

SECTION 3. USE REGULATIONS

3.1 General Requirements

No building structure shall be erected, altered or used and no premises shall be used for any purpose or in any manner other than as regulated by Section 3.2, Interpretation, and as permitted and set forth in Section 3.3, Schedule of Use Regulations, herein and in accordance with the following notation:

- | | | |
|-----|------------------------|--|
| Y | (Yes) | - Use Permitted |
| SPS | (Special Permit: Size) | - Use permitted, except requiring a Special Permit if new construction, additions or alterations result in more than 5,000 square feet gross floor area in any one or more business uses (as categorized in Section 3.3) on a lot or set of contiguous lots in the same ownership at any time subsequent to June 1, 1987, except for individual additions or alterations increasing floor area in business use on the lot or set of lots by less than 10%. |
| SP | (Special Permit) | - Use allowed under a Special Permit by the designated Special Permit Granting Authority. <i>Note: §3.1 was amended by Article 28 at the 2006 Annual Town Meeting</i> |
| N | (No) | - Use Prohibited |

Uses permitted and uses allowed on Special Permit shall be in conformity with all the density and dimensional regulations and any other pertinent requirements of this By-Law.

3.2 Interpretation

Where a use might be classified under more than one of the following categories, the more specific category shall determine permissibility. If equally specific, the more restrictive category shall govern. A use not classifiable under any listed category may be allowed only by Special Permit from the Board of Appeals, upon the Board's determination that the use is similar in its impacts on the neighborhood, the environs and the Town to a use which is permitted or allowed on Special Permit, and also that the test of Section 7.4.3, Special Permit Criteria, is met.

SECTION 3. USE REGULATIONS

3.3 Schedule of Use Regulations

| USES | DISTRICTS | | | | | | | |
|--|----------------|----|----|---------|----------|-----------|-----|----|
| | SR- A,B,C,D | GR | AH | LB I | LB II | LB III | GB | PL |
| <u>AGRICULTURE</u> | | | | | | | | |
| Keeping of livestock other than domestic pets | SP | SP | N | N | N | N | Y | N |
| Other agriculture | Y | Y | Y | Y | Y | Y | Y | Y |
| <u>BUSINESS</u> | | | | | | | | |
| <i>Note: See §3.5, Major Development, for business uses involving more than 40,000 square feet floor area</i> | | | | | | | | |
| Commercial off-street parking lots | N | N | N | N | N | N | SPS | SP |
| Motor vehicle repair, sales, and rental | N | N | N | N | SP | N | SP | N |
| Motor vehicle service station (see §6.7) | N | N | N | N | SP | N | SP | N |
| Motorized equipment sales, service and rental including equipment powered by internal combustion engine over 10 hp | N | N | N | N | SPS | N | SPS | N |
| Catering Service: | | | | | | | | |
| ➤ Up to 5,000 square feet | N | N | N | Y | Y | Y | N | N |
| ➤ More than 5,000 square feet | N | N | N | SP | SP | SP | N | N |
| <i>Note: §3.3 was amended by Article 10 at the 2003 Special Town Meeting.</i> | | | | | | | | |
| Restaurant: | | | | | | | | |
| ➤ Up to 10,000 square feet | N | N | N | Y | Y | SP | SP | N |
| ➤ More than 10,000 square feet | N | N | N | SP | SP | SP | SP | N |
| <i>Note: §3.3 was amended by Article 10 at the 2003 Special Town Meeting.</i> | | | | | | | | |
| Restaurant, Fast Food | N | N | N | SP | SP | SP | SP | N |
| <i>Note: §3.3 was amended by Article 10 at the 2003 Special Town Meeting.</i> | | | | | | | | |
| Restaurant, Take Out | N | N | N | N | SP | SP | SP | N |
| <i>Note: §3.3 was amended by Article 10 at the 2003 Special Town Meeting.</i> | | | | | | | | |
| Place of assembly, amusement, or athletic exercise | N | N | N | SP | SP | N | SPS | N |

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| Other retail sales and services | N | N | N | SPS | SPS | SPS | SPS | N |
| Office | N | N | N | SPS | SPS | SPS | SPS | N |
| Manufacturing or fabrication of products of which the major portion is to be sold at retail on the premises and not more than 8 operatives are employed in the manufacturing or fabrication process | N | N | N | SPS | SPS | SPS | SPS | N |
| Other manufacturing and warehousing | N | N | N | N | N | N | SPS | N |
| Wireless Telecommunications Facility (see §6.8) <i>Note: §3.3 was amended by Article 27 at the 1998 Annual Town Meeting.</i> | SP | SP | SP | SP | SP | SP | SP | SP |
| <u>PUBLIC AND SEMI-PUBLIC</u> | | | | | | | | |
| Religious or educational use exempted from prohibition by Section 3 of Chapter 40A, G.L. | Y | Y | Y | Y | Y | Y | Y | Y |
| Private school conducted for profit, including nursery, dancing and music schools | SP | SP | N | Y | Y | SP | Y | N |
| Day care center <i>Note: §3.3 was amended by Article 28 at the 2006 Annual Town Meeting.</i> | Y | Y | Y | Y | Y | Y | Y | N |
| Family day care home <i>Note: §3.3 was amended by Article 28 at the 2006 Annual Town Meeting.</i> | SP | SP | SP | SP | SP | SP | SP | N |
| Child Care, Large Family <i>Note: §3.3 was amended by Article 6 at the 1999 Second Special Town Meeting.</i> | SP | SP | SP | SP | SP | SP | SP | N |
| Hospital or sanitarium | SP | SP | N | N | N | N | N | N |
| Philanthropic use | SP | SP | N | Y | Y | Y | Y | N |
| Private club or lodge owned by members and customarily conducted as a nonprofit activity: | | | | | | | | |
| ➤ operated for members only | SP | SP | N | Y | Y | SP | Y | N |
| ➤ other | N | N | N | Y | Y | SP | Y | N |

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| | SR-A,B,C,D | GR | AH | LB I | LB II | LB III | GB | PL |
| Municipal recreational use | Y | Y | Y | Y | Y | Y | Y | N |
| Municipal cemetery | SP | SP | N | N | N | N | Y | N |
| Other municipal use | SP | SP | SP | Y | Y | Y | Y | Y |
| School-aged child care home <i>Note: §3.3 was amended by Article 39 at the 1994 Annual Town Meeting.</i> | SP | SP | SP | SP | SP | SP | SP | N |
| <u>RESIDENTIAL</u> | | | | | | | | |
| Detached single-family dwelling | Y | Y | N | SP | SP | SP | N | N |
| Two-family dwelling | N | Y | Y | SP | SP | SP | N | N |
| Conversion of large public buildings or public or private school buildings: | | | | | | | | |
| ➤ With 10,000 square feet of gross floor area or less (see §6.3B) | SP | SP | SP | Y | SP | SP | SP | N |
| ➤ With more than 10,000 square feet of gross floor area (see §6.3A) | SP | SP | SP | SP | SP | SP | SP | N |
| <i>Note: §3.3 was amended by Article 5 at the 2005 Special Town Meeting.</i> | | | | | | | | |
| Elderly housing (see §6.4) | SP | SP | SP | N | N | N | N | N |
| Cluster development (see §6.5) | SP | N | N | N | N | N | N | N |
| Other apartment house | N | N | SP | N | N | N | N | N |
| <u>ACCESSORY USES</u> | | | | | | | | |
| Home occupation (see §3.4.2) | Y | Y | Y | Y | Y | Y | Y | N |
| Lodging and Boarding | | | | | | | | |
| ➤ for daily or weekly periods | SP | SP | SP | Y | Y | Y | Y | N |
| ➤ for longer periods only | Y | Y | N | Y | Y | Y | Y | N |
| Mixed-Use – provided that at a minimum the first floor is to be reserved for commercial use and that the residential use comply with §6.10, Inclusionary Housing <i>Note: §3.3 was amended by Article 26 at the 2003 Annual Town Meeting.</i> <i>Note: §3.3 was further amended by Article 17 at the 2007 Annual Town Meeting.</i> | N | N | N | SP | SP | SP | N | N |

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| <p>A noncommercial greenhouse; a tool shed used for the storage of tools, yard and household equipment or other similar accessory buildings (see §4.3.5) <i>Note: §3.3 was amended by Article 28 of the 2006 Annual Town Meeting.</i></p> | Y | Y | Y | N | N | N | Y | N |
| <p>Commercial provision for the care and recreation of dogs in completely fenced-in area for not more than one hour per day. The Board of Appeals shall consider the size and relationship of the lot to adjacent residential lots, and shall determine whether that size and relationship is adequate to accommodate the use without imposing undue noise, visual, and traffic impacts on the adjacent residential lots; it shall, after (and if) making a determination of the adequacy, impose such conditions on hours of use, number of animals accommodated at a given time, fencing, screening or other measures to contain the activity and minimize its impacts <i>Note: §3.3 was amended by Article 29 at the 1995 Annual Town Meeting.</i></p> | SP | N | N | N | N | N | N | N |
| <p>Swimming pools and tennis courts and other similar recreational facilities (see §6.1)</p> | Y | Y | SP | SP | SP | SP | N | N |
| <p>Windmills</p> | SP | SP | N | SP | SP | SP | SP | N |
| <p>A garage for more than 3 vehicles or containing more than 660 square feet floor area</p> | SP | SP | SP | Y | Y | Y | Y | Y |
| <p>Open lot storage or parking of a boat, boat trailer, house trailer, camping trailer, motor home, commercial trailer, or commercial vehicle <i>Note: §3.3 was amended by Article 27 at the 2001 Annual Town Meeting.</i></p> | SP | SP | N | Y | Y | Y | Y | N |

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| | SR-A,B,C,D | GR | AH | LB I | LB II | LB III | GB | PL |
| Open lot parking for not more than 3 vehicles accessory to a single-family dwelling, and not more than 2 vehicles per dwelling unit or 5 vehicles per structure for other dwellings | Y | Y | Y | Y | Y | Y | Y | Y |
| Open lot parking in excess of the above accessory to residential use | SP | SP | Y | Y | Y | Y | Y | Y |
| Shared Institutional Parking: | | | | | | | | |
| ➤ By Town departments | Y | Y | Y | Y | Y | Y | Y | N |
| ➤ Residential overnight parking | Y | Y | Y | Y | Y | Y | Y | N |
| ➤ Pick-up/drop-off of less than 30 minutes | Y | Y | Y | Y | Y | Y | Y | N |
| ➤ Public or private event parking of less than 24 hours | Y | Y | Y | Y | Y | Y | Y | N |
| ➤ Day time use (6 am – 6 pm) by employees and/or customers using less than 30 spaces or 50% of the spaces in the lot, whichever is greater. | Y | Y | Y | Y | Y | Y | Y | N |
| ➤ Day time use of more than 30 spaces or more than 50% of spaces in the lot, whichever is greater | SP | SP | SP | Y | Y | Y | Y | N |
| ➤ Evening use (6 pm – 6 am) by customers and/or employees | SP | SP | SP | Y | Y | Y | Y | N |
| ➤ Use by commercial vehicles | SP | SP | SP | Y | Y | Y | Y | N |
| <i>Note: §3.3 was amended by Article 30 at the 2009 Annual Town Meeting.</i> | | | | | | | | |
| Satellite antenna with a receiving dish with a visually coherent surface of 8.5 square feet or less or a diameter of one meter (39.37”) or less (see §4.3.5) | Y | Y | Y | Y | Y | Y | Y | Y |
| <i>Note: §3.3 was amended by Article 26 at the 1996 Annual Town Meeting.</i> | | | | | | | | |
| <i>Note: §3.3 was further amended by Article 18 at the 1999 Annual Town Meeting.</i> | | | | | | | | |
| Satellite antenna with a receiving dish with a visually coherent surface of 34 square feet or less or a diameter of two meters or less (see §4.3.5) | SP | SP | SP | Y | Y | Y | Y | SP |
| <i>Note: §3.3 was amended by Article 25 at the 1996 Annual Town Meeting.</i> | | | | | | | | |
| <i>Note: §3.3 was further amended by Article 18 at the 1999 Annual Town Meeting.</i> | | | | | | | | |

3.3 Schedule of Use Regulations

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| Satellite antenna with a receiving dish with a visually coherent surface of more than 34 square feet or a diameter of more than two meters (see §4.3.5) <i>Note: §3.3 was amended by Article 25 at the 1996 Annual Town Meeting.</i> <i>Note: §3.3 was further amended by Article 18 at the 1999 Annual Town Meeting.</i> | SP | SP | SP | SP | SP | SP | SP | SP |
| Other uses customarily incidental to the principal uses herein | SP | SP | SP | Y | Y | Y | Y | Y |
| Interior Wireless Telecommunications Facility (see §6.8 and §7.3) <i>Note: §3.3 was amended by Article 28 at the 1998 Annual Town Meeting.</i> | Y | Y | Y | Y | Y | Y | Y | Y |
| Other Wireless Telecommunications Facility (see §6.8) <i>Note: §3.3 was amended by Article 28 at the 1998 Annual Town Meeting.</i> | SP | SP | SP | SP | SP | SP | SP | SP |

3.4 Accessory Uses

3.4.1 Accessory Research or Scientific Development

Uses, whether or not on the same parcel as activities permitted as a matter of right, accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production, may be allowed upon the issuance of a Special Permit provided the Board of Appeals finds that the proposed accessory use does not substantially derogate from the public good.

3.4.2 Home Occupations

Note: §3.4.2 was amended by Article 30 at the 1995 Annual Town Meeting.

Home occupations are permitted within a dwelling, but are not permitted in accessory buildings unless granted a Special Permit pursuant to Section 6.11 subject to the following:

Note: §3.4.2 was amended by Article 31 at the 2009 Annual Town Meeting.

- a) there is no exterior display or visible storage of supplies or equipment to be used on or off the premises or other variation from the residential character of the premises,
- b) no more than one third of the habitable floor area of the residence is to be used for home occupations,
- c) not more than one person who is not a member of the household is employed on the premises in the home occupations,
- d) the production of offensive noise, vibration, odors, fumes, smoke, dust or other particulate matter, heat, humidity, glare, or other objectionable effects shall be prohibited,
- e) no articles are sold or offered for sale on the premises,
- f) traffic generated, including pick up and deliveries, does not exceed that normally expected in that residential neighborhood, and
- g) all parking required to service home occupations is provided for off-street, other than within a required front yard.
- h) If a home occupation results in patrons or clients visiting the premises or if there is a sign indicating the occupation, such home occupation is allowable only upon Special Permit acted on by the Board of Appeals under the criteria in Section 7.4.3 of the Zoning By-Law.
- i) A Certificate of Occupancy is required prior to establishing a home occupation, or re-establishing one following termination, and shall be issued for a period of no greater than three years, to be extended only following determination by the Building Inspector that the use continues to comply with the Zoning By-Law.

Upon transfer of any beneficial interest in property in which alterations for a home occupation have been made, a Certificate of Compliance must be provided by the owner indicating that either there will be continued compliance with these provisions or that the home occupation is not to be continued.

3.5 Major Development

3.5.1 Applicability

Business developments as authorized in Section 3.3, Schedule of Use Regulations, require Concept Plan approval by Town Meeting under provisions of this Section prior to submittal for a Special Permit by the Board of Appeals, if resulting in more than 40,000 square feet gross floor area in any one or more business uses (as categorized in Section 3.3) on a lot or set of contiguous lots in the same ownership at any time subsequent to June 1, 1987, except for individual additions or alterations totaling less than 10% of the resultant gross floor area on the lot or set of lots.

3.5.2 Concept Plan Approval

Concept Plan Approval shall be by two-thirds vote of the Town Meeting, approving the Plan and a finding that the Plan, subject to such conditions or limitations as the Town Meeting may stipulate, provides benefits to the Town which outweigh any adverse effects for the Town or the vicinity, after consideration of the criteria specified in Section 7.4.3.

Special Permits shall then be required, and shall be approved by the Board of Appeals only upon determination by that Board that the proposal is consistent with the approved Concept Plan, or in the event of an inconsistency, that the departure is necessitated by changed conditions or earlier error, and that the inconsistency does not result in less beneficial development, based on the considerations of Section 7.4.3, Special Permit Criteria.

3.5.3 Procedures

- a) **Submittal.** Five copies of the Concept Plan shall be filed with the Planning Board at least 60 days prior to the date of Town Meeting vote.
- b) **Concept Plan Contents.** A Concept Plan shall consist of the following:
 - 1) A schematic development plan, indicating boundaries of the lot, buildings, roads, drives, parking, reserved open space, existing topography and proposed grading, areas of retained vegetation and proposed planting areas, and a locus plan showing relation to nearby streets, zoning district boundaries, and water bodies.
 - 2) Floor plans and elevations of all existing and proposed structures.
 - 3) Materials indicating the proposed ultimate floor area in each use; time schedule for development; service improvements proposed at the developer's and those anticipated at the Town's expense.
 - 4) An estimate of peak hour vehicle trips onto and off of the site.
 - 5) Analysis indicating degree of consistency with each of the considerations of Section 7.4.3, Special Permit Criteria.
- c) **Study Model.** Applicants are encouraged to provide a study model of the proposal for display prior to and at hearings and the Town Meeting.

3.5.4 Pre-Town Meeting Hearing

Prior to Town Meeting action, the Planning Board shall hold a public hearing on the Concept Plan with timing, notice and procedures the same as those required for a hearing on a Special Permit. In addition, the applicant shall be required to post conspicuous notice on the premises indicating the nature of the proposal and time and place of the hearing. The Planning Board shall report its recommendation to the Town Meeting, with a copy of the Concept Plan and the recommendation to be filed with the Town Clerk not less than 14 days prior to the Town Meeting vote on the Concept Plan.

3.5.5 Special Permit

Application for an initial Special Permit must be made not more than 12 months after the Town Meeting approval of the Concept Plan.