



ZONING BY-LAW

Town of Milford, Massachusetts

As Amended Through May 18, 2009

PREFACE

The Town of Milford initially enacted zoning regulations in the mid-1940's when the Town Meeting, on September 11, 1945, voted "to accept the recommendations of the Zoning Board appointed by the Selectmen under Article 22 of the Annual Town Meeting of 1945...for the purpose of original establishing the boundaries of the districts and the regulations and restrictions to be enforced therein, and adopt such...by-laws with respect thereto as may be contained in said recommendations." Those by-laws subsequently became effective after they were approved by the Attorney General on May 3, 1946.

Those original zoning by-laws were amended by the Town Meeting from time to time after their initial adoption until the Special Town Meeting of November 15, 1965. At that time, the Town voted to adopt a new comprehensive Zoning By-Law to replace the zoning by-laws and all amendments thereto which were then in effect. That new Zoning By-Law was approved by the Attorney General on December 20, 1965.

Since that time, the Town Meeting has amended the Zoning By-Law as indicated below:

<u>Date of Enactment</u>	<u>Nature of Amendment</u>	<u>Date of Approval by Attorney General</u>
September 19, 1966 (Article 13)	RC to CC Area on SW side of West Street (Route 140), between Dutcher Street and Tomaso Road	October 19, 1966
March 20, 1967 (Article 46)	RB to RC to IB Area in the vicinity of I-495 and Medway Road	June 2, 1967
March 20, 1967 (Article 47)	RB to RC Area in the vicinity of East Main Street	June 2, 1967
March 22, 1967 (Article 48)	Inserted new Section 1.2.4	June 2, 1967
March 20, 1968 (Article 65)	RB to CC Area in the vicinity of Howard Street	June 6, 1968
March 20, 1968 (Article 66)	RC and RB to IB Area in the vicinity of Howard Street	June 6, 1968
May 20, 1968 (Article 8)	RA and RC to RB - Area on the West Slopes of Bear Hill	July 24, 1968
March 12, 1969 (Article 21)	Inserted new Sections 2.4.4 and 2.4.5	June 6, 1969
March 12, 1969 (Article 22)	Amended Sections 3.4.1 and 3.4.6	June 6, 1969
December 15, 1969 (Article 7)	Inserted new Section 3.9.1.3	January 15, 1970
December 15, 1969 (Article 8)	Added a new sentence to Section 1.3.3	February 3, 1970
March 23, 1970 (Article 29)	RA to RB - Area in the vicinity of Madden Avenue	July 8, 1970
March 17, 1971 (Article 77)	Inserted a new Section 1.8.1 and Amended Section 2.3	May 24, 1971

<u>Date of Enactment</u>	<u>Nature of Amendment</u>	<u>Date of Approval by Attorney General</u>
March 22, 1971 (Article 71)	Amended Section 2. 3	May 24, 1971
March 22, 1971 (Article 75)	Creation of RM District Amended Sections 2.1.1, 2.3, 2.5, 3.9.2.1	May 24, 1971
March 22, 1971 (Article 76)	Inserted a new Section 3.3 and deleted former Section 3.3	May 24, 1971
March 22, 1971 (Article 78)	RC to IB Area near East Main Street and Appleton Street	May 24, 1971
December 13, 1971 (Article 6)	RC to CC Area in the vicinity of West and Dutcher Streets	December 22, 1971
June 21, 1972 (Article 1)	Inserted new Section 3.11	August 17, 1972
June 21, 1972 (Article 5)	IA to RA Area in the vicinity of Sumner Street	August 17, 1972
June 21, 1972 (Article 6)	RB to IB Area in the vicinity of Medway Road and Beaver Street	August 17, 1972
June 21, 1972 (Article 7)	RC to CC Area in the vicinity of West and Mystic Streets	August 17, 1972
October 4, 1972 (Article 4)	RC to CC Area in the vicinity of West and Mystic Streets	November 27, 1972
October 4, 1972 (Article 5)	Amended Section 2. 3	November 27, 1972
March 26, 1973 (Article 86)	Inserted new Section 1.3.6	June 13, 1973
March 26, 1973 (Article 87)	Inserted new Sections 2.4.6 and 2.4.7	June 13, 1973
March 26, 1973 (Article 89)	Amended Section 2.5	June 13, 1973
March 26, 1973 (Article 90)	Amended Section 2.5	June 13, 1973
March 26, 1973 (Article 91)	Inserted new Section 2.6	June 13, 1973
March 27, 1974 (Article 17)	Amended Section 2.3	April 18, 1974
May 15, 1974 (Article 65)	Amended Section 2.5	August 1, 1974
May 15, 1974	Inserted new Section 2.6 (Last sentence of new Section 2.6 disapproved)	August 1, 1974

<u>Date of Enactment</u>	<u>Nature of Amendment</u>	<u>Date of Approval by Attorney General</u>
May 15, 1974 (Article 67)	Inserted new Sections 3.4 and 3.5 and deleted former Sections 3.4 and 3.5	August 1, 1974
May 15, 1974 (Article 69)	RB to IB Area in the vicinity of National Street	August 1, 1974
May 19, 1975 (Article 18)	Inserted new Article V Sections 5.1, 5.2 and 5.3	July 17, 1975
May 19, 1975 (Article 21)	Amended Section 2.3	September 5, 1975
May 28, 1975 (Article 19)	Amended Section 2.3	July 17, 1975
May 28, 1975 (Article 21)	Amended Section 2.3	July 17, 1975
June 2, 1975 (Article 35)	Inserted new Section 3.2.3	July 17, 1975
June 3, 1975 (Article 29)	Amended Section 2.5	July 17, 1975
June 3, 1975 (Article 30)	Inserted new Section 2.6	July 17, 1975
June 11, 1975 (Article 20)	Amended Section 2.3	July 17, 1975
June 11, 1975 (Article 49)	Inserted new Section 3.2.4	July 17, 1975
October 15, 1975 (Article 20)	Amended Sections 2.3 and 4.1	October 23, 1975
May 24, 1976 (Article 31)	Deleted Sections 1.6.2 and 2.4.3, and inserted new Sections 1.6.2, 1.6.2.1, 1.6.2.2 and 2.4.3	September 27, 1976
May 24, 1976 (Article 32)	RB to CC - Area north of Silver Hill and Whitewood Roads	September 27, 1976
May 24, 1976 (Article 35)	Amended Sections 2.1.2, 2.3, 2.5 and 3.9.2.1	October 8, 1976
May 24, 1976 (Article 36)	RC to RD - Area east of Route. I-495 and north of Electric Co. easement	October 8, 1976
May 26, 1976 (Article 47)	Deleted Section 3.8	October 8, 1976
May 26, 1976 (Article 50)	Amended Sections 2.1, 2.1.1, 2.3, 2.5, 3.9.2.2 and 3.9.2.3, creating IC District, and changing from IB to IC area adjoining Rte 16, east of Rte 109 & west of I-495	October 8, 1976

<u>Date of Enactment</u>	<u>Nature of Amendment</u>	<u>Date of Approval by Attorney General</u>
May 26, 1976 (Article 52)	RB to IB, area south of Route 109, west of Milford/Medway line	October 8, 1976
June 1, 1976 (Article 65)	Inserted new Section 2.6	September 27, 1976
September 8, 1976 (Article 18)	Amended Sections 2.1,2.1.1, 2.3, 2.4.1, 2.5 and 4.1, added Sections 3.9.2.1.1 and 3.9.2.4, and rezoned from RA to RA1 area north of West St and west of Congress St	December 15, 1976
April 25, 1977 (Article 44)	RB to CC, area north of West Street (Rt. 140) and east of Asylum Street	June 13, 1977
May 4, 1977 (Article 53)	Deleted Section 2.6 and inserted new Section 2.6	June 13, 1977
May 11, 1977 (Article 9)	RA to CC, and CC to RA, area east of Prospect Street between West and Water Streets	June 13, 1977
June 20, 1977 (Article 4)	Deleted Section 5.2 and inserted new Section 5.2; Inserted Section 5.2A; Amended Section 5.3; Amended Flood Hazard District	October 11, 1977
January 4, 1978 (Article 11)	RD to IB, area east of Cedar Street, north of Rt. I-495	February 6, 1978
March 27, 1978 (Article 1)	Deleted Article I and inserted a new Article I	June 14, 1978
March 27, 1978 (Article 2)	Amended Sections 2.1.1, 2.2.1, 2.4.3, 2.4.7 and 2.5; Deleted Section 2.3 and inserted a new Section 2.3; Deleted Section 2.6 and an unnumbered section entitled "Height Limitations"	June 14, 1978
March 27, 1978 (Article 3)	Deleted Sections 3.1 through 3.1.5 and inserted in place thereof new Sections 3.1, 3.1.1, 3.1.2, 3.1.3, 3.1.4, 3.1.5 and 3.1.6; Replaced Section 3.3; Deleted Section 3.3.7 and inserted a new Section 3.3.7 and inserted a new Section 3.3.7; Added Section 3.3.8; Amended Sections 3.4 and 3.4.1; Added Sections 3.4.5 and 3.4.6; Amended Sections 3.7.1, 3.7.6 and 3.9.2.5; Deleted Section 3.11 and inserted a new Section 3.11	June 14, 1978
March 27, 1978 (Article 4)	Amended Section 4.1	June 14, 1978
March 27, 1978 (Article 7)	CC to RB, area southerly of West Street and NW of Tomaso Road; RB to CC area south of West St.	June 14, 1978
August 16, 1978 (Article 20)	Added a new Section 3.9.2.6	November 13, 1978
April 30, 1979 (Article 12)	RB to CC - area on southwesterly side of West Street between Edwards and Prospect Street	August 6, 1979

<u>Date of Enactment</u>	<u>Nature of Amendment</u>	<u>Date of Approval by Attorney General</u>
April 23, 1979 (Article 26)	RA to CC - area on the northerly side of Franklin Street, west of Main Street	August 4, 1979
April 23, 1979 (Article 33)	Amended Section 2.3	August 6, 1979
October 22, 1979 (Article 7)	IB to RC - area on the easterly side of East Main Street, northeast of U.S. Route 495	February 1, 1980
June 25, 1980 (Article 8)	RC to IB 100 acres, south of Beaver and Maple Streets on Bellingham line	September 15, 1980
November 12, 1980 (Article 1)	Amended Section 3.11	February 24, 1981
April 22, 1981 (Article 8)	RB and RC to IB, 17 acres on the southerly side of Route 109, west of Birch Street	June 10, 1981
May 20, 1981 (Article 8)	Re-wrote Section 3.11	June 30, 1981
May 26, 1981 (Article 12)	Inserted new use in use table called "Hazardous Waste Facility"	June 30, 1981
May 26, 1981 (Article 25)	RB to CC, 9,932 sq. ft. on the southwesterly side of West Street	June 30, 1981
June 22, 1981 (Article 1)	RB to CB, 29,000 sq. ft. on the southwesterly side of Cedar Street and easterly side of Como Court	October 15, 1981
June 22, 1981 (Article 3)	RC to CB, 22.14 acres on the westerly side of Maple Street	October 15, 1981
June 22, 1981 (Article 4)	RC to IB, 62.84 acres on the southerly side of Birch Street	October 15, 1981
October 26, 1981 (Article 9)	Amended Article 2.3	November 18, 1981
May 26, 1982 (Article 18)	RA to CA, 65,841 sq. ft. northerly of Church and westerly of Congress Street	July 9, 1982
July 19, 1982 (Article 3)	Inserted new definition of "Animal Kennel or Hospital"	August 26, 1982
July 19, 1982 (Article 4)	Amended Section 3.4.1	August 26, 1982
July 19, 1982 (Article 5)	Amended definition of "Scientific Research" in Article IV	August 26, 1982
May 9, 1983 (Article 32)	RA to CA, 9,945 sq. ft. off South Main Street	August 2, 1983
May 9, 1983 (Article 34)	RA to CA, 9,675 sq. ft. off South Main Street	August 2, 1983
October 3, 1983 (Article 2)	RA to CA, 10,000 sq. ft. off South Main Street	December 7, 1983

<u>Date of Enactment</u>	<u>Nature of Amendment</u>	<u>Date of Approval by Attorney General</u>
October 3, 1983 (Article 3)	RA to CB, 14'861 sq. ft. south of Chapin Street	December 7, 1983
January 31, 1984 (Article 3)	Amend Section 2.3 by adding new footnote 10 governing trailers	April 24, 1984
January 31, 1984 (Article 15)	RA to CA, 31,411 sq. ft. off South Main Street and Park Terrace	April 24, 1984
May 23, 1984 (Article 19)	RB to CB, 21,831 sq. ft. on Hamilton Street	June 22, 1984
May 23, 1984 (Article 20)	RC to IB, 4 0 acres north of Central Street	June 22, 1984
May 23, 1984 (Article 21)	Inserted a new Article VI "Planned Residential Community"	June 22, 1984
May 23, 1984 (Article 24)	Striking old Article V and inserting new Article V, "Flood Plain District"	June 22, 1984
October 15, 1984 (Article 2)	RC to IB, 2.15 acres behind southwest intersection of Birch and Beaver Streets	January 8, 1985
May 13, 1985 (Article 22)	RA to CB, 15,990 sq. ft. located on northwesterly side of Main Street, north of Thayer Street	August 2, 1985
May 13, 1985 (Article 23)	RB to IB, 1.7 acres on northerly side of Route 109, east of Birch Street	August.2, 1985
September 9, 1985 (Article 4)	Deleted footnote "10" in Section 2.3 and inserted new footnote "10" relating to trailers	October 25, 1985
May 14, 1986 ATM (Article 26)	Added new Section 3.2.5 relating to use of trailers or vehicles for commercial purposes	July 29, 1986
May 14, 1986 ATM (Article 27)	Amendments to Section 1.15	July 29, 1986
May 14, 1986 ATM (Article 29)	IA to RA, 2.03 acres off Purchase Street	July 29, 1986
May 14, 1986 ATM (Article 32)	Amendment to Section 3.4.3(b)	July 29, 1986
May 14, 1986 ATM (Article 35)	Added a new Section 2.4.8	July 29, 1986
October 27, 1986 (Article 5)	New footnote "11" to certain school categories in use table	November 18, 1986
October 27, 1986 (Article 24)	Various amendments relating to fees, site plan review and signs	November 18, 1986
October 27, 1986 (Article 28)	IB to RB, 25 acres, on westerly side of Birch Street	November 18, 1986
June 15, 1987 (Article 27)	RA to CB, Main Street near Huntoon Slip, 7,700 sq. ft.	October 2, 1987

<u>Date of Enactment</u>	<u>Nature of Amendment</u>	<u>Date of Approval by Attorney General</u>
June 15, 1987 (Article 29)	Procedural changes relating to site plan submission	October 2, 1987
March 14, 1988 (Article 5)	IA to RA, on southerly side of Parkhurst Street, 35,550 sq. ft.	May 2, 1988
March 14, 1988 (Article 12)	RC to CC, northeasterly side of West Street, westerly of Asylum Street, 34,978 sq. ft.	May 2, 1988
June 6, 1988 (Article 21)	RC to CC, southwesterly side of West Street, northwesterly side of Asylum Street, 58,631 sq. ft.	August 30, 1988
June 6, 1988 (Article 33)	IA to RA, east of Goodrich Court and south of Main Street, 13,000 sq. ft.	August 30, 1988
March 13, 1989 (Article 4)	Amending Sections 3.9.1 and 4.1 regarding "Portable Signs"	April 28, 1989
March 13, 1989 (Article 9)	Amendment to Use Regulation Schedule Section 2.3	April 28, 1989
March 13, 1989 (Article 13)	Various Amendments/Eliminations "General Residential/ Professional" (RA 1 District)	April 28, 1989
March 13, 1989 (Article 17)	Various Amendments allowing "Congregate Retirement Living Facility"	April 28, 1989
March 13, 1989 (Articles 18, 19, 20)	RA, RB and RC to CC, Medway Street, in 3 parcels	April 28, 1989
March 13, 1989 (Article 26)	Amendment to Section 3. 4.1 "Parking"	April 28, 1989
June 12, 1989 (Article 13)	IB to RC, southerly side of Howard Street, 37.43 acres	October 5, 1989
June 12, 1989 (Article 18)	Z. B .A .Associate Members from Two to Three	October 5, 1989
June 12, 1989 (Article 27)	IB to RC, northerly side of Howard Street, 10.94 acres	October 5, 1989
June 12, 1989 (Article 31)	IB to RC, southerly side of Howard Street, 4.6 acres	October 5, 1989
June 12, 1989 (Article 33)	IB to CC, southerly side of West Street, 23,162 sq. ft.	October 5, 1989
June 12, 1989 (Article 34)	RB to IB, easterly side of Cedar Street, 14,129 sq. ft.	October 5, 1989
March 5, 1990 (Article 9)	Amend Sections 4.1 and 2.4.7	March 26, 1990
March 5, 1990 (Article 13)	Rezone CC to RB Courtland Street	March 26, 1990
June 11, 1990 (Article 12)	Rezone land on Sumner Street from IA to RA and RB	October 1, 1990

<u>Date of Enactment</u>	<u>Nature of Amendment</u>	<u>Date of Approval by Attorney General</u>
June 11, 1990 (Article 27)	Rezone Lot 103, Map 49 from RA to CC	October 1, 1990
June 27, 1990 (Article 7)	Amend Section 2.3 by adding new land use "Gas fueled power generation plant"	October 1, 1990
June 10, 1991 (Article 28)	Amend Section 2.5 by adding footnote "9" relating to signs	September 6, 1991
June 10, 1991 (Article 30)	Amend Section 3.9.2.3 relating .to signs	September 6 , 1991
June 10, 1991 (Article 40)	Rezone land on Howard Street from IB to RC	September 6, 1991
June 8, 1992 (Article 31)	Created Water Resource Protection District; amended Sections 2.1.1 and 1.10 and added a new Article VII	September 10, 1992
June 8, 1992 (Article 45)	Rezone land near Quarry Square from IB to RB	September 10, 1992
June 8, 1992 (Article 50)	Rezone land at end of Park Terrace from RA to CA	September 10, 1992
June 8, 1992 (Article 57)	Amend Article 3.4.3 relating to handicapped parking	September 10, 1992
June 7, 1993 (Article 22)	Rezone land off of Howard Street from IB to RC	June 18, 1993
June 6, 1994 (Article 29)	Add above ground storage tanks to Section 2.3	September 29, 1994
June 6, 1994 (Article 38)	Amend footnote "b" to Section 2.5 re through and corner lots	September 29, 1994
June 6, 1994 (Article 48)	Amended Sections 3.1, 3.1.1 thru. 3.1.5 and 3.4.6.3 re. non-conforming uses and structures	September 29, 1994
October 17, 1994 (Article 25)	Rezone land on East Main Street from IB to RC	December 19, 1994
April 19, 1995 (Article 6)	Amended Section 2.3, Use Regulation Schedule by inserting Assisted Living Facility and adding footnote "14"	May 2, 1995
April 19, 1995 (Article 6)	Amend Section 3.4.1, Number of Spaces, by adding subsection "q"	May 2, 1995
April 19, 1995 (Article 6)	Amend Section 4.1., Definitions, by adding Assisted Living Facility	May 2, 1995
June 19, 1995 (Article 50)	IB to CC, 2.18 acres on the southwesterly side of West Street at intersection of Fiske Mill Road	September 15, 1995
May 20, 1996 (Article 32)	Amendment to Section 2.3, by inserting Adult Entertainment Enterprises and adding footnote "15"	August 4, 1996

<u>Date of Enactment</u>	<u>Nature of Amendment</u>	<u>Date of Approval by Attorney General</u>
May 20, 1996 (Article 52)	Amendment to Section 2.3 Use Regulation Schedule by inserting "Games of Chance" and adding footnote "16"	August 4, 1996
May 19, 1997 (Article 15)	Added Section 3.2.5.1 relating to Portable Warehouses	July 18, 1997
May 19, 1997 (Article 20)	Numerous changes including new Article VIII relating to Wireless Communication Links	July 18, 1997
May 19, 1997 (Article 23)	Amendments to Section 2.3 and 4.1 regulating Adult Day Care Facilities	July 18, 1997
May 19, 1997 (Article 25)	Amendments to Section 7.5.3 and 7.5.4 relating to Contractor's Yards	July 18, 1997
May 18, 1998 (Article 27)	Amendment to Section 2.3 regulating Asphalt Plants	July 20, 1998
May 17, 1999 (Article 18)	Amendments to Sections 2.3 and 4.1 regulating "Drive Through Windows	July 27, 1999
May 17, 1999 (Article 19)	Amendments to Section 3.4.1(o) relating to parking for auto sales	July 27, 1999
May 17, 1999 (Article 38)	Amendment to Section 3.4.1 relating to parking for a Contractor's Yard	July 27, 1999
May 17, 1999 (Article 42)	Amendment to Section 6.5.4 relating to Common Open Space	July 27, 1999
May 15, 2000 (Article 26)	RB to IB, 32,806 sq. ft. on easterly side of Cedar Street	July 18, 2000
May 15, 2000 (Article 47)	IB to RC, 29 acres on easterly side of East Main Street	July 18, 2000
October 25, 2000 (Article 27)	Amendment to Section 1.15.2.2 relating to Planning Board vote	January 26, 2001
October 25, 2000 (Article 30)	Corrected typographical errors	January 26, 2001
October 25, 2000 (Article 40)	Amendment to Section 3.4.1 relating to parking requirements	January 26, 2001
May 15, 2000 (Article 26)	RB to IB, 32,086 Square Feet, on the easterly side of Cedar Street	July 18, 2000
May 15, 2000 (Article 47)	IB to RC, 29.9 acres on the easterly side of East Main Street	July 18, 2000

<u>Date of Enactment</u>	<u>Nature of Amendment</u>	<u>Date of Approval by Attorney General</u>
May 21, 2001 (Article 42)	RB to IB, 60,309 Square Feet on the northerly side of Dilla Street	September 4, 2001
May 21, 2001 (Article 46)	Amendment to Sections 3.4.1, 3.4.2, 3.4.3, 3.4.4 and 3.4.6 relating to parking requirements	September 4, 2001
Oct. 24, 2001 (Article 1)	Amend Art. IV by changing definition of "Hotel" to "Motel, Hotel"	February 22, 2002
Oct. 24, 2001 (Article 6)	Amend Section 1.4.2; Section 4.1 definitions relating to supplemental apartments; Section 4.1 Definition relating to "Yard, Front"	February 22, 2002
Oct. 24, 2001 (Article 21)	Inserted new Section 1.15.8	February 22, 2002
Oct. 24, 2001 (Article 33)	Amendment modifying Section 3.4.4(d)(1) & (4)	February 22, 2002
May 20, 2002 (Article 19)	Inserted new Section 2.4.9 Lot Shape Factor/Residential Districts	August 28, 2002
May 20, 2002 (Article 20)	Amendment to Section 1.15.2.1 Site Plans for parking lots	August 28, 2002
May 20, 2002 (Article 24)	Amendment to Sec. 2.1.1, 2.3, and 2.5 creating a new Business Park (BP) zoning district	August 28, 2002
May 20, 2002 (Article 25)	RD & IB to BP, 80.58 acres on Cedar St. east of I-495	August 28, 2002
May 20, 2002 (Article 27)	RD to BP, 9.18 acres on Cedar Street & Deer Street	August 28, 2002
October 7, 2002 (Article 18)	Amendment modifying Sections 3.4, 3.4.1(a), and 3.4.1(c)	December 4, 2002
October 7, 2002 (Article 19)	Amendment to Sections 1.10.3.2, 1.15.5, 1.15.6.1, and 1.15.8	December 4, 2002
October 7, 2002 (Article 20)	Amendment replacing Article VI Planned Residential Community with new Article VI Planned Residential Development	December 4, 2002
May 19, 2003 (Article 20)	Amendment to Sections 1.9.7 & 1.10.7 (Time Limitations)	September 4, 2003
May 19, 2003 (Article 22)	Amendment to Section 2.4.4 (Number of buildings per lot)	September 4, 2003
May 19, 2003 (Article 25)	Amendment to Article IV by adding new definition for "Shed"	September 4, 2003

<u>Date of Enactment</u>	<u>Nature of Amendment</u>	<u>Date of Approval by Attorney General</u>
May 19, 2003 (Article 27)	Amendment to Sections 2.3 (Commercial Use Regulations) regarding used car sales/repair & attendant-service gas stations	September 4, 2003
November 3, 2003 (Article 4)	Amendment to Sections 2.3 (Agricultural Use Regulations) clarifying Ag. Uses on parcels over/under 5 acres	November 21, 2003
June 14, 2004 (Article 38)	IB to RB, 24,386 sq.ft. on Broad Street between Broad Street and Fairview Ave.	August 16, 2004
October 18, 2004 (Article 11)	Amendment to Section 2.5 Intensity of Use Schedule increasing RA two-family lot size from 8,000 to 16,000 sq.ft., width from 80' to 140' and frontage from 80' to 120'	January 7, 2005
October 18, 2004 (Article 13)	Amendment to Section 3.4.4(d)(l) Landscape Buffer Strips	January 7, 2005
October 18, 2004 (Article 21)	Amendment to Section 1.15 by adding new Sec. 1.15.2.1(h) and modifying Section 6.4.6	January 7, 2005
October 18, 2004 (Article 25)	Amendment to Section 2.5 Intensity of Use Schedule reducing Max. Bldg. Coverage in RA from 35% to 25%	January 7, 2005
June 13, 2005 (Article 20)	RC to CC 4.5 acres northerly off West St.	August 25, 2005
October 24, 2005 (Article 1)	Amendment to Section 4.1 Definitions providing reduced Lot Frontage on cul-de-sac lots	February 9, 2006
October 24, 2005 (Article 5)	Amendment to Section 2.5 Intensity of Use Schedule regarding two-family dwellings	February 9, 2006
October 24, 2005 (Article 6)	Amendment to Section 2.3 Use Regulation Schedule providing new two-family dwelling requirements	February 9, 2006
October 24, 2005 (Article 11)	Amendment to Article VI by providing for off-site recreation facilities on Town-owned land	February 9, 2006
October 24, 2005 (Article 23)	Amendment to Section 2.5 Intensity of Use Schedule regulating setbacks on corner lots	February 9, 2006
October 24, 2005 (Article 32)	Amendment to Sec. 4.1 Definitions and Sec. 2.3 Use Regulations providing for check cashing facilities	February 9, 2006
October 24, 2005 (Article 34)	CC to RB 2.83 acres westerly off Courtland Street	February 9, 2006
May 21, 2007 (Article 36)	Amendment to Sec. 1.5 Certificate of Zoning Compliance providing for site completion bonds	June 18, 2007

<u>Date of Enactment</u>	<u>Nature of Amendment</u>	<u>Date of Approval by Attorney General</u>
October 22, 2007 (Article 17)	Amendment to Sec. 1.15 Site Plan Review requiring engineered plans for retaining walls	December 4, 2007
May 19, 2008 (Article 17)	Amendment to Article V Flood Plain District (minor corrections)	June 23, 2008
May 19, 2008 (Article 18)	Amendment to Sec. 3.9.1 General Sign Prohibitions regarding changeable copy electronic message panels	June 23, 2008
May 19, 2008 (Article 20)	Amendment to Sec. 2.3 Use Regulation Schedule prohibiting Adult Entertainment Enterprises in CC zone	June 23, 2008
May 19, 2008 (Article 21)	Amendment to Article IV Definitions regarding definition of Adult Entertainment Enterprises	June 23, 2008
May 19, 2008 (Article 22)	Amendment to Sec. 2.3 Use Regulation Schedule footnote 15 and adding a new Sec. 3.14 Adult Entertainment Enterprises	June 23, 2008
October 27, 2008 (Article 19)	Amendment to Article VI Planned Residential Developments regarding density bonuses and minimum acreage (reduced from 100 to 25 acres)	January 27, 2009
March 16, 2009 (Article 3)	Amendment to Sec. 3.2.5 adding a new Sec. 3.2.5.2 regarding portable warehouses	June 18, 2009
May 18, 2009 (Article 18)	RA to CB 7,159 sq.ft. southeast of East Main Street	September 30, 2009
May 18, 2009 (Article 19)	Amendment to Sec. 1.5.2 regarding as-built plans	September 30, 2009
May 18, 2009 (Article 21)	Amendment to Article VI PRD by adding a new Sec. 6.4.3.1.4 regarding facilities grants	September 30, 2009
May 18, 2009 (Article 28)	RC & IB to BP 202.1 acres north of I-495 and north-west of East Main Street	September 30, 2009
May 18, 2009 (Article 29)	IB to BP 32.78 acres northeast of I-495 and south-east of East main Street	September 30, 2009

The following pages contain the provisions of the Zoning By-Law as amended through May 18, 2009 Town Meeting.

It is anticipated that this booklet will be updated as necessary to reflect the amendments to the Zoning By-Law that have become effective on and after the date of this booklet. A current version of the Zoning By-Law can be viewed by logging on the Town of Milford web page at www.milford.ma.us.

Although every effort has been made to ensure the accuracy of the content of this booklet, the Town of Milford expressly disclaims any liability for errors. If any such errors are noted, they should be brought to the attention of the Town of Milford, Legal Department, Town Hall, Milford, MA 01757, (508) 634-2302. Moreover, if there are any questions concerning any of the provisions set forth in this booklet, the official records of the town

meetings at which those provisions were adopted should be consulted. Those records are on file in the office of the Town Clerk, Town Hall, Milford, MA 01757.

It is hoped that this booklet will prove useful to the citizens of the Town of Milford and to those who own or use real estate within the Town. It is suggested that the reader consult their attorney, however, before attempting to act upon its content.

Town of Milford
Legal Department
Milford, MA 01757

Dated: October 1, 2009

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ARTICLE I ADMINISTRATION AND PROCEDURE

1.1 Title and Authorization.

This By-Law shall be known and may be cited as the Zoning By-Law of the Town of Milford, Massachusetts and is referred to hereinafter as "This By-Law." This By-Law is adopted in accordance with and pursuant to the authority granted to the Town by Chapter 40A of the Massachusetts General Laws, the Home Rule Amendment to the Massachusetts Constitution, and any and all amendments thereto.

1.2 Purpose and Intent.

This By-Law is designed to lessen congestion in the streets; to secure safety from fire, flood and other dangers; to provide adequate light and air; to prevent overcrowding of land and undue concentration of population; to encourage housing for persons of all income levels; to facilitate the adequate provision of water supply, drainage, sewerage, schools, open space and other public requirements; to conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment; to promote the development of the natural, scenic and aesthetic qualities of the community; to promote an efficient land use pattern which fosters a diversified tax base without imposing an undue burden on the Town's financial and service capabilities; and to promote the growth and physical development of the Town in accordance with plans, policies and programs adopted by the Planning Board, with due consideration given to the recommendations of the appropriate state and regional planning agencies.

1.3 Administrative Official.

This By-Law shall be administered and enforced by the Building Commissioner, with the assistance of such other persons as the Board of Selectmen or Town Meeting may direct. Duties of the Commissioner under this By-Law shall include receiving applications, issuing building permits, interpreting district boundaries, approving plans, inspecting premises, issuing certificates of zoning compliance, taking action on violations, and any other lawful actions necessary or appropriate to ensure compliance with this By-Law.

1.4 Building Permit.

1.4.1 Requirement of Permit: No building or structure shall be erected, enlarged, moved, altered, removed or demolished without a permit issued by the Building Commissioner. No such permit shall be issued until such construction, alteration or use, as proposed, shall comply in all respects with the provisions of this By-Law, or with a decision rendered or special permit granted by the Board of Appeals or other designated special permit granting authority.

1.4.2 Permit Procedure: The Building Commissioner shall require that all applications for building permits and accompanying plot plans and specifications required by the State Building Code contain the following:

1.4.2(a) A grading plan, prepared by a registered land surveyor or registered professional engineer, showing proposed finished grading at two-foot minimum contour intervals; the location of wetlands, the areas bordering such wetlands, and land within a flood hazard district on the site, if any; and drainage provisions and their effects on adjoining parcels.

1.4.2(b) Such other information as the Building Commissioner may require to ensure compliance with this By-Law, such as off-street parking areas, screening, fencing, open space and earth removal.

1.4.3 Waivers: The Building Commissioner may waive any requirement for a grading plan for the alteration or enlargement of an existing building or structure, or for the construction of an accessory building or structure. Said requirement may also be waived for the construction or erection of a non-accessory building or structure if such a waiver is first approved by the Planning Board, the Board of Health and the Conservation Commission.

1.4.4 Commencement of Work; Compliance: No work, involving the construction, enlargement, alteration, removal, demolition or moving of a building or structure, shall begin until all required plans accompanying the application for the building permit for such work have been approved by the Building Commissioner. Such work shall be carried out in compliance with such plans.

1.4.5 Time Limitations: If the work authorized by any building permit has not commenced within six months after its issuance, or if such work is suspended for a period of one year after its commencement, said permit shall be canceled by the Building Commissioner, and written notice of such cancellation shall be given to the holder of said permit. Notwithstanding the foregoing time limitations, the Building Commissioner may allow, for good cause, not more than two extensions of said permit; however, such extensions shall not exceed 90 days each.

1.4.6 Foundation Location Plan- Upon the completion of the foundation of a new or substantially altered structure, a foundation location plan shall be submitted in triplicate to the Building Commissioner. Said plan shall be signed by a registered land surveyor or registered professional engineer and shall indicate that the foundation is located in substantial accordance with the approved plans specified in Section 1.4.2, above. An updated or modified plot plan may serve as a foundation location plan. No further work shall proceed until such plan has been approved by the Building Commissioner, except for the modification of such foundation to comply with the approved plot plan. No such foundation location plan shall be required relative to the construction or alteration of any structure for which a waiver has been granted in accordance with Section 1.4.3, above.

1.4.7 Final Plan - Upon the completion of a new or substantially altered structure, for which a grading plan, as specified in Section 1.4.2, above, was required, a final plan, signed by a registered land surveyor or registered professional engineer shall be submitted in triplicate to the Building Commissioner. Such final plan shall show the location, ground coverage outline, gross floor area and external dimensions of any building or structure shown on the plans submitted pursuant to Section 1.4.2, above, and approved by the Building Commissioner as specified in Section 1.4.4, above. Such final plan shall also show the drainage systems, off-street parking areas, signs, fences, screening areas and other accessory facilities, either shown on said approved plans, or otherwise required or regulated by this By-Law. Such final plan shall contain a certification that the buildings, structures and other facilities shown thereon are in compliance with the said approved plans, with this By-Law and with any applicable decision of the Board of Appeals or other designated special permit granting authority. An updated or modified plot plan or foundation location plan may serve as the final plan. Such final plan shall be accompanied by a written notification that the work shown on said approved plans has been substantially completed. No such final plan shall be required relative to the construction or alteration of any building or structure for which a waiver has been granted in accordance with Section 1.4.3, above.

1.5 Certificate of Zoning Compliance.

1.5.1 Requirement for Certificate - No premises and no building or structure, erected, constructed, enlarged or altered, or in any way changed as to use, under a permit or otherwise, shall be occupied or used unless a Certificate of Zoning Compliance for such occupancy or use is issued by the Building Commissioner. Such certificate shall not be issued until the premises, building or structure, and the proposed use and accessory uses comply in all respects with this By-Law, and with any applicable decision of the Board of Appeals or other designated special permit granting authority including site plans approved by the Planning Board under Section 1.15 of this bylaw.

1.5.2 Certificate Procedure - An application for a Certificate of Zoning Compliance shall be filed with the Building Commissioner and shall be accompanied with the Certificate of Occupancy required by the State Building Code. No such application, which involves the occupancy or use of premises with respect to which a final plan is required by Section 1.4.7, above, shall be favorably acted upon by the Building Commissioner until the notification of substantial completion and said final plan have been duly submitted in accordance with said Section 1.4.7, and the Commissioner has approved said final plan. No such application which involves the occupancy or use of premises with respect to which a site plan is required by Section 1.15 of this bylaw shall be favorably acted upon by the Building Commissioner until the improvements shown on said site plan have been completed, confirmation of which shall be shown on an as-built plan. Such as-built plan shall enumerate all deviations, if any, from said site plan. Within seven days of the date on which such application is filed with the Building Commissioner, the Commissioner shall either allow or deny such application in writing and shall set forth the reasons for his action thereon. A Certificate of Zoning Compliance shall be conditional on the maintenance of full compliance with the provisions of this By-Law in effect at the time of issuance, and with any applicable decision of the Board of Appeals or other designated special permit granting authority, and such certificate shall be revoked if such compliance should fail.

1.5.3 Temporary Certificate - Pending the issuance of a Certificate of Zoning Compliance, as specified in Section 1.5.1, above, a temporary Certificate of Zoning Compliance may be issued for a period not exceeding six months during the alteration of a presently occupied building or for partial occupancy or use of a building pending its completion. No such temporary certificate shall be issued if the building and its accessory uses fail to conform to the provisions of this By-Law to such a degree as to create a discernible inconvenience or hazard to the public or to those who propose to occupy said building. Notwithstanding the foregoing time limitation, the Building Commissioner may allow, for good cause, not more than two extensions of such temporary certificate; however, such extensions shall not exceed 90 days each. Where a site plan is required by Section 1.15 of this bylaw, such temporary Certificate of Zoning Compliance may only be issued provided the applicant produces appropriate surety in the form of a Bond or other appropriate form of performance guarantee for an amount and duration approved by the Planning Board.

1.5.4 Completion of Plantings - All trees, landscaped open space and buffers, planting screens and other landscaping required by this By-Law, or by any applicable decision of the Board of Appeals or other designated special permit granting authority shall be installed prior to occupancy or commencement of use. Where such compliance is impracticable due to the season of the year, the Building Commissioner may issue a temporary Certificate of Zoning Compliance, as specified in Section 1.5.1, above, shall be issued until all required plantings have been completed, and such Certificate shall be revoked if the owner fails to maintain such plantings or landscaping.

1.6 Violations.

1.6.1 General Requirement - If the Building Commissioner shall be informed or have reason to believe that this By-Law, any permit or plan required herein, or any decision of the Board of Appeals or other special permit granting authority has been, is being or may be violated, the Commissioner shall initiate an investigation of the facts and inspect the property where the violation is suspected. Written requests for the enforcement of this By-Law shall be acted upon by the Building Commissioner within fourteen days in accordance with Section 7 of Chapter 40A of the General Laws, and if the Commissioner shall refuse to act on any such request, an appeal may be taken in accordance with Section 8 of said Chapter 40A and Section 1.8 of this By-Law. If any such violation is found by the Building Commissioner, the violator shall be duly notified of the nature of the violation and shall be subject to any and all actions specified below that may be deemed appropriate by the Commissioner to correct that violation. Nothing in this section shall be construed to limit any procedures provided by said Chapter 40A for the enforcement of zoning by-laws.

1.6.2 Withholding of Permit - The Building Commissioner shall withhold a permit for the erection, construction, enlargement, alteration, removal, demolition or moving of a building or structure of the building or structure, as erected, constructed, enlarged, altered, removed, demolished or moved, would be in violation of this By-Law, or any applicable decision of the Board of Appeals or other designated special permit granting authority. The Building Commissioner shall also withhold any Certificate of Zoning Compliance or other permit for the new use of any building, structure or land if such new use would be in violation of this By-Law or any decision of the Board of Appeals or other designated special permit granting authority. No officer, board, committee or commission of the Town of Milford shall grant any permit or license for a new use of a building, structure or land if such use would be in violation of this By-Law or any such decision.

1.6.3 Stop Order - A stop order may be issued by the Building Commissioner with respect to any violation of this By-Law or decision of the Board of Appeals or other designated special permit granting authority. Such order shall be issued to the owner of the property on which the violation is occurring, or to his agent. Such order shall be in writing and shall state the nature of the violation, and the conditions under which the work or use may continue. A time limit, not to exceed seven days, shall be permitted to allow for the necessary correction of the violation, or for the initiation of appropriate action necessary to correct the violation. Any person who shall perform work, or use or occupy property in violation of a stop order shall be in violation of this By-Law and shall be subject to the enforcement provisions provided herein. The failure of the Building Commissioner to issue a stop order for any reason whatsoever shall not be construed as an estoppel against the Town of Milford, and shall not serve to prevent the town from pursuing any other legal remedy provided by Chapter 40A of the General Laws for the enforcement of zoning by-laws.

1.6.4 Revocation of Permit - The Building Commissioner may revoke any permit or certificate issued under the provisions of this By-Law if there were any false statements or misrepresentations of fact in the application or plans on which such permit or certificate was based.

1.6.5 Prosecution of Violation; Penalty - If the notice of any violation or stop order is not complied with by the expiration of the time specified therein for the correction of the violation, the Building Commissioner shall institute legal action with respect to the violative action, use or condition. Any person who violates any provision of this By-Law or of any decision of the Board of Appeals or other designated special permit granting authority shall be subject to a fine of not more than \$200.00. Each day that any such violation continues to exist after written notice thereof by the Building Commissioner shall constitute a separate offense.

1.7 Board of Appeals.

1.7.1 Composition; Term of Office - There shall be a Board of Appeals, consisting of five members and three associate members, appointed by the Board of Selectmen. The five members of the Board of Appeals shall be appointed to five year overlapping terms so arranged that the term of one member shall expire each year on the first Monday following the Annual Town Election. The three associate members of the Board of Appeals shall be appointed to three year terms, which shall expire on the first Monday following the Annual Town Election. The terms of the said associate members shall be arranged so that the term of only one associate member shall expire in any single year.

1.7.2 Vacancies; Removal from Office - Any vacancy in the office of member of the Board of Appeals and any vacancy in the office of associate member of the Board of Appeals, occurring by reason of death, resignation, removal, as herein provided, or otherwise, shall be filled by the Board of Selectmen for 19the balance of the unexpired term. Any member or associate member of the Board of Appeals may be removed from office by the Board of Selectmen upon written charges and after a public hearing.

1.7.3 Compensation - Subject to appropriation, the members and associate members of the Board of Appeals shall receive such compensation as may from time to time be provided in the Personnel Wage and Salary Administration Plan.

1.7.4 Powers and Duties - The Board of Appeals shall have the following powers:

1.7.4(a) To hear and decide appeals in accordance with Section 1.8 of this By-Law.

1.7.4(b) To hear and decide applications for special permits upon which the board is empowered to act under this By-Law.

1.7.4(c) To hear and decide petitions for variances.

In exercising the powers granted by subsection (a) of this Section 1.7.4, the Board of Appeals may make orders or decisions, reverse or affirm in whole or in part, or modify any order or decision, and to that end shall have all the powers of the officer or board from whom or which the appeal is taken, and may issue or direct the issuance of a permit or certificate.

1.7.5 Officers; Rules - The Board of Appeals shall elect annually a chairman from its own number and a clerk, and may, subject to appropriation, employ experts and clerical and other assistants. The board shall adopt rules, not inconsistent with this By-Law or with Chapter 40A of the General Laws, for the conduct of its business, and regulating appeals, and applications and petitions for variances and special permits submitted for action to the board. Such rules may prescribe the form, size, content and number of copies of any such application, petition or appeal, and accompanying plans, and may establish a filing fee to defray the cost of processing same. Such rules shall be filed with the Town Clerk. Failure of the board to so file such rules with the Town Clerk, as aforesaid, shall render such rules null and void.

1.8 Appeals to the Board of Appeals.

1.8.1 Persons Entitled to Bring Appeals - Any person, including an officer or board of the Town of Milford, or an officer or board of any adjoining town, that is aggrieved by an order or decision of the Building Commissioner or of any other administrative officer or board rendered under the provisions of this By-Law or of Chapter 40A of the General Laws, or the Metropolitan Area Planning Council may appeal that order or decision to the Board of Appeals. For the purpose of this section, the inability of a person to obtain a permit, certificate or enforcement action from the Building Commissioner or any other administrative officer or

board under the provisions of this By-Law or of said Chapter 40A shall constitute an order or decision which can be appealed to the Board of Appeals in accordance with this section.

1.8.2 Application Procedures - An appeal to the Board of Appeals shall be taken within 30 days of the date of the order or decision being appealed. Such appeal shall be initiated by the filing of a notice of appeal, in quadruplicate, with the Town Clerk. Such notice of appeal shall be as specified by the rules of the Board of Appeals and shall specify the grounds for the appeal.

1.8.3 Transmittal Requirements - Upon the receipt of any such notice of appeal, the Town Clerk shall forthwith transmit copies of that notice to the Building Commissioner, or to such other officer or board whose decision forms the subject matter of the appeal, and to the Board of Appeals and to the Planning Board. An additional copy of that notice shall be kept on file in the office of the Town Clerk. The Commissioner, or other officer or board, as the case may be, shall forthwith upon receipt of such copy submit to the Board of Appeals and to the Planning Board copies of all documents and papers relating to such order or decision.

1.8.4 Review by the Planning Board - The Planning Board may, within 30 days of the date on which such notice of appeal was filed with the Town Clerk, submit a report to the Board of Appeals containing recommendations and the reasons therefore, which report should be designed to assist the Board of Appeals in reaching a determination of the appeal. The Board of Appeals shall not hold a hearing or render a decision on any such appeal until said report has been received from the Planning Board and reviewed by the Board of Appeals, or the 30 day time limit specified in this section has expired. The report of the Planning Board shall be advisory in nature and shall not prevent the Board of Appeals from reaching a decision contrary to the recommendations set forth in said report.

1.8.5 Public Hearings - The Board of Appeals shall hold a public hearing on any such appeal within 65 days of the date on which the notice of appeal, specified in Section 1.8.2, above, was filed with the Town Clerk. Notice of that hearing shall be published, mailed and posted as required by Sections 11 and 15 of Chapter 40A of the General Laws.

1.8.6 Decisions - The Board of Appeals shall make its decision on any such appeal within 75 days of the date on which the notice of appeal, specified in Section 1.8.2, above, was filed with the Town Clerk. The concurring vote of four members of the Board of Appeals shall be necessary to reverse an order or decision of the Building Commissioner or of any other administrative officer or board. Within 14 days of the date on which the Board of Appeals shall make its decision, but in any event no later than 75 days after the date on which such notice of appeal was so filed with the Town Clerk, the Board of Appeals shall place its decision in written form, and shall file that written decision, together with the detailed record of its proceedings, specified in Section 15 of Chapter 40A of the General Laws, with the Town Clerk and in the office of the Planning Board. Upon such filing, the Board of Appeals shall forthwith mail notices of its decision in the manner prescribed by said Section 15. Failure of the Board of Appeals to so file its written decision and detailed report with the Town Clerk within the 75 day period shall result in the revocation of the order or decision which formed the subject matter of the appeal, and the Town Clerk shall, at the expiration of that 75 day period, file a notice to that effect in the office of the Town Clerk and shall cause copies of that notice to be mailed in the manner prescribed by said Section 15. That notice shall specify that the order or decision which formed the subject matter of the appeal was revoked because of the failure of the Board of Appeals to file its written decision and report thereon within 75 days of the date on which the notice of appeal was filed with the Town Clerk. That notice shall also specify that appeals from that constructive

revocation, if any, shall be made pursuant to Section 17 of said Chapter 40A, and that any such appeal must be filed within 20 days after the date on which such notice was filed in the office of the Town Clerk.

1.9 Variances

1.9.1 Authorization - The Board of Appeals shall have the power to grant a variance from the terms of this By-Law, in accordance with the provisions of Section 10 of Chapter 40A of the General Laws, in instances where the board specifically finds that each of the following conditions is met:

1.9.1(a) With respect to the particular land or structures for which the variance is sought, there are circumstances relating to the soil conditions, shape or topography of the land or structures and especially affecting such land or structures, but not affecting generally the zoning district in which such land or structures are located.

1.9.1(b) A literal enforcement of the provisions of this By-Law from which the variance is sought would involve substantial hardship, financial or otherwise, to the applicant for the variance, and that hardship caused by the circumstances referred to in (a), above.

1.9.1(c) The grant of the variance will not cause substantial detriment to the public good.

1.9.1(d) The grant of the variance will neither nullify nor substantially derogate from the intent or purpose of this By-Law.

1.9.2 Application Procedures - An application for a variance shall be filed, in triplicate, with the Town Clerk. Such application shall be as specified by the rules of the Board of Appeals.

1.9.3 Transmittal Requirements - Upon receipt of any such application, the Town Clerk shall forthwith transmit copies of that application to the Board of Appeals and to the Planning Board. An additional copy of that application shall be kept on file in the office of the Town Clerk.

1.9.4 Review by the Planning Board - The Planning Board may, within 30 days of the date on which such application was filed with the Town Clerk, submit a report to the Board of Appeals containing recommendations and the reasons therefore, which report should be designed to assist the Board of Appeals in reaching a determination on the application. Such report should specify whether, in the judgment of the Planning Board, any of the provisions of this By-Law should be varied in response to such application, and if so, to what extent and whether any conditions should be imposed on the applicant. The Board of Appeals shall not hold a hearing or render a decision on any such application until such report has been received from the Planning Board and reviewed by the Board of Appeals, or the 30 day time limit specified in this section has expired. The report of the Planning Board shall be advisory in nature and shall not prevent the Board of Appeals from reaching a decision contrary to the recommendations set forth in said report.

1.9.5 Public Hearings - The Board of Appeals shall hold a public hearing on any such application within 65 days of the date on which the application was filed with the Town Clerk as specified in Section 1.9.2, above. Notice of that hearing shall be published, mailed and posted as required by Sections 10 and 11 of Chapter 40A of the General Laws.

1.9.6 Decision - The Board of Appeals shall make its decision on any such application within 75 days of the date on which the application was filed with the Town Clerk as specified in Section 1.9.2, above. The concurring vote of four members of the Board of Appeals shall be necessary to effect a variance in the application of any provision of this By-Law. Within 14 days of the date on which the Board of Appeals

shall make its decision, but in any event no later than 75 days after the date on which such application was filed with the Town Clerk, the Board of Appeals shall place its decision in written form, and shall file that written decision, together with the detailed record of its proceedings, specified in Section 15 of Chapter 40A of the General Laws, with the Town Clerk and in the office of the Planning Board. Upon such filing, the Board of Appeals shall forthwith mail notices of its decision in the manner prescribed by said Section 15. Failure of the Board of Appeals to so file its written decision and detailed report with the Town Clerk within the 75 day period shall result in the grant of the variance sought in the application, and the Town Clerk shall, at the expiration of that 75 day period, file a notice to that effect in the office of the Town Clerk and shall cause copies of that notice to be mailed in the manner prescribed in said Section 15. That notice shall specify that the variance sought in the application was granted because of the failure of the Board of Appeals to file its written decision and report within 75 days of the date on which the application was filed with the Town Clerk. That notice shall also specify that appeals from that constructive grant of the variance, if any, shall be made pursuant to Section 17 of said Chapter 40A, and that any such appeal must be filed within 20 days after the date on which such notice was filed in the office of the Town Clerk.

1.9.7 Time Limitations - If the rights authorized by a variance are not exercised within one year of the date on which the 20 day appeal period provided for by MGL Ch.40A §17 expired, then they shall lapse and may be reestablished only upon the submission of a new application for a variance in accordance with Section 1.9.2, above.

1.10 Special Permits.

1.10.1 Special Permit Granting Authorities - The Board of Appeals and the Planning Board are designated as special permit granting authorities for the issuance of special permits under this By-Law. The Board of Appeals may grant a special permit for any use which is permitted by this By-Law upon issuance of a special permit by the Board of Appeals. The planning Board may grant a special permit for any use which is permitted by this By-Law upon issuance of a special permit by the Planning Board. No special permit shall be issued unless the special permit granting authority specifically finds that each of the following conditions is met:

1.10.1(a) The special permit conforms to the general and specific provisions of this By-Law which are applicable to the use for which the permit is granted.

1.10.1(b) The use for which the special permit is sought is in harmony with the general purpose and intent of this By-Law.

1.10.1(c) The use for which the special permit is sought will not create undue traffic congestion or unduly impair pedestrian safety.

1.10.1(d) The use for which the special permit is sought will not cause substantial harm to the neighborhood, or create a nuisance or hazard affecting the health, safety or general welfare of the citizens of Town of Milford.

1.10.2 Application Procedures.

1.10.2.1 An application for special permit from the Board of Appeals shall be filed, in quintuplicate, with the Town Clerk, except in the case of special permit applications for development in the Water Resource Protection District, in which case seven (7) copies of the application shall be submitted to the Town Clerk.

1.10.2.2 An application for a special permit from the Planning Board shall be filed, in quadruplicate, with the Planning Board and a copy of same shall be filed with the Town Clerk. Such application shall be as specified by the rules of the Planning Board adopted pursuant to Section 9 of Chapter 40A of the General Laws. and on file with the Town Clerk.

1.10.3 Transmittal Requirements.

1.10.3.1 Upon receipt of an application filed with the Town Clerk in accordance with Section 1.10.2.1, above, the Town Clerk shall forthwith transmit copies thereof to the Board of Appeals, the Planning Board, the Conservation Commission and the Board of Health. An additional copy of that application shall be kept on file in the office of the Town Clerk. Applications for Special Permit in Water Resource Protection District shall also be transmitted to the Town Engineer and the Milford Water Company.

1.10.3.2 Upon receipt of an application filed with the Planning Board in accordance with Section 1.10.2.2, above, the Planning Board shall forthwith transmit copies thereof to the Fire Chief, Milford Water Company, Sewer Commission, Town Engineer, the Conservation Commission, and the Board of Health.

1.10.4 Review by Other Agencies - The agencies to which any such application for a special permit has been transmitted in accordance with Section 1.10.3, above, shall review such application within 30 days of the date on which such application was filed either with the Town Clerk or with the planning Board, as the case may be. Such review may be held jointly if the chairmen of the boards and commission which comprise those agencies so agree. Said agencies shall make such recommendations as they deem appropriate on any such application, and shall submit to the appropriate, special permit granting authority and to the applicant copies of their recommendations. Should any such agency fail to submit recommendations within 35 days of the date on which such application was so filed, the special permit granting authority shall determine that such agency or agencies approve of the application as submitted. Any such recommendations so submitted in accordance with this section shall be advisory in nature and shall not prevent the special permit granting authority from reaching a decision contrary to them.

1.10.5 Public Hearings - The special permit granting authority shall hold a public hearing on any such application for a special permit within 65 days of the date on which such application was filed either with the Town Clerk or with the Planning Board as specified in Section 1.10.2, above. Notice of that hearing shall be published, mailed and posted as required by Sections 9 and 11 of Chapter 40A of the General Laws.

1.10.6 Decisions - The special permit granting authority shall make its decision on any such application for a special permit within 90 days of the date on which the public hearing, referred to in Section 1.10.5, above, was convened. The concurring vote of four members of the Board of Appeals, or the concurring vote of four members of the Planning Board, as the case may be, shall be necessary to issue a special permit. Within 14 days of the date on which the special permit granting authority shall make its decision, but in any event no later than 90 days following the date on which said hearing was convened, the special permit granting authority shall place its decision in written form, and shall file that written decision, together with the detailed report of its proceeding, specified in Section 15 of Chapter 40A of the General Laws, with the Town Clerk and in the office of the Planning Board. Upon such filing, the special permit granting authority shall forthwith mail notices of its decision in the manner prescribed by said Section 15. Failure of the special permit granting authority to so file its written decision and detailed report with the Town Clerk within the 90 day period shall result in the grant of the special permit sought in the application, and the Town Clerk shall, at the expiration of that 90 day period, file a notice to that effect in the office of the Town Clerk and shall cause copies of that notice to be mailed in the manner prescribed in said Section 15. That

notice shall specify that the special permit sought in the application was granted because of the failure of the special permit granting authority to take final action on that application within 90 days of the date on which the public hearing thereon was convened. That notice shall also specify that appeals from that constructive grant of the special permit, if any, shall be made pursuant to Section 17 of said Chapter 40A, and that any such appeal must be filed within 20 days after the date on which such notice was filed in the office of the Town Clerk.

1.10.7 Time Limitations - If the rights authorized by a special permit are not exercised within one year of the date on which the 20 day appeal period provided for by MGL Ch.40A §17 expired, then they shall lapse and may be reestablished only upon the submission of a new application in accordance with Section 1.10.2, above. Notwithstanding the foregoing time limitation, such rights shall not lapse if the Building Commissioner and the special permit granting authority determine that the delay in exercising those rights was for good cause, or if such rights involve construction, the construction was commenced within the one year period, and has continued continuously to completion.

1.11 Effective Dates of Variances and Special Permits.

No variance or special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the written decision wherein same was granted, or a copy of the notice of the Town Clerk, specified in Sections 1.9.6 and 1.10.6, above, indicating that the variance or special permit was constructively granted, duly certified by the Town Clerk in accordance with Section 11 of Chapter 40A of the General Laws, has been recorded in the Worcester District Registry of Deeds or the Worcester Registry District.

1.12 Repetitive Petitions.

No application for a variance or special permit, and no appeal brought pursuant to Section 18, above, materially indistinguishable from a prior application or appeal, which has been unfavorably and finally acted upon by the special permit granting authority or by the Board of Appeals, shall be acted upon favorably within two years of the date of the final unfavorable action unless the following conditions are met:

1.12(a) The board which denied the prior application or appeal, by a vote of four members, finds specific and material changes in the conditions upon which the previous unfavorable action was based, and describes such changes in the record of its proceedings.

1.12(b) The Planning Board, by a vote of four members, consents thereto.

Prior to the meeting of the Planning Board at which the issue of consent is to be considered, a notice of that meeting must be published, mailed and posted in the manner prescribed in Section 11 of Chapter 40A of the General Laws.

1.13 Withdrawal of Applications.

Any application for a variance or special permit which has been transmitted to the Board of Appeals, in the case of a variance, or filed with or transmitted to the special permit granting authority, in the case of a special permit, may be withdrawn without prejudice by the applicant if such withdrawal is made prior to the date on which the notice of the public hearing on such application is filed. Any such application may be withdrawn after such date only with the approval of the Board of Appeals or the Planning Board, as the case may be. No application shall be withdrawn unless the applicant files a notice of withdrawal with the Town Clerk. The Town Clerk shall forthwith transmit any such notice to the Board of Appeals or to the Planning Board as the case may be.

1.14 Rules of the Planning Board.

As a designated special permit granting authority under this By-Law, the Planning Board shall adopt rules relative to this issuance of special permits, and shall file a copy of those rules with the Town Clerk. Such rules may prescribe the size, form, contents, style and number of copies of plans and specifications and the procedures for the submission and approval of applications for special permits subject to issuance by the Planning Board. Rules adopted by the Planning Board in accordance with this section shall be null and void unless they are so filed with the Town Clerk.

1.15 Site Plan Review.

1.15.1 Purpose - The purpose of this section is to provide an effective mechanism whereby the Planning Board will be able to review certain uses and structures, as indicated in Section 2.3, below, and in other provisions of this By-Law, which have been deemed to have a significant impact on the health, safety, convenience and general welfare of the citizens of the Town of Milford. In exercising its authority under this section, the Planning Board shall not withhold its approval of any proposed use or structure unless it shall determine that such use or structure does not comply with the requirements of this By-Law.

1.15.2 Site Plans

1.15.2.1 Any application for a building permit to construct a new building or to construct an addition to an existing building for a use, designated as being subject to site plan review under the provisions of this By-Law, shall be accompanied by a site plan prepared by a registered land surveyor, registered professional engineer or registered professional architect. In addition, the creation of any new parking lot, or the expansion of any existing parking lot to serve a building or use so subject to site plan review, shall not be undertaken without said site plan review. This site plan, in addition to fulfilling all the requirements of Section 1.4.2, above, relating to plans, shall contain the following:

1.15.2.1(a) Existing conditions - the topography of the land for which site plan review is sought at 2 foot minimum contour intervals; the location of existing trees, wooded areas, rock masses, and other natural features; the area and dimensions of said land, including lot lines, boundaries, easements and rights of way; existing structures, if any, located on parcels adjoining said land, if such buildings are situated within 50 feet of said land.

1.15.2.1(b) Proposed structures - the location, ground coverage outline, dimensions, and gross floor area of proposed buildings and structures, including retaining walls. In cases where retaining walls over four feet in height are proposed, design plans for said retaining walls certified by a registered architect or professional engineer shall accompany the site plan submittal, including a note on said design plans that the developer shall provide during-construction inspection by a registered architect

or professional engineer who shall submit a certification document to the Building Commissioner after completion attesting to construction in accordance with the approved plans and applicable provisions of the Code of Massachusetts Regulations.

1.15.2.1(c) Proposed accessory facilities - proposed parking and loading areas, driveways, and other means of access; proposed circulation of traffic within the proposed development; location of pedestrian walkways, areas, flow patterns and access points; the size and location of signs and advertising devices; the location and strength of exterior lighting and the areas to be illuminated thereby.

1.15.2.1(d) Traffic generation - projected generation of traffic onto roadways in the vicinity of the proposed development; the capacity of the roadways affected by the proposed development. Current Average Daily Traffic (A.D.T.) counts of affected roadways must also be provided, except where the site is part of a larger development, the traffic impact of which has been evaluated via an approved Environmental Impact Report.

1.15.2.1(e) Landscaping - designation of existing features of the landscape to be retained or enhanced; location and dimensions of open space and of buffers, walls and fences to screen the site from surrounding properties; and proposed grading.

1.15.2.1(f) Drainage and water resources - existing water courses, wetlands and flood plains; provisions for drainage and their effects on adjoining parcels; and measures to prevent soil erosion, excessive precipitation run-off and flooding of other properties.

1.15.2.1(g) Utilities - the location of sewerage, gas, water and other such lines, and the proposed methods for the disposal of refuse, sewage and other wastes resulting from the uses of the site.

1.15.2.1(h) A signature block for endorsement by the Planning Board and date accompanied by the phrase: Approved by the Milford Planning Board.

1.15.2.1(i) To the extent practicable, the image on the site plan shall be oriented with north to the top of the sheet.

1.15.2.2 Any application for a Certificate of Zoning Compliance for the use of an existing building or structure or of any land, which use is, designated as being subject to site plan review under the provisions of this By-Law, and any application for a building permit for the alteration of a building so designated shall be accompanied by a site plan which must meet the requirements for site plans established in Section 1.15.2.1, above. The Planning Board may, however, by an affirmative vote of not less than 75% of the members voting but not less than three members, waive the requirement for a site plan for such uses or alterations, or any one or more of the requirements for such a site plan as established in Section 1.15.2.1. Any such request for a waiver must be submitted in writing to the Planning Board, and must be accompanied by either the application for a Certificate of Zoning Compliance, or the application for a building permit completed in accordance with the provisions of this By-Law. Such request can be submitted either before or after any such application is filed with the Building Commissioner. The Planning Board shall either allow or deny any such request in writing within 45 days of the date on which it is submitted, and shall set forth the reasons for its action, and if granted in whole or in part, the extent of the waiver. The Planning Board shall transmit copies of its decision to the applicant and to the Building Commissioner within said 45 day period.

1.15.3 Application Procedures - Every application for a building permit or for a Certificate of Zoning Compliance which must be accompanied by a site plan as specified in Section 1.15.2, above, shall be submitted with 8 copies of the application and eight copies of the required site plan to the Building Commissioner.

1.15.4 Transmittal Requirements - Upon receipt of any such application, the Building Commissioner shall forthwith transmit a copy of the application and accompanying site plan to each of the following. Planning Board, Conservation Commission, Planning Department, Engineering Department, Fire Department, Board of Sewer Commissioners and Milford Water Company. No building permit or Certificate of Zoning Compliance shall be issued in response to any such application unless such application and accompanying plan have been approved by the Planning Board, or 65 days have elapsed since the date on which such application was submitted to the Building Commissioner, and the Planning Board has not filed its report on such application, as required by Section 1.15.6, below.

1.15.5 Review by the Planning Board - Within 65 days of the date on which any such application is filed with the Building Commissioner, the Planning Board shall schedule a public meeting thereon and shall mail to the applicant, the Building Commissioner, and any other agencies or persons deemed by the Planning Board to be interested, a notice of the time and place of that meeting and of the fact that such meeting will involve said application and plan. Notices shall be mailed by regular first class mail at least seven days prior to the date of the meeting. An additional copy of such notice shall be posted in the office of the Town Clerk for seven consecutive days prior to the hearing. At that meeting, the Planning Board shall review said application and plan and shall accept comments thereon.

1.15.6 Report of the Planning Board.

1.15.6.1 Within 65 days of the date on which any such application is filed with the Building Commissioner, and after the public meeting and review, specified in Section 1.15.5, above, the Planning Board shall file a report, in writing, with the Building Commissioner. In that report, the Planning Board shall indicate its approval of the application and accompanying plan if such application and plan reflect full compliance with the provisions of this By-Law. If such full compliance is not so reflected, the Planning Board shall indicate its disapproval of the application and plan and shall set forth a detailed itemization of the instances of non-compliance.

1.15.6.2 If the Planning Board should determine that the application and plan do reflect full compliance with the provisions of this By-Law, but that they do not fulfill any one of the following conditions, the Planning Board shall indicate its approval of the application and plan, as required in Section 1.15.6, above. However, the Planning Board shall include in its report a written statement setting forth in detail how the application and plan fail to meet any one or more of the following conditions:

1.15.6.2(a) Internal circulation and egress are such that safety is protected, and access via minor streets servicing single-family homes is minimized.

1.15.6.2(b) Visibility of parking areas from public ways is minimized.

1.15.6.2(c) Adequate access to each structure for fire and service equipment is provided.

1.15.6.2(d) Utilities and drainage for the land for which site plan review is sought will be adequate, and fire provisions meeting all applicable regulations are provided.

1.15.6.2(e) Major topographic changes or removal of existing trees are minimized.

1.15.6.2(f) In or abutting existing residential districts, effective use is made of topography, landscaping and building placement to maintain, to the degree feasible, the character of the neighborhood.

1.15.6.2(g) Lighting of parking areas avoids glare on adjoining properties.

1.15.7 Review by Other Agencies.

1.15.7.1 When the Planning Board files the report, specified in Section 1.15.6, above, with the Building Commissioner, it shall file a copy of that report with any officer, committee, commission or board of the Town of Milford that is authorized by law or regulation to issue a permit or license for the use for which the application and plan were submitted.

1.15.7.2 Such officer, committee, commission or board shall review that report in determining whether the license or permit for such use shall be issued. No license or permit for a use, designated as being subject to site plan review by Section 2.3 or otherwise in this By-Law, shall be so issued unless such report has been so considered, or the aforesaid 65 day period has elapsed and no such report has been filed as required by Section 1.15.7.1, above. Except where the report indicates the Planning Board's disapproval of the application and plan, the report shall be considered advisory in nature and will not prevent such officer, committee, commission or board from issuing a license or permit for such use contrary to any recommendations or findings set forth herein.

1.15.7.3 The provisions of Section 1.15.7.2, above, shall not apply to any officer, committee, commission or board that is required by a statute or regulation adopted thereunder to render a decision on any application for a license or permit on a date prior to the date on which the report of the Planning Board is filed as specified in Section 1.15.7.1, above.

1.15.8 Site Plan Time Limit. Site Plans shall expire within one year of approval by the Planning Board. The Planning Board may grant not more than one extension for up to one year if there is reasonable cause and upon written request by the owner prior to the expiration.

1.16 Lots in Separate Ownership.

1.16.1 Any lot lawfully laid out by plan or deed duly recorded, as defined in Section 81L of Chapter 41 of the General Laws or any lot shown on a plan endorsed with the words "approval under the subdivision control law not required", or words of similar import pursuant to Section 81P of said Chapter 41, which complied at the time of such recording or such endorsement, whichever is earlier, with the minimum area, frontage, width and depth requirements, if any, of any zoning by-law of the Town of Milford then in effect, notwithstanding the adoption or amendment of the provisions of Section 2.5, below, imposing minimum area, width, frontage, depth or yard requirements, or more than one such requirement, in excess of those in effect at the time of such recording or endorsement, may thereafter be built upon for single-family or two-family residential purposes if, at the time of the first publication of the notice of the public hearing before the Planning Board regarding the adoption or amendment of such provisions, as the case may be, and such provisions are subsequently adopted by the Town

Meeting as the outcome of such hearing, or while building on such lot was otherwise permitted, whichever occurs later, such lot was held in ownership separate from that of adjoining land within the same residential district; provided that at the time of building (a) such lot has an area of 5,000 square feet or more, and frontage of 50 linear feet or more, is in a district zoned for single-family or two-family residential use, as the case may be, and conforms except as to area, frontage, width and depth with the applicable provisions of this By-Law then in effect, and (b) any proposed structure is to be located on such lot so as to conform with the minimum requirements of front, rear and side yard setbacks in effect at the time of recording or endorsement, if any, and if none were then required, with any front, rear and side yard setbacks required by this By-Law as follows: lots of 10,000 square feet or less, the yard requirements specified for the RA district; lots of between 10,000 square feet and 20,000 square feet, the yard requirements for the RB district; lots greater than 20,000 square feet, the yard requirements for the RC district.

1.16.2 For the purposes of Section 1.16.1, above, any such lot, referred to therein, shall not be deemed to be buildable if such increased area, frontage, width, depth or yard requirements would be applicable to any building or special permit authorizing the construction of a building or any other structure on such lot in accordance with Section 6 of Chapter 40A of the General Laws.

1.16.3 For the purposes of Section 1.16.1, above, a lot shall not be deemed to be held in ownership separate from that of adjoining land unless its beneficial ownership as well as its record ownership is separate from that of the adjoining land.

1.16.4 The provisions of Section 1.16.1, above, shall not be construed to prohibit a lot being built upon if at the time of building, building upon such lot is not prohibited by this By-Law.

1.17 Amendments.

This By-Law may be amended or repealed in the manner prescribed by Section 5 of Chapter 40 A of the General Laws. Any proposed amendment shall be submitted to the Board of Selectmen, and may be submitted by any one of the following: (a) the Board of Selectmen; (b) the Board of Appeals; (c) the Planning Board; (d) the owner of any land which will be affected by the amendment; (e) 10 registered voters of the Town of Milford, for proposed amendments to be acted upon at an Annual Town Meeting; (f) 100 such registered voters, for proposed amendments to be acted upon at a Special Town Meeting; or (g) the Metropolitan Area Planning Council. The sponsor of any such proposed amendment shall be responsible for the payment of any costs incurred by the Town of Milford in publishing and mailing the notices of the proposed amendment which are required by said Section 5. No proposed amendment to this By-Law which has been unfavorably acted upon by the Town Meeting shall be considered again by the Town Meeting within two years of the date of such unfavorable action unless the proposed amendment is recommended by the Planning Board.

1.18 Applicability.

Where the application of the provisions of this By-Law impose greater restrictions than those imposed by any other by-laws, regulations, permits, restrictions, easements, covenants or agreements, the provisions of this By-Law shall control.

1.19 Fees and Charges

The Board of Appeals shall establish and may amend a schedule of fees to be paid upon the submission of any application, petition or appeal for action by the Board of Appeals. The Planning Board shall establish and may

amend such a schedule of fees to be paid upon the submission of any application or petition for action by the Planning Board. The Board of Selectmen shall establish and may amend such a schedule of fees to be paid upon the submission of any application for action by the Building Commissioner. The schedule of fees authorized by this section shall apply only to the submission of applications, petitions and appeals which are filed pursuant to the provisions of Chapter 40 A of the General Laws or of this By-Law. No permit, or certificate shall be issued, and no action shall be taken in response to any such submission unless the required fees have been paid.

1.20 Validity

The invalidity of any section or provision of this By-Law shall not invalidate any other section or provision thereof.

ARTICLE II USE AND INTENSITY REGULATIONS

2.1 Establishment of Districts.

2.1.1 The Town of Milford is hereby divided into the following types of districts:

General Residential.....	RA
Single-Family Residential.....	RB
Rural Residential.....	RC
Rural Residential.....	RD
Business Park.....	BP
Central Commercial.....	CA
Neighborhood Commercial.....	CB
Highway Commercial.....	CC
Central Industrial.....	IA
Highway Industrial.....	IB
Highway and Neighborhood Industrial.....	IC

In addition to the above districts, the Town of Milford has adopted a Water Resource Protection District, comprised of Water Resource District 1 (WR1) and Water Resource District 2 (WR2). Reference should be made to Article VII for further information concerning these overlay districts.

The boundaries of these districts are defined and bounded on the maps accompanying this By-Law and on file with the Clerk of the Town of Milford, entitled "Milford, MA - Zoning" and "Milford Central Area - Zoning", both dated July, 1989 and "Water Resource Protection District", dated May 1992. Those maps and all explanatory matter thereon are hereby made a part of this By-Law.

2.1.2 Except when labeled to the contrary, boundary or dimension lines shown approximately following or terminating at street, railroad, or utility easement center or layout lines, boundary or lot lines, or the channel of a stream, shall be construed to be actually at those lines; when shown approximately parallel, perpendicular, or radial to such lines shall be construed to be actually parallel, perpendicular, or radial thereto. When not locatable in any other way, boundaries shall be determined by scale from the map.

2.1.3 Where a district boundary line divides any lot existing at the time such line is adopted, the regulations for any district in which the lot has frontage on a street may be extended not more than thirty feet into the other district.

2.2 Use Regulations.

2.2.1 No buildings or structure shall be erected or used and no premises shall be used except as set forth in the "Use Regulation Schedule". Symbols employed shall mean the following:

- P - A permitted use
- O - An excluded or prohibited use
- A - A use authorized only upon the issuance of a special permit by the Board of Appeals as specified in Section 1.10, above
- S - A use authorized only upon the issuance of a special permit by the Planning Board as specified in said Section 1.10, above

2.2.2 Where an activity might be classified under more than one of the following uses, the more specific classification shall determine permissibility; if equally specific, the more restrictive shall govern.

2.3 Use Regulation Schedule.

ACTIVITY OR USE	DISTRICT										
	RA	RB	RC	RD	BP	CA	CB	CC	IA	IB	IC
<u>AGRICULTURAL USE</u>											
On parcels of five (5) or more acres:											
Agricultural & related uses exempt under G.L. c.40A, Sec. 3.	P	P	P	P	P	P	P	P	P	P	P
On parcels of less than five (5) acres:											
Farm without live stock or fowl	O	P	P	P	O	O	O	O	P	P	P
Greenhouse with retail sales ¹	O	O	O	O	O	P	P	P	P	P	P
Greenhouse with wholesale only	O	P	P	P	O	O	P	P	P	P	P
Roadside stand, temporary	O	A	A	A	O	P	P	P	P	P	P
Roadside stand, permanent ¹	O	O	O	O	O	P	P	P	P	P	P
Livestock or fowl	O	O	O	O	O	O	O	O	O	P	P
<u>RESIDENTIAL USES</u>											
Single-family Dwelling	P	P	P	P	O	O	P	O	O	O	O
Two-family Dwelling	A ²¹	O	O	O	O	O	A ²¹	O	O	O	O
Congregate Retirement Living Facility ^{1, 12}	O	A	A	O	O	O	O	O	O	O	O
Multi-family Dwelling	O	O	O	O	O	O	O	O	O	O	O
Trailer ^{5,10}	O	O	O	O	O	O	O	O	O	O	O
Trailer Park	O	O	O	O	O	O	O	O	O	O	O
<u>INSTITUTIONAL USES</u>											
Municipal Use ¹	P	P	P	P	P	P	P	P	P	P	P
Religious Use ¹	P	P	P	P	P	P	P	P	P	P	P
Nursery School ¹	P	P	P	P	O	P	P	P	P	P	P
Other Commercial Schools ¹	O	O	O	P	O	P	P	P	P	P	P
Other Schools ^{1, 11}	P	P	P	P	P	P	P	P	P	P	P
Cemetery	A	A	A	A	O	P	P	P	P	P	P
Hospital ¹	P	A	A	A	O	O	O	O	O	O	O
Nursing, convalescent, or rest home ¹	A	A	A	A	O	O	O	O	O	O	O
Assisted Living Facility ^{1, 14}	S	S	S	S	O	S	S	S	S	S	S
Philanthropic Institutions	A	A	A	A	O	A	A	A	A	A	A
Public Utility with service area	O	O	A	A	P	O	O	O	P	P	P
Public Utility without service area	P	P	P	P	P	P	P	P	P	P	P
Club or lodge ^{1, 4}	A	A	A	A	O	P	P	P	O	O	P
Adult Day Care Facility ¹	A	A	A	A	O	O	O	A	O	O	O

2.3 Use Regulation Schedule. (continued)

ACTIVITY OR USE	DISTRICT										
	RA	RB	RC	RD	BP	CA	CB	CC	IA	IB	IC
<u>RECREATIONAL USES</u>											
Camping, commercial	O	O	O	O	O	O	O	O	O	O	O
Camping, supervised	O	A	A	A	O	O	O	O	O	O	O
Games of Chance ¹⁶	O	O	O	O	O	O	O	O	O	O	O
Golf Course ¹	P	P	P	P	P	O	P	P	P	P	P
Indoor commercial recreation ¹	O	O	O	O	O	P	P	P	P	P	P
Outdoor commercial recreation ¹	O	O	O	O	O	O	O	P	O	O	O
Sportsman's club, game preserve ¹	O	O	O	O	O	O	P	P	P	P	P
Public Stables ¹	O	O	A	A	O	O	O	O	O	O	O
<u>BUSINESS USES</u>											
Business or Professional Offices ¹	O	O	O	O	P	P	P	P	P	P	P
Professional Buildings ¹	O	O	O	O	P	P	P	P	P	P	P
Financial Institution ¹	O	O	O	O	S	P	P	P	P	P	P
Check Cashing Facility	O	O	O	O	O	O	O	O	O	O	O
ATM, walk-up/drive-thru ¹	O	O	O	O	S	S	S	P	P	P	P
Computer Technology											
Research / Development ¹	O	O	O	O	P	O	O	O	P	P	P
Electronic Data Storage Centers ¹	O	O	O	O	P	O	O	O	P	P	P
Internet Service Providers ¹	O	O	O	O	P	O	O	O	P	P	P
Business Incubators (non-retail) ¹	O	O	O	O	P	O	O	O	O	P	O
Conference/Convention Center ¹	O	O	O	O	P	O	O	O	O	P	O
Food Service as Secondary Use ^{1,19}	O	O	O	O	S	O	O	O	O	P	O
<u>COMMERCIAL USES</u>											
Boarding or rooming house ¹	O	O	O	O	O	A	A	O	O	O	O
Motel, hotel ¹	O	O	O	O	O	A	A	A	A	A	A
Adult Entertainment Enterprises ^{1,15}	O	O	O	O	O	O	O	O	O	A	A
Animal Kennel or Hospital ¹	O	O	A	A	O	O	P	P	P	P	P
Funeral Home ¹	O	O	O	O	O	P	P	P	P	P	P
Commercial Car Wash ^{1,2}	O	O	O	O	O	O	A	A	O	O	A
New Motor Vehicle/Boat sales/rental ¹	O	O	O	O	O	O	P	P	A	P	P
Used Motor Vehicle/Boat sales/rental ^{1,20}	O	O	O	O	O	O	A	A	A	A	A
Motor Vehicle/Boat service/repair ^{1,20}	O	O	O	O	O	O	A	A	A	A	A
Printing Shop ¹	O	O	O	O	O	P	P	P	P	P	P
Restaurant ¹	O	O	O	O	O	P	P	P	P	P	P
Retail sales or service ¹	O	O	O	O	O	P	P	P	P	P	P
Wholesaling without storage	O	O	O	O	O	P	P	P	P	P	P
Wholesaling with storage ¹	O	O	O	O	O	O	P	P	P	P	P
Flea Market ¹	O	O	O	O	O	O	O	A	A	A	O
Transportation Terminal ¹	O	O	O	O	O	O	P	P	P	P	P
Attendant-Service Gasoline Stations ¹	O	O	O	O	O	A	A	A	A	A	A
Self-Service Gasoline Stations	O	O	O	O	O	O	O	O	O	O	O
Massage Parlor	O	O	O	O	O	O	O	O	O	O	O
Juice Bars	O	O	O	O	O	O	O	O	O	O	O
Drive Through Windows	O	O	O	O	S	S	S	P	P	P	P

2.3 Use Regulation Schedule. (continued)

ACTIVITY OR USE	DISTRICT										
	RA	RB	RC	RD	BP	CA	CB	CC	IA	IB	IC
<u>INDUSTRIAL USES</u>											
Manufacturing, processing, research ¹	O	O	O	O	O	O	O	A	P	P	P
Asphalt Plants ¹⁸	O	O	O	O	O	O	O	O	O	O	O
Bulk storage ¹	O	O	O	O	O	O	O	O	P	P	P
Contractors yard ¹	O	O	O	O	O	O	O	O	P	P	P
Granite Quarrying	O	A	A	A	O	O	O	O	P	P	P
Earth Removal ³	O	A	A	A	O	O	A	A	A	A	A
Junk Yard	O	O	O	O	O	O	O	O	O	A	O
Warehouses ¹	O	O	O	O	O	O	O	P	P	P	P
Radio Transmission	O	O	O	O	P	O	O	O	P	P	P
Steam Laundry or Dry Cleaning Plant ¹	O	O	O	O	O	O	O	O	P	P	P
Hazardous Waste Facility	O	O	O	O	O	O	O	O	S	S	S
Gas fueled power generation plant	O	O	O	O	O	O	O	O	O	A	O
Power generation plant fueled by oil, coal or fuel other than gas	O	O	O	O	O	O	O	O	O	O	O
<u>OTHER PRINCIPAL USES</u>											
Temporary structures	P	P	P	P	P	P	P	P	P	P	P
Airport	O	O	O	O	O	O	O	O	O	O	O
Helistop ¹	O	O	O	O	P	O	O	O	P	P	P
Wireless Communications Link ¹⁷											
Indoor ¹	P	P	P	P	P	P	P	P	P	P	P
Building Mounted	A	A	A	A	A	A	A	A	A	A	A
Free Standing	O	O	O	O	A	O	O	A	A	A	A
<u>ACCESSORY USES</u>											
Home occupation (see Section 3.3)	P	P	P	P	O	P	P	P	P	P	P
Off-Street Parking:											
2 non-commercial vehicles per dwelling unit ^{6,7}	P	P	P	P	O	P	P	P	P	P	P
1 commercial vehicle not over 1 ½ ton ⁶	P	P	P	P	O	P	P	P	P	P	P
Residential animals	A	A	A	A	O	O	A	A	A	A	O
Scientific Research ⁸	A	A	A	A	A	A	A	A	A	A	A
Supplemental Apartment ⁹	A	A	A	A	A	A	A	A	A	A	A
Above Ground Storage Tanks ^{1,13}	O	O	O	O	P	O	P	P	P	P	P

¹ Subject to Site Plan Review in accordance with Section 1.15, above.

² Provided that the Board of Appeals specifically finds that there is adequate drainage of water and chemicals, and that no drainage will adversely affect the environment.

³ See Section 3.7

⁴ Clubs and lodges, the chief activity of which is customarily carried on as a business, are prohibited in any residential zoning district.

⁵ On Special Permit, issued by the Board of Appeals, a trailer may be temporarily occupied by persons engaged in the erection or construction of their own dwelling on the same premises for a period not to exceed one year. A trailer may be temporarily occupied by persons who are engaged in the repair of their own dwelling after such dwelling was damaged by fire, storm or other causes, if the trailer so occupied is located on the same premises as the damaged dwelling. Such occupancy shall not exceed six months; however, that period may be extended for not more than an additional six months by the Building Commissioner for good cause shown.

⁶ Off-street parking customarily incidental to a residential use only.

⁷ Increase to 4 non-commercial vehicles for a detached single-family house.

⁸ Only if such use is accessory to activities which are permitted as a matter of right, and only if the Board of Appeals specifically finds that such use does not substantially derogate from the public good.

⁹ Any Special Permit issued shall lapse in the event that title to the principal building in which the supplemental apartment is created is transferred from the owner of said principal building at the time of issuance to any other person not his spouse. Any such Special Permit shall lapse within three years of the date on which it is granted, subject to renewal.

¹⁰ Trailers may be authorized accessory to temporary recreational uses otherwise authorized by the Board of Selectmen and temporarily in connection with on-going construction projects. Upon Special Permit issued by the Board of Appeals, a trailer may be utilized as an accessory structure (and use) to a primary hospital use.

¹¹ All structures and activity areas appurtenant to the primary use shall be located at least 100 feet from abutting residentially zoned or utilized land.

¹² See Section 3.12 for standards of development for congregate retirement living facilities.

¹³ Above Ground Storage Tanks shall be subject to the setback regulations of the applicable district, and shall be adequately screened.

¹⁴ An Assisted Living Facility shall not be developed on a site unless the site is serviced by municipal sanitary sewage facilities. An Assisted Living Facility shall not be developed in a building which houses a commercial, industrial or retail activity, unless such activity is otherwise permitted in the underlying district, or, if not otherwise permitted, is for the convenience of the residents and is accessible only from inside the facility, and in either case, only as such uses are specifically permitted by decision of the special permit granting authority.

¹⁵ Adult Entertainment Enterprises subject to the requirements of Section 3.14 herein.

¹⁶ This restriction is limited to Games of Chance or similar entertainment or amusement operated through audio or video broadcast or closed circuit transmission, except at an establishment that possesses an All Alcoholic or Wine and Malt License pursuant to M.G.L. c.138, Section 12.

¹⁷ Subject to the provisions of Article VIII.

¹⁸ On Special Permit issued by the Zoning Board of Appeals, Portable Asphalt Plants may be erected and operated on a temporary basis as may be required in conjunction with site development in the IB and IC Zoning Districts.

¹⁹ Food service including indoor restaurants may be permitted as secondary (i.e. accessory) uses but only within a building occupied by a principal permitted use and only by Special Permit issued by the Planning Board. Hours of operation of such use shall be limited to between 6:00 a.m. and 6:00 p.m.

²⁰ Permitted without special permit only as an accessory use to, and on the same premises as a New Motor Vehicle dealership.

²¹ Two-family Dwellings on lots of 12,000-16,000 sq.ft. of area require a special permit as per Section 3.13 herein. Two-family Dwellings on lots of 16,000 sq.ft. of area or greater are allowed as of right.

2.4 Intensity of Use Regulations

2.4.1 All buildings hereinafter erected in any district shall be located on a lot such that all the minimum requirements set forth in the following table are conformed with, except where specifically exempted by this By-Law or by the General Laws.

2.4.2 No existing lot shall be changed in size or shape except through a public taking so as to result in violation of the requirements set forth below.

2.4.3 Certain lots are exempted from some of these requirement under the provisions of Section 1.16 of this By-Law.

2.4.4 Number of Buildings Per Lot:

2.4.4.1 In Residential Districts only one principal permitted building shall be located on a single lot, unless otherwise specifically provided for herein.

2.4.4.2 Within All Other Districts any number of principal permitted buildings may be located on a single lot provided, however, that all requirements for the district in which such buildings are located are met, including maximum building coverage and minimum open space.

2.4.5 Any lot on which more than one dwelling legally existed at the time of adoption of this provision may be divided and sold to separate owners provided that such division be made so as to create the minimum of non-conformance, and provided that each resulting lot contains a dwelling.

2.4.6 No sign, opaque fence, hedge, or similar obstruction located within a required yard shall be permitted to block vision at eye level ($2\frac{1}{2}$ to 8 feet above street grade) between streets within 20 feet or less from their intersection.

2.4.7 Sight - Obstructing fences or walls exceeding six feet in height, not including retaining walls, must observe yard requirements for a building. No fence or hedge which obstructs vision shall exceed 42 inches in height within 20 feet of a street right-of-way.

2.4.8 Notwithstanding any other set-back requirement or other provision of the By-Law, there shall be minimum set-back requirement for any structure from a freshwater wetland, pond, stream or detention area as set forth below for various zoning districts. Freshwater wetland, pond and stream, and their limits, shall be defined and determined in accordance with M.G.L. c.131, Section 40 and the regulations adopted thereunder. A detention area is defined as an area, either man-made or natural, which has been designated to detain or retain rainfall runoff. The limits of a detention area shall be the high mark which occurs during a 100 year storm event. This elevation shall be determined by a Registered Engineer using acceptable methods of calculation.

All Residential Districts:	25 feet
All Commercial Districts:	15 feet
All Industrial Districts:	15 feet

2.4.9 Lot Shape Factor/Residential Districts: To meet the minimum area requirements in Residential Districts, a lot must be a closed plot of land having a definite area and perimeter and having a Lot Shape Factor not exceeding the numerical value of 22 in the RA, RB and RC Districts, or the numerical value of

30 in the RD District, except that a lot may have a shape factor exceeding said numerical value if the proposed building site is located on a portion of a lot that itself meets the minimum lot area requirement and has a shape factor not exceeding said numerical value and such lots shall not be created to a depth greater than two (2) lots from the principal way. The Lot Shape Factor shall be the numerical value resulting from: (a) division of the square of the perimeter in feet of a lot by the area in square feet thereof; or (b) division of the square of the perimeter in feet of that portion of a lot intended as the site for building by the area in square feet thereof.

2.5 Intensity of Use Schedule.

<u>INTENSITY OF USE</u>	<u>DISTRICT</u>										
	<u>RA</u>	<u>RB</u>	<u>RC</u>	<u>RD</u>	<u>BP</u>	<u>CA</u>	<u>CB</u>	<u>CC</u>	<u>IA</u>	<u>IB</u>	<u>IC</u>
<u>MIN. LOT REQUIREMENTS</u>											
Area, total or first dwelling unit (1000 s.f.)	8	15	45	87	--	0 ^a	0 ^a	--	--	80	0 ^a
Area, two-family (1000 s.f.)	12 ^h	--	--	--	--	0 ^a	0 ^a	--	--	--	0 ^a
Width (l.f.)	80	100	140	140	--	0 ^a	0 ^a	--	--	250	0 ^a
Width, two family	100	--	--	--	--	0 ^a	0 ^a	--	--	--	0 ^a
Frontage (l.f.)	80	90	120	120	--	0 ^a	0 ^a	--	--	230	0 ^a
Frontage, two family	100	--	--	--	--	0 ^a	0 ^a	--	--	--	0 ^a
<u>MIN. YARD REQUIREMENTS^g</u>											
Front (feet) ^b	25	30	30	30	25	0 ^a	25	55	25 ^d	50 ^d	25
Side (feet) ^b	10	15	20	20	0 ^c	0 ^{a,c}	10	0 ^c	20	25	10
Rear (feet)	15	25	30	30	0 ^c	0 ^{a,c}	15	30	20	30	15
<u>MAXIMUM BUILDING</u>											
Coverage (percent of lot area)	25	25	25	25	35	100	25	35	50	35	25
Ratio, gross floor area to lot area (F.A.R.)	--	--	--	--	.50	2.0.	5.0.	--	.50	.50	.50
Width	-- ⁱ	--	--	--	--	--	--	--	--	--	--
<u>MINIMUM OPEN SPACE</u>											
Per Dwelling Unit (s.f.) ^e	2000	--	--	--	--	500	2000	--	--	--	2000
Percent of lot area	--	--	--	--	20	--	20	20	--	20	20
<u>HEIGHT REQUIREMENTS^f</u>											
Maximum Height (feet) ^f	35	35	35	35	60	60	60	60	60	60	60
Maximum number of stories (whichever is less)	2	2 ^{1/2}	2 ^{1/2}	2 ^{1/2}	5	5	5	5	5	5	5

^a Permitted residences must comply with requirements for the RA District.

^b Through lots must maintain front yard requirements for both frontages. On through lots, all yards other than the front yards shall be construed to be side yards. Corner lots must maintain front yard requirements for all frontages. On corner lots, the remaining yard(s) shall be construed to be side yards.

^c Increase to 20 feet when abutting a residence or residential zone.

^d No employee parking to be located within required yard area.

^e Does not apply to lots exempted from area requirements by Section 1.16 of this By-Law.

^f The height requirements shall not apply to farm buildings, chimneys, church spires, flag poles, or public monuments; provided, however, that the special permit granting authority may specify a height limit for any such structure where the use of such structure is permitted only upon the issuance of a Special Permit.

^g Permitted signs shall not be subject to the minimum yard requirements herein. The provisions of Section 2.4.6 shall be applicable with regard to sign location.

^h Two-family Dwellings on lots of 12,000-16,000 sq.ft. of area require a special permit as per Section 3.13 herein. Two-family Dwellings on lots of 16,000 sq.ft. of area or greater are allowed as of right.

ⁱ Maximum building width for two-family dwellings on lots of 16,000 sq.ft. of area or larger shall be 60'.

ARTICLE III GENERAL REGULATIONS

3.1 Non-Conforming Uses and Structures - The lawful use of any structure or land existing at the time of the enactment or subsequent amendment of this By-Law may be continued although such structure or use does not conform with the provisions of this By-Law, subject to the following conditions and exceptions:)

3.1.1 Non-Use - Non-conforming uses which have not been in operation for two consecutive years shall not be re-established, and any future use shall conform with the provisions of this By-Law provided, however, that non-conforming uses which have not been in operation for a period of two consecutive years, but which use has not been abandoned, may be re-established in accordance with Section 3.1, above, upon the issuance of a Special Permit by the Board of Appeals. A non-conforming use shall be considered abandoned when the intent of the owner to discontinue the use is apparent.

3.1.2 Restoration - No non-conforming structure damaged by fire, storm or other catastrophe to the extent of more than 75% of its replacement value as determined by the Building Commissioner shall be repaired or rebuilt except upon issuance of a Special Permit by the Board of Appeals authorizing such repair or rebuilding.

3.1.3 Extensions - Any non-conforming structure or use may be extended, altered or structurally changed upon the issuance of a Special Permit by the Board of Appeals. No such Special Permit shall be issued unless the Board of Appeals shall specifically find that such extension, alteration or change shall not be substantially more detrimental to the neighborhood than the existing non-conforming structure. Single-family or two-family non-conforming residential structures and accessory buildings, other than trailers, may be extended, altered, structurally changed or restored without limitation, and without a Special Permit, provided that such action doesn't increase the non-conforming nature of said structure and does not involve the construction or erection of any building within any front, side or rear yard required for such structure at the time of its original construction and, if none were so required, within any front, side or rear yard required by this By-Law as follows: Lots of 10,000 square feet or less, the yard requirements specified for the RA District; lots of between 10,001 square feet and 20,000 square feet, the yard requirements of the RB District; lots greater than 20,000 square feet; the yard requirements for the RC District. In the event that such a single-family or two-family residential structure is located within such specified minimum front, side or rear yard area, it may nonetheless be extended within such specified area if the extension is consistent with the existing building line, upon the issuance of a Special Permit by the Board of Appeals.

3.1.4 Non-conforming Uses - The non-conforming use of land or a building may be replaced by another non-conforming use upon the issuance of a Special Permit by the Board of Appeals. No such Special Permit shall be issued by the Board of Appeals unless the Board of Appeals shall specifically find that the replacement use shall not be substantially more detrimental to the neighborhood than the existing use. Once the non-conforming use of land or a structure is brought into conformity with this By-Law, such land or structure shall not revert to any non-conforming use.

3.1.5 Conforming Uses in Non-Conforming Structures or Sites - The change of use of a site or structure, which site or structure does not conform to the Intensity of Use requirements of Section 2.5 herein, is permitted without Special Permit provided that the proposed use is permitted in the subject zoning district.

3.2 Accessory Buildings and Uses.

3.2.1 Accessory Building - No accessory building or structure, except a permitted sign or a roadside stand, shall be located within a required front, side, or rear yard area.

3.2.2 Accessory Use - Customary accessory uses are permitted except as specifically restricted in Article II or elsewhere. Uses shall not be considered "accessory" if they occupy more than 30% of the floor area or more than 50% of the land area on any lot.

3.2.3 Swimming Pools - Notwithstanding the above, a swimming pool (private) may be allowed within the required rear and side yards provided that no swimming pool may be allowed closer to the property line than one-half (50%) of the required set-back.

The swimming pool shall be completely enclosed by a fence five (5) feet in height having a self-closing gate with a latch. The construction of said fence shall not apply to above-ground pools.

Any exterior lighting for pool use shall not exceed 45 degrees in vertical distance from the pool deck, and shall not illuminate any lot other than that in which the pool is considered a structure.

3.2.4 Sheds - Notwithstanding the above, a shed may be allowed within the required rear and side yards and provided that no shed may be allowed closer to the property line than one-half (50%) of the required set-back.

3.2.5 No trailer or other vehicle may be utilized for commercial purposes (other than active transportation) or as a base for conduct of retail sales from any fixed location(s) within any district. This prohibition shall not be deemed to affect those vehicles which customarily and on a seasonal basis move throughout the Town, stopping randomly to make sales and moving on again.

3.2.5.1 Notwithstanding the foregoing, portable warehouses may be utilized in commercial and industrial districts upon the issuance of a Special Permit by the Zoning Board of Appeals pursuant to Section 1.10 and so long as such portable warehouse is used for storage only, is not placed within the front yard setback, and complies with all intensity requirements of Section 2.5. Portable warehouses which might be in place and utilized on the effective date of this section are in place in violation of Section 3.2.5 above and are not deemed to be non-conforming pursuant to G. L. c.40A, Section 6 or applicable provisions of this By-Law.

3.2.5.2 Further notwithstanding the foregoing, portable warehouses/storage containers utilized in conjunction with permitted contractor's yards and portable warehouse/storage container leasing and sales facilities may be permitted without a Special Permit provided they are not placed within the front yard setback.

3.3 Home Occupations - A business or profession may be engaged within a dwelling unit only by a permanent resident thereof as an accessory use if the following conditions are met:

3.3.1 No more than twenty-five percent of the floor area of the dwelling shall be used for the business or profession.

3.3.2 Not more than one person not a member of the household shall be employed on the premises in the home occupation.

3.3.3 There shall be no exterior display, no exterior storage of materials, and no other exterior indication of the home occupation or other variation from the residential character of the principal building other than an unlighted sign not to exceed two square feet in area.

3.3.4 No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced (See Section 3.6), nor shall other nuisance or hazard be created.

3.3.5 Traffic generated shall not exceed volumes normally expected in a residential neighborhood.

3.3.6 The parking generated shall be accommodated off-street, but not more than two spaces shall be in required front yard, and all spaces shall not occupy more than 35% of lot area.

3.3.7 Such home occupation shall not include barber shops, beauty parlors, commercial kennels, or the sale of articles produced off the premises; provided, however, a barber shop or beauty parlor may be allowed upon the issuance of a special permit by the Board of Appeals.

3.3.8 A home occupation permit shall be issued by the Building Commissioner. Such permit shall be issued for a period not to exceed three years, and shall be renewable upon application filed with the Commissioner.

3.4 Parking Requirements - The following requirements shall apply to all premises in all districts except the CA district which is exempt. Adequate off-street parking must be provided on paved surfaces to service all parking demands created by new structures or uses, additions to existing structures or uses, and changes of use in existing structures. Such parking shall be on the same lot as the activity or use it services. Paved surfaces shall be constructed in accordance with the standards set forth in Article VI Section D.5 of the Milford Rules and Regulations Relating to the Subdivision of Land.

3.4.1 Number of Spaces

3.4.1(a) Table of Off-Street Parking Requirements

TYPE OF USE	MINIMUM NUMBER OF PARKING SPACES TO BE PROVIDED
AGRICULTURAL USES	
Agricultural use such as greenhouses, nurseries, roadside stands:	One space per 1,000 square feet of display area whether indoors or outdoors, plus 1 space per employee based on the largest work shift; however, there shall be a minimum of 5 spaces.
COMMERCIAL USES	
Office Uses (except as otherwise classified)	4 spaces per 1,000 square feet of Gross Floor Area (GFA) for GFA up to 30,000 square feet, plus 3 spaces per 1,000 square feet of GFA for GFA over 30,000 square feet.
Banks, savings and loans, credit unions, currency exchanges	1 space per 150 square feet of area devoted to customer service, plus 1 space per 250 square feet of remaining GFA.
Medical Offices, including veterinary facilities	6 spaces per 1,000 square feet of GFA for GFA up to 5,000 square feet, plus 5.5 spaces per 1,000 square feet of GFA for GFA over 5,000 square feet.
Retail Business	5 spaces per 1,000 square feet of GFA for GFA up to 200,000 square feet, plus 4.5 spaces per 1,000 square feet of GFA for GFA over 200,000 square feet.
Barber and hairdressing shops	1.5 spaces per chair, plus one space per employee
Funeral Home	One space for each four seats, or 100 square feet of floor space, whichever is the greater requirement

3.4.1(a) Table of Off-Street Parking Requirements (cont.)

TYPE OF USE	MINIMUM NUMBER OF PARKING SPACES TO BE PROVIDED
COMMERCIAL USES (continued)	
Automotive sales and/or service facility:	1 space per 400 square feet of GFA interior sales and office space, plus 2 spaces per service bay, plus 1 space per 5,000 square feet of external display area; however there shall be a minimum of 4 spaces.
Restaurant with drive-through window	1 space per 3 seats, plus 1 space per 50 square feet of non-seating floor area accessible to the general public, plus 1 space per employee on the maximum shift
Restaurant without drive-through window	One space for each 3 seats, or 100 square feet of GFA, whichever is the greater requirement
INDUSTRIAL USES	
Industrial and wholesale uses, including research and development, design, testing and product repair, excluding related offices:	1 space per employee for facilities with 1 shift or 1.2 spaces per employee for facilities with multiple shifts.
Executive, administrative and other office uses which are ancillary to, and located on the same premises as, an industrial or wholesale facility; such office not involving regular visits of clients or customer's to obtain services on the premises:	3.5 spaces for each 1000 square feet of office floor space
Contractors yard	1 space for each employee plus 3.5 spaces for each 1,000 square feet of office space
INSTITUTIONAL USES	
Municipal Use	To be individually determined by the Building Commissioner
Religious Use	One space for each four seats, or 100 square feet of floor space in the largest assembly area, whichever is the greater requirement
Hospital	Four spaces for each 800 square feet of floor area plus one space for each two employees
Nursing, convalescent or rest home	1 space per every 3 beds
Assisted Living Facility	1 space per every 3 beds
Club or lodge	One space for each four seats, or 100 square feet of floor space in the largest assembly area, whichever is the greater requirement
Adult Day Care Facility	One space for each employee plus one loading and unloading space to accommodate a van or bus for every 25 (or fraction thereof) persons of licensed capacity, plus waiting spaces to accommodate automobiles for at least 5% of licensed capacity but no less than 2 spaces, plus 1 space for each van that is on the site waiting between service trips
RECREATIONAL USES	
Movie Theater	1 space per 2 seats
Bowling Alleys	Four spaces for each alley
RESIDENTIAL USES	
Dwellings:	Two spaces per dwelling unit
Boarding or rooming house	One space for each sleeping room, but not less than 0.5 space per bed.
Motel, hotel	1.1 spaces per guest unit, plus additional spaces as required under restaurant or assembly spaces
OTHER USES	
Places of Assembly (except as otherwise classified)	One space for each four seats, or 100 square feet of floor space in the largest assembly area, whichever is the greater requirement
All Other Permitted Use	As needed

3.4.1(b) Standards for Computation:

3.4.1(b)1. Fraction of a Space: Where the number of spaces is expressed as a ratio to dwelling units, floor area, beds, employees, etc., any fraction thereof shall require one parking space but after the first such parking space only a fraction of one half or greater shall require an additional space.

3.4.1(b)2. Commercial Vehicles: One (1) additional off-street parking space shall be required for each commercial vehicle directly associated with a use and typically stored overnight on the premises. This provision does not apply to vehicles offered for sale or lease.

3.4.1(b)3. Shared Parking: Notwithstanding any other parking requirements set forth in this Article for individual land uses, when any land or building is used for two or more distinguishable purposes, the minimum total number of parking spaces required to serve the combination of all uses may be reduced by up to 20 percent, determined in the following manner:

Multiply the minimum parking requirement for each individual use by the appropriate percentage (as set forth below in the Parking Credit Schedule Chart) for each of the designated time periods and then add the resulting sums for each vertical column. The column total having the highest total value is the minimum shared parking space requirement for that combination of land uses.

PARKING CREDIT SCHEDULE CHART

Uses	Weekday-Day 7:00 AM to 5:00 PM (percent)	Weekday-Evening 5:00 PM to Midnight (percent)	Weekend-Day 6:00 AM to 6:00 PM (percent)	Weekend-Evening 6:00 PM to Midnight (percent)
Residential	60%	100%	80%	100%
Office	100%	10%	10%	5%
Commercial Retail	80%	90%	100%	70%
Hotel	70%	100%	70%	100%
Restaurant	50%	100%	50%	100%
Restaurant associated with a hotel	50%	60%	50%	60%
Entertainment/recreation (theaters, bowling alleys, cocktail lounge and similar)	40%	100%	80%	100%
All other	100%	100%	100%	100%

3.4.1(b)4. Where the requirement is stated “as needed”, the Site Plan shall include an estimate of the number of parking spaces required to serve the use. The Planning Board shall determine whether the number is adequate and shall, if necessary, order that additional spaces be provided.

3.4.1(b)5. Where the requirement is based on the number of employees, the number of spaces shall be based on the number of employees working on the subject premises during the peak employment shift or period. Employees shall include contract workers, temporary workers, and volunteers.

3.4.1(b)6. Where the requirement is based on the number of seats and benches are provided rather than seats, each two lineal feet of bench shall equal one seat.

3.4.1(c) Off-Street Stacking Requirements: Off-street stacking for waiting automobiles between the street line and drive-thru service windows shall be provided based on the following minimum ratios:

3.4.1(c)1. Restaurant w/ Drive-Thru Service Window: 15 stacking spaces.

3.4.1(c)2. Drive-Thru Bank/ATM: 8 stacking spaces; 4 stacking spaces per service window if more than one service window provided.

3.4.1(c)3. Drug Store/Pharmacy Drive-Thru Prescription Service Window; Dry Cleaners/Laundry Drive-Thru Service Window: 2 stacking spaces per service window.

3.4.1(c)4. Drive-Thru Car Wash (Automated or Self Service): 10 stacking spaces; 4 stacking spaces per washing bay if more than one washing bay provided.

3.4.1(c)5. All other drive-thru service windows shall have 10 stacking spaces.

Stacking provisions shall also be made for at least two exiting automobiles between each service window and the street. Each stacking space shall be 20 feet in length, and such facilities shall be designed to not interrupt the smooth flow of traffic within the subject site. Dedicated stacking lanes shall be provided separate from any other drive aisle. Where access to such stacking lane is from an interior parking lot drive aisle rather than a street, the edge of the adjacent drive aisle shall be considered the street line."

3.4.2 Design

3.4.2(a) Standard parking spaces shall have dimensions of not less than nine (9) feet in width, and not less than eighteen (18) feet in length, exclusive of maneuvering and driving lanes. Parallel parking spaces shall have dimensions of not less than eight (8) feet in width and not less than twenty-two (22) feet in length.

3.4.2(b) Maneuvering and driving lanes shall conform to the following dimensions:

Angle of Parking	Maneuvering Aisle Width (one-way traffic)	Maneuvering Aisle Width (two-way traffic)
Parallel parking	12'0"	24'0"
45 degree	13'0"	Not allowed
50 - 60 degree	15'0"	Not allowed
65 - 75 degree	18'0"	24'0"
80 - 90 degree	24'0"	24'0"

3.4.2(c) Trailers, Boats, and oversized vehicles: In cases where the parking of trailers, boats, or vehicles exceeding eight (8) feet in width or twenty (20) feet in length is anticipated in connection with a proposed use, stalls for the parking of such vehicles shall be of such dimensions as to accommodate the specified type of vehicle.

3.4.2(d) Structural Obstructions. Where columns of a building or structure are located in a parking area, no part of a column may be within three (3) feet of a maneuvering aisle. No obstruction shall be within the minimum dimensions of a parking space except that a column or light pole may be encroach no more than 24" from the front of the space and 24" from the side of the space.

3.4.2(e) Clearance and Grade: All parking spaces shall have a minimum vertical clearance of seven (7) feet and a maximum slope of 5.5 percent.

3.4.3 Handicapped Parking – Handicapped parking and associated signage shall be provided in accordance with 521 CMR, Rules and Regulations of the Architectural Access Board, as amended.

3.4.4 For parking areas of 8 cars or more, the following shall apply.

3.4.4(a) Not more than one entrance and one exit shall be permitted onto a street from any parking area per 200 feet of frontage or fraction thereof in a commercial district and per 300 feet of frontage or fraction thereof in other districts. Each entrance and exit shall not be more than thirty feet in width.

3.4.4(b) Open off-street parking areas which are located within or adjacent to a residential district or use shall be screened from all adjoining lots residentially used or zoned by either:

3.4.4(b)(1) A strip of land at least four feet wide densely planted with shrubs or trees which are at least four feet high at the time of planting and which are of a type that may be expected to form a year-round dense screen at least six feet high within three years, or

3.4.4(b)(2) A solid wall or fence of uniform appearance not less than four feet or more than six feet in height.

3.4.4(c) Parking area use shall not require backing onto a public way.

3.4.4(d) Landscaping requirements: Parking lots for eight (8) or more cars, except in the CA district, shall be subject to the following landscaping requirements:

3.4.4(d)(1) Landscaped Buffer Strips:

Landscaped buffer strips between the parking lot and the street shall be not less than fifteen (15) feet in depth.

These buffer strips shall contain plant materials characterized by dense growth or a combination of such plant materials, trees, natural landforms and other landscape features, such as stone walls. Plant materials may be required to be at least 5 feet in height at planting except in areas that impact egress site distances. Plant materials when planted may be less than 5 feet in height but not less than 3 feet in height if of a species or variety which shall attain the required height within 3 years of planting.

At least one (1) tree, of 2" caliper or larger, shall be provided per twenty-seven (27) linear feet of street frontage or portion thereof. There shall be a minimum of three (3) trees in the entire buffer strip. Trees may be evenly spaced or grouped. Groups of trees shall be spaced no further apart than fifty (50) feet. At least two (2) shrubs shall be provided per one hundred (100) square feet of landscaped area in the buffer strip.

3.4.4(d)(2) All banks exceeding 15 degrees slope resulting from parking lot grading shall either be retained with a retaining wall or covered with topsoil to a depth of 4" minimum and planted with vegetative cover sufficient to prevent erosion.

3.4.4(d)(3) All artificial lighting shall be arranged and shielded so as to prevent direct glare from the light source onto any public way or any other property. Fixtures installed on poles within 30 feet of a lot or site boundary shall be equipped with cut-offs to minimize off-site impact. All light poles located within parking lots shall be at least three (3) feet from any maneuvering aisle or driving lane.

3.4.4(d)(4) Landscaping Within Off-Street Parking Areas: For parking lots with 40 or more parking spaces, at least ten (10) percent of the calculated area within the parking lot shall be set aside for landscaped area. The landscaped area shall be calculated based upon and provided within the parking lot area defined by the outermost perimeter edge of pavement or curbing that is associated with the parking lot, encompassing all the parking spaces and maneuvering aisles within the parking lot, but excluding the area of driveways that may provide access to the parking lot from off the lot or site. The landscape area shall be provided within this defined area whenever feasible. The landscape area may be allowed outside the defined area only when, as determined by the Planning Board, the size, shape and layout of the parking area render location within unfeasible.

3.4.4(d)(4)(a) The minimum size (area) of each individual landscaped area within a parking lot shall be a minimum average width of eight (8) feet and have a minimum area of one hundred fifty (150) square feet. The minimum area of individual landscaped areas shall be calculated excluding any curbing or other edging material greater than four (4) inches in width. A landscaped area may be up to thirty-three per cent (33%) impervious surface, provided that all such area is used for pedestrian walkways and that such walkways are adequately buffered from the parking areas.

3.4.4(d)(4)(b) The landscaped area within a parking lot shall include not less than one tree for every ten (10) parking spaces. All trees shall be a minimum of 2" caliper.

3.4.4(d)(4)(c) The landscaped area within a parking lot shall be provided such that no continuous line of adjoining parking spaces contains more than twenty-five (25) parking spaces.

3.4.5 Yard Requirements - The pavement of any open off-street parking area, other than an area servicing a single-family or two-family residential use, shall not extend into the side or rear yard setbacks required by this By-Law for the district in which such area is located, if such area is located within or adjacent to a residential district or use.

3.4.6 Exemptions.

3.4.6.1 Any required off-street parking area may be provided on a lot which adjoins the lot on which the activity or use it services is located (a) if said adjoining lot is held in common ownership with the principal lot; (b) if the owner of the principal lot has a right, enforceable in law or in equity, to utilize the adjoining lot as an off-street parking area and that right is evidenced by an appropriate instrument recorded in the Worcester District Registry of Deeds, or the Worcester Registry District; or (c) the Board of Appeals issues a Special Permit authorizing such use of the adjoining lot, which permit by its terms will lapse if the adjoining lot should become unavailable as an off-street parking area.

3.4.6.2 The number of spaces required by Section 3.4.1, above, may be reduced upon the issuance of a Special Permit by the Board of Appeals provided that each of the following conditions is met:

3.4.6.2(a) There exists sufficient area on the lot for which the Special Permit is sought to construct an off-street parking area in strict compliance with this By-Law.

3.4.6.2(b) The parking which will be generated by the proposed use or activity will not demand the number of spaces specified in Section 3.4.1, above.

3.4.6.2(c) The Special Permit shall lapse within one year of the date on which it is granted, subject to renewal.

3.4.6.2(d) If the Special Permit does lapse, and is not renewed, the provisions of this By-Law relating to the number of parking spaces shall be met.

3.4.6.2(e) Any renewal of such a Special Permit shall lapse within three years of the date on which it is issued, subject to renewal.

3.4.6.3 The parking requirements of this By-Law shall not apply to the change of use of

non-conforming premises or to an addition to a non-conforming structure for either of which a Special Permit is issued by the Board of Appeals.

3.5 Loading Requirements - Adequate off-street loading facilities and space must be provided to service all loading needs created by new construction, whether through new structures or additions to old ones, and by change of use of existing structures, except that any isolated lot or combination of contiguous lots in the CA district under common ownership totaling less than 20,000 square feet shall be exempted. Facilities shall be so sized and arranged that no trucks need back onto or off of a public way, or be parked on a public way while loading, unloading, or waiting to do so.

3.6 Noise, Litter and Smoke Standards.

3.6.1 No activity shall be permitted in any district unless it can be demonstrated that its operation will be so conducted that the following standards will be met.

3.6.2 No noise, sound from public address or other amplification systems, vibration, or flashing shall be normally perceptible more than 400 feet from the premises if in an industrial district, more than 100 feet from the premises if in a commercial district, and more than 20 feet from the premises if in a residential district. Interferences originating in an industrial district shall not normally be perceptible more than 150 feet within a commercial district, nor more than 100 feet within a residential district.

3.6.3 Cinders, dust, fumes, gases, odors, radiation, electromagnetic interference, or trash or other waste shall be effectively confined to the premises or disposed of.

3.6.4 Smoke density shall not exceed No. 2 of the Ringelmann scale for more than 10% of the time, and at no time shall exceed No. 3 on that scale.

3.6.5 Operation at any time such that these standards are violated, subsequent to issuance of a permit on the grounds that they would be met, shall constitute a zoning violation.

3.7 Earth Removal Regulations.

3.7.1 (General) - The removal of sod, peat, loam, humus, clay, sand or gravel forming a part of the real estate of the town, except when necessarily incidental to and in conjunction with the construction or demolition of a structure or other activity for which a permit has been issued within the past six months, or except when necessarily incidental to and in conjunction with the installation of municipal services in accordance with a plan approved by the Planning Board, or except when necessarily incidental to and in conjunction with the installation or maintenance of public services by the Town of Milford, the Commonwealth or any licensed public utility, or for grading or improving the premises of which such structure is a part, or on which such installation and maintenance work is performed, shall not be permitted except in accordance with the following conditions and procedures.

3.7.2 Permit from Board of Appeals - Written application for a permit must be made to the Board of Appeals. The Board of Appeals shall hold a public hearing, giving legal notice, prior to issuing a permit. The following shall be conditions for such issuance.

3.7.2.1 The application shall be accompanied by a plan showing existing grades in the area from which the above material is to be removed, and in surrounding areas, together with the proposed finished grades at the conclusion of the operation, and the proposed cover vegetation and trees.

3.7.2.2 A performance bond in an amount determined by the Board of Appeals has been posted in the name of the town assuring satisfactory performance in the fulfillment of the requirements of this By-Law and such other conditions as the Board of Appeals may impose as conditions to the issuance of its permit in the interests of safeguarding the district and the town against injury, the future use of the land after operations are completed, or to control the transportation of such material through the town. Upon failure to comply and forfeiture of the bond, monies therefrom shall be utilized by the town for the purpose of fulfilling these requirements.

3.7.2.3 A written agreement has been executed specifying compliance with all provisions of this By-Law and with such additional conditions as the Board of Appeals may require.

3.7.2.4 Before granting a permit, the Board of Appeals shall give due consideration to the location of the proposed earth removal, to the general character of the neighborhood surrounding such location, and to the general safety of the public on the public ways in the vicinity.

3.7.3 Removal - Removal operations shall be subject to the following conditions.

3.7.3.1 Removal shall not take place on any grade less than one foot above the grade level of any adjacent street or way, or below a level that would reasonably be considered a desirable grade for the later development of the area or below the grades specified on the plan accompanying the permit application.

3.7.3.2 During removal operations, no slope shall exceed one foot vertical rise to one and one-half foot horizontal distance or the natural angle of repose of the material in a dry state, whichever is the lower, except in ledge rock.

3.7.3.3 Provision shall be made for safe drainage of water, and for prevention of wind or water erosion carrying material onto adjoining properties.

3.7.3.4 Soil shall not be disturbed within one hundred feet of the boundaries of the premises, excepting at the conclusion of operations if required in order to improve the overall grading.

3.7.4 Restoration - Forthwith following the expiration or withdrawal of a permit, or upon voluntary cessation of operation, or upon completion of removal in a substantial area, that entire area shall be restored as follows:

3.7.4.1 All land shall be so graded that no slope exceeds one foot vertical rise in three feet horizontal distance and shall be so graded as to safely provide for drainage without erosion.

3.7.4.2 All boulders larger than one-half cubic yard shall be removed or buried.

3.7.4.3 The entire area excepting exposed ledge rock shall be covered with not less than four inches of good quality loam, which shall be planted with cover vegetation adequate to prevent soil erosion using either grasses or ground cover, depending upon conditions.

3.7.4.4 Bond shall not be released until sufficient time has lapsed to ascertain that the vegetation planted has successfully been established and that drainage is satisfactory.

3.7.5 Additional Conditions - The Board of Appeals may set conditions in addition to the above before issuance of a permit, including but not limited to: duration of the permit, hours of the day during which removal may be permitted, hours during which vehicles may be permitted to leave the premises, trees to be planted, and the use of covers on loaded vehicles.

3.7.6 Renewal or Revocation of Permit - A permit may be renewed only upon application and following a public hearing. Prior to renewal, inspection of the premises shall be made by the Building Commissioner to determine that the provisions of this By-Law are being complied with. The Board of Appeals, after hearing and proof of violation of the conditions of the agreement, of the permit, or of this By-Law, shall withdraw the permit, after which the operation shall be discontinued and the area restored in accordance with Section 3.7.4.

3.8 (Deleted Annual Town Meeting, Article 47, 1976).

3.9 Sign Regulations.

3.9.1 General Sign Prohibitions.

3.9.1.1 Signs, any part of which moves or flashes, or signs of the traveling light or animated type, and all beacons and flashing devices whether a part of, attached to, or apart from a sign are prohibited.

3.9.1.2 No signs shall be placed within a public way or on public property except with a permit from the Board of Selectmen.

3.9.1.3 No billboards or other non-accessory sign shall be erected. However, an off-premises directional sign, not in excess of forty square feet, may be allowed on special permit from the Board of Appeals.

3.9.1.4 Portable signs are prohibited, excepting the following:

3.9.1.4(a) Signs advertising real estate for sale or lease, placed only on the subject property.

3.9.1.4(b) Signs erected in connection with on-going construction work, only during said construction.

3.9.1.4(c) Political signs.

3.9.1.4(d) Portable signs, as defined herein, may be permitted for a period not to exceed thirty (30) days, upon the issuance of a permit by the Building Commissioner, only for the purpose of advertising a new business and only on the same site as said business is located and only until such time as the permanent sign for said business is installed, or 30 days, whichever is sooner. Said 30 day permit shall not be renewed. Said portable sign shall not be placed so as to obscure vision, as per subsection 2.4.6 herein. Existing portable signs must be removed within six (6) months from the effective date of this By-Law.

3.9.1.5 Changeable copy electronic message panels and/or signs displaying images or messages that change more than eight times a day and for less than one hour duration per each image or message displayed are prohibited, except that time and temperature signs shall not be considered changeable copy electronic message panels and/or signs. Changeable copy electronic message panels authorized by the Police Department for traffic control and/or safety purposes shall be exempt from this By-Law.

3.9.2 Sign Size Restrictions.

3.9.2.1 In the RA, RB, RC and RD Districts, the following accessory signs are permitted:

3.9.2.1(a) One sign for each family residing on the premises indicating the owner or occupant or pertaining to a permitted accessory use, provided that no sign shall exceed two square feet in area.

3.9.2.1(b) One sign not over nine square feet in area pertaining to permitted buildings and uses of the premises other than dwellings and their accessory uses.

3.9.2.1(c) One temporary unlighted sign not over six square feet in area pertaining to the sale, rent or lease of the premises.

3.9.2.1(d) Unlighted directional signs not exceeding one square foot in area pertaining to permitted buildings and uses of premises other than dwellings and their accessory use.

3.9.2.2 In the CA, CB CC, IA, IB and IC Districts, signs attached to a building are permitted provided that they aggregate not more than 20% of the wall area they are viewed with.

3.9.2.3 In the CA, CB, CC, IA, IB and IC Districts, free-standing signs are permitted provided that they aggregate not more than 100 square feet in. area.

3.9.2.4 The total area of all signs, either attached to a building or free-standing, shall aggregate not more than four square feet per foot of lot frontage on the street towards which they are oriented.

3.9.2.5 No free-standing signs are permitted which exceed thirty (30) feet in height. For the purpose of this Section 3.9.2.5, that thirty (30) foot limitation shall be vertical distance from the average finished grade of adjoining ground to the top of either the sign itself, or its supporting structure, whichever is higher.

3.10 Junk Cars - No person shall permit one or more unregistered motor vehicles to remain on his premises except for auto dealers holding First or Second Class licenses; or shall permit a disabled motor vehicle or parts thereof to remain on his premises, unless permission to do so is given in writing by the Board of Selectmen after an investigation and after a written report thereof by the Board of Health. In no event shall an unregistered motor vehicle be permitted to remain outside or to be stored outside in a front yard of a person's premises except in the case of auto dealers holding First or Second Class licenses; and in no event shall a disabled motor vehicle or parts thereof be permitted to remain outside or to be stored outside in a front yard of a person's premises.

The foregoing shall not apply to motor vehicles or parts thereof stored or garaged inside of buildings.

3.11 Housing for the Elderly - Multi-family dwellings, and accessory structures and facilities, which are constructed for or by, and operated and maintained by the Milford Housing Authority for use by the elderly, shall be permitted within any residential zoning district notwithstanding the provisions of Section 2.3, above. Such dwellings shall be permitted only upon the issuance of a Special Permit by the planning Board. No such Special Permit shall be issued by the Planning Board unless each of the following minimum requirements is met:

3.11(a) The lot area, building coverage, open space and height requirements for multi-family dwellings in the RA District, as specified in Section 2.5, above, shall be modified in their application to such multi-family dwellings for the elderly as follows:

Minimum Lot Requirements	
Area, total or first two dwelling units (1,000 s.f.).....	6
Area, each additional dwelling unit (1,000 s.f.).....	1
Width (l.f.).....	80
Frontage (l.f.).....	80
Minimum Yard Requirements	
Front (feet).....	30
Side (feet).....	20
Rear (feet).....	30
Maximum Building	
Coverage (percent of lot area).....	45
Minimum Open Space*	
Per dwelling unit (s.f.).....	400
Height Requirements	
Maximum Height (feet).....	40
Maximum Number of Stories (whichever is less).....	3

*Open Space, for purposes of Section 3.11 of this By-Law, shall consist of all unoccupied space free from all structures, parking and driveways appurtenant to said parking.

3.11(b) One-third parking space for each dwelling unit or fraction thereof.

3.11(c) The application for such permit is accompanied by a site plan, as specified in Section 1.15.2.1, above.

3.11(d) The Planning Board specifically finds that the activity for which the permit is sought will meet each of the conditions set forth in Section 1.15.6.2, above.

3.12 Congregate Retirement Living Facilities - Congregate Retirement Living Facilities may be developed in either the RB or RC districts within the Town of Milford subject to the issuance of a Special Permit from the Zoning Board of Appeals and subject to the approval of a site plan by the planning Board, all as per

Section 2.3, herein. Such developments shall comply with all applicable regulations provided herein. Said developments shall be serviced by the public sewer system.

3.12.1 Congregate Retirement Living Facilities shall provide the following amenities and services:

3.12.1(a) 24-hour on-site responsible staff person(s).

3.12.1(b) units may range from efficiency units to two bedroom units each having a private bath and each being equipped with a buzzer or other emergency call system linked to a central office which is manned 24 hours each day. All units shall be equipped with safety features such as non-skid bath tubs and grab bars in showers, tubs and near toilets.

3.12.1(c) an elevator, if the building is greater than one story in height.

3.12.1(d) kitchenettes in individual units.

3.12.1(e) a common dining area in which at least the main full meal shall be served each day.

3.12.1(f) laundry, housekeeping and personal services available as an option for those residents who desire such services.

3.12.1(g) laundry facilities for residents' personal use.

3.12.1(h) common indoor and outdoor passive recreational areas.

3.12.2 Congregate Retirement Living Facilities may provide the following services and amenities:

3.12.2(a) a kitchenette on each floor.

3.12.2(b) retail sales and services for the convenience of residents only, accessible only from inside the facility (except service entries). No exterior signs or other display for these sales and/or services shall be permitted.

3.12.2(c) recreational and activity areas, including, but not limited to, library, swimming pool, chapel, health club, infirmary, workshop.

3.12.2(d) transportation services.

3.12.3 Intensity of Use: A Congregate Retirement Living Facility shall not be developed on a site of less than 3 acres. The following intensity of use regulations shall apply.

Requirements	Lot Size		
	3 - 9.9 acres	10 - 19.9 acres	20 acres or more
Frontage & width	140'	140'	200'
Front yard setback	50'	50'	75'
Side & rear yard setback	75'	100'	200'
Max. bldg. coverage (percent of lot area)	25%	25%	25%
Ratio, gross floor area to lot area (F.A.R.)	.50	.50	.50
Minimum open space (percent of lot area)	50%	50%	50%
Max. height (feet)	35'	45'	60'
Max. no. of stories (whichever is less)	2-1/2	3-1/2	5

Parking requirements Adequate off-street parking shall be provided on paved surfaces to service demands. At a minimum, one space for each two dwelling units plus one space for each employee. Parking shall not be permitted within the required yard setback area.

3.12.4 A nursing home may be developed accessory to, and on the same site as, a congregate retirement living facility subject to the following:

3.12.4(a) all zoning requirements applicable to nursing homes must be observed.

3.12.4(b) parking for the nursing home and congregate retirement living facility shall be cumulative.

3.12.4(c) the distance between the buildings shall be, at a minimum, equal to the sum of their heights, unless they are connected. The nursing home shall be located on the site in such a manner that light and view is not obstructed for residents in the congregate retirement living facility.

3.12.4(d) the nursing home shall be specifically intended to accommodate those residents of the congregate retirement living facility when and if they are in need of the additional care provided by a nursing home. That is, adequate space shall be reserved in the nursing home such that no resident of the congregate retirement living facility shall be denied accommodations in the accessory nursing home. The contract or other agreement between the congregate retirement living facility and each resident shall specifically guarantee that such accommodations shall be provided upon request.

3.12.4(e) all other provisions of Section 3.12 shall be applicable.

3.12.5 The developer shall be required to provide a covenant or other document appropriate for recording which shall, at a minimum, assure that the congregate retirement living facility shall be developed in

accordance with all applicable provisions of the Zoning By-Law; and assure that all amenities agreed upon by the developer and the Planning Board shall be incorporated into the development prior to the issuance of the occupancy permit. This document shall be reviewed and approved by the Planning Board prior to their signing of the site plan. This document, together with the site plan, shall be recorded by the applicant at the Worcester District Registry of Deeds and a recorded copy of the documents shall be provided to the Planning Board prior to the issuance of a building permit. No occupancy permit shall be issued until the Building Commissioner has been notified by the Planning Board in writing that the congregate retirement living facility has been developed in accordance with the terms and conditions of the Special Permit, the site plan and the covenant.

3.13 Special Permit Standards/Two-family Dwellings - Two-family on lots of 12,000 - 16,000 sq.ft. of area require a special permit. Any new construction shall be visually compatible with the area in which it is proposed. In making this determination, the special permit granting authority shall consider, at minimum, all of the following elements:

- 3.13.1 Building compatibility (roof form, mass, scale and proportion) with adjacent properties, including placement of the building on the site.
- 3.13.2 Building relationship to the street, orientation of main entrance, garage and open off-street parking.
- 3.13.3 Site features, including driveway location, fences, landscaping and screening.
- 3.13.4 Two-family dwellings shall be constructed to have a common primary entrance.
- 3.13.5 Front yard setbacks may be the average of the setbacks on all adjacent lots on the same side of the street within the block, but in no case less than 15'.
- 3.13.6 The maximum building width shall be 50', measured parallel to the street.
- 3.13.7 Off-street parking of vehicles prohibited immediately in front of the dwelling between the dwelling and the street.
- 3.13.8 The area immediately in front of the dwelling between the dwelling and the street shall be landscaped.
- 3.13.9 A minimum of two trees (6' in height at installation) shall be planted in the front yard between the dwelling and the street.

3.14 Adult Entertainment Enterprises – It is the purpose and intent of this section of the zoning by-law, and other related sections thereof, to address and mitigate the secondary effects of the Adult Uses referenced therein, which include but are not limited to increased crime, adverse impacts on public health, safety and welfare, decreased property values and neighborhood blight, all of which have been relied upon in considering the enactment of this section of the zoning by-law and related sections.

It is neither the purpose nor intent of the Milford Zoning By-Law to impose a limitation on the content of any communicative matter or materials, including sexually oriented matter or materials unless such matter is prohibited or restricted by state or federal law. Similarly, it is not the purpose or intent of the Milford Zoning By-Law to restrict or deny access by adults to Adult Uses or Adult Entertainment Establishments or

to sexually oriented matter or materials that are protected by the Constitutions of the United States or of the Commonwealth of Massachusetts, nor to restrict or deny rights that distributors or exhibitors of such matter or materials may have to sell, rent, distribute or exhibit such matter or materials. Neither is it the purpose or intent of the Milford Zoning By-Law to authorize the sale, rental, distribution or exhibition of obscene or other illegal matter or materials.

Therefore, Adult Entertainment Enterprises shall be permitted by Special Permit subject to the following findings and conditions:

3.14.1 No merchandise or services prohibited as obscene and/or indecent shall be disseminated or available therein.

3.14.2 No pictures, publications, videotapes, movies, covers, or other implements, items or advertising that contains or depicts adult entertainment matter or materials or is otherwise erotic, prurient, or related to sexual activity shall be displayed in store windows or visible from areas used by the general public.

3.14.3 The permitted uses specifically exclude disseminating or offering to disseminate adult matter to minors, and suffering minors to view the display or linger in the store shall be deemed evidence of violation of this section.

3.14.4 No Adult Entertainment Enterprise shall be located within 400 feet of a Residential Zone, dwelling unit, school, place of worship, church, park, playground, youth center or another Adult Entertainment Enterprise.

3.14.5 Measurements to determine the separation requirements of Section 3.14.4 herein shall be taken from property lines. Where any portion of a lot is within a required separation, the entire lot shall be considered to be within the required separation.

3.14.6 Signage for Adult Entertainment Enterprises shall not contain any moving, flashing or animated lights, or visible moving or movable parts, and shall identify the name of the establishment but shall contain no advertisement in addition to that.

3.14.7 No Adult Entertainment Enterprise may display flashing lights visible from the outside of any building(s) upon the site of the Enterprise.

3.14.8 Hours and days of operation shall be established by the Special Permit Granting Authority.

3.14.9 No Special Permit under this section shall be issued to any person convicted of violating the provisions of Section 63 of Chapter 119 or Section 28 of Chapter 272 of the General Laws.

3.14.10 Special Permits granted under this section of the By-Law shall remain exclusively with the applicant, who shall be the owner or lessee of the premises described in the application. A Special permit shall terminate automatically on the date an applicant which is an owner alienates the title or an applicant which is a leaseholder alienates its leasehold interest in the premises.

3.14.11 The provisions of this section of the By-Law are severable and, if any of those provisions shall be held to be unconstitutional by any court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

3.14.12 Compliance with the provisions of Section 1.10, Sub-Sections 1.10.1(a) through (c) only.

3.14.13 Procedural Requirements: The following procedural requirements shall be applicable to any application for an Adult Entertainment Enterprise Special Permit:

- a. A Special Permit shall be issued only following a Public Hearing after the filing of an application.
- b. The Board shall act within 30 days following a Public Hearing for which notice has been given by publication and posting and by mailing to all parties in interest. Failure by the Board to take final action upon an application for a Special Permit within 90 days of the filing thereof shall be deemed to be a grant of the permit applied for.
- c. A Special Permit granted under this section shall lapse within one year, including such time required to pursue or await the determination of an appeal as referred to in Massachusetts General Laws, Chapter 40A, Section 17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause, or, in the case of a permit for construction, if construction has not begun by such date except for good cause.

ARTICLE IV DEFINITIONS

4.1 Definitions - In this By-Law the following terms, unless a contrary meaning is required by the context or is specifically prescribed, shall have the following meanings. Words used in the present tense include the future, and the plural includes the singular; the words "lot" includes the word "plot"; the word "building" includes the word "structure"; the word "shall" is intended to be mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied." The word "person" includes a corporation as well as an individual.

Accessory Building - A subordinate building, the use of which is customarily incidental to that of the principal building or of the land, and which is located on the same lot with the principal building or use.

Accessory Use - A use customarily incidental to that of the principal building or use of the land, and located on the same lot as such principal building or use.

Adult Day Care Facility – Premises for the non-resident care of three or more adult persons, as licensed by the Massachusetts Department of Medical Assistance.

Adult Entertainment Enterprises - Adult Entertainment Enterprises shall include the following uses: (1) Adult Bookstore: an establishment which has more than ten (10%) percent of its gross floor area or a substantial or significant portion of its stock-in-trade, books, magazines, and other matter which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L.A. Chapter 272, Section 31; (2) Adult Motion Picture Theater: a building used for presenting material distinguished by an emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L.A. Chapter 272, Section 31; (3) Adult Paraphernalia Store: an establishment which has more than ten (10%) percent of its gross floor area or a substantial or significant portion of its stock devices, objects, tools, or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in M.G.L.A. Chapter 272, Section 31; (4) Adult Video Store: an establishment which has more than ten (10%) percent of its gross floor area or a substantial or significant portion of its stock-in-trade, videos, movies or other film material which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L.A. Chapter 272, Section 31; (5) Adult Entertainment Establishment: an establishment which displays live nudity for its patrons or which provides live entertainment for its patrons, which entertainment includes the display of nudity, as that term is defined in Section 31 of Chapter 272 of the Massachusetts General Laws, including entertainment which features exotic dancers or strippers, male or female, or similar entertainers.

Alterations - As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities, or an enlargement whether by extending on a side or by increasing in height, or the moving from one location or position to another.

Animal Kennel or Hospital - A structure used for the harboring and/or care of three (3) or more dogs and cats that are more than three (3) months old or in the case of a commercial kennel or animal hospital, any other domestic animal that is being treated or boarded on a temporary basis.

Area Bordering Wetlands - Any land within either of the following (a) 100 feet horizontally from the bank of any wetland, estuary, creek, river, stream, pond or lake; or (b) 100 feet horizontally landward from the water elevation of the 100 year storm, or whatever is the greater distance of (a) or (b).

Assisted Living Facility - A facility providing assisted living in accordance with M.G.L. ch. 19D and as certified pursuant to said statute.

Boarding House - Any dwelling in which two persons, not members of the family dwelling on the premises, are housed or lodged for hire with or without meals in a room or suite which does not contain separate cooking facilities. A rooming house or a furnished rooming house, in which the rooms or suites of rooms in which the persons are housed or lodged for hire do not contain separate cooking facilities, shall be deemed a boarding house.

Building - An enclosed structure, either a principal building or shed, garage, stable, greenhouse, or other accessory building.

Building Coverage - That percentage of the lot area covered by the horizontal projection of the largest single floor area of the principal building plus all accessory buildings.

Buildings, Professional - A building or group of buildings used for the offices and facilities accessory to the practice of licensed medical practitioners, clergymen, lawyers, accountants, architects, engineers or other members of a recognized profession. For the purposes of this definition: (a) "licensed medical practitioners" shall include physicians, dentists, optometrists, ophthalmologists, Christian Science Practitioners, chiropractors, and persons engaged in all fields related generally to medicine, but not including veterinarians; (b) "other members of a recognized profession" shall not include persons whose use of such building or group of buildings involves manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair or storage of materials and products which are physically located on the premises; and (c) "professional buildings" shall not include a veterinary hospital, or in-patient health care facilities.

Bulk Storage - Exposed outside storage of sand, coal or other bulk materials, and bulk storage of liquids in tanks except underground as an accessory use. Bulk storage shall not include the exposed outside storage of lumber and other bulk building materials, where such storage is accessory to a retail sales outlet, and when a special permit for such storage has been issued by the Board of Appeals.

Business Offices - Facility for the transaction of business exclusive of the receipt, retail sale or processing of merchandise.

Camping, Commercial - Premises used for campers, tenting or temporary overnight facilities of any kind where a fee is charged.

Camping, Supervised - Facilities operated on a seasonal basis for a continuing supervised recreational, health, educational, religious, and/or athletic program, with persons enrolled for periods of not less than one week.

Check Cashing Facility - Any business as defined in Massachusetts General Laws Chapter 169A that cashes checks for a fee, excluding financial institutions.

Club - Premises or buildings of a non-profit organization exclusively serving members and their guests for recreational, athletic, or civic purposes, but not including any vending stands, merchandising, or commercial activities except as required generally for the membership and purposes of such club. Does not include golf

clubs or sportsmen's club as elsewhere defined, or clubs or organizations whose chief activity is a service customarily carried on as a business.

Common Open Space Uplands – All land excluding vegetative wetland, the surface of any lake or pond, land in a Flood Hazard District, and land with slopes greater than 15%.

Congregate Retirement Living Facility - A facility providing living accommodations and communal facilities for elderly persons over age 62. See Section 3.12 herein for development standards and further information concerning congregate retirement living facilities.

In the case of a couple, only one must meet the above-mentioned age requirement. However, in no case shall any person under the age of fifty (50) years be permitted to be a resident of the facility.

Contractor's Yard - Premises used by a building contractor or subcontractor for storage of equipment and supplies, fabrication of subassemblies, and parking of wheeled equipment.

Drive Through Windows – A facility that provides goods or services to patrons while they are seated in their vehicles.

Dwelling - A building designed or used exclusively as the living quarters for one or more families.

Dwelling Unit - quarters for a single family.

Dwelling, Multi-family - A structure occupied by three or more families living independently of each other.

Dwelling, Single-family - A building occupied by a single family and having no party wall or walls in common with an adjacent structure.

Dwelling - Two-family - A building designed for two families.

Earth Removal - Extraction of sand, gravel, top soil, or other earth for sale or for use at a site removed from the place of extraction, exclusive of the grading of a lot preparatory to the construction of a building for which a building permit has been issued, or the grading of streets in accordance with an approved Definitive plan.

Erect - To build, construct, reconstruct, move upon, or conduct any physical development of the premises required for a building. To excavate, fill, drain, and the like preparation for building shall also be considered to erect.

Family - Any number of individuals living and cooking together on the premises as a single housekeeping unit.

Financial Institution - A state or federally chartered bank, savings association, credit union, or industrial land company located in a building or portion thereof which provides for the custody, loan, exchange, or issue of money, the extension of credit, or facilitating the transmission of funds, and which may include accessory drive-up customer service facilities on the same premises. This does not include small loan businesses or check cashing facilities.

Flea Market - An open-air market for the sale at retail of second-hand articles or antiques.

Floor Area, Gross - The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same lot, including the area of leaseable levels below grade, roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

Game Preserve - Premises used for hunting for fee.

Golf Course - An unlighted area of at least thirty acres, with nine or more standards holes and customary accessory buildings.

Granite Quarrying - The removal of dimension stone, but not removal of stone for crushing or process use.

Hazardous Waste Facility - A site or works for the storage, treatment, dewatering, refining, incinerating, reclamation, stabilization, solidification, disposal or other processes where hazardous wastes can be stored, treated, or disposed of; however, not including a municipal or industrial waste water treatment facility, if permitted under section forty-three of Chapter twenty-one.

Height - The vertical distance from the average finished grade of the adjacent ground to the top of the structure of the highest roof beam of a flat roof, the deck of a mansard roof, or the mean level of the highest gable or slope of a hip roof.

Helistop - A minimum facility heliport, either at ground level or elevated on a structure, without such auxiliary facilities as waiting room hanger, parking, fueling, and maintenance. Such helistop shall not be used for commercial purposes, and said use shall be considered as an accessory use to structures located in the industrial zone.

Hospital - Facility for the care and treatment of patients as licensed by the Massachusetts Department of Public Health.

Juice Bars - A place of business for the retail or wholesale sale of beverages derived wholly or in part from cereals or substitutes therefor and containing less than one-half of one percent of alcohol, unfermented grape juice, ginger ale, root beer, sarsaparilla, pop, artificial mineral waters, carbonated waters or beverages of any kind, whether pursuant to an admission charge or not, and whether designated a public gathering place, a private club or otherwise, and whether entertainment of any kind is provided or not, into which patrons are either allowed or encouraged to bring their own liquor, beer, wine or other spiritous beverages. The term "Juice Bar" shall not include those premises licensed as common victualers pursuant to G.L. c.140, ss.1 through 21, inclusive, those premises licensed for the sale of certain non-intoxicating beverages pursuant to G.L. c.140, ss. 21A through 21D, inclusive, or premises licensed for the dispensing of alcoholic beverages pursuant to G.L. c.138.

Junk - Any article or material or collection thereof which is worn out, cast off or discarded and which is ready for destruction or has been collected or stored for salvage or conversion. Any article or material which, unaltered or unchanged and without further reconditioning can be used for its original purpose as readily as when new shall not be considered junk. Unregistered inoperable automobiles stored outdoors for more than six months shall be considered junk.

Junk Yard - The use of any area of any lot, whether inside or outside a building, for the storage, keeping or abandonment of junk, or scrap or discarded materials, or the dismantling, demolition or abandonment of automobile (s) or other vehicle (s), boats or machinery or parts thereof.

Livestock or Fowl - Animals or fowl owned or kept by a person, irrespective of the purpose for which they are maintained, but shall not include the keeping of three dogs or three cats, any household pet which is normally kept within a dwelling unit, residential animals the keeping of which is authorized by a special permit issued by the Board of Appeals, or horses kept in conjunction with the operation of a public stable the operation of which is authorized by a special permit issued by the Board of Appeals.

Lot - A continuous parcel of land with legally definable boundaries.

Lot, Corner - A lot which has an interior angle of less than 135 degrees at the intersection of two street lines. A lot abutting a curbed street shall be considered a corner lot if the tangents to the curve at the point of intersection of the side lot lines intersect with an interior angle of less than 135 degrees.

Lot Frontage - That portion of a lot fronting upon a street or public way, to be measured continuously along one street line between its side lot lines and their intersection with the street line, except that the required lot frontage may be reduced by 33% on lots having at least 75% of their frontage on the radius of a cul-de-sac.

Lot, Through - An interior lot having frontage on two parallel or approximately parallel streets.

Lot Width - Distance from lot line to lot line parallel to the street line measured at the back of the required front yard.

Manufacturing - Fabrication, assembly, finishing packaging, processing, or research.

Massage Parlor - Any building or structure in which a person practices an activity which must be licensed by the Board of Health in accordance with Section 51 of Chapter 140 of the General Laws, but excluding an athletic club or gymnasium the primary use of which is physical conditioning or athletics, or any building or structure where such activity is performed by or under the direction of a licensed medical practitioner, or a licensed physical therapist.

Motel, Hotel - Any building containing guest rooms without full kitchens, intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests or travelers, with primary access to each unit through enclosed corridors, provided however, that such individual guest rooms may be allowed to include kitchenettes, equipped with a refrigerator, microwave, kitchen sink, a two-burner stove without oven, and countertop with cabinetry, subject to reasonable restrictions as may be imposed by the Zoning Board of Appeals during the motel, hotel, special permitting process.

Municipal Use - Premises used for any operation by the town government except as elsewhere more specifically defined.

Non-Conforming Use of Land or Building - A building or land lawfully occupied at the time of adoption of this By-Law and of any amendments thereto by a use that does not conform to the adopted regulations of the district in which it is situated.

Nursing, Convalescent, or Rest Home - Premises for the care of three or more persons, as licensed by the Massachusetts Department of Public Health.

Open Space - Unoccupied space free of all structures, parking, pavement, or other conditions precluding landscaping, maintained with grass or other plant material.

Philanthropic Institution - An endowed or charitably-supported non-profit religious or non-sectarian activity maintained for public or semi-public use.

Porch, Covered - Part of a structure having a roof and floor either with or without enclosing walls or windows.

Public Utility - Utility licensed by the Department of Public Utilities.

Public Utility Service Area - An area used by a utility for bulk storage, exposed equipment, or truck parking.

Radio Transmission - Premises used for the commercial transmission of radio or television, not including studios.

Recreation, Indoor Commercial - Theater bowling alley, or other commercial recreation or entertainment carried on wholly in an enclosed building.

Recreation, Outdoor Commercial - Drive-in theater golf driving range, bathing beach, or other commercial recreation carried on in whole or in part outdoors, except those activities more specifically designated elsewhere in this By-Law.

Residential Animals - Animals or birds kept and maintained for the private use of the permanent residents of single-family or two-family residential property, upon the issuance of a special permit by the Board of Appeals after a specific finding that the keeping of such animals or fowl will not cause any discernible inconvenience or annoyance to abutters, and after a specific finding that the keeping of such animals or fowl is an accessory use to a single-family or two-family residence. Residential Animals shall not include three dogs or three cats, or any household pet which is normally kept within a dwelling unit.

Roadside Stand, Permanent - A structure open to the weather left in place year-round, used for seasonal sale of raw produce, the major portion of which is raised on the premises.

Roadside Stand, Temporary - A structure as above, but removed for not less than 6 months out of the year.

School, Nursery - A school designed to provide daytime care or instruction for two or more children from two to five years of age inclusive, and operated on a regular basis.

School, Other Commercial - An educational facility other than a nursery school or those covered by Section 2 of Chapter 40A of the General Laws.

Schools, Others - Educational institution which is religious, sectarian, denominational or public.

Scientific Research - Uses, not permitted as of right and 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, scientific development or related production.

Shed - A detached accessory structure not exceeding 120 square feet in gross floor area and 10 feet in height.

Sign, Accessory - Any sign or other advertising device which advertises, calls attention to, or indicates the person or activity occupying the premises on which the sign is erected, or that advertises the property or some part of it for sale or lease.

Sign, Directional - Any on-premises sign which directs traffic, identifies building locations, parking areas, or other site or other building features.

Sign - Non-accessory - Any billboard or sign not an accessory sign.

Sign, Portable - Any sign, display or advertising device initially designed to be mobile or transportable and not attached permanently to a foundation, building or building site.

Sign, Area of - The area of a free-standing sign shall be considered to include all lettering, wording and accompanying design and symbols, together with the background, whether open or enclosed on which they are displayed. The supporting framework, open or enclosed, may be part of the design, but for purposes of this By-Law, shall not be considered a part of the sign area unless used for, lettering, wording, or symbols. When the sign consists of individual letters or symbols attached window, the area shall be considered to be that of the smallest rectangular or other regular shape which encompass all of the letters and symbols.

Sportsmen' s Club - A club whose primary purposes are conservation, hunting or fishing.

Stable, Public - A building in which two or more horses are kept for remuneration, hire or sale.

Street - Either (a) a public way or a way which the Town Clerk certifies is maintained and used as a public way, or (b) a way shown on a plan theretofore approved in accordance with the subdivision control law, or (c) a way in existence when the subdivision control law became effective in Milford, having in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed installation of municipal services to serve such land and the buildings erected or to be erected thereon.

Street Grade - The officially established grade of the street upon which a lot fronts. If there is no officially established grade, the existing grade of the street shall be taken as the street grade.

Structure - Anything constructed or erected, the use of which requires location on the ground, or attachment to something located on the ground, except a border wall or fence or a retaining wall.

Supplemental Apartment - An accessory dwelling unit, consisting of not more than three habitable rooms, as defined in the State Building Code, and occupied by not more than two persons, one of whom must be either a grandparent, parent or child of the owner of the building in which such apartment is located, or of the spouse of such owner, created within a detached single-family dwelling house, the creation of which accessory dwelling unit cannot alter the single-family residential appearance of the building in which such apartment is created.

Temporary Structure - An accessory tent or construction shanty to be used for less than one year.

Trailer - Mobile dwelling or other mobile structure, whether on permanent foundation or not. Does not include weekend campers.

Trailer Park - Premises with prepared sites for the placement of trailers.

Transportation Terminal - Premises for the parking and/or servicing of commercial vehicles.

Use - The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "Permitted Use" or its equivalent shall not be deemed to include any non-conforming use.

Warehouse - Indoor storage of goods for distribution, but not for sale on the premises.

Wetlands - Freshwater wetlands, as defined in Section 40 of Chapter 131 of the General Laws, and the regulations promulgated thereunder.

Wholesaling - Sale of commodities in quantity for re-sale or further processing.

Wireless Communication Link - A Wireless Communication Link consisting exclusively of fixtures and equipment used by a public utility or FCC-licensed commercial entity for the wireless transmission and reception of radio signals including (1) reception and transmission equipment and fixtures such as antennae, communication dishes and similar devices, (2) structures that are erected and used primarily to support such reception and transmission equipment, and (3) any accessory mechanical, electronic, or telephonic equipment, fixtures, wiring and protective covering customary and necessary to operate such wireless Communication equipment. A Wireless Communication Link is a transmission and reception substation, not a principal facility for conducting a Communication business. A Wireless Communication Link shall not include television and radio station transmission antennae.

- a) Free-Standing Exterior Wireless Communication Link: Any out-of-doors Wireless Communication Link mounted on, erected on, or supported by a free-standing monopole tower, or man-made tree.
- b) Building-Mounted Wireless Communication Link: Any out-of-doors Wireless Communication Link mounted on, erected on, or supported in whole or in part by an existing building or structure (including without limitation, building, water towers, smoke stacks, and the like) occupied and/or used primarily for other purposes.
- c) Indoor Wireless Communication Link: Any indoor Wireless Communication Link mounted inside, erected inside or supported within an existing building or structure (including without limitation, buildings, cupolas, church spires, inactive smoke stacks, and the like) occupied and/or used primarily for other purposes.
- d) Antenna: Any exterior apparatus designed for telephonic, radio, or television Communication through the sending and/or receiving of electromagnetic waves.
- e) FAA: The Federal Aviation Administration.
- f) FCC: The Federal Communication Commission.

Yard - An unoccupied space, open to the sky, on the same lot with the building or structure.

Yard, Front - The portion of the yard extending the full width of the lot and situated between the street line and the building line established by the nearest portion of any structure, other than eaves or non-covered steps, on the lot to the street line, projected to the side line of the lot.

Yard, Rear - The portion of the yard except as hereinafter permitted extending the full width of the lot and situated between the rear line of the lot and the rear line of the main building projected to the side line of the lot.

Yard, Side - The portion of the yard situated between the building and the side line of the lot and extending from the front yard.

ARTICLE V FLOOD PLAIN DISTRICT

5.1 Purpose

The purposes of the Flood Plain District are to protect the public health, safety, and general welfare, to protect human life and property from the hazards of periodic 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.

5.2 District Delineation

The general boundaries of the Flood Plain District are shown on the Milford Flood Insurance Rate Map (FIRM), dated July 5, 1984, as amended, as Zones A, A 1-30 to indicate the 100 year flood plain. The exact boundaries of the District are defined by the 100 year water surface elevations shown on the FIRM and further defined by the Flood Profiles contained in the Flood Insurance Study, dated January 5, 1984, as amended. The flood way boundaries are delineated on the Milford Flood Boundary Flood way Map (FIRM), dated July 5, 1984, as amended, and further defined by the Flood way Data Tables contained in the Flood Insurance Study. These two maps as well as the accompanying Study are incorporated herein by reference and are on file with the Town Clerk, planning Board, Building Commissioner and Planning Assistant, or Town Engineer.

Within Zone A, where the 100 year flood elevation is not provided on the FIRM, the developer/applicant shall obtain any existing flood elevation data and it shall be reviewed by the Town Engineer or Planner. If the data is sufficiently detailed and accurate, it shall be relied upon to require compliance with this By-Law and the State Building Code.

5.3 Use Regulations

The Flood Plain District is established as an overlay district to all other districts. All development, including structural and non-structural activities, whether permitted by right or by special permit, must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the requirements of the Massachusetts State Building Code pertaining to construction in the flood plains.

5.3.1 Permitted Uses

The following uses of low flood damage potential and causing no obstructions to flood flows shall be allowed provided they are permitted in the underlying district and they do not require structures, fill, or storage of materials or equipment:

5.3.1(a) Agricultural uses such as farming, grazing, truck farming, horticulture.

5.3.1(b) Forestry and nursery uses.

5.3.1(c) Outdoor recreational uses, including fishing, boating, play areas.

5.3.1(d) Conservation of water, plants, wildlife.

5.3.1(e) Wildlife management areas, foot, bicycle, and/or horse paths.

5.3.1(f) Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.

5.3.1(g) Buildings lawfully existing prior to the adoption of these provisions.

5.3.2 Special Permits

No structure or building shall be erected, constructed, substantially improved, or otherwise created or moved; no earth or other materials dumped, filled, excavated, or transferred, unless a Special Permit is granted by the Zoning Board of Appeals. Said Board may issue a Special Permit hereunder (subject to other applicable provisions of this By-Law), if the application is compliant with the following provisions:

5.3.2(a) The proposed use shall comply in all respects with the provisions of the underlying District; and

5.3.2(b) Within 10 days of receipt of the application, the Board shall transmit one copy of the development plan to the Conservation Commission, Planning Board, Board of Health, Town Engineer and Building Commissioner. Final action shall not be taken until reports have been received from the above Boards or until 35 days have elapsed;

5.3.2(c) All encroachments, including fill, new construction, substantial improvements to existing structures, and other development are prohibited unless certification by a registered professional engineer is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the 100 year flood; and

5.3.2(d) Any other By-Law or regulation to the contrary notwithstanding, no construction shall be permitted within the District unless the Board of Appeals, established under Section (1.7), shall determine that all utilities are located, elevated and constructed so as to minimize or eliminate flood damage and that the methods of disposal for sewage, refuse and other waste and for providing drainage are adequate to reduce flood hazards, and the Board of Appeals grants a permit for such construction as provided for in Section (1.10). No such special permit shall be granted unless such construction complies with the flood plain management criteria for flood prone areas established in Title 44 of the Code of Federal Regulations, 60.3 of the National Flood Insurance Program, as amended.

5.3.2(e) No such permit under Section 5.3 shall be required, however, from the Board of Appeals in cases where the planning Board has conducted a review similar to that required by Section 5.3 and has granted its approval for such construction under its regulations

5.3.2(f) The Board may specify such additional requirement and conditions it finds necessary to protect the health, safety, and welfare of the public and the occupants of the proposed use.

Section 5.4 Notification of Watercourse Alteration In a riverine situation, the Town of Milford shall notify the following of any alteration or relocation of a watercourse:

a.) Adjacent Communities

b.) NFIP State Coordinator

MA. Dept. of Conservation and Recreation
251 Causeway Street, Suite 800
Boston, MA 02114-2104

c.) NFIP Program Specialist

Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

ARTICLE VI PLANNED RESIDENTIAL DEVELOPMENT

6.1 Planned Residential Development: Notwithstanding the provisions of Article II of this By-Law, the Planning Board may grant a Special Permit for tracts of land in Single-Family Residential (RB), Rural Residential C (RC), or Rural Residential D (RD) Districts to be utilized as a Planned Residential Development (PRD), subject to the requirements and conditions of this Article VI, thereby exempting such PRD Special Permits from the lot area and frontage requirements of Section 2.5 of this By-Law.

6.2 Purpose: This Article VI provides for the public interest by: Preserving open space in perpetuity; Promoting maximum protection of groundwater, watersheds, open space, and visual quality; Encouraging efficient use of land in harmony with its natural features; Encouraging efficient extension of utilities and services; and, Providing variety in residential development styles more consistent with town growth policies than traditional development styles.

6.3 Standards: The Planning Board may only grant a PRD Special Permit for applications that meet the provisions of this Article VI, and of Sections 1.10 and 1.15 of this By-Law.

6.4 Requirements

6.4.1 Minimum Tract Size: The size of the tract to be developed as a PRD shall be a minimum of 5 contiguous acres in the RB District, or 10 contiguous acres in the RC and RD Districts.

6.4.2 Dwelling Style: A maximum of four (4) dwelling units per structure shall be permitted in structures that, to the extent feasible, resemble single-family residences.

6.4.3 Density: The maximum number of dwelling units shall be determined by dividing 85% of the total area of the site by the minimum lot size of the zoning district in which the site is located. Said number of units shall be rounded to the nearest whole number.

6.4.3.1 Density Bonus: The maximum number of dwelling units as calculated in Section 6.4.3 of this Article VI may be exceeded provided the Planning Board determines that the proposed PRD includes the provision of substantial facilities that clearly provide an overriding public benefit. Substantial facilities that clearly provide an overriding public benefit are:

6.4.3.1.1 The provision of at least 25% of the total number of dwelling units as deed restricted in perpetuity for occupancy by two persons only, at least one of which is 55 years of age or older;

6.4.3.1.2 The provision of at least 25% of the total number of dwelling units that are deed restricted in perpetuity for the sale to persons who qualify as low- or moderate-income as determined by Massachusetts Department of Housing and Community Development; or,

6.4.3.1.3 On tracts of 25 acres or larger, the construction of substantial public recreation facilities (regulation athletic fields, regulation tennis courts, municipal parks with community center or public assembly facility, and golf courses) to be deeded upon completion to the Town. Any substantial public recreation facility shall include adequate off-street parking, public access, and restroom facilities as determined by the Planning Board. Substantial public recreation facilities shall be considered part of the required Common Open Space (COS). Such facilities may be constructed upon a site or sites owned by the Town, so long as approved by the Board or agency having

jurisdiction thereof and so long as equivalent land area within the tract shall be offered for transfer to the Town.

6.4.3.1.4 In lieu of the requirements of Section 6.4.3.1.3 herein, an applicant may make payment to the Town in the form of a Facilities Improvement Grant in an amount to be determined by the Planning Board, after consultation with the Finance Committee. Said grant monies shall be paid at a time and in a manner approved by the Planning Board, and to be utilized by the Town only for the purposes of providing new facilities in the town, or for the substantial rehabilitation of existing municipal facilities. The specific facilities to be constructed or improved with such a grant shall be determined by the Planning Board. In considering the extent of the facilities to be constructed or improved, the Planning Board shall take into consideration the density bonus sought and the overall magnitude of the proposed Planned Residential Development. At the applicant's expense, a third party architectural/engineering firm familiar with municipal facilities shall establish the value of such improvements including labor costs based on prevailing wage rates. Said grant monies shall specifically not be used for routine maintenance or to otherwise supplement departmental operating budgets. Such grants can provide an overriding public benefit and could further the objectives of providing substantial public facilities. In instances where such a grant is utilized, land area within the tract equivalent to the land area of the facility benefiting from the grant may be required to be offered for transfer to the Town as Common Open Space. The grant money an applicant is required to pay pursuant to this section shall, prior to utilization of any density bonus authorized hereunder, be either provided in full amount to the Town, or guaranteed as to payment through surety, letter of credit or other acceptable means of guarantee.

6.4.3.2 The maximum density bonus under Sections 6.4.3.1.1 and 6.4.3.1.2 of this Article VI shall not exceed the addition of more than 50% of the number of dwelling units determined under Section 6.4.3 of this Article VI. The actual density bonus may vary from site to site depending upon the physical and environmental characteristics of the site in question.

6.4.3.3 The maximum density bonus under Section 6.4.3.1.3 of this Article VI shall not exceed the addition of more than:

6.4.3.3.1 25% of the number of dwelling units determined under Section 6.4.3 of this Article VI for the construction of regulation athletic fields consisting of a minimum of 10 contiguous acres.

6.4.3.3.2 25% of the number of dwelling units determined under Section 6.4.3 of this Article VI for the construction of at least six regulation tennis courts.

6.4.3.3.3 50% of the number of dwelling units determined under Section 6.4.3 of this Article VI for the construction of a municipal park consisting of a minimum of 10 contiguous acres with a community center building or public assembly building.

6.4.3.3.4 50% of the number of dwelling units determined under Section 6.4.3 of this Article VI for the construction of a public golf course.

The actual density bonus will vary from site to site as determined by the Planning Board depending upon the magnitude of the facility being provided and the physical and environmental characteristics of the site in question.

6.4.3.4 Notwithstanding the provisions of Sections 6.4.3.2 and 6.4.3.3 of this Article VI, in no case shall the maximum density bonus exceed the addition of more than 50% of the number of dwelling units determined under Section 6.4.3 of this Article VI.

6.4.4 Dimension Requirements: There shall be no minimum lot area, frontage, lot shape factor, or yard requirements within a PRD. However, no building shall be erected within 75' of an existing public street, or 30' from an internal public street (if any). Structures shall be at least 10' apart within the PRD.

6.4.4.1 Perimeter Buffer: Except for access to the PRD, there shall be a 100' wide Perimeter Buffer around the entire tract, within which no structure or interior roadway shall be constructed. The Planning Board may by a vote of at least four members, reduce the Perimeter Buffer if it is determined that lesser widths are appropriate given the size, shape, and environmental features of the site, and/or proximity to surrounding land uses. However, in no case shall the Planning Board reduce the Perimeter Buffer to less than 25' wide.

6.4.4.2 Landscape Buffer: Within the Perimeter Buffer, there shall be a 25' wide screen of densely planted vegetation or suitable alternative subject to Planning Board approval, to provide a continuous landscaped buffer that protects adjacent properties with a natural visual barrier. The Perimeter Buffer shall be considered part of the required Common Open Space (COS).

6.4.5 Sewer: Each unit shall be served by municipal sewerage

6.4.6 Design and Construction Requirements: All streets or principal ways within the PRD shall have a paved width of at least 24'. As determined applicable by the Planning Board, all other design and construction requirements of ways, sidewalks and/or walkways, utilities and drainage shall comply with the Subdivision Rules and Regulations. All streets, roads, driveways, parking areas, utilities and other PRD facilities shall be fully maintained, and operated by all the owners of the units.

6.4.7 Maximum Building Height: Structures shall not exceed 35' in height or 2½ story whichever is less.

6.4.8 Compatibility: The PRD shall be designed in harmony with the natural features of the site and shall preserve the topography, wetlands, watercourses, views and vistas, and shall provide access thereto. To the extent practicable, the PRD shall be designed to be compatible with adjacent existing developments.

6.4.9: Number of Bedrooms: Each dwelling unit shall contain no more than two bedrooms. For purposes of this Article VI, any room that is not a kitchen, living room, dining room, bathroom, hallway, or stairway, shall be considered a bedroom.

6.5 Common Open Space: The PRD shall provide for at least 50% of the total lot area as Common Open Space (COS). The COS shall, as the primary design element, preserve and respect the natural features of the site including, but not limited to water bodies, watercourses, wetlands and flood plains, steep slopes, rock formations, woods, open meadows, and scenic vistas. Streets, roadways, or rights of way shall not be considered COS.

6.5.1 Each area of COS shall have at least a 40' wide access to a public or private street or internal access drive within the development.

6.5.2 All COS shall have a shape, dimension, character and location suitable to assure its use for conservation, agricultural, park, or recreation purposes.

6.5.3 Not less than 50% of the COS minimum requirement shall be uplands. COS upland is all land excluding vegetated wetland, the surface of any lake or pond, land in a Flood Hazard District and land with slopes greater than 15%.

6.5.4 Where the COS has been environmentally damaged prior to application, or prior to the completion of an approved PRD, as a result of soil removal, harvesting of trees or other natural features, refuse disposal or any other activity deemed inappropriate with the proposed uses of the COS, the Planning Board may require the developer to restore or improve the condition and appearance of the COS, and may require the posting of a bond or other appropriate form of performance guarantee to ensure such restoration or improvement.

6.6 Ownership of COS: All COS shall be owned by an entity established to own and manage the facilities and land held in common. Provisions shall be made so that the COS land or applicable portions thereof shall be readily accessible to the owners and occupants of the units of the PRD, or as warranted to the general public. The developer shall provide for the permanent preservation and maintenance of the COS within the PRD as follows:

6.6.1 The developer shall, with approval of the Planning Board, convey such COS to: A corporation or trust to be owned by all of the owners of units within the PRD; A non-profit organization having as its primary purpose the maintenance of the COS land; The Town of Milford; or any combination thereof. In instances where substantial public recreation facilities are being provided, such facilities shall be deeded to the Town.

6.6.2 A perpetual restriction as per Chapter 184, §31 of the Mass. General Laws, running to or enforceable by the Town, shall be recorded in respect to such COS. Such restriction shall provide that the COS shall be retained in perpetuity, and may only be used for: Conservation, Agriculture, Park, Recreation purposes or a combination thereof, except that easements for utilities including stormwater remediation are allowed.

6.6.3 Any owner of land set aside as COS shall be under the legal duty enforceable severally by the Town and any owner of a unit within the PRD to so limit the use of land and not permit the erection of any building or structure other than those devoted to approved COS uses, and structures necessary for the storage of equipment related to the maintenance of such uses.

6.7 Maintenance of COS: In order to insure that the corporation, non-profit organization, trust, or non-profit corporation will properly maintain the COS and other common property in the PRD, an instrument shall be recorded at the Worcester District Registry of Deeds which shall at a minimum provide:

6.7.1 A legal description of the COS.

6.7.2 A statement of the purpose of which the COS is intended to be used and the restrictions on its use and alienation.

6.7.3 The type and name of the corporation, nonprofit organization, or trust which will own, manage and maintain the COS.

6.7.4 The ownership or beneficial interest in the corporation, nonprofit organization or trust of each owner of a dwelling in the PRD and a provision that such ownership or beneficial interest shall be appurtenant to the dwelling to which it relates and may not be conveyed or encumbered separately there from.

6.8 Procedure

6.8.1 Pre-Application Process: Applicants are strongly encouraged to confer with the Town Planner and Town Engineer prior to preparing submittal materials for PRD Special Permit application. The purpose of the pre-application conference(s) is to minimize unnecessary engineering and design costs for the applicant, and to assure the Town that appropriate design principles are being employed in the layout of the proposed PRD application.

6.8.2 Application: Any person seeking a Special Permit for PRD shall file the appropriate fee along with ten copies of an application, in writing with the Planning Board, and a copy with the Town Clerk, which application shall contain the following information:

6.8.2.1 A PRD Site Plan meeting the requirements of Section 1.15.2.1 of this By-Law and including the following information:

6.8.2.1.1 The soil associations as delineated by the U.S. Soil Conservation Service;

6.8.2.1.2 The limit of each construction phase and a tabular summary of the total area of the tract.

6.8.2.1.3 The location, size and percent of COS.

6.8.2.1.4 The number, type and gross floor area of the residential buildings, including the number of bedrooms.

6.8.2.1.5 The building coverage and coverage of all impervious surfaces.

6.8.2.2 Architectural Plans and Elevations (at a scale of not less than 1/8" = 1') showing the elevation of the proposed buildings, noting their height and the layout of each floor.

6.8.2.3 Copies of all instruments to be recorded with the PRD Special Permit including the proposed deed(s) for the COS, the articles of any corporation or trust to be established for the ownership of the COS and the perpetual restriction to be imposed on the COS.

6.8.2.4 In instances where the PDR includes a Definitive Plan, the Special Permit and Definitive Plan required public hearings shall be conducted concurrently.

6.9 Decision of the Planning Board

6.9.1 The Planning Board shall not issue a Special Permit unless it finds that:

6.9.1.1 The PRD meets each of the conditions of Section 1.10.1 (a. through d.) of this By-Law.

6.9.1.2 The PRD meets each of the conditions of Section 1.15.6.2 (a. through g.) of this By-Law.

6.9.1.3 The PRD Site Plan complies with Sections 6.1 through 6.8 of this Article VI.

6.9.2 The Planning Board may require such changes in the proposed development plans and may impose such additional conditions, limitations and safeguards as it may deem appropriate to ensure compliance with all of the terms of this By-Law, including the posting of a bond or other appropriate form of performance guarantee.

6.10 Occupancy Permits: Occupancy Permits shall not be issued until the Planning Board has notified the Building Commissioner in writing that the roads, utilities and drainage have been completed in accordance with the terms and conditions of the PRD Special Permit.

6.11 Changes: Any substantial change in the approved PRD Special Permit shall require a new application, and may only be approved after additional notice and hearing as provided for in this By-Law. A substantial change shall be any of the following:

6.11.1 An increase in the number of dwelling units;

6.11.2 A decrease in the COS acreage;

6.11.3 A significant change in the shape of the COS;

6.11.4 A change in the use or ownership of the COS;

6.11.5 A significant change in the lot layout, if applicable;

6.11.6 Any change that adversely affects natural features and open space preservation;

6.11.7 Significant changes to the stormwater management facilities.

ARTICLE VII WATER RESOURCE PROTECTION DISTRICT

7.1 Purpose of District

The purpose of the Water Resource Protection District is:

- 7.1.A. to promote the health, safety and general welfare of the community;
- 7.1.B. to protect, preserve and maintain the existing and potential groundwater supply and groundwater recharge areas within the town;
- 7.1.C. to preserve and protect present and potential sources of water supply for the public health and safety;
- 7.1.D. to conserve the natural resources of the town;
- 7.1.E. to prevent blight and the pollution of the environment.

7.2 Scope of Authority

The Water Resource Protection District is considered as overlying other zoning districts. Uses prohibited in the underlying district shall also be prohibited within the area so overlaid.

7.3 Definitions

Animal feedlot: A plot of land on which livestock are kept for the purposes of feeding.

Aquifer: Geologic formation composed of rock or sand and gravel capable of yielding usable amounts of potable water.

Groundwater. All the water found beneath the surface of the ground. In this by-law, the term refers to the slowly moving subsurface water present in aquifers and recharge areas.

Hazardous material: As defined by M.G.L. Chapter 21E and its regulation 310 CMR 30.

Hazardous wastes: As defined by M.G.L. Chapter 21C and its regulation 310 CMR 30.

Impervious surface: Material or structures on the ground that substantially reduces or prevents surface water from penetrating into the soil.

Leachable wastes: Waste materials including hazardous and solid waste, septage, sewage, sludge and agricultural wastes that are capable of releasing water-borne contaminants to the surrounding environment.

Mining of land: The removal or relocation of geologic materials such as topsoil, sand and gravel, metallic ores or bedrock.

Recharge areas: Areas composed of permeable stratified sand and gravel and certain wetlands that collect precipitation or surface water and carry it to aquifers.

Solid wastes: Useless, unwanted or discarded solid material with insufficient liquid content to be free flowing. This includes but is not limited to hazardous waste, rubbish, garbage, scrap materials, junk, refuse and inert fill material.

7.4 Establishment and Delineation of Water Resource Protection District

7.4.1 For the purposes of these districts, there are hereby established within the town certain aquifer protection areas, consisting of land overlaying aquifers and aquifer recharge areas, which are delineated on a map entitled "Town of Milford Water Resource Protection District". This map is hereby made a part of this district and of the Town of Milford Zoning By-Law.

7.4.2 Boundary lines of the Water Resource Protection District shown approximately following or terminating at street lines shall be construed to be actually at the outermost boundary of the street right-of-way; that is, the entire right-of-way shall be construed to be within the district. Boundary lines shown approximately following the town line shall be construed to be actually following the town line. Where the boundaries do not coincide with said street or town lines, they are as described as follows:

7.4.2(a) The boundaries of Water Resource Protection District 1 (WR1) are hereby defined as follows:

7.4.2(a)(1) In the vicinity of Dilla, Purchase and Eben Streets, the easterly boundary shall be 1500' easterly of, and parallel to, the westerly right-of-way boundary of Purchase street;

7.4.2(a)(2) In the vicinity of Old Cedar and Dilla Streets, the boundary shall be the 100 year flood plain of the Charles River;

7.4.2(a)(3) In the vicinity of Central, Depot and South Main Streets and the Milford-Hopedale town line, the easterly boundary shall be as follows: from the southeasterly corner of the Beach Street Extension right-of-way, 1000' southerly in a line extending from said Beach Street Extension right-of-way, then turning at a 90 degree angle and traveling 200' easterly, then turning at approximately a 90 degree angle and traveling in a southerly direction parallel to, and 500' easterly of, the center line of the Charles River to a point on the southerly right-of-way of Howard Street, then turning southwesterly and traveling to a point which is 500' southerly of Howard Street and 100' easterly of the center line of the Penn Central Railroad, then turning southeasterly and traveling in a line parallel to and 100' easterly from the center line of the Penn Central Railroad for a distance of 800', then turning at a right angle and traveling southwesterly to the center line of the Charles River which is also the Milford-Hopedale town line.

7.4.2(b) The boundaries of Water Resource Protection District 2 (WR2) are hereby defined as follows: Deer Brook and its 500 year flood plain, Charles River and its 500 year flood plain, excluding the two large sections of 500 year flood plain along the easterly and northerly town line; Huckleberry Brook and its 500 year flood plain northerly of Eben Street; Ivy Brook and its 100 year flood plain.

7.4.2(c) Where the boundaries of the Water Resource Protection District are in doubt or in dispute, the burden of proof shall be upon the owner(s) of the land in question to show where the boundaries should properly be located. At the request of the owners, the town may engage a professional consultant in the related field to determine more accurately the location and extent of an aquifer or recharge area, and shall charge the owner(s) for all cost of the investigation. The professional consultant shall be selected by mutual agreement between the Town and the owner(s).

7.5 Use Regulations

Within the Water Resource Protection District, the following regulations shall apply.

7.5.1 The following uses are permitted within Water Resource District 1 (WR1):

7.5.1(a) conservation of soil, water, plants and wildlife;

7.5.1(b) passive (non-commercial) outdoor recreation, such nature study, boating, fishing, and hunting where otherwise legally permitted.

7.5.1(c) boat docks, foot, bicycle and/or horse paths and bridges;

7.5.1(d) normal operation and maintenance of existing water bodies and dams, splash boards and other water control supply and conservation devices;

7.5.1(e) residential development, if permitted in the underlying district;

7.5.1(f) non-residential development, if permitted in the underlying district, resulting in no more than 50% of the lot area being rendered impervious, and subject to other restrictions herein, as applicable;

7.5.1(g) maintenance, repair and enlargement of any existing non-residential use or structure provided that the existing or resulting impervious surface area is not greater than 50% of the lot area, and subject to other restrictions herein, as applicable.

7.5.1(h) farming, gardening, nursery, conservation, forestry, harvesting and grazing, provided that fertilizers, herbicides, pesticides, manure and other leachable materials are stored within a structure designed to prevent the generation and escape of contaminated material, runoff or leachate;

7.5.1(i) mosquito control activities conducted in compliance with M.G.L. 252.

7.5.2 The following uses are permitted within Water Resource Protection District 2 (WR2):

7.5.2(a) all uses cited in 7.5.1, above;

7.5.2(b) non-residential development, if permitted in the underlying district, with no limitation regarding impervious surface, subject to other restrictions herein, as applicable;

7.5.2(c) maintenance, repair and enlargement of any existing non-residential use or structure, with no limitations regarding impervious surface, and subject to other restrictions herein, as applicable.

7.5.3 The following uses are prohibited within both Water Resource Protection District 1 (WR1) and Water Resource Protection District 2 (WR2):

7.5.3(a) the location of landfills and/or disposal of solid wastes;

7.5.3(b) storage of liquid petroleum products of any kind, except those incidental to (1) normal household use and outdoor maintenance or the heating of a structure, (2) emergency generators or (3) facilities for the treatment of contaminated ground or surface waters, provided that any such storage is either in a free standing container within a building or in a free standing container above ground level with protection adequate to contain a spill the size of the container's total storage capacity'.

7.5.3(c) waste oil retention facilities;

7.5.3(d) the disposal of liquid or leachable wastes, except residential waste disposal systems;

7.5.3(e) industrial uses which discharge process wastewater on-site;

7.5.3(f) wastewater treatment facilities except for replacement or repair of existing systems, or systems treating contaminated ground or surface water;

- 7.5.3(g) storage of road salt or other de-icing chemicals, excepting storage on an impervious surface in an enclosed structure;
- 7.5.3(h) off-site dumping of snow containing road salt or other de-icing chemicals, not to include the banking of snow within a parking lot;
- 7.5.3(i) animal feedlots housing 25 or more livestock per acre;
- 7.5.3(j) the storage of uncovered manure;
- 7.5.3(k) establishment of new graveyards or cemeteries;
- 7.5.3(l) the storage, disposal, generation or treatment of hazardous wastes or hazardous materials;
- 7.5.3(m) automotive service and repair shops, junk and salvage yards;
- 7.5.3(n) the use of sodium chloride on roads or commercial driveways at an application rate greater than 100 lbs./lane mile;
- 7.5.3(o) underground chemical storage tanks;
- 7.5.3(p) above ground chemical storage unless such storage is either in a free standing container within a building or in a free standing container above ground level with protection adequate to contain a spill the size of the container's total storage capacity.

7.5.4 The following uses are permitted by Special Permit in both the Water Resource Protection District 1 (WR1) and the Water Resource Protection District 2 (WR2), subject to the approval of the Zoning Board of Appeals under such conditions as they may require:

- 7.5.4(a) the application of pesticides for non-domestic or non-agricultural uses provided that all necessary precautions shall be taken to prevent hazardous concentrations of pesticides in the water and on the land within the Water Resource Protection District as a result of such application. Such precautions include, but are not limited to erosion control techniques, the control of runoff water (or the use of pesticides having low solubility in water), the prevention of volatilization and redeposition of pesticides and the lateral displacement i.e. wind drift) of pesticides.
- 7.5.4(b) the application of fertilizers for non-domestic or non-agricultural uses provided that such application shall be made in such a manner so as to minimize adverse impacts on surface and groundwater due to nutrient transport and deposition and sedimentation.
- 7.5.4(c) non-residential development resulting in more than 50% of the lot area being rendered impervious and/or the maintenance, repair and enlargement of any existing non-residential use or structure, if permitted in the underlying zoning district and excepting those uses specifically prohibited in Section 7.5.3, above; such Special Permit applications to be accompanied by:
 - 7.5.4(c)(1) a recharge plan, provided, however, that upon submission of evidence, prepared by a professional consultant in the related field, that the subject property is not a significant recharge area, the requirement for a recharge plan may be waived;
 - 7.5.4(c)(2) a drainage plan which shall depict drainage designed to flow first into catch basins with oil/gas separators;
 - 7.5.4(c)(3) maintenance and reporting schedule to ensure continued proper operation for required pollution control devices; and

7.5.4(c)(4) other information as needed to determine that the purpose of this by-law is satisfied such as analysis or monitoring of ground and surface waters, hydrogeologic evaluations, erosion or siltation, compaction, sedimentation control, and any other limitations or standards deemed necessary.

7.5.4(d) Contractor's Yard subject to the prohibitions set out in 7.5.3 which the Zoning Board of Appeals shall not vary as a part of any grant of a special permit, and provided further that:

7.5.4(d)(1) all motorized vehicles, equipment, and tools are stored at all times completely within a building equipped with a floor drain system with a holding tank to contain spillage; and

7.5.4(d)(2) the storage of supplies does not include liquid petroleum products of any kind except normal storage within the motorized vehicles or equipment.

7.5.4(e) In the event that conditions are imposed by the Zoning Board of Appeals, a bond shall be required to ensure that all required conditions are fulfilled. The amount of bond shall be determined by the Town Engineer.

ARTICLE VIII WIRELESS COMMUNICATION LINK

8.1 PURPOSE

The purpose of this Article is to establish general guidelines for the siting of Wireless Communication Links. The goals are to:

8.1(a) encourage the location of Wireless Communication Links in non-residential areas and minimize the total number of Wireless Communication Links throughout the community;

8.1(b) strongly encourage the joint use of new and existing Wireless Communication Link sites;

8.1(c) encourage users of Wireless Communication Links to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;

8.1(d) encourage users of Wireless Communication Link to configure them in a way that minimizes the adverse visual impact of the Wireless Communication Link, and

8.1(e) enhance the ability of the providers of telecommunication services to provide such services to the community quickly, effectively, and efficiently.

8.2 APPLICABILITY

The requirements set forth in this Article shall govern the location of all new Building Mounted or Free-standing Wireless Communication Links.

Only free-standing monopoles or man-made trees, are allowed as specified in Section 8.8. Lattice style towers and similar facilities requiring three or more legs and/or guy wires for support are not allowed.

Amateur radio towers used in accordance with the terms of any amateur radio service license issued by the FCC are exempt from the provisions of this Article.

8.3 REMOVAL OF ABANDONED WIRELESS COMMUNICATION LINKS

Any Wireless Communication Link that is not operational for a continuous period of twelve (12) months shall be considered abandoned, and the Wireless Communication Link shall be removed within ninety (90) days of receipt of notice from the Building Commissioner notifying of such abandonment.

If such Wireless Communication Link is not removed within ninety (90) days, such Wireless Communication Link shall be deemed to be in violation of this zoning By-Law and the appropriate enforcement authority may begin proceedings to enforce and/or cause removal. If there are two or more users of a single Wireless Communication Link, then this provision shall not become effective until all users cease using the Wireless Communication Link.

8.4 PRINCIPAL OR ACCESSORY USE

A Wireless Communication Link may be considered either a principal or an accessory use. A different existing use or an existing structure on the same lot shall not preclude the installation of a Wireless Communication Link on such lot. For purposes of determining whether the installation of a Wireless Communication Link complies with district development regulations, including but not limited to set-back requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the Wireless Communication Link may be located on leased parcels within such lots. A Wireless Communication Link that is constructed or installed in accordance with the provisions of this By-Law shall not be deemed to constitute the expansion of a nonconforming use or structure. A Wireless Communication Link may not take away required parking spaces of an existing building.

8.5 CO-LOCATION OF WIRELESS COMMUNICATION EQUIPMENT

All owners and operators of land used in whole or in part for a Wireless Communication Link and all owners and operators of such Wireless Communication Link shall, as a continuing condition of installing, constructing, erecting and using a Wireless Communication Link, permit other public utilities or FCC licensed commercial entities seeking to operate a Wireless Communication Link to install, erect, mount and use compatible Wireless Communication equipment and fixtures on the equipment mounting structure, or on the same lot in close proximity as is practical to the existing structure, on reasonable commercial terms provided that such co-location does not materially interfere with the transmission and/or reception of communication signals to or from the existing Wireless Communication Link, and provided that there are no structural or other physical limitations that make it impractical to accommodate the proposed additional Wireless Communication equipment or fixtures and subject to all other provisions of this By-Law.

8.5.1 In the event that a wireless communication provider seeks to co-locate upon such Wireless Communication Link and is unable to do so because of unreasonable delay or commercially unreasonable terms or conditions imposed by the permit holder, such provider may request for a determination by the special permit granting authority as to whether the Co-location Condition has been violated. If the special permit granting authority, after holding a public hearing which provides the permit holder with an opportunity to be heard, decides that such Co-location Condition has been violated, then the permit granting authority shall have the right to enforce the condition by revoking the special permit and/or imposing fines in accordance with applicable Law.

8.6 SPECIAL PERMITS

8.6.1 General

8.6.1.1 In granting a special permit, the Permit Granting Authority may impose conditions to the extent the Board concludes such conditions are necessary to minimize any adverse effect of the proposed Wireless Communication Link on adjoining properties.

8.6.1.2 Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical shall be certified by a licensed professional engineer.

8.6.1.3 Notwithstanding the use regulation schedule no special permit is required when additional equipment is added to a Wireless Communication Link previously approved and with no increase in height or substantial increase in ground facilities.

8.6.2 Procedures

Special Permit procedures shall be in accordance with Section 1.10 of this By-Law.

8.6.3 Information Required

Each applicant requesting a Special Permit under this Section shall submit the information required for Site Plan Review in accordance with Section 1.15 of this By-Law and the following additional information:

8.6.3.1 A locus plan at a scale of 1"=100' which shall show all property lines, the location of the proposed structure(s), streets, prominent landscape features, residential dwellings and all buildings within five hundred (500) feet of the facility.

8.6.3.2 A color photograph or rendering of the proposed Wireless Communication Link including an illustrating view of the Wireless' Communication Link from the nearest street or streets.

8.6.3.3 Reports prepared by one or more professional engineers, which shall:

8.6.3.3(a) Describe the capacity of the Wireless Communication Link including the number and type of transmitters/ receivers that it can accommodate and the basis for the calculation of capacity.

8.6.3.3(b) Demonstrate that no existing Wireless Communication Link can accommodate the applicants proposed Wireless Communication Link. Evidence submitted to demonstrate the above may consist of the following:

8.6.3.3(b)(1) No existing Wireless Communication Link are located within the geographic area required to meet the applicant's engineering requirements.

8.6.3.3(b)(2) Existing Wireless Communication Links are not of sufficient height to meet the applicant's engineering requirements.

8.6.3.3(b)(3) Existing Wireless Communication Links do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.

8.6.3.3(b)(4) The fees, costs or contractual provisions required by the owner in order to share an existing Wireless Communication Link or to adapt an existing Wireless Communication Link for sharing are unreasonable. Costs exceeding new development are presumed to be unreasonable.

8.6.3.3(b)(5) The applicant demonstrates that there are other limiting factors that render existing Wireless Communication Links unsuitable

8.6.3.3(c) Demonstrate that all municipal owned property in the geographic area was considered. If said properties were rejected as the site for the proposed Wireless Communication Link, the reasons for rejection shall be provided.

8.6.3.3(d) Provide an alternative analysis that considers the tradeoffs between height, capacity, number, separation, and economic factors of the proposed Wireless Communication Link.

8.6.3.4 Each applicant for a Wireless Communication Link shall provide to the Permit Granting Authority an inventory of its existing towers that are either within the jurisdiction of the governing authority or within ten (10) miles of the border thereof, including specific information about the location, height, and design and capacity of each tower. The Permit Granting Authority may share such information with other applicants applying for special permits under this By-Law or other organizations seeking to locate a Wireless Communication Link within the governing authority, provided however, that the Permit Granting Authority is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

8.6.3.5 Applicants proposing to erect or install Wireless Communication Link on municipally owned land or structures shall provide evidence of contractual authorization from the Town of Milford to conduct Wireless Communication Services on municipally owned property.

8.7 FACTORS CONSIDERED IN GRANTING THE SPECIAL PERMIT

The Permit Granting Authority shall consider the following factors in determining whether to issue a Special Permit.

8.7(a) A New Wireless Communication Link shall be considered upon a finding by the Permit Granting Authority that existing or approved Wireless Communication Links cannot accommodate the Wireless Communication Equipment planned for the proposed Wireless Communication Link.

8.7(b) Height of the proposed facility.

8.7(c) Proximity of the Wireless Communication Link to residential structures and residential district boundaries.

8.7(d) Nature of uses of adjacent and nearby properties.

8.7(e) Surrounding topography.

8.7(f) Surrounding tree coverage and foliage.

8.7(g) Design of the Wireless Communication Link, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.

Note: Between submittal and the date of the closing of the public hearing, the Special Permit Granting Authority may order a balloon be put in place at the height of the proposed Wireless Communication Link. The balloon shall be of a size and color that can be seen from every direction for a distance of one (1) mile

8.7(h) Proposed ingress and egress.

8.8 DESIGN STANDARDS

The following design standards shall apply to all Wireless Communication Links for which a special permit is required.

8.8.1 Height Limitations

The following height limitations for a Wireless Communication Link shall supersede any other height limitations for the District; provided however, that the Permit Granting Authority may increase such limitation by no more than 50% of the values shown below if the goals of this By-Law would be better served thereby (for example: 50% of 15 feet equals 7.5 feet).

MAXIMUM HEIGHT LIMITATION SCHEDULE

<u>DISTRICT</u>	<u>BUILDING MOUNTED</u>	<u>FREE-STANDING</u>
INDUSTRIAL		
IA	15' AH	120' AGL
IB	15' AH	120' AGL
IC	15' AH	120' AGL
COMMERCIAL		
CA	10' AH	Prohibited
CB	10' AH	Prohibited
CC	10' AH	120' AGL
RESIDENTIAL		
RA,RB,RC,RD	10' AH	Prohibited

AH: Above the height allowed for the supporting building or structure in the District or above the top of the supporting building or structure, whichever is greater.

AGL: Above Ground Level per Height Definition of Section 4.1.

8.8.2 Setbacks

In addition to compliance with the setback requirements for the district in which it is located, a Free-Standing Wireless Communication Link shall be set back a distance equal to the height of its tower from any residential zone line, or off-site residential lot line, whichever is closer, provided however, that the Permit Granting Authority may reduce the standard setbacks requirement if the goals of this By-Law would be better served thereby.

8.8.3 Separation

Wireless Communication Links shall be separated by a minimum of two (2) miles, provided however, that the Permit Granting Authority may reduce the separation requirements by no more than 50% if the goals of this By-Law would be better served thereby. This subsection shall not apply to co-location permitted by Section 8.5

8.8.4 Aesthetics and Lighting

8.8.4(a) All exterior Wireless Communication Link equipment and fixtures shall be painted or otherwise screened or colored to minimize their visibility to occupants or residents of surrounding buildings, streets and properties. Wireless Communication Link equipment and fixtures visible against a building or structure shall be colored to blend with such building or structure. Wireless Communication Link equipment and fixtures visible against the sky or other background shall be colored to minimize visibility against such background.

8.8.4(b) Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the Permit Granting Authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.

8.8.5 Landscaping

8.8.5(a) Free-Standing Wireless Communication Link facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the compound from adjacent residential property. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.

8.8.5(b) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether.

8.8.5(c) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as cited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

8.8.6 Security Fencing and Signs

8.8.6(a) Free-standing Wireless Communication Link facilities shall be enclosed by security fencing not less than six feet in height and shall not be of razor wire.

8.8.6(b) Towers shall also be equipped with an appropriate anti-climbing device.

8.8.6(c) 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 (24) hour basis. All signs shall conform with Section 3.9.

8.8.7 Access and parking

8.8.7(a) Access shall be provided to a site by a roadway which respects the natural terrain, does not appear as a scar on the landscape, and is approved by the Permit Granting Authority and the Fire Chief to assure emergency access at all times. Consideration shall be given to design which minimizes erosion, construction on unstable soils and steep slopes.

8.8.7(b) There shall be a minimum of one (1) parking space for each facility, to be used in connection with the maintenance of the site, and not to be used for the permanent storage of vehicles or other equipment.

8.8.8 Land Clearing

Areas should be cleared only when necessary to the operation, maintenance and construction of the Wireless Communication Link. Clearing shall be performed in a manner which will maximize preservation of natural beauty and conservation of natural resources and which shall minimize marring and scarring of the landscape or silting of streams.

8.9 PERFORMANCE STANDARDS

8.9.1 Compliance with Federal and State Regulations

All Wireless Communication Link shall be erected, installed, maintained and used in compliance with all applicable Federal and State laws, rules and regulations, including radio frequency emission regulations as set forth in Section 704 of the 1996 Federal Telecommunication Act as revised.

8.9.2 Compliance with Building Codes and Safety Standards

The Wireless Communication Link shall be constructed and maintained in accordance with standards contained in applicable building codes of the Commonwealth of Massachusetts and the Town of Milford and applicable standards for towers that are published by the Electronic Industries Association, amended from time to time.
