

**SECTION 3.3 USE CLASSIFICATION AND STANDARDS**

For the purposes of this Bylaw, existing and future uses of land, buildings and other structures shall be allocated among the following categories. It is intended that every possible use be included in some category, and a use that does not readily fall into any category listed shall be included in the one to which it is most similar. Each use is assigned a number which is found in the left hand column of the following pages.

The Standards and Conditions column which is located to the right of the Use Classification column contains specific requirements which shall be met if the Use is to be permitted in any Zoning District by right, by Special Permit, or by Site Plan Review.

The column located to the right of the Standards and Conditions column indicates the Zoning Districts in which the specific Uses are permitted or prohibited. The following code is used in those columns:

Y	=	Yes The Use is permitted by right in that Zoning District.
N	=	No The Use is not permitted in that Zoning District.
SPR	=	The Use is permitted with Site Plan Review (See Section 11.2)
SP	=	The Use is permitted with a Special Permit, by the Zoning Board of Appeals (See Section 10.3)
SPP	=	The Use is permitted with a Special Permit, by the Planning Board (See Section 10.3)
( )	=	The Use, if located within the Aquifer Recharge Protection District (ARP) shall be subject to the code designation within the parenthesis.



Bylaw Number	Land Use Classifications	Standards & Conditions	Zoning Districts													
			R-O R-LD	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	B-N	COM	OP	LI	PRP	FPC
3.321	Two family detached dwelling (duplex)	<p>Except as may otherwise be authorized under this section, a two-family detached dwelling (duplex) shall have an external appearance and footprint compatible in terms of design with those of single family dwellings in the surrounding neighborhood. In all districts, the Special Permit Granting Authority or Permit Granting Board, as applicable, shall apply the provisions of Sections 3.2040 and 3.2041 to any construction, renovation, or expansion resulting in the creation of a new two-family detached dwelling or the addition of a single new dwelling unit to an existing single family residence such that a two-family detached dwelling (duplex) is created.</p> <p>Where the two dwelling units are arranged side by side, said units shall either: 1) share a significant portion of at least one common wall or floor abutting habitable space, or 2) the space, or 2) the Special Permit Granting Authority or Permit Granting Board, as applicable, may allow a duplex where the two units do not share a common wall abutting habitable space but are instead connected structurally and continuously by a shared foundation, walls and roof. The Special Permit Granting Authority or Permit Granting Board may make such an allowance only upon a determination that the design of the proposed duplex is compatible with the architecture and building and site layout of other residential buildings in the surrounding neighborhood.</p>														
3.3210	Owner occupied duplex		SP (N)	SP (N)	SPR	SPR	N	N	N	N	SPR	N	N	N	N	N
3.3211	Non-owner occupied duplex	<p>For an owner occupied duplex, one (1) or both of the dwelling units serve as the principal residence of one or more owner(s) of the property.</p> <p>For a non-owner occupied duplex, one (1) or both dwelling units are rented and neither unit serves as the principal residence of one or more owner(s) of the property. No dwelling unit under this use category may be occupied by a total of more than four (4) unrelated persons.</p> <p>The Special Permit Granting Authority shall require the ongoing services of a qualified professional management company, the presence of an on-site manager, or similar provisions for proper management of the rental use as a condition of approval.</p> <ol style="list-style-type: none"> <li>Name(s) and contact information shall be provided for the owner, any responsible rental property management entity, and at least one on-site resident.</li> <li>A management plan as defined in the Rules and Regulations adopted by the Special Permit Granting Authority, shall be included as an integral part of any application. Also included shall be a Response Plan describing the concrete steps to be taken by the property owner or management in response to complaints about the operation of the use or the conduct of the tenants.</li> <li>In the R-G and R-VC Districts, a Special Permit granted under this section shall lapse upon any change in ownership of the subject property, and the Special Permit Granting Authority may impose a review of compliance with special Permit conditions at such intervals as it deems reasonable.</li> </ol> <p>Each non-owner-occupied duplex in a cluster subdivision shall require a Special Permit in all zoning districts.</p>	SP (N)	SP (N)	SP	SP	N	N	N	N	SP	N	N	N	N	N
3.3212	Affordable Duplex	<p>An affordable duplex shall be defined as a two family detached dwelling in which at least one (1) unit shall be affordable in perpetuity or to the greatest extent allowed by law, and eligible to be counted on the Commonwealth's 40B Subsidized Housing Inventory (SHI) under the provisions of 760 CMR 50.03 (2) (a) and (b) as amended. Affordable units as described above need not be owner-occupied.</p>	SPR (SP)	SPR (SP)	SPR	SPR	N	N	N	N	SPR	N	N	N	N	N
3.322	Town House	<p>Each building shall be separated from other such buildings by a minimum of twenty (20) feet, and have no more than ten (10) dwelling units.</p> <p>The building(s) shall be connected with the public sewer system prior to occupancy, and its lot, if in a Residence District, shall fall within one of the following areas: 1) areas close to heavily traveled streets, 2) areas close to business, commercial, and educational districts, or 3) areas already developed for multi-family use.</p> <p>A management plan, as defined in terms of form and content in the Rules and Regulations adopted by the Permit Granting Board or Special Permit Granting Authority, shall be included as an integral part of any application made under this section. All dimensional regulations in Article 6 shall be observed. In all districts, the Permit Granting Board or Special Permit Granting Authority shall apply the provisions of Sections 3.2040 and 3.2041 to any construction, renovation, or expansion resulting in the creation of new dwelling units under this section.</p>	N	N	SP	SP	N	SPR	SP	SP	SP	N	N	N	N	N
3.323	Apartments	<p>The site or lot upon which one or more apartment buildings are proposed shall be located: 1) close to a heavily traveled street or streets, 2) close to a business, commercial or educational district, or 3) in an area already developed for multi-family use.</p> <p>Each building shall have no fewer than 3, nor more than 24 dwelling units. Each building shall be connected to the public sewer system prior to occupancy. Dimensional regulations in Article 6 shall be observed. In addition, the following requirements shall apply:</p>	N	N	SP	SP	N	SPR	SP	SP	SP	N	N	N	N	N

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District	Add'l Side/Rear Yards per Floor	Floor Area Ratio	Minimum Landscape or Natural Open Space
R-G	2 ft.		
B-L	2 ft.		
B-VC	2 ft.		
B-N	2 ft.	0.3	40%

NOTE: "Minimum Landscaped or Natural Open Space" shall include (a) those portions of the lot devoted to plantings, including lawns and grass areas (b) wooded land, and pedestrian-oriented paved or unpaved areas devoted to social or recreational use in common by the residents of the building or complex provided that such areas are kept essentially open to the out-of-doors and are at ground level.

Specifically excluded from this definition are those areas devoted to parking, access, and service drives.

No more than 50% of the total number of dwelling units shall be of any one size (i.e. # of bedrooms). For projects in which all dwelling units provided, other than those occupied by resident manager(s), are Affordable (see Article 12, Definitions), the Permit Granting Board or Special Permit Granting Authority authorized to act under the applicable section of the Bylaw for this use may waive or modify this requirement. A management plan, as defined in terms of form and content in the rules and Regulations adopted by the Permit Granting Board or Special Permit Granting Authority shall be included as an integral part of any application under this section. In all districts, the Permit Granting Board or Special Permit Granting Authority shall apply the provisions of Sections 3.2040 and 3.2041 to any construction, renovation, or expansion resulting in the creation of new dwelling units under this section.

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3.324	Subdividable/Converted Dwellings															
3.3240	Subdividable Dwelling (See Section 12.33, Definitions)		SP (N)	SP (N)	SP	SP	N	SP	SP	SP	SP	N	N	N	N	N

- 1 A subdividable dwelling shall contain provisions for a specified number of dwelling units not to exceed three in accordance with a Special Permit issued prior to its use as more than a single family dwelling. The total number of dwelling units at any given time may be fewer than, but shall never exceed the maximum number allowed under the Special Permit.
- 2 A subdividable dwelling shall meet all zoning requirements applicable to a multi-family dwelling of the maximum number of units allowed under the Special Permit. All requirements of Table 3 (Dimensional Regulations) of Article 6 and parking requirements in Article 7 shall be met at the time of construction.
- 3 At least one of the dwelling units shall be and shall remain owner-occupied, which requirement shall be made a condition of any Special Permit issued under this section.
- 4 This use shall not be permitted in the Aquifer Recharge Protection (ARP) or Watershed Protection (WP) overlay districts.
- 5 Prior to issuing a Special Permit for this use in the B-G, B-L, B-VC, and B-N districts, the Special Permit Granting Authority shall find that the proposed multiple dwelling use and the non-residential uses, both existing and permitted, in the district will be mutually compatible.
- 6 A subdividable dwelling shall be connected to the public sewer. However, the Special Permit Granting Authority may authorize the construction of a two-family subdividable dwelling on a lot serviced by a septic system approved by the Board of Health for such a dwelling.
- 7 A management plan as defined in the applicable regulations issued by the Special Permit Granting Authority shall be included as an integral part of any application under this section. The management plan shall be subject to review and reapproval at a public hearing held by said Authority prior to the issuance of a building permit to increase the number of dwelling units within a subdividable dwelling, which review shall be made a condition of any Special Permit issued under this section. The sole purpose of said review shall be the consideration of any changes in circumstances pertinent to said management plan that have occurred from the time of issuance of the Special Permit or any subsequent review pursuant to this requirement, and the extent to which the management plan should be modified as a result. Notice of hearing shall be provided in accordance with Mass. Gen. Laws, Chapter 40A. In addition to such notice, parties in interest as defined in Chapter 40A shall be provided with a summary of the approved management plan then in effect and any changes proposed thereto.
- 8 A landscape plan appropriate for the project shall be included in the application.
- 9 Subdividable dwellings in the R-O, R-LD, and R-N districts shall provide the following minimum areas of usable open space per dwelling unit on the same lot as said dwelling units, for the use of occupants:
 

R-N	1,000 sq. ft.
R-O, R-LD	2,000 sq. ft.

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			R-LD						B-L	B-VC	B-N					
		10	Provided all other requirements are met, a subdividable dwelling shall be eligible for subsequent proceedings in accordance with Section 3.3241 (Converted Dwelling) of this bylaw.													
		11	For a subdividable dwelling proposed on a lot within a Definitive Subdivision Plan, or on a Subdivision Approval Not Required lot, the Special Permit Granting Authority shall be the Planning Board. For all other subdividable dwellings, the Special Permit Granting Authority shall be the Zoning Board of Appeals.													
3.3241	Converted Dwelling (See Section 12.07, Definitions)		SP (N)	SP (N)	SP	SP	N	SPR	SP	SP	SP	N	N	N	N	N
		1	An existing residence, a structure attached to an existing residence, or a detached structure, may be converted into a dwelling unit or units provided all other zoning requirements which would apply to converted dwellings are met.													
		2	A converted dwelling use may involve the conversion of one or more structures on a given property but shall not result in a total number of dwelling units on the lot exceeding what would otherwise be allowed under the provisions of Table 3, Dimensional Regulations, for the zoning district(s) in question. Further, the total number of dwelling units on a given property shall not exceed 4 in the R-G, R-VC, R-N, R-O, and R-LD districts and shall not exceed 6 in the B-G, B-L and B-VC districts. Conversion in the Aquifer Recharge Protection (ARP) or Watershed Protection (WP) overlay districts shall not be permitted.													
		3	In the B-L, B-VC and B-N districts, the Special Permit Granting Authority shall issue a Special Permit in accordance with the provisions of this section only after finding that the converted dwelling use would be mutually compatible with existing uses and structures, and with uses and structures permitted on adjacent parcels.													
		4	There shall be no significant change in the exterior of the building, except that the Special Permit Granting Authority or Permit Granting Board may authorize modification or alteration of a building if such modification or alteration does not substantially change the building's character or its effect on the neighborhood or on property in the vicinity.													
		5	<p>Except as hereinafter provided, no converted dwelling use shall involve the demolition and removal of an existing structure proposed for conversion. Conversion may involve an entire residential structure, except that no more than twenty percent (20%) of the gross square footage of resulting habitable space in any converted dwelling use, whether in one or more buildings, may result from new building footprint as well as demolition and subsequent reconstruction of an existing structure, including structural elements or foundation. An exception shall be that up to forty percent (40%) of gross square footage of resulting habitable space may be permitted, including no more than 20% of new building footprint with the remainder being the result of demolition and reconstruction with salvaged and new building materials, when it is determined by the Special Permit Granting Authority or Permit granting Board that two (2) or more of the following criteria are met:</p> <ul style="list-style-type: none"> <li>a. The conversion addresses urgent and compelling issues of public safety or health.</li> <li>b. The conversion results in the creation of a minimum of one (1) dwelling unit that is fully handicapped accessible under the provisions of the AAB and ADA.</li> <li>c. The conversion results in the creation of a minimum of one (1) dwelling unit permanently affordable under the provisions of Sections 15.12 or 15.13, and is eligible to be counted on the Commonwealth's 40B Subsidized Housing Inventory (SHI) under the provisions of 760 CMR 50.03 (2) (a) and (b) as amended.</li> <li>d. The conversion is predominantly the result of sustainable construction practices, including but not limited to significant improvements in energy efficiency, retention or reuse of significant amounts of existing structural members and architectural elements, and solar orientation and design.</li> <li>e. If the conversion is proposed for one or more historic buildings which are: 1) on a property listed on, or 2) within area listed on, or 3) are eligible for listing on the National Register of Historic Places, or 4) have been determined by the Historical Commission to be historically significant under Section 13.4 of this Bylaw, then the proposed conversion of historic portions of the building(s) in question shall conform to the National Park Service standards and guidelines for rehabilitation of an historic building.</li> </ul>													
		6	The proposed conversion shall be suitably located in the neighborhood in which it is proposed, as deemed appropriate by the Special Permit Granting Authority. The conversion, if in a residential district, shall either: a) be located in an area that is close to heavily traveled streets, close to business, commercial and educational districts, or already developed for multi-family use and shall require owner-occupancy or a Resident Manager (see definition) in one of the units; or b) be from one to two units, one unit of which shall be and shall remain owner-occupied, a requirement which shall be made a condition of any Special Permit issued in such an instance.													
		7	The dwelling units shall be connected to the public sewer. However, the Special Permit Granting Authority may authorize, with the approval of the Board of Health, the conversion of a structure to allow an increase from one dwelling unit to two dwelling units on a lot serviced by a septic system.													

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		8	The Special Permit Granting Authority may modify the dimensional requirements of Table 3, to, one time only for any parcel, allow a conversion under Section 3.3241 that would add one (1) additional unit, only if it finds the modification would be in accordance with the provisions of Section 9.22. In those zoning districts where two family detached (duplex) dwellings are not permitted, conversion of a non-conforming single family detached dwelling may result in two (2) or more dwelling units under the applicable permit.													
		9	No detached structure shall be converted under the provisions of Section 3.3241 unless it abides by the provisions of Condition 5. above and upon completion provides at least 350 square feet of habitable space. Conversion of a detached structure alone may qualify as a supplemental detached dwelling unit if it meets the requirements established under Section 5.011.													
		10	A management plan as defined in the <u>Rules and Regulations</u> adopted by the Special Permit Granting Authority, shall be included as an integral part of any application.													
		11	A landscape plan appropriate for the project shall be included in the application.													
		12	Converted dwellings in the R-O and the R-LD districts shall provide a minimum of 2,000 sq. ft. of usable open space per dwelling unit for the use of occupants. Converted dwellings in the R-N district shall provide a minimum of 1,000 sq. ft. of usable open space per dwelling unit.													
3.325	Mixed-use building		N	N	SP	N	N	SPR	SPR	SPR	SPR	SPR	N	N	N	N
		A mixed-use building shall be a building containing dwelling unit(s) in combination with permitted retail, business, institutional, government, public service, consumer service, office or similar principal use(s) and lawful accessory use(s).														
		A management plan, as defined in terms of form and content in the Rules and Regulations adopted by the Permit Granting Authority shall be included as an integral part of any application made under this section. In those Limited Business (B-L) Districts not abutting the B-G District, and in the Commercial (COM) District, a Special Permit from the Special Permit Granting Authority authorized to act under this section of the bylaw shall be required wherever proposed residential uses above the first floor exceed ten (10) dwelling units. The proposed use shall meet the criteria of Section 10.38 or Section 11.24, as applicable, with respect to the site and potential conflicts between the residential and commercial use(s).														
		In the Commercial (COM) District no dwelling unit nor any internal space associated with a dwelling unit shall occupy any first floor portion of a building facing onto a street, public plaza, or other space customarily used by the public. First floor residential dwelling units, and any required entries thereto, shall be located on the rear of buildings, adjacent to any required parking and private open space associated with and serving those units. No more than forty percent (40%) of the first floor Gross Floor Area shall be used for residential purposes, which shall include not more than fifteen percent (15%) of said GFA associated with or incidental to, whether for storage, required entries, stair/elevator towers, or other purposes, any residential uses on upper floors.														
3.326	Fraternity or Sorority building, social dormitory, or similar use related to Amherst College, Hampshire College, or the University of Massachusetts.		N	N	N	N	SPR	N	N	N	N	N	N	N	N	N
		The building shall be connected to the public sewer system prior to occupancy. Its lot shall fall within one of the following areas: Areas close to heavily traveled streets; areas close to business, commercial, and educational districts; areas already developed for multifamily use.														
		A management plan, as defined in terms of form and content in the Rules and Regulations adopted by the Permit Granting Authority shall be included as an integral part of any application made under this section.														
3.327	Overnight Lodging															
	3.327.0 Hotel or Motel		N	N	N	N	N	SP	SP	SP	SP	SP	N	N	N	N
		The building shall be connected with the public sewer system prior to occupancy. Its lot, if in a residence district, shall fall within one of the following areas: areas close to heavily traveled streets; areas close to business, commercial and educational districts; areas already developed for multifamily use.														
		In the B-N District, only hotel or motel uses with lodging rooms on 2 or more floors shall be permitted.														
		The Zoning Board of Appeals may allow a restaurant as a second Principal use, along with hotel/motel-related retail and consumer services as accessory uses, under a Special Permit for a hotel or motel.														
		A management plan, as defined in terms of form and content by the Rules and Regulations adopted by the Zoning Board of Appeals shall be part of any application made under this section.														
	3.327.1 Inn		N	N	N	N	N	SPR	SP	SP	SPR	SP	N	N	N	N







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<b>SECTION 3.34</b>	<b>GOVERNMENTAL &amp; PUBLIC SERVICE</b>															
3.340	Utility Uses															
3.340.0	Transformer station or other energy facility or use.		SP	SP	SP	SP	SP	SP	SP	SP	SP	SPR	SP	SPR	SP	SP
		Excluding any office, storage, or repair use unless otherwise allowed by the regulations of the district.														
3.340.1	Telephone exchange, radio or TV station, broadcasting facility, recording studio or other communication use.		SP	SP	SP	SP	SP	SPR	SPR	SPR	SP	SPR	SP	SP	SP	SP
		Excluding any office, storage, or repair use unless otherwise allowed by the regulations of the district.														
3.340.2	Wireless communications facility or other similar communications use.		SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
		Excluding any office, storage, or repair use unless otherwise allowed by the regulations of the district.														

The following standards and conditions shall apply to commercial and public wireless communication uses and facilities:

1. Setback & Height. Towers, antenna, antenna support structures and other vertical elements of wireless communication facilities located in a residential district or upon a property abutting a residential use shall be set back from the nearest residential lot line a distance at least equal to their height. In all districts, the height of wireless communications towers shall not exceed 125 feet above the ground. In non-residential districts, the Permit Granting Authority may allow a lesser setback or greater height if such modification provides adequate safety, promotes co-location or improves design, and will not significantly impact the character and appearance of the neighborhood. In making a request for a lesser setback, the manufacturer or qualified licensed designer shall certify that the tower is designed to collapse upon itself in the event of failure. The Permit Granting Authority may also allow lesser setbacks necessary to allow for the use of an existing structure.
2. Design provisions for such facilities shall include, but are not limited to:
  - a. No new tower shall be used which involves a lattice construction, requires three (3) or more legs and/or requires guy wire supports.
  - b. No tower or other facility structure shall contain any signs or other devices for the purpose of advertisement.
  - c. The visible portions of support facilities and structures such as vaults, equipment buildings or enclosures and utilities shall be constructed out of and/or finished with non-reflective materials.
  - d. All towers, antenna, antenna support structures and similar facilities shall be of neutral colors that are harmonious with, and blend with, the natural features, buildings and structures in the surroundings; provided, however, that such facilities located on the exterior of a building shall be of colors that match and/or blend with those of the building.
  - e. All building-mounted facilities shall be designed and located so as to appear to be an integral part of the existing architecture of the building.
  - f. All electronic and other related equipment and appurtenances necessary for the operation of any wireless communication facility shall, whenever possible, be located within a lawfully pre-existing structure or completely below grade. When a new structure is required to house such equipment, the siting, design and materials of said structure shall be harmonious with, and blend with, the natural features, buildings and structures in the surroundings.
  - g. All satellite dishes shall be of mesh construction, unless technical evidence is submitted demonstrating that this requirement is infeasible. Microwave dishes are exempted from this provision.
  - h. All wireless communication facilities shall be protected against unauthorized climbing or other access by the public.
  - i. Whenever feasible, design and siting of towers shall avoid the need for application of Federal Aviation Administration (FAA) lighting and painting requirements. Except as required by the FAA, towers shall not be artificially lighted.





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3.351	Personal care establishments.																
3.351.0	Barber or beauty shop, hair salon, tanning salon or similar place for personal care services.		N	N	N	N	N	SPR	SPR	SPR	SPR	SPR	N	N	N	N	
3.351.1	Laundry or dry-cleaning shop, or self-service dry-cleaning or laundry.	In the B-N District, no more than four (4) employees shall be on-site at any time, and the establishment shall be closed by 9:00 p.m.	N	N	N	N	N	SPR	SPR	SPR	SPR	SPR	N	N	N	N	
3.351.2	Tailor, garment maker, milliner, cobbler, or other shop for the repair or manufacture and sale of clothing or footwear.	In the B-N District, no more than four (4) employees shall be on-site at any time, and the establishment shall be closed by 9:00 p.m.	N	N	N	N	N	SPR	SPR	SPR	SPR	SPR	N	N	N	N	
3.352	Food & Drink Establishments																
3.352.0	Class I Restaurant, café, lunchroom, cafeteria or similar place.	For serving food or beverage to persons inside the building, where either: a) no alcohol is served and the establishment is not open after 11:30 p.m., or; b) alcohol is served, the establishment is not open after 11:30 p.m., and any outside wall of that portion of the building occupied by the establishment is located more than 150 feet from any residential dwelling in a Residence district. A management plan, as defined in terms of form and content by the permit granting board or authority, shall be included as an integral part of any application made under this section. The management plan shall address patrons gathered outdoors on the property, including those awaiting entry. Any service of food or beverages outside the building shall be to persons seated at tables for the purpose of outdoor dining.  In the B-N District, for a Class I restaurant there shall be no more than a total of 30 seats, both indoor and outdoor. Service of alcohol shall cease at 9:00 p.m., and any outside wall of a building occupied by the establishment shall be located more than 100 feet from any residential dwelling in a Residence district. Walk-up facilities may be permitted as an accessory use in concert with outdoor dining on the premises.	N	N	N	N	N	SPR	SPR	SPR	SPR	SPR	N	N	N	N	
3.352.1	Class II Restaurant or bar	For serving food or beverage to persons inside the building, where: a) the establishment is open after 11:30 p.m. whether alcohol is served or not, or; b) regardless of hours of operation, where alcohol is served and any outside wall of that portion of the building occupied by the establishment is located 150 feet or less from any residential dwelling in a Residence district. A management plan, as defined in terms of form and content by the permit granting board or authority, shall be included as an integral part of any application made under this section. The management plan shall address patrons gathered outdoors on the property, including those awaiting entry. Any service of food or beverages outside the building shall be to persons seated at tables for the purpose of outdoor dining.	N	N	N	N	N	SP	SP	SP	N	SP	N	N	N	N	
3.352.2	Class III Drive-up restaurant	For serving food or beverages outside the building via a drive-up window or other similar method to persons remaining in their vehicles.	N	N	N	N	N	N	N	N	N	SP	N	N	N	N	
3.353	Theater, motion picture house, bowling alley, dance hall, arcade or other indoor commercial amusement or assembly use.	In the Office Park District to be permitted only if determined to be compatible with the intent of said district and the uses allowable therein; and further that in such district no more than 20% of the area shall be directly related to land uses included in this section, nor shall more than 20% of the net useable floor area allowable in such an area be so used. An arcade is defined as: premises or portions of premises where a party maintains for commercial purpose six or more automatic amusement devices for public or membership use. An automatic amusement device shall mean any game, amusement or test of skill including, but not limited to: pinball machines, football tables, pool tables, electronic games or similar mechanical or electronic devices.	N	N	N	N	N	SP	SP	SP	N	SP	SP	N	N	N	



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			R-O R-LD	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	B-N	COM	OP	LI	PRP	FPC	
3.358.2	Administrative business office or similar business or professional office not providing services to the general public in person on the premises.	<p>For the purposes of these sections, the public shall be defined as including all persons acting as customers or clients. Exceptions shall be affiliated professionals or consultants, salespersons, service contractors (delivery, maintenance, etc.), and the like. No office use under this section shall advertise its services as being available to customers and clients on the premises. Services shall be advertised as being available exclusively by telephone, mail, on-line, or other remote means.</p> <p>[For Sections 3.358.1 and 3.358.2, inclusive]</p> <p>In the B-N District, there shall be no more than six (6) employees on-site at any given time, and the establishment shall be closed by 7:00 p.m.</p> <p>In the PRP District, uses under these sections shall be located on parcels served by town water and sewer. Notwithstanding the provisions of footnote f., of Table 3, Dimensional Regulations, when a use under these sections is located on a property adjoining a residential district, a minimum 50-foot uninterrupted vegetated buffer shall be established and maintained between buildings associated with uses under this section and the nearest residential property boundaries. When the Special Permit Granting Authority or Permit Granting Board determine that an increased buffer is warranted and the subject property and site layout allow, a vegetated buffer of up to 100 feet in width may be required. Said buffer may include any drives or roadways.</p> <p>In the R-VC District, the Zoning Board of Appeals may grant a Special Permit for an office use under Sections 3.358.1 or 3.358.2 providing it finds that, in addition to meeting the provisions of Article 7 and Section 10.38, the proposed office use meets the following conditions:</p> <ol style="list-style-type: none"> <li>1. Is located on the ground floor only, and occupies no more than 50 percent of the gross floor area of the structure, exclusive of storage space.</li> <li>2. Shall be allowed only as a second Principal use, where the first Principal use is a residential use.</li> <li>3. Shares a property line with or is adjacent to another property with a similar use permitted under this section or a property in the B-L, B-VC or COM districts.</li> <li>4. Employs no more than 3 persons (for a Section 3.358.1 office) or 5 persons (Section 3.358.2) who work on -site, other than residents of the property.</li> <li>5. Where located in an existing dwelling, the residential character of the structure and site shall be maintained.</li> </ol>	N	N	SP	N	N	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	N
3.359	Medical or dental laboratory	<p>In the B-N District, there shall be no more than six (6) employees on-site at any given time, and the establishment shall be closed by 7:00 p.m.</p>	N	N	N	N	N	SPR	SPR	SPR	SP	SPR	SPR	SPR	SPR	(SP)	N
3.360	Medical Uses																
3.360.0	Medical office	<p>See definition under Article 12. In the R-VC District, a medical office shall be permitted only under a Special Permit as part of a mixed use under Section 3.325, and is not otherwise permitted.</p> <p>In the B-N District, there shall be no more than six (6) employees on-site at any given time, and the establishment shall be closed by 7:00 p.m.</p>	N	N	SP	N	N	SPR	SPR	SPR	SP	SPR	SPR	N	SP	N	
3.360.1	Medical group practice	<p>See definition under Article 12. In the B-N District, there shall be no more than eight (8) employees on-site at any given time, and the establishment shall be closed by 7:00 p.m.</p>	N	N	N	N	N	SPR	SPR	SPR	SP	SPR	SPR	N	N	N	
3.360.2	Medical center	<p>See definition under Article 12.</p>	N	N	N	N	N	SPR	SPR	SPR	N	SPR	SPR	N	N	N	
3.360.3	Clinic or emergency care facility	<p>An outpatient public health clinic as defined under Article 12.</p>	N	N	N	N	N	SPR	SPR	SPR	N	SPR	SPR	N	N	N	



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		See definition under Article 12. Subject to the standards and conditions listed below.															
3.363.8	Marijuana Social Consumption Operation & Marijuana Social Consumption Operator & Marijuana Social Club		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
		See definition under Article 12. Subject to the standards and conditions listed below.															
3.363.9	Marijuana Delivery-Only Retailer		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
		See definition under Article 12. Subject to the standards and conditions listed below.															

Standards and Conditions (applies to all Marijuana Establishments, and if applicable, shall be in accordance with Regulations of the Cannabis Control Commission, 935 CMR 500):

1. Purpose. It is recognized that the nature of the substance cultivated, processed, and/or sold by Marijuana Establishments and should be located in such a way as to ensure the health, safety and general well-being of the public as well as patients seeking treatment and customers seeking to purchase marijuana for recreational use. The specific and separate regulation of Marijuana Establishments is necessary to advance these purposes.  
  
Subject to the provisions of this Zoning Bylaw, Chapter 40A of the Massachusetts General Laws, and 105 CMR 725.000, M.G.L. Chapter 94G, M.G.L. Chapter 94I, and 935 CMR 500, Marijuana Establishments will be permitted to provide goods and services as allowed by the aforementioned laws and regulations.
  
2. Application Requirements. Above and beyond the standard application requirements for Special Permits and Site Plan Review approval, an application for a use under this section shall include the following:
  - a. The name and address of each owner of the facility/operation;
  - b. Copies of all documentation demonstrating appropriate application status under state law, or registration or license, issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the facility;
  - c. Evidence that the Applicant has site control and the right to use the site for a facility in the form of a deed or valid purchase and sale agreement, or, in the case of a lease, a notarized statement from the property owner and a copy of the lease agreement;
  - d. A notarized statement signed by the organization’s Chief Executive Officer and corporate attorney disclosing all of its designated representatives, including officers and directors, shareholders, partners, members, managers, directors, officers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of all such responsible individual persons;
  - e. In addition to what is normally required in a site plan pursuant to Section 11.2, details showing all exterior proposed security measures for the premises, including lighting, fencing, gates and alarms, etc. ensuring the safety of employees and patrons and to protect the premises from theft or other criminal activity;
  - f. A Management Plan as required under the Rules and Regulations of the Permit Granting Authority, including a description of all activities to occur on site, including all provisions for the delivery of marijuana and related products to Marijuana Establishments or off-site direct delivery consistent with state law and regulations;
  - g. A traffic impact report as set forth in the Rules and Regulations of the Permit Granting Authority shall be developed and submitted with the application.
  
3. Regulations. The following regulations shall apply to uses under this section:
  - a. Use Regulations.
    - 1) No marijuana shall be smoked, eaten or otherwise consumed or ingested on the premises.
    - 2) The hours of operation shall be set by the Permit Granting Authority, but in no event shall a facility be open to the public, nor shall any sale or other distribution of marijuana occur upon the premises or via delivery from the premises, between the hours of 8:00 p.m. and 8:00 a.m.
    - 3) A violation of the Host Community Agreement may result in the revocation of a Special Permit or Site Plan Review approval.
  - b. Locational and Physical Requirements







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In the B-G, B-L, B-VC, B-N and R-VC districts, the Zoning Board of Appeals may grant a Special Permit for a research and development use, provided that it consists only of office or similar uses and meets the provisions of Section 3.359, Article 7 and Section 10.38. An exception shall be where the B-L District coincides with the R&D overlay district, in which case such a research and development use, similarly limited, shall be permitted through Site Plan Review approval.

In all zones, all outdoor storage of materials and equipment shall be screened from public view, from public ways and abutting residential districts. No operation shall create noise, vibration, dust, fumes, or odors that are a nuisance beyond the lot line, and further no operations shall be permitted which the Permit Granting Board or Special Permit Granting Authority, after consultation with the Board of Health, determines to be unduly hazardous by reasons of potential fire, explosion, radiation, or chemical or biological hazard, including hazards resulting from the use, production or storage of materials or waste identified as toxic or hazardous, flammable, or explosive. No research or testing shall be conducted outdoors unless a Special Permit is granted for this purpose by the Special Permit Granting Authority authorized to act under the applicable section of this bylaw.

3.372.1 Publishing, data processing, light manufacturing, light assembly including computer hardware and software, and scientific products with associated offices and distribution facilities.

N	N	SP	N	N	SP	SP	SP	SP	SPR	SPR	SPR	SPR	N
						SPR*							

\* In those areas of the B-L District which coincide with the Research & Development (R&D) overlay district, Site Plan Review approval shall be required for uses regulated under this section. In all other areas of the B-L District, a Special Permit shall be required from the Zoning Board of Appeals.

Uses under this section shall include those which involve the limited light manufacture or production, principally from previously-prepared materials, of finished products or parts. This may include processing, fabrication, assembly, treatment, and packaging of such products as well as incidental storage and distribution of such products and associated offices. These uses may also include the on-site production within enclosed structures of custom goods fabricated principally by hand through the use of hand tools and small-scale mechanical equipment.

No mass manufacturing, processing, or fabrication normally conducted under Section 3.372.2 nor any on-premises sale of products shall be permitted in association with uses under this section, except that the on-premises sale of custom-made goods produced by hand manufacturing may be permitted under a Special Permit granted by the Special Permit Granting Authority authorized to act under the applicable section of the Bylaw.

In the R-VC District, the Zoning Board of Appeals may grant a Special Permit for a use under this section, provided that the proposed use consists only of offices or similar uses and meets the provisions of Sections 3.359, Article 7 and Section 10.38. In all zones, all outdoor storage of materials and equipment shall be screened from public view, from public ways and abutting residential districts. No operation shall create noise, vibration, dust, fumes, or odors, that are a nuisance beyond the lot line, and further, no operations shall be permitted which the Permit Granting Board or Special Permit Granting Authority, after consultation with the Board of Health, determines to be unduly hazardous by reason of potential fire, explosion, radiation, or chemical or biological hazard resulting from the use, production or storage of materials or waste identified as toxic or hazardous, flammable, or explosive. Where permitted, all operations involving such materials shall be conducted in a fully enclosed building in accordance with all applicable public health and safety regulations.

3.372.2 Manufacturing, assembly and processing, including associated offices and distribution facilities.

N	N	N	N	N	N	N	N	N	N	N	N	SP	SP	N
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Uses under this section shall include those involving the manufacture, assembly and/or processing, from extracted or raw materials or from previously-prepared materials, of finished materials, products, or parts. These uses may include processing, fabrication, assembly, treatment, and packaging of such products, as well as incidental storage and distribution of such products and associated offices. These uses may involve the production and/or storage of volumes of toxic or hazardous, flammable, or explosive materials under appropriate safeguards and conditions, as determined by the Special Permit Granting Authority under the requirements of this section. The on-premises sale of products shall not be permitted in association with any uses under this section.

In all zones, all outdoor storage of materials and equipment shall be screened from public view, from public ways and abutting residential districts. No operation shall create noise, vibration, dust, fumes or odors, that are a nuisance beyond the lot line, and further, no operations shall be permitted which the Permit Granting Board determines to be unduly hazardous by reason of potential fire, explosion, radiation, or chemical or biological hazard resulting from the use, production, or storage of materials or waste identified as toxic or hazardous, flammable, or explosive. Where permitted, all operations involving such materials shall be conducted in a fully enclosed building in accordance with all applicable public health and safety regulations.

3.373 Removal of soil, sod, loam, sand, gravel, rock, quarried stone, or other earth products.

SP	SP	N	N	N	N	N	N	N	N	N	N	SP	SP	SP
(N)	(N)													

Any Special Permit under this section issued by the Zoning Board of Appeals shall be subject to, but not limited by, the following conditions:

1. No excavation shall be permitted below the grade of a road bounding the property at any point nearer than 300' to such road.
2. No excavation below the natural grade of any property boundary shall be permitted nearer than fifty feet to such boundary.

Bylaw Number	Land Use Classifications	Standards & Conditions	Zoning Districts														
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		3. No slope created by the removal operation shall be finished at a grade in excess of the natural angle of repose of the material.															
		4. All excavated areas shall, upon completion of the operation, be covered with not less than four inches of loam; brought to the finish grade and seeded in a satisfactory manner.															
		5. Within the Flood-Prone Conservancy (FPC) District excavation of earth products shall be prohibited if such excavation will lower the level of the water table or will interfere with the natural flow pattern or reduce the flood storage capacity of a stream.															
		6. No permit for earth products removal shall be issued if such removal will (1) endanger the general public health or safety, or (2) constitute a nuisance, or (3) result in detriment to the normal use of adjacent property by reason of noise, dust, or vibration, or, (4) result in traffic hazards in residential areas or excessive congestion or physical damage on public ways.															
		7. A Special Permit for any earth products removal may be issued for a period not exceeding five years in duration. Upon reapplication for a permit, the Zoning Board of Appeals, at its discretion may grant one or more extensions of said permit, each of which shall not exceed five (5) years duration.															
		8. In approving the issuance of such permit, the Zoning Board of Appeals shall impose reasonable requirements which shall constitute a part of the permit and which may include: grading, seeding and planting, fencing necessary for public safety, methods of removal, location and use of structure, hours of operation, routes of transportation of material removed, control of drainage and disposition of waste incident to the operation.															
		9. The Board may require suitable bond or other security adequate to assure compliance with the provisions of this section.															
3.374	Processing of earth in connection with its authorized removal.		SP (N)	SP (N)	N	N	N	N	N	N	N	N	N	SP	N	SP	
		Such processing shall be clearly secondary to the removal of earth products. It shall not involve importation of significant quantities of materials from off the premises.															
3.375	Radioactive waste storage and disposal		N	N	N	N	N	N	N	N	N	N	SP	N	N	N	
		No burial, incineration, storage disposal of low-level radioactive wastes, transuranic wastes or high level radioactive wastes to be permitted unless a Special Permit is granted for this purpose by the Zoning Board of Appeals.															
<b>SECTION 3.38 MOTOR VEHICLE RELATED USES</b>																	
3.380	Automobile & truck rental		N	N	N	N	N	SP	SP	N	N	SPR	N	N	N	N	
3.381	Automotive filling station, including sales of related products and services.		N	N	N	N	N	SP	SP	SP	N	SPR	N	N	N	N	
		Limited to minor repairs, unless conducted within the building.															
3.382	Automotive salvage yard for the dismantling, storage and sale of parts for automobiles and light trucks.		N	N	N	N	N	N	N	N	N	SP	N	N	N	N	
		A buffer comprised of landscaping, natural vegetation, fencing or a combination of these shall be constructed around the perimeter of the parcel. All waste materials and storm water runoff shall be disposed of in a manner specified by the Zoning Board of Appeals. The Zoning Board of Appeals shall consult the Town Engineer, Board of Health and D.E.P. concerning the appropriate methods of disposal. All operations to be such as to confine disturbing smoke, fumes, dust, glare and noise to the premises.															
3.383	Car wash		N	N	N	N	N	N	N	N	N	SPR	N	N	N	N	
3.384	Parking facilities																
	3.3840 Commercial parking lot or parking garage		N	N	N	N	N	SP	SP	SP	N	SP	N	N	N	N	
	3.3841 Public parking lot or garage		N	N	N	N	N	SPR	SPR	SPR	SP	SPR	SP	SP	SP	N	

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			R-O R-LD	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	B-N	COM	OP	LI	PRP	FPC
3.385	Establishment for repair of motor vehicles or farm equipment.	Not to include sale of fuel. Limited to minor repairs, unless conducted within the building.	N	N	N	N	N	SP	SP	SP	N	SPR	N	N	N	N
3.386	Motor vehicle sales, including trucks, boats, and farm equipment.	For the display and sale of such vehicles including warranty work and other repair and service conducted as an accessory use.	N	N	N	N	N	SP	SP	N	N	SPR	N	N	N	N
3.387	Sale of auto parts, excluding installation and repair services.	Inside sales only. In the B-N District, there shall be no more than four (4) employees on-site at any time, and the establishment shall be closed by 9:00 p.m.	N	N	N	N	N	SPR	SPR	SPR	SP	SPR	N	N	N	N
3.388	Sales of auto parts, including tires, batteries, mufflers, and the installation and service thereof.	Inside sales only.	N	N	N	N	N	SP	SP	N	N	SPR	N	N	N	N
3.389	Truck terminal		N	N	N	N	N	N	N	N	N	SP	N	SP	N	N