impact approach to managing stormwater in parking areas. The following information is therefore required of an applicant choosing to treat any portion of a parking lot with LID stormwater management techniques. This information shall be prepared by a Massachusetts registered Professional Engineer and shall comply with the design and implementation guidelines provided in the latest version of the *Massachusetts DEP Stormwater Management Manual*. Where portions of the parking lot are not using acceptable LID techniques, the standards for Conventional Parking Lot Design in Section 8.A shall apply.

- 1) Delineation of all drainage areas inclusive of areas outside of the parking envelope that will contribute stormwater runoff to the parking area;
- 2) Proposed topography at two-foot contour intervals;
- 3) Site Plan showing drainage pathways and locations of proposed BMPs;
- 4) Typical profiles of BMPs;

- 5) Sizing calculations for BMPs that demonstrate adequate conveyance and/or water quality treatment of the [first half inch of stormwater runoff from impervious surfaces];
- 6) Sizing calculations for BMPs that illustrating proposed management of runoff resulting from 2-year, 10-year, and 100-year event;
- 7) List of plantings associated with vegetated BMPs;
- 8) Location of areas reserved for snow storage;
- 9) Location of any screening between residential and non-residential properties. Buffer zones shall be a minimum of [six (6) feet] in width and shall substantively screen the site from view through the use of evergreen vegetation at least six feet in height. Fences may be used as part of screening but shall not include chain link fences. These requirements shall not apply to non-residential or mixed use development that are designed to integrate existing or future neighboring residences into the site through the use of walkways, bicycle paths or other pedestrian amenities.
- 10) Location of test pits, depth to seasonal high ground water and soil percolation rates for those areas designated for recharge;
- 11) Schematic diagrams of any gray water or cistern systems proposed for the parking area;
- 12) An Operation and Maintenance (O&M) Plan shall be submitted by the applicant to the Zoning Enforcement Officer or the Planning & Zoning Board] that conforms to the standards for O&M Plans detailed in the most recent version of the *Massachusetts DEP Stormwater Management Manual*;
- 13) Plantings shall be indigenous and drought resistant. Trees species should be selected so as to minimize damage to trees by vehicles and to maintain signage visibility. Trees listed on the Massachusetts Prohibited Plant List shall not be used.

## Section IX. Nonconforming Uses, Structures and Lots

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### 9-1 GENERAL

The provisions of this section shall apply to nonconforming uses, structures, and lots in existence at the effective date of this By-law or any subsequent thereto, which do not conform to one or more provisions of this By-law.

### 9-2 EXTENSION AND ALTERATION

- A. Any lawful pre-existing nonconforming structure or use may be continued, although not conforming with the provisions of this By-law until abandonment, but no such lawful pre-existing nonconforming structure or use shall be changed, intensified, extended or enlarged in any manner, with the exception of such changes as allowed by Sub-section 9-2.B., and 9-2.C., until all of the following steps have been accomplished:
1. Applicant to submit letter with attached documentation outlining differences including, if necessary, plans to the Board of Appeals.
  2. Public hearing is held by the Board of Appeals.
  3. Special Permit is issued by the Board of Appeals, pursuant to M.G.L., Chapter 40A, Section 6.
- B. The Building Inspector may issue a building permit for an extension, reconstruction or alteration to a lawfully pre-existing, nonconforming single family or two family residential structure under the following circumstances:
1. The reconstruction, extension or alteration of the structure complies with the current setbacks and building height requirements; or
  2. The reconstruction, extension or alteration to any side or face of a structure that does not comply with a current setback requirement, where the reconstruction, extension or alteration will not result in a decrease in the distance between any lot line and the nearest point of the structure; or
  3. The reconstruction, extension or alteration will not extend beyond the existing footprint of the structure, provided that the structure will comply with the current building height requirements.

- C. A lawfully pre-existing, nonconforming single family or two family residential structure which is destroyed by fire or other natural disaster may be rebuilt or replaced as a matter of right within the pre-existing footprint and height of the residential structure, or within an area and height which conforms with the dimensional requirements of the Town of Easton Zoning By Law.
- D. The reconstruction, extension, alteration or structural change of a valid pre-existing nonconforming structure in such a manner as to create a new nonconformity, shall require the issuance of a variance from the Board of Appeals.

### **9-3 ABANDONMENT**

Any nonconforming use of any structure or land or both, which is abandoned or not used for a period of two (2) years or more, shall in the terms of this By-law constitute abandonment of nonconforming usage. Such land or structure shall thereafter be used or developed only in accordance with the terms of the zoning By-law for the zoning district, or districts, in which such property is situated.

### **9-4 CHANGE**

1. Any nonconforming use of a structure may be changed to another nonconforming use, provided--the changed use is not a substantially different use, except as provided below and approval for the change is granted by a Special Use Permit for an exception by the Board of Appeals. For the purpose of this section, a "substantially different use" is a use which by reason of its normal operation would cause readily observable differences in patronage, service, sight, noise, employment or similar characteristics from the existing nonconforming use or from any permitted use in the district under question.
2. If any nonconforming use is changed to a conforming use, it shall not hereafter be put into any nonconforming use.

### **9-5 MOVING**

Any nonconforming structure shall not be removed to any other location on the lot or any other lot unless every portion of such structure, the use thereof, and the lot shall be conforming.

### **9-6 UNSAFE STRUCTURE**

Any structure determined to be unsafe may be restored to a safe condition. Such work on any nonconforming structure shall not place it in greater nonconformity. If a nonconforming structure

or portion of a structure contains a nonconforming use and becomes physically unsafe or unlawful due to lack of repairs and maintenance, and declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.

## Section X. Signs

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### 10-1 PURPOSE AND SCOPE

#### A. PURPOSE

The purpose of this By Law shall be to coordinate the type, placement, and physical dimensions of signs within the different land-use zones; to recognize the commercial communication requirements of all sectors of the business community; to encourage the innovative use of design; to promote both renovation and proper maintenance; to allow for special circumstances; and to guarantee equal treatment under the law through accurate record keeping and consistent enforcement. These shall be accomplished by regulation of the display, erection, use, and maintenance of signs. The use of signs is regulated according to zone. No sign shall be permitted as a main accessory use except in accordance with the provisions of this By-law.

#### B. SCOPE

This By-law shall not relate to building design. Nor shall the By-law regulate official traffic or governmental signs; the copy and message of signs; signs not intended to be viewed from a public right-of-way; product dispensers and point of purchase displays; scoreboards on athletic fields; flags of any nation, government; gravestones; barber poles; religious symbols; commemorative plaques; the display of street numbers; or any display or construction not defined herein as a sign.

Thus, the primary intent of this By Law shall be to regulate signs intended to be viewed from any vehicular public right-of-way.

### 10-2. DEFINITIONS

Certain terms are defined for the purposes of this By-law as follows:

#### **ABANDONED SIGN**

A sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, and/or for which no legal owner can be found.

#### **ANIMATED SIGN**

Any sign which uses movement or change of lighting to depict action or to create a special effect or scene (compare "Flashing Sign").

#### **AREA**

See "Sign, Area of".

**AWNING**

A shelter projecting from and supported by the exterior of a building constructed of non-rigid materials on a supporting framework (compare "Marquee").

**AWNING SIGN**

A sign painted on, printed on, or attached flat against the surface of an awning.

**BANNER SIGN**

A sign made of fabric or any non-rigid material with no enclosing framework.

**BILLBOARD**

See "Off-Premise Sign".

**BUILDING**

As defined in Section II Definitions, page 2-3 of the Easton Zoning By Law.

**CHANGING IMAGE SIGN**

Any sign that, through the use of moving structural elements, flashing or sequential lights, lighting elements, or other automated method, results in movement, the appearance of movement or change of sign image or message. This type of sign includes, but is not limited to, Electronic Message Center signs which are either attached or detached. Changing image signs do not include school zone or other public safety signs and otherwise static signs where copy is changed manually in the field and where illumination is turned off and back on not more than once every twenty-four (24) hours.

**CLEARANCE (OF A SIGN)**

The smallest vertical distance between the grade of the adjacent street or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

**CONSTRUCTION SIGN**

A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

**COPY**

The wording on a sign surface in either permanent or removable letter form.

**DIRECTIONAL/INFORMATION SIGN**

An on-premise sign giving directions, instructions, or facility information and which may contain the name or logo of an establishment but no advertising copy, e.g., parking and exit and entrance signs.

**DOUBLE-FACED SIGN**

A sign with two faces.

**ELECTRICAL SIGN**

A sign or sign structure in which electrical wiring, connections or fixtures are used.

**ELECTRONIC MESSAGE CENTER**

Any message board, where scrolling or moving copy or images are shown on the same message board or any sign which changes its copy or images electronically, mechanically, digitally, through the use of projection or computer generation.

**FACADE**

The entire building front including the parapet.

**FACE OF SIGN**

The area of a sign on which the copy is placed.

**FESTOONS**

A string of ribbons, tinsel, small flags, or pinwheels.

**FLASHING SIGN**

A sign which contains an intermittent or sequential flashing light source used primarily to attract attention. Does not include changeable copy signs, or signs which, through reflection or other means, create an illusion of flashing of intermittent light (compare "Animated Sign", "Changeable Copy Sign").

**FREESTANDING SIGN**

A sign supported upon the ground by poles or braces and not attached to any building.

**FRONTAGE**

The length of the property line of any one premise along a public right-of-way on which it borders.

**FRONTAGE, BUILDING**

The length of an outside building wall on a public right-of-way.

**GOVERNMENT SIGN**

Any temporary or permanent sign erected and maintained by the city, county, state, or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property or facility.

**HEIGHT (OF A SIGN)**

The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less (compare "Clearance").

**IDENTIFICATION SIGN**

A sign whose copy is limited to the name and address of a building, institution, or a person and/or to the activity or occupation being identified.

**ILLEGAL SIGN**

A sign which does not meet the requirements of this By Law and which has not received legal nonconforming status.

**INCIDENTAL SIGN**

A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign or a sign indicating hours of business.

**INTERNALLY ILLUMINATED SIGN**

A sign with an artificial light source incorporated internally, including, but not limited to LED, neon and neon-like signs or any sign designed to give forth artificial light through transparent or translucent material from a source of light within the sign.

**LOT**

A parcel of land legally defined on a subdivision map recorded with the assessment department or land registry office, or a parcel of land defined by a legal record of survey map.

**MAINTENANCE**

For the purposes of this By-law, the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic design or structure of the sign.

**MANSARD**

A sloped roof or roof-like facade architecturally comparable to a building wall.

**MARQUEE**

A permanent roof-like structure or canopy of rigid materials supported by extending from the facade of a building (compare "Awning").

**MARQUEE SIGN**

Any sign attached to or supported by a marquee structure.

**NAMEPLATE**

A non-electric on-premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

**NONCONFORMING SIGN**

1. A sign which was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations.
2. A sign which does not conform to the sign By-law, but for which a special permit has been issued.

**OCCUPANCY**

The portion of a building or premises owned, leased, rented, or otherwise occupied for a given use.

**OFF-PREMISE SIGN**

A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located, e.g., "billboards" or "outdoor advertising".

**ON-PREMISE SIGN**

A sign which pertains to the use of the premise on which it is located.

**OWNER**

A person recorded as such on official records. For the purposes of this By Law, the owner of the property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the building inspector, e.g., a sign leased from a sign company.

**PAINTED WALL SIGN**

Any sign which is applied with paint or similar substance on the face of a wall.

**PARAPET**

The extension of a false front or wall above a roofline.

**PERSON**

For the purpose of this By Law, any individual, corporation, association, firm, partnership, or similarly defined interest.

**POINT OF PURCHASE DISPLAY**

Advertising of a retail item accompanying its display, e.g., an advertisement on a product dispenser.

**POLE COVER**

Covers enclosing or decorating poles or other structural supports of a sign.

**POLITICAL SIGN**

For the purposes of this By Law, a temporary sign used in connection with a local, state, or national election or referendum.

**PORTABLE SIGN**

Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building, e.g., trailer or A-Frame, not to include Banner sign.

**PREMISES**

A parcel of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

**PROJECTING SIGN**

A sign, other than a flat wall sign, which is attached to and projects from a building or wall or other structure not specifically designed to support the sign.

**REAL ESTATE SIGN**

A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

**ROOFLINE**

The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

**ROOF SIGN**

Any sign erected over or on the roof of a building (compare "Mansard", "Wall Signs").

**ROTATING SIGN**

A sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to methods of changing copy.

**SIGN**

Any device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any establishment, product, goods, or services (compare 10-1 (B)).

**SIGN, AREA OF****1. Projecting and Freestanding**

The area of a freestanding or projecting sign shall have all faces of any doubled-faced or multi-faced sign counted in calculating its area. The area of the sign shall be measured as follows if composed of one or two individual cabinets:

- a. The area around and enclosing the perimeter of each cabinet or module shall be summed and then totaled to determine the total area. The perimeter of measurable area shall not include embellishments such as pole covers, framing, decorative roofing, etc. provided that there is not written advertising copy on such embellishments.
- b. If the sign is composed of more than two sign cabinets or modules, the area enclosing the entire perimeter of all cabinets and/or modules within a single, continuous geometric figure shall be the area of the sign. Pole covers and other embellishments shall not be included in the area of measurement if they do not bear advertising copy.

## **2. Wall Signs**

The area shall be within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising message. If the sign is composed of individual letters or symbols using the wall as the background with no added decoration, the total sign area shall be calculated by measuring the area within the perimeter advertising message. The combined areas of the individual figures shall be considered the total sign area.

### **SNIPE SIGN**

A temporary or poster affixed to a tree, fence, etc.

### **SUBDIVISION IDENTIFICATION SIGN**

A freestanding or wall sign identifying a recognized subdivision, condominium complex, or residential development.

### **TEMPORARY SIGN**

A sign not constructed or intended for long-term use.

### **TOWN**

Unless the context clearly discloses a contrary intent, the word "Town" shall mean the Town of Easton.

### **UNDER-CANOPY SIGN**

A sign suspended beneath a canopy, ceiling, roof or marquee.

### **USE**

The purpose for which a building, lot, sign, or structure is designed, occupied, or maintained.

## **WALL SIGN**

A sign attached parallel to and extending not more than eighteen (18) inches from the wall of a building. This definition includes painted, individual letter, and cabinet signs, and signs on a mansard.

## **WINDOW SIGN**

A sign installed inside a window and intended to be viewed from the outside.

## **10-3. GENERAL PROVISIONS**

It shall hereafter be unlawful for any person to erect, place, or maintain a sign in the Town of Easton except in accordance with the provisions of this By Law.

### **1. SIGNS PROHIBITED**

The following types of signs are prohibited in all districts:

- a. Abandoned signs.
- b. Any sign which by reason of its location, shape, size, or color; will interfere with traffic signs, signals, or markings.
- c. Signs imitating or resembling official traffic or government signs or signals.
- d. Snipe signs or signs attached to trees, utility poles, streetlights, or placed on public property or public right-of-way.
- e. Flashing, animated or internally illuminated, including LED and neon, except as may be allowed by the Planning Board pursuant to Section 10-3(5)(e).
- f. Portable signs.
- g. Other signs specifically excluded by this By Law.
- h. Signs attached to motor vehicles, trailers, or other movable objects regularly or recurrently located for fixed display.
- i. Changing image sign

### **2. PERMITS REQUIRED**

Unless otherwise provided by this By Law, all signs shall require permits and payment of fees. No permit is required for the maintenance of a sign or for a change of copy on painted, printed, or changeable copy signs.

### **3. SIGNS NOT REQUIRING PERMITS**

The following types of signs are exempted from permit requirements, but must be in conformance with all other requirements of this By Law:

- a. One construction sign of thirty-two (32) square feet or less.
- b. Directional/Information signs of six (6) square feet or less.
- c. Holiday or special event decorations and/or festoons.
- d. Nameplates of six (6) square feet or less.
- e. Political signs.
- f. Public signs or notices, or any sign relating to an emergency.
- g. Real estate signs.
- h. Window signs.
- i. Incidental signs.

### **4. MAINTENANCE**

All signs shall be maintained in a safe and neat condition to the satisfaction of the building inspector and in accordance with requirements of the State Building Code. Structural damage, missing letters, or other deterioration obscuring content shall be remedied or the sign removed within sixty (60) days.

### **5. LIGHTING**

Unless otherwise specified by this By Law, all signs may be illuminated. However, no sign regulated by this By Law may utilize:

- a. An exposed incandescent lamp with an external reflector and without a sunscreen or comparable diffusion.
- b. Any exposed incandescent lamp in excess of 100 watts unless a screen is attached or unless the sign is placed over ten (10) feet above the ground.
- c. Any revolving beacon light.
- d. Non-white lighting except as may be allowed by the Planning Board pursuant to Section 10-3(5)(e).

- e. Internal illumination, unless a written request is made to the Planning Board and the Planning Board finds, in writing that such sign will not adversely impact the neighborhood due to issues relating to design, light pollution and public safety.

## **10-4 REGULATION OF ON-PREMISE SIGNS BY ZONE**

### **1. SIGNS PERMITTED IN ALL ZONES**

The following signs are allowed in all zones:

- a. All signs not requiring permits (Sec. 10-3. 3).
- b. One construction sign for each street frontage of a construction project, not to exceed six (6) square feet in sign area in residential zones of thirty-two (32) square feet in sign area in all other zones. Such signs may be erected fifteen (15) days prior to beginning of construction and shall be removed following completion of construction.
- c. One non-illuminated real estate sign per lot or premises, not to exceed six (6) square feet in sign area. Signs used to advertise commercial property not to exceed three (3) by five (5) feet. Signs must be removed following sale, rental or lease. It shall be set back at least fifteen (15) feet from the property lot line.
- f. Two attached nameplates per occupancy, not to exceed four (4) square feet in sign area.
- g. Political signs shall not be erected more than thirty (30) days prior to the election or referendum concerned and shall be removed two (2) days following such election or referendum. Political signs may be placed only on private property and only with the permission of the property owner.
- h. Directional/Information signs not to exceed six (6) feet in sign area or ten (10) feet in height.

### **2. SIGNS PERMITTED IN RESIDENTIAL AND ELEEMOSYNARY ZONES**

Signs are allowed as follows in Residential zones:

- a. All signs as permitted in 10-4. 1.
- b. Two subdivision identification signs per neighborhood, subdivision, or development, not to exceed thirty-two (32) square feet each in sign area during construction only.
- c. One non-electric sign displaying the street number, or name of the occupant of premises, or both, not exceeding four (4) square feet in area. Such signs may be attached to a building or may be on a rod or post not more than six (6) feet high and less than three (3) feet from the property

lot line. Such sign may include identification of an accessory studio or professional office in the dwelling or on the premises, or may identify other permitted accessory uses, including customary home occupations.

- d. One bulletin or announcement board or identification sign for a permitted nonresidential building or use, not more than ten (10) square feet signboard area. For churches and institutions, membership clubs, funeral establishments, hospital, other places of public assembly, community facilities or public utilities, one bulletin or announcement board or identification sign is permitted on each building. Each such sign shall be not more than twenty (20) feet signboard area. No such sign shall be located nearer a street than one-half the required front yard depth.
- e. On the premises with a lawfully nonconforming use, one sign not more than six (6) square feet.
- f. One "For Sale" or "For Rent" sign not more than six (6) square feet and advertising only the premises on which the sign is located. It shall be set back at least fifteen (15) feet from the property lot line.
- g. No sign or advertising device shall be illuminated after 11:00 P.M.

### **3. SIGNS PERMITTED IN BUSINESS ZONES AND INDUSTRIAL ZONES**

Signs are allowed as follows in business and industrial zones:

- a. All signs permitted in 10-4. 1. and 10-4. 2.
- b. One freestanding sign per street frontage, up to a maximum of one hundred (100) square feet for a single or double occupancy building. If three (3) or more multiple tenants occupy a building maximum given sign may be increased to one hundred fifty (150) square feet provided that all tenants occupying the building be allocated sign space in proportion to the amount of building space they occupy. Such signs may not exceed a height of thirty (30) feet.
- c. One wall sign per occupancy up to a maximum of one hundred (100) square feet.
- d. One under-canopy sign per occupancy, not to exceed twenty (20) square feet in gross sign area.
- e. Incidental signs, not to exceed twenty (20) square feet in aggregate sign area per occupancy.
- f. The top edge of a sign shall be placed not higher than the main roof of the highest building located on the premises, or if no building exists, the average height of the main roofs of the buildings on the next adjacent properties where buildings do exist and not to exceed thirty (30) feet above ground or sidewalk.

#### **4. SPECIAL REGULATIONS AND ALLOWANCES FOR BUSINESS AND INDUSTRIAL ZONES**

- a. Where a lot is on a corner or has more than one entrance way, each entrance being a minimum of three hundred (300) feet apart, more than one free standing sign is permitted. The total sign area of all free standing signs in no case can exceed two (2) times that of a single free standing sign. The top edge of any such free standing sign shall not be higher than thirty (30) feet vertical measure.
- b. Free standing and under-canopy, awning and marquee signs shall have a setback of fifteen (15) feet from any property lot line and a minimum clearance of fifteen (15) feet over vehicular use area and ten (10) feet over any pedestrian use area.
- c. Temporary signs and banners:
  1. Erection of a temporary sign shall require a permit from the building inspector. The fee for each fourteen (14) day period shall be determined by the building inspector. No more than two (2) permits shall be granted in one calendar year.
  2. Such sign shall be erected for no more than a period of fourteen (14) days, two (2) times per year, for a total of twenty-eight (28) days per year.
  3. No temporary sign shall exceed thirty (30) square feet gross display area; a double face sign shall be computed in determining gross display area.
  4. Such signs shall be securely attached to the premises or to an existing free standing sign.
  5. Farm stands shall be permitted seasonal temporary signs not to exceed a total of thirty (30) square feet gross display area for an annual fee of \$10.00.
  6. A-frame signs or trailer signs shall not be permitted.

### **10-5 NONCONFORMING SIGNS**

#### **1. DETERMINATION OF LEGAL NONCONFORMITY**

Existing signs which do not conform to the specific provisions of the By- Law may be eligible for the designation "legal nonconforming" provided that:

- a. The building inspector determines that such signs are properly maintained and do not in any way endanger the public.

- b. The sign was properly covered by a valid permit or variance or complied with all applicable laws on the date of adoption of this By- Law.
- c. Sign, or signs, were constructed or present prior to zoning.

## **2. LOSS OF LEGAL NONCONFORMITY STATUS**

A legal nonconforming sign may lose this designation if:

- a. The sign is relocated.
- b. The structure or size of the sign is altered in any way except towards compliance with the By Law.

This does not refer to change of copy of normal maintenance.

## **3. MAINTENANCE AND REPAIR OF NONCONFORMING SIGNS**

The legal nonconforming sign is subject to all requirements this code regarding safety, maintenance, and repair.

# **10-6 CONSTRUCTION SPECIFICATIONS**

## **1. COMPLIANCE WITH BUILDING AND ELECTRICAL CODES**

All signs shall be constructed in accordance with all requirements of the State Building Code and the National Electrical Code and Town of Easton By-laws.

## **2. ANCHORING**

- a. No sign shall be suspended by non-rigid attachments that will allow the sign to swing in a wind.
- b. All freestanding signs shall have self-supporting structures erected on or permanently attached to concrete foundations.

# **10-7 DESIGN STANDARDS**

Applicants are encouraged to refer to design standards adopted by the Planning & Zoning Board in its rules and regulations for additional guidance in signage design.

## Section XI. Environmental Performance Standards

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### 11-1 ENVIRONMENTAL PERFORMANCE STANDARDS

Any use permitted by right or special permit in any District shall not be conducted in a manner as to emit any dangerous, noxious, injurious, or otherwise objectionable fire, explosion, radioactive or other hazard; noise or vibration, smoke, dust, odor or other form of environmental pollution; electrical or other disturbance; glare, liquid or solid, refuse or wastes; conditions conducive to the breeding of insects, rodents, or other substance, conditions or element in an amount as to affect adversely the surrounding environment.

The following standards shall apply:

1. Emissions shall be completely and effectively confined within the building, or so regulated as to prevent any nuisance, hazard, or other disturbance from being perceptible (without the use of instruments) at any lot line of the premises on which the use is located.
2. All activities and all storage of flammable and explosive materials at any point, shall be provided with adequate safety devices against fire and explosion and adequate fire-fighting and fire-suppression devices and equipment.
3. No activities that emit dangerous radioactivity, at any point; no electrical disturbance adversely affecting the operation at any point, of any equipment, other than that of the creator of such disturbance, shall be permitted.
4. No emission of visible smoke of a shade darker than No. 1 on the Ringlemann Smoke Chart as published by the U.S. Bureau of Mines shall be permitted.
5. No emission which can cause any damage to health of animals or vegetation or which can cause excessive soiling, at any point, and in no event any emission of any solid or liquid particles in concentrations exceeding 0.3 grains per cubic foot of conveying gas or air shall be permitted.
6. No discharge, at any point, into a private sewage system, stream, and ground of any material in such a way, or of such a nature or temperature as can contaminate any running stream, water supply or otherwise cause the emission of dangerous or objectionable elements and accumulation of wastes conducive to the breeding of rodents or insects shall be permitted.
7. No vibration which is discernible to the human sense of feeling for three minutes or more in any hour between 7:00 a.m. and 7:00 p.m. or for 30 seconds or more in any one hour between 7:00 p.m. and 7:00 a.m. shall be permitted. No vibration at any time shall produce an acceleration of

more than 0.1 gram shall result in any combination of amplitudes and frequencies beyond the 'safe' range of Table 7, U.S. Bureau of Mines Bulletin No. 442.

8. Maximum permissible sound pressure levels at specified points of measurement for noise radiated continuously from a facility between 10:00 p.m. and 7:00 a.m. shall be as follows:

<b>Frequency Band (Cycles per Second)</b>	<b>Sound Pressure Level (Decibel re 0.0002 dyne/CM)</b>
0-74	69
75-149	54
150-299	47
300-599	41
600-1,199	37
1,200-2,399	34
2,400-4,799	31
4,800-10,000	28

If this sound is not smooth and continuous, the following corrections should be added to each of the actual decibel levels given:

- a. Daytime operation only, add 5 db.
- b. Noise source operates less than 20 percent of any hour period, add 5 db.

Only one of the above corrections may be applied. Such sound levels shall be measured with a sound level meter or octave band analyzer approved by the American Standards Association. Noise-making devices, which are maintained and are utilized strictly to serve as warning devices, are excluded from these regulations.

9. Any process which may involve the creation and/or emission of any odors shall be provided with a secondary safeguard system. No objectionable odor greater than that caused by 0.001202 per thousand cubic feet of hydrogen sulfide or any "odor threshold" as defined in Table III in Chapter 5 of Air Pollution Abatement Manual, copyright 1951, by manufacturing Chemists Association, Inc., of Washington, D.C. shall be permitted.

## **11-2 STORMWATER MANAGEMENT**

The purpose of Stormwater Management is to eliminate non-stormwater discharges to the municipal storm drainage system and also to eliminate or reduce the adverse effects of soil erosion and sediments from contaminating our watercourses.

### **A. STORM DRAINAGE SYSTEM**

Prohibited activities are as follows:

1. Illicit Discharges – No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into the storm water drainage system, into a watercourse, or into the waters of the United States and/or Commonwealth.
2. Illicit Connections – No person shall construct, use, allow, maintain or continue any connection to the municipal drainage system, without the written approval of the Board of Selectmen.
3. Obstruction of Municipal Storm Drains – No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drainage system.

### **B. EROSION AND SEDIMENT CONTROL**

1. No person shall excavate, cut, grade, or perform any land disturbing activities greater than one acre without a National Pollution Discharge Elimination System (NPDES) permit from the Environmental Protection Agency which shall include an Erosion and Sediment Control Plan approved by the Planning & Zoning Board. The Erosion and Sediment Control Plan shall be prepared by a Registered Professional Engineer and include but not necessarily limited to the following:
  2. Name, address and telephone number of Owner, Civil Engineer, and person responsible for the implementation of the plan.
  3. Show all existing and proposed stormwater utilities, including structures, pipes, swales, and detention/retention basins.
  4. Erosion and sediment control provisions to minimize on-site erosion and prevent off-site sediment transport, including provisions to preserve top soil and its limits of disturbance.
  5. Design details for both temporary and permanent erosion control structures.
  6. A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities; infrastructure, and buildings; and final grading and landscaping.

Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, and establishment of permanent vegetation.

7. Any additional information and/or data which as deemed appropriate to ensure compliance with the Subdivision Rules & Regulations, Site Plan requirements, or the preservation of public health and safety.

### **C. ENFORCEMENT**

1. When it is determined that an illicit discharge to the municipal drainage system has occurred and/or erosion and sediment control is not being carried out in accordance with the approved Erosion and Sediment Control Plan, a written notice ordering an immediate cessation of any act or condition in violation of this By-Law shall be issued by the Building Inspection Department.
2. Any owner, who makes an unauthorized connection to the municipal drainage system and/or Illicit Discharges emanate from his/her property because of inadequate erosion and sediment control, shall be subject to a fine of \$100 dollars per day for each day that the unauthorized connection and/or Illicit Discharge continues after proper Notice thereof is given by or at the direction of the Board of Selectmen.

## Section XII. Administration and Enforcement

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### 12-1 ADMINISTRATION

The provisions of this By-law shall be administered by the Planning & Zoning Board, except as otherwise stipulated under the Zoning Board of Appeals in accordance with Chapter 40A of the General Laws. The Planning & Zoning Board may appoint a zoning officer or officers to perform all duties assigned regarding the administration of these By-laws under the direction of the Planning & Zoning Board.

### 12-2 PERMIT

- A. It shall be unlawful for any person to erect, construct, reconstruct, or alter a structure without applying for and receiving from the Building Inspector a building permit.
- B. Such permits shall be applied for in writing to the Building Inspector. The Building Inspector shall not issue any such permit unless the plans for the building, and the intended use thereof in all respects fulfills the provisions of this By-law, except as may have been specifically permitted otherwise by action of the Easton Board of Appeals, provided a written copy of the terms governing any such permission be attached to the application and to the resulting building permit issued. One copy of each such permit issued, including any conditions or exceptions attached thereto, shall be kept on file in the office of the Building Inspector.
- C. Each application for a permit to build, alter, or move a building shall be accompanied by a plot plan in such numbers of copies and drawn to such a scale as is required by the Building Inspector. Each such plot plan shall show dimensions and area of lots and of structures and sewage disposal systems, to be erected, altered or moved, and adjacent streets or ways. Such plot plans shall accurately indicate dimensions of all lot lines.

### 12-3 ENFORCEMENT

The Easton Zoning By-law shall be enforced by the Easton Building Inspector. The Building Inspector, upon being informed in writing of a possible violation of the By-law or on his own initiative, shall make or cause to be made an investigation of facts and an inspection of the premises where such violation may exist. The Building Inspector, on evidence of any violation, after investigation and inspection shall give written notice of such violation to the owner and to the occupant of such premises. The Building Inspector shall demand in such notice that such violation

be abated and within a reasonable time, designated therein by the Building Inspector. Such notice and demand may be given by mail addressed to the owner at the address appearing for him on the most recent real estate tax records of the Town of Easton and to the occupant at the address of the premises of such seeming violation.

The Inspector of Buildings shall be charged with the enforcement of the Zoning By-law and shall withhold a permit for construction, alteration or moving of any building or structure if the building or structure as constructed, altered or moved would be in violation of any zoning by-law; and no permit or license shall be granted for a new use of a building, structure or land which use would be in violation of any zoning by-law. If the Inspector of Buildings is requested in writing to enforce such by-laws against any person allegedly in violation of the same and such inspector of buildings declines to act, he shall notify, in writing, the party requesting such enforcement of any action or refusal to act, and the reasons therefore, within fourteen days of receipt of such request.

## **12-4 VIOLATIONS AND PENALTIES**

Penalties for violations of any provision of this By-law may, upon conviction, be affixed in any amount not to exceed three hundred dollars (\$300.00) for each offense. Each day, or portion of a day, that any violation is continued shall constitute a separate offense.

In addition to the procedures for enforcement as described in the previous paragraph, the provisions of this Zoning By-law may be enforced by the Inspector of Buildings by noncriminal complaint pursuant to the provisions of M.G.L. Chapter 40, Section 21D. The penalty for violation of any provision of this By-law shall be \$25.00 for the first offense; \$50.00 for the second offense; \$100.00 for the third offense and \$200.00 for the fourth and each subsequent offense.

## **12-5 BOARD OF APPEALS**

### **A. MEMBERSHIP**

There shall be a Board of Appeals of five members and two associate members who shall be residents of the Town of Easton.

### **B. APPOINTMENT**

Members of the Board in office at the effective date this By-law shall continue in office. Hereafter, as terms expire or vacancies occur, the Board of Selectmen shall make appointments pursuant to Section 12 of Chapter 40A of the General Laws. Members shall serve without remuneration and

shall be subject always to the rule that they shall give due consideration to the purposes outlined under Section I of the By-laws.

### **C. POWERS**

The Board shall have those powers granted under the Zoning Enabling Act and shall act on all matters within its jurisdiction under this By-law in the manner prescribed in Chapter 40A.

### **D. ADOPTION OF RULES**

The Board shall adopt rules to govern its proceedings pursuant to the Zoning Enabling Act.

### **E. APPEALS**

Appeals to the Board shall be taken in accordance with the Rules and Regulations of the Board and Section 16 of the Zoning Act.

## **12-6 VARIANCES**

The Board of Appeals may authorize a variance for a particular use of a parcel of land or to an existing building thereon from the terms of this By-law as set forth under Section 10 of Chapter 40A of the Massachusetts General Laws.

## **12-7 SPECIAL PERMITS**

- A. The Special Permit Granting Authority (SPGA) shall be the Board of Appeals, except where another Board is specifically designated as the SPGA for a particular type of special permit.
- B. In applying for a Special Permit, the applicant need not demonstrate specific hardship. In granting a Special Permit the Special Permit Granting Authority, with due regard to the nature and condition of all adjacent structures and uses, and the district within which the same is located, shall take into consideration the fulfillment of the following general conditions in addition to other appropriate safeguards as determined by the SPGA:
  - 1. The use requested is listed in Table of Use Regulations as a Special Permit in the District for which application is made.
  - 2. The requested use is essential or desirable to the public convenience or welfare.
  - 3. The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.

4. The requested use will not overload any public water or drainage system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety, or the general welfare.
  5. Any special regulations for the use, set forth in Section VII are fulfilled.
  6. The requested use will not impair the integrity or character of the District or adjoining zones, nor be detrimental to the health or welfare of inhabitants of Easton.
  7. Permits may impose conditions, safeguards and limitations on time and use.
  8. Special permits shall lapse within two (2) years from the grant thereof unless substantial use or construction has commenced.
- C. Public Hearing for a Special Permit shall be held within sixty-five (65) days after filing of a written application. Decision shall be made within ninety (90) days of the public hearing.

## **12-8 OTHER REQUIREMENTS**

- A. The granting of any appeal by the Board of Appeals shall not exempt the applicant from any provision of this By-law which has not specifically been ruled upon by the Board. It shall be unlawful for any owner or person to reconstruct, convert or alter a structure or change the use, increase the intensity of use, or extend or displace the use of any building, other structure or lot, or change any required limitations or special conditions imposed by the Board in authorizing a special permit or variance without appealing to the Board as a new case over which the Board shall have complete administrative power to deny, approve, or modify.
- B.1. On each appeal, special permit or petition to the Board of Appeals, said Board shall hold a public hearing of which notice shall be given by publication twice in a newspaper of general circulation in Easton, once in each of two successive weeks, the first publication not less than fourteen (14) days before the date of such hearing. The Board shall also notify by mail, postage prepaid, all Parties In Interest.
- B.2. An interoffice memorandum, prepared by the Board of Appeals, shall be sent to the Planning and Zoning Board, Board of Selectmen, Board of Health, Building Inspector, DPW, Police Department, Conservation Commission and Historical Commission outlining in general the respective appeal, request or petition to enable the various departments to adequately review and comment. Said memo to be sent to various departments at least thirty (30) days prior to the

hearing. Departments not responding prior to the hearing shall be deemed to have no objection to the application.

C.1. On each application to the Planning and Zoning Board for a Special Permit, said Board shall hold a public hearing of which notice shall be given by publication twice in a newspaper of general circulation in Easton, once in each of two successive weeks, the first publication not less than fourteen (14) days before the date of such hearing. The Board shall also notify by mail, postage prepaid, all Parties In Interest.

C.2. On each application to the Planning and Zoning Board for a Special Permit, said Board shall send an interoffice memorandum to the Zoning Board of Appeals, Board of Selectmen, Board of Health.

## **12-9 APPEAL TO SUPERIOR COURT**

Any person, municipal officer, or Board aggrieved by a decision of the Board of Appeals or Planning & Zoning Board may appeal said decision in accordance with Section 17 of Chapter 40A of the Massachusetts General Laws as amended.

## Section XIII. Amendments, Noninterference, and Validity

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### 13-1 AMENDMENTS

These by-laws, including the Zoning Map which is part hereof, may be amended at a regular or special Town Meeting in accordance with Chapter 40A of the General Laws of Massachusetts. Petitions for zoning amendments shall be made in accordance with Mass. General Laws, Chapter 40A, Section 5, and shall be submitted to the Board of Selectmen with a copy to the Planning & Zoning Board and shall be accompanied by the following:

1. For petitions concerning the text of these Regulations, five (5) copies of the existing and proposed text shall be submitted.
2. For petitions concerning the Zoning Map, one reproducible and two copies thereof of a map with sufficient information describe the area of the proposed change and other related information as may be required at the discretion of the Easton Planning & Zoning Board.
3. Petitions for zoning amendments may be initiated by:
  - a. Board of Selectmen
  - b. Board of Appeals
  - c. Individual owning land to be affected
  - d. Ten registered voters
  - e. Planning & Zoning Board
  - f. Old Colony Planning Council
4. The Board of Selectmen shall submit the petition to the Planning & Zoning Board within fourteen days of receipt.
5. The Planning & Zoning Board shall hold a public hearing within sixty-five days after receipt.

### 13-2 NONINTERFERENCE

This By-law shall not interfere with annul any other Town By-law, rule, regulation, or permit; provided that unless specifically accepted, where this By-law is the more stringent, it shall control.

### **13-3 VALIDITY**

The nonvalidity of any section or provision of this By-law shall not invalidate any other section or provision thereof.

### **13-4 ZONING CHANGE**

No proposed zoning by-law or map which has been unfavorably acted upon by a Town Meeting shall be considered by a Town Meeting within two years after the date of such unfavorable action unless the adoption of such proposed by-law or map is recommended in the final report of the Planning Board.

### **13-5 EFFECTIVE DATE**

The effective date of the adoption or amendment of any Zoning By-law shall be the date on which such adoption or amendment was voted upon by the Town Meeting.

# Amendments to Zoning By-Law

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## **Town of Easton Zoning By Law originally adopted at Town Meeting on March 27, 1973.**

First Printing:	Including amendment dated November 26, 1973 (orange cover).
Second Printing:	Including amendments through May 14, 1979 (green cover).
Third Printing:	Including amendments through April 9, 1985 (tan cover).
Fourth Printing:	Including amendments through May 10, 1988 (pink cover).
Fifth Printing:	Including amendments through May 6, 1991 (gray cover).
Sixth Printing:	Including amendments through April 13, 1993 (yellow cover).
Seventh Printing:	Including amendments through April 30, 1996 (red cover).
Eighth Printing:	Including amendments through April 14, 1997 (purple cover).
Ninth Printing:	Including amendments through April 12, 1999 (blue cover).
Tenth Printing:	Including amendments through November 22, 1999 (orange cover).
Eleventh Printing:	Including amendments through February 28, 2000 (red cover).
Twelfth Printing:	Including amendments through June 4, 2001 (yellow cover)
Thirteen Printing:	Including amendments through May 17, 2004
Fourteen Printing:	Including amendments through May 16, 2006 (red cover)
Fifteenth Printing:	Including amendments through May 21, 2007 (red cover)
Sixteenth Printing:	Including amendment through May 19, 2008 (pink cover)
Seventeenth Printing:	Including amendments through October 5, 2009 (orange cover)
Eighteenth Printing:	Including amendments through May 17, 2010 (blue cover)
Nineteenth Printing:	Including amendments through May 16, 2011 (yellow cover)

## **AMENDMENTS APPROVED SINCE 1981**

### **APPROVED ANNUAL TOWN MEETING, APRIL 14, 1981;**

#### **Attorney General Approved August 4, 1981:**

Section II, Definitions - DOG KENNEL; LOT  
Section IV, Interpretation & Application, 4-11. - Side lot line  
Section V, 5-3. H. Point 5, 6, 7  
Section V, 5-3. I. Point 6, 7, 8, 9  
Section V, 5-3. F. 4  
Section V, 5-4. Groundwater Protection District  
Section VI, 6-3.  
Section VII, 7-6. G.  
Section VII, 7-10. Site Plan Approval  
Zoning Map - Article 20

### **APPROVED ANNUAL TOWN MEETING, APRIL 12, 1982:**

#### **Attorney General Approved July 26, 1982:**

Section VI, 6-3.

**APPROVED ANNUAL TOWN MEETING, APRIL 13, 1982;**

**Attorney General Approved June 25, 1982:**

Section IV, 4-5.  
Section VI, 6-3.  
Section VII, 7-2. Paragraph A and Paragraph B  
Section VII, 7-6. Paragraph D and Paragraph H  
Section VIII, 8-6. Point 4, 6, 7  
Zoning Map - Article 27

**APPROVED ANNUAL TOWN MEETING, APRIL 11, 1983;**

**Attorney General Approved July 21, 1983:**

Section II, Definitions - ADULT ENTERTAINMENT  
Section IV, 4-5.  
Section IV, 4-7.  
Section V, Paragraph I, Point 10.  
Section VI, 6-3. (9)  
Section VI, 7-10.  
Section VII, 7-11.

**APPROVED ANNUAL TOWN MEETING, SEPTEMBER 26, 1983;**

**Attorney General Approved November 14, 1983:**

Zoning Map - Article 18

**APPROVED ANNUAL TOWN MEETING, APRIL 9, 1984;**

**Attorney General Approved May 7, 1984:**

Section II, Definitions - BEDROOM  
Section II, Definitions - LOT  
Section V, 5-3. H.  
Section V, 5-3. I., Point 11, 12  
Section VI, 6-3. Apartments  
Section VI, 6-3. Motel  
Section VI, 6-3. Motel (Min. Yard Depth)  
Section VI, 6-3. (3)  
Section VI, 6-3. (9)  
Section VII, 7-2. Paragraph A and Paragraph B  
Section VII, 7-2. (E)  
Section VII, 7-2. (F)  
Section VII, 7-10. Point 6  
Zoning Map - Articles 19 and 23

**APPROVED SPECIAL TOWN MEETING, SEPTEMBER 17, 1984;**

**Attorney General Approved November 15, 1984:**

Section VII, 7-11.

**APPROVED ANNUAL TOWN MEETING, APRIL 9, 1985;**

**Attorney General Approved June 6, 1985:**

Section V, 5-3. B. 12.

Section VI, 6-2.

Section VI, 6-3.

Section VI, 6-3. (4) DELETED IN ITS ENTIRETY

Section VII, 7-8. C)

Section VII, 7-10. (First Paragraph)

Section VII, 7-10. Paragraph A. Add new Paragraph D and F (proposed new paragraph e deleted at town meeting)

Section VII, 7-11.

Section VIII, 8-9. Paragraph 4.

Section VIII, 8-9. Paragraph 13.

Zoning Map - Article 64

**APPROVED SPECIAL TOWN MEETING, APRIL 14, 1986;**

**Attorney General Approved July 31, 1986:**

Zoning Map - Article 11

**APPROVED ANNUAL TOWN MEETING, APRIL 14, 1986;**

**Attorney General Approved July 31, 1986:**

Section X, 10-4. (B)

Section X, 10-4. (12)

Zoning Map - Articles 26, 30, and 33

**APPROVED SPECIAL TOWN MEETING, SEPTEMBER 15, 1986;**

**Attorney General Approved October 16, 1986:**

Section VII, 7-2. A.

Section VII, 7-2. B.

Section VII, 7-10. F.

Section VIII, 8-10. Fire Lanes

**APPROVED ADJOURNED ANNUAL TOWN MEETING MAY 4, 1987;**

**Attorney General Approved June 29, 1987:**

Section II, Definitions - JUNK YARD, DRIVEWAY, LOWEST FLOOR, TRAILER, LOT, MANUFACTURED HOME

Section IV, 4-13.

Section V, 5-3. A. 10.

Section V, 5-3. A. 11

Section V, 5-3. H. 2.

Section V, 5-3. H. 4

Section VI, 6-3. Dimensional & Density Regulations Table

Section VII, 7-10. G.  
Section VII, 7-11. A. 3.  
Section VII, 7-11. C. 3.  
Section VII, 7-11. C. 4.  
Section VII, 7-11. C. 5.  
Section VIII, 8-9. 10.  
Section VIII, 8-9. 14.  
Section X, 10-4. (6)  
Section XII, 12-4.  
Zoning Map - Article 42

**ADJOURNED ANNUAL TOWN MEETING, MAY 9, 1988;**

**Attorney General Approved July 8, 1988:**

Section V, 5-4.  
Zoning Map - Article 21

**ADJOURNED ANNUAL TOWN MEETING, MAY 10, 1988;**

**Attorney General Approved July 8, 1988:**

Section II, Definitions - HOME OCCUPATION, ABANDONMENT  
Section V, 5-3. A. 5.  
Section V, 5-3. A. 6.  
Section V, 5-3., I. 3.  
Section V, after Point 6: add sentence  
Section VII, 7-9. A.  
Section VIII, 8-6. 6.  
Section IX, 9-3.  
Section XII, 12-7. A.  
Section XII, 12-8. B., C., D., E., F.  
Section XII, 12-9.  
Zoning Map - Articles 28 and 31

**ADJOURNED ANNUAL TOWN MEETING - MAY 8, 1990;**

**Attorney General Approved August 13, 1990:**

Section II, Definitions - LOT  
Section V, 5-3., B. 8.  
Section V, 5-4. F. 1., F. 2.  
Section VII, 7-10. E., F.  
Section IX, 9-2. 4.  
Section XII, 12-7. A.

**ADJOURNED ANNUAL TOWN MEETING - MAY 14, 1990;**

**Attorney General Approved August 13, 1990:**

Section XII, 12-7. B. 8.

Section XII, 12-8. B., C., D., E., F.  
Zoning Map - Articles 61, 62, 63, 64, and 65 (revised map).

**ADJOURNED ANNUAL TOWN MEETING - MAY 6, 1991;**

**Attorney General Approved October 9, 1991:**

Section II, Definitions - DRIVEWAY  
Section VII, Special Provisions, 7-11. C.  
Section VIII, 8-1.  
Section XII, 12-4.  
Zoning Map - Article 43

**APPROVED ANNUAL TOWN MEETING - APRIL 13, 1992;**

**Attorney General Approved June 15, 1992:**

Zoning Map - Articles 20 and 21

**APPROVED ADJOURNED ANNUAL TOWN MEETING - APRIL 14, 1992;**

**Attorney General Approved June 15, 1992:**

Section VII, 7-10.  
Section X, 10-3.

**APPROVED ANNUAL TOWN MEETING - APRIL 12, 1993;**

**Attorney General Approved May 19, 1993**

Section IX, 9-2.  
Zoning Map - Article 34

**APPROVED ANNUAL TOWN MEETING - APRIL 13, 1993;**

**Attorney General Approved May 19, 1993**

Section X-Signs

**APPROVED SPECIAL TOWN MEETING 11/8/93;**

**Attorney General Approved January 18, 1994**

Zoning Map (updated) - Article 10

**APPROVED ANNUAL TOWN MEETING - APRIL 11, 1994;**

**Attorney General Approved June 9, 1994**

Section II, Definitions - OUTSIDE DINING FACILITY  
Section V, 5-3., E. 3  
Section V, 5-3., B. 9  
Zoning Map - Article 23

**APPROVED SPECIAL TOWN MEETING - JANUARY 23, 1995;**

**Attorney General Approved February 27, 1995**

Section II, Definitions - CLUSTER DEVELOPMENT 5-3.A.6; 6-3; 7-4; 7-8; 12-7; 12-8 (all references to "Cluster" )

Section V, 5-3.A.5; 5-4.D; 6-3 (11); 7-5; 7-6.H; 7-8; 12-7; 12-8 (all references to "Planned Unit Development")

**APPROVED ANNUAL TOWN MEETING - APRIL 10, 1995;**

**Attorney General Approved July 1, 1995**

Section 6-3 (12) (13) (14)

Section II, Definitions - LOT

Section VII, 7-11. Flood Plain

Section V, 5-4.

Zoning Map - Article 31

**APPROVED ANNUAL TOWN MEETING - APRIL 30, 1996;**

**Attorney General Approved July 23, 1996**

Section II, Definitions - DRIVEWAY

Zoning Map - Articles 36 and 37

**APPROVED ANNUAL TOWN MEETING - APRIL 14, 1997;**

**Attorney General Approved August 25, 1997**

Section II, Definitions - LOT

Section IV, Sub-Section 4-14. Driveways

Zoning Map - Articles 38, 39, 41, 42, and 44

**APPROVED ANNUAL TOWN MEETING - APRIL 14, 1997;**

**Attorney General Approval January 23, 1998**

Section II - Communications Tower and Wireless Communications Facility

Section V, 5-3.

Section V, 5.3 (8)

Section VII, Special Provisions, 7-13

**APPROVED ADJOURNED ANNUAL TOWN MEETING - MAY 11, 1998**

**Attorney General Approval August 14, 1998**

Section V, 5-3. B. 13)

Zoning Map - Article 53

**APPROVED ADJOURNED ANNUAL TOWN MEETING – APRIL 12, 1999**

**Section II, Definitions - Lot**

Zoning Map – Article 32

**APPROVED SPECIAL TOWN MEETING – NOVEMBER 22, 1999**

Section VII, Adult Retirement Development, 7-14

**APPROVED SPECIAL TOWN MEETING – FEBRUARY 28, 2000**

**Attorney General Approval – May 16, 2000**

Section VII, Estate Lots, 7-4  
Section VII, Residential Compound, 7-5  
Section VII, Application Fees, 7-10  
Section VII, Adult Retirement Development, 7-14, B  
Section VII, Open Space Residential Development, 7-15  
Section VIII, Common Driveways, 8-11  
Section XII, Special Permit Granting Authority, 12-7A, B  
Section XII, 12-8, paragraphs B1, B2, C1, C2

**APPROVED SPECIAL TOWN MEETING – JUNE 4, 2001**

**Attorney General Approval – November 30, 2001**

Section VII, Floodplain, 7-11

**APPROVED SPECIAL TOWN MEETING, FEBRUARY 4, 2002;**

**Attorney General Approved March 5, 2002:**

Section X, Special Regulations and Allowances for Business and Industrial Zones, 10-4. (c) 1.

**APPROVED SPECIAL TOWN MEETING, NOVEMBER 17, 2003;**

**Attorney General Approved February 20, 2004:**

Section VII, Residential Compound, (7-5. C) 6.  
Section VII, Open Space Residential Development,(7-15. C) 6. (b) (2)

**APPROVED ADJOURNED ANNUAL TOWN MEETING - MAY 17, 2004**

**Attorney General Approval July 21, 2004**

Section X, 10-2 Definitions and 10-3. 3. 6.  
Section XI, 11-2 Stormwater Management  
Zoning Map - Articles 27 and 28

**APPROVED ANNUAL TOWN MEETING – MAY 16, 2006**

**Attorney General Approval August 23, 2006**

Section VII, Flood Plain, 7-11

**APPROVED ANNUAL TOWN MEETING – MAY 21, 2007**

**Attorney General Approval August 28, 2007**

Section IX, 9-2 Non-Conforming Uses  
Section XII, 12-8B(2) Administration & Enforcement

## **APPROVED ANNUAL TOWN MEETING – MAY 19, 2008**

### **Attorney General Approval – September 5, 2008**

Section II, Definitions – Frontage  
Section V, Table of Use Regulations 5-3 (B.1 & B.2)  
Section VII, Residential Compound 7-5 (C.3 & F.3)  
Section VII, Site Plan Approval 7-10 (A & B)  
Section VII, Use of Land or Structures for Religious or Education Purposes 7-12  
Section VII, Adult Retirement Development 7-14 (E.6)  
Section VII, Queset Smart Growth Overlay District (OSGOD) 7-17  
Section VIII, Parking and Loading Space Standards 8-9  
Section X, Signs 10-7

## **APPROVED ANNUAL TOWN MEETING – MAY 18, 2009**

### **Attorney General Approval –**

Section II, Definitions, Lot & Definitions, Wetlands  
Section III, Establishments of Zoning Districts, Division Into Districts (3-1)  
Section III, Establishments of Zoning Districts, Zoning Map (3-2)  
Section VII, Special Provisions, Residential Compounds, Private Lanes (7-5.G)  
Section VII, Special Provisions, Site Plan Approval, Applicability, Residential Districts (7-10.A.2)  
Section VII, Special Provisions, Flood Plain (7-11.A. & C.1)  
Section VII, Special Provisions, Adult Retirement Development, General Standards, Common Land (7-14.D.7-a)  
Section VII, Special Provisions, Open Space Residential Development, Standards (7-15.C.2d & 3a.1 & 4a.2 & 4b.5)  
Section XI, Environmental Performance Standards, Stormwater Management (11-2.A.2)

## **APPROVED SPECIAL TOWN MEETING – OCTOBER 5, 2009**

### **Attorney General Approval –**

Section X, Definitions, Illuminated Signed (10-2)  
Section X, General Provisions (10-3.1.e)

## **APPROVED ANNUAL TOWN MEETING – MAY 17, 2010**

### **Attorney General Approval –**

Zoning Map, Article 30  
Section II, Definitions  
Section VII, Special Provisions, Residential Compound (7-5)  
Section VII, Special Provisions, Site Plan Approval (7-10)  
Section VII, Special Provisions, Adult Retirement Development (7-14)  
Section VII, Special Provisions, Open Space Residential Development (7-15)  
Section VII, Special Provisions, *New Section* – Affordable Housing Requirements (7-16)  
Section VIII, Off-Street Parking and Loading Requirements, Table of off-Street Parking Regulations (8-6)  
Section VIII, Off-Street Parking and Loading Requirement, Parking and Load Space Standards (8-9)  
Section X, Signs, Exception to Bylaw for Highland Plaza

**APPROVED ANNUAL TOWN MEETING – MAY 16, 2011**

**Attorney General Approval –**

Zoning Map, Articles 45 and 46

Section II, Definitions

Section VII, Affordable Housing Requirements (7-16.2 & 7-16.7 & 7-16.8 & 7-16.9)

Section VII, *New Section* Large-Scale Ground Mounted Solar Photovoltaic Installations (7-18)

Section VII, *New Section* In-law Apartments (7-19)

Section X, Signs (10-3.1.e & 10-3.5.d & 10-3.5.e)