

TOWN MEETING WARRANT APPENDIX A
EASTON ZONING BY-LAW
Draft #10
May 5, 2016

SECTION 1.0 PURPOSE AND AUTHORITY

1.1 PURPOSE. These regulations are enacted to promote the general welfare of the Town, to protect the health and safety of its inhabitants, to encourage the most appropriate use of land throughout the town, to preserve the cultural, historical and agricultural heritage of the community, to increase the amenities of the town, and to reduce the hazard from fire by regulating the location and use of buildings and the area of open space around them, all as authorized by, but not limited to, the provisions of the Zoning Act, G.L. c. 40A, as amended, and Section 2A of 1975 Mass. Acts 808.

1.2 AUTHORITY. This Zoning By-Law (“this By-Law”) is enacted in accordance with the provisions of the General Laws, Chapter 40A, and any and all amendments thereto, and by Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

1.3 SCOPE. For these purposes, the construction, repair, alteration, reconstruction, height, number of stories, and size of buildings and structures, the size and width of lots, the percentage of lot area that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land in the Town are regulated as hereinafter provided.

1.4 APPLICABILITY. All buildings or structures hereinafter erected, reconstructed, altered, enlarged, or moved, and the use of all premises in the Town, shall be in conformity with the provisions of the Zoning By-Law. No building, structure or land shall be used for any purpose or in any manner other than is expressly permitted within the district in which such building, structure or land is located. Where the application of this By-Law imposes greater restrictions than those imposed by any other regulations, permits, restrictions, easements, covenants, or agreements, the provisions of this By-Law shall control.

1.4.1 Applicability; Nonconformities. Except as herein after provided, this By-law shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building permit or special permit issued before the first publication of notice of the public hearing on this By-Law or any amendments thereto, but shall apply to any change or substantial extension of such use, to a building permit or special permit issued after the first notice or said public hearing, to any reconstruction, extension or structural change of such structure and to any alteration of a structure begun after the first notice of said public hearing to provide for its use in a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent except where alteration, reconstruction, extension or a structural change to a single or two family residential structure does not increase the nonconforming nature of said structure.

1.4.2 Commencement of Construction or Operation. Construction or operations under a building permit or special permit shall conform to any subsequent amendments to this By-Law, unless the use or construction is commenced within a period of not more than six months after the issuance of the permit and in any case involving construction, unless such construction is continued through to completion as continuously and

expeditiously as is reasonable.

1.5 AMENDMENTS. This By-law, including the Zoning Map which is part hereof, may be amended at a regular or special Town Meeting in accordance with Chapter 40A of the General Laws of Massachusetts. Petitions for zoning amendments shall be made in accordance with G.L. c. 40A, s. 5, and shall be submitted to the Board of Selectmen with a copy to the Planning & Zoning Board and shall be accompanied by the following:

1.5.1 Text. For petitions concerning the text of this By-law, five (5) copies of the existing and proposed text shall be submitted.

1.5.2 Zoning Map. For petitions concerning the Zoning Map, one reproducible and two copies thereof of a map with sufficient information describe the area of the proposed change and other related information as may be required at the discretion of the Easton Planning & Zoning Board.

1.5.3 Initiation. Petitions for zoning amendments may be initiated by:

1. Board of Selectmen;
2. Board of Appeals;
3. Individual owning land to be affected;
4. Ten registered voters;
5. Planning & Zoning Board;
6. Old Colony Planning Council;

The Board of Selectmen shall submit the petition to the Planning & Zoning Board within fourteen days of receipt.

1.5.4 Public Hearing. The Planning & Zoning Board shall hold a public hearing within sixty-five days after receipt.

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

SECTION 2.0 DISTRICTS

2.1 DIVISION INTO DISTRICTS. The Town of Easton, Massachusetts, is hereby divided into these Zoning Districts, designated as follows:

Full Title	Abbreviation
Residential	R
Residential 1	R1
Business	B
Business Neighborhood	BN
Industrial	I
Eleemosynary	E
Municipal or Open Space	M
Queset Commercial District	QCD
Village Business District	VBD

2.2 ZONING MAP. The location and boundaries of the zoning districts are hereby established as shown on a map titled "Town of Easton, Massachusetts Zoning Map" dated May 16, 2016, which accompanies and is hereby declared to be a part of this By-law. The authenticity of the Zoning Map shall be identified by the signature of the Town Clerk and the imprinted seal of the Town under the following words: "This is to certify that this is the Zoning Map of the Town of Easton, Massachusetts, referred to in the Zoning By-Law of the Town of Easton, Massachusetts, which was approved by the Town Meeting on May 16, 2016.

2.3 CHANGES TO MAP. Any change in the location of boundaries of a Zoning District hereafter made through the amendment of this By-law shall be indicated by the alteration of such map, and the map thus altered as declared to be part of the By-law thus amended. It shall be the responsibility of the Planning & Zoning Board to direct such alterations.

2.4 OVERLAY DISTRICTS. The following overlay districts are also established, as set forth in Section 9.0, herein.

Full Title	Abbreviation
Aquifer Protection Overlay District	APOD
Flood Plain Overlay District	FPOD
Large Scale Ground Mounted Solar Photovoltaic Installation Overlay District	SPOD
Medical Marijuana Treatment Center Overlay District	MMOD
Queset Smart Growth Overlay District	QSGOD

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

2.5.1 Centerline. Where a boundary is indicated as a street, railroad, watercourse or other body of water, it shall be construed to be the centerline or middle thereof, or where such boundary approximates a town boundary, then to the limits of the town boundary.

2.5.2 Parallel. Where a boundary is indicated as following approximately or parallel to a street, railroad, watercourse, or other body of water, it shall be construed to be parallel thereto and at such distance there from as dimensioned on the Zoning Map. If no dimension is given, such distance shall be determined by use of the scale shown on the Zoning Map.

2.5.3 Dimensioned Boundary. Where a dimensioned boundary coincides within ten (10) feet or less with a lot line, the boundary established by records as of March 1973, shall be construed to be the lot line.

2.5.4 Right Angle. Where a boundary is indicated as intersecting the centerline of a street, railroad, watercourse or other water body, it shall be construed to intersect at right angles to said centerline, or in the case of a curved centerline, at right angle to the tangent to the curve at the point of intersection.

2.5.6 Dispute. Whenever any dispute arises on district boundaries as to the exact location of a district boundary line, the location of such line shall be determined by the Building Commissioner after consultation with the Planning & Zoning Board.

2.6 SPLIT LOTS

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

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

SECTION 3.0 USE REGULATIONS

3.1 PRINCIPAL USES.

3.1.1 Applicability of Use Regulations. Except as provided by law or in this By-law in each district no building, structure, or land shall be used or occupied except for the purposes permitted as set forth in the accompanying Table of Use Regulations. Any use not listed shall be construed to be prohibited.

3.1.2 Permitted Uses. In the following Table of Use Regulations the uses permitted by right in the district shall be designated by the letter (Y). Uses designated (N) shall not be permitted in the district. Those uses that may be permitted by special permit in the district, in accordance with Section 10.5, shall be designated by identification of the Special Permit Granting Authority, which is either:

ZBA Zoning Board of Appeals
PZB Planning & Zoning Board
BOS Board of Selectmen

3.1.3 Uses Subject to Other Regulations. Uses permitted by right or by special permit shall be subject, in addition to use regulations, to all other provisions of this By-Law.

3.1.4 Table of Use Regulations. See Appendix A- Table of Use Regulations which is declared to be part of this By-Law.

3.2 ACCESSORY USES.

3.2.1 Accessory Uses; All Districts. The following accessory uses are specifically permitted in all districts as of right or by special permit. See Table of Use Regulations.

1. *Temporary Construction Trailers.* The Building Commissioner may grant a temporary occupancy permit for temporary buildings and trailers during building construction where reasonably required for such construction. Such permit may be issued for an initial period of not more than one year. Permits may be renewed by the Building Commissioner for successive periods of not more than one year each.

2. *Accessory Scientific Uses.* Uses, whether or not on the same parcel as activities permitted as a matter of right, which are necessary in connection with scientific research or scientific development or related production, may be permitted upon the issuance of a special permit by the Board of Appeals, provided that the Board finds that the proposed use does not substantially derogate from the public good.

3. *Family Day Care Homes.* Small and large family day care homes are allowed as set forth in the Table of Uses.

4. *Adult Day Care Homes.* Adult day care homes are allowed as set forth in the Table of Uses.

3.2.2 Accessory Uses in the Residence Districts. The following provisions shall apply to accessory uses and structures in the Residence Districts:

1. *Boarders.* Up to three (3) boarders are allowed as an accessory use.

2. *Miscellaneous.* Kennels; Contractor's yard for the storage of building materials or equipment; the storage or keeping of commercial landscaping equipment, materials, supplies, or piles; and commercial

auto repair or service are prohibited in the Residence Districts.

3.2.3 Accessory Uses in the Business and Industrial Districts. In the Business and Industrial Districts, any use permitted as a principal use is also permitted as an accessory use provided such use is customarily incidental to the main or principal building or use of the land. Any use authorized as a principal use by special permit may also be authorized as an accessory use by special permit provided such use is customarily incidental to the main or principal building or use of the land.

3.3 HOME OCCUPATIONS.

3.3.1 Home Occupation - As of Right. One (1) home occupation may be allowed on any premises as of right, provided that the home occupation:

1. is conducted solely within a dwelling or accessory building and solely by the person(s) occupying the dwelling as a primary residence;
2. is clearly incidental and secondary to the use of the premises for residential purposes;
3. does not produce offensive noise, vibration, smoke, dust, odors, heat, lighting, electrical interference, radioactive emission or environmental pollution;
4. does not utilize exterior storage of material or equipment (including the parking of commercial vehicles);
5. does not exhibit any exterior indication of its presence or any variation from residential appearance;
6. does not produce any customer, pupil, or client trips to the occupation site and has no nonresident employees;
7. is registered as a business with the Town Clerk.

3.3.2 Home Occupation - By Special Permit. One (1) home occupation may be allowed on any premises by special permit issued by the Board of Appeals, provided that:

1. the home occupation complies with the pertinent provisions of Section 3.3.1, above;
2. is conducted within a dwelling solely by the person(s) occupying the dwelling as a primary residence and, in addition to the residents of the premises, by not more than two additional employees;
3. does not exhibit any exterior indication of its presence, or any variation from residential appearance, except for a sign or name plate in compliance with Section 6.2;
4. a special permit for such use is granted by the Board of Appeals, subject to conditions including, but not limited to, restriction of hours of operation, maximum floor area, off-street parking, and maximum number of daily customer vehicle trips. Such special permit shall lapse upon the transfer of the property.

4.0 DIMENSIONAL AND DENSITY REGULATIONS

4.1 GENERAL REGULATIONS.

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

4.1.2 Table of Dimensional and Density Regulations. See Appendix B, Table of Dimensional Regulations which is declared to be part of this By-Law.

4.2 SPECIAL REGULATIONS.

4.2.1 Distance Between Buildings. Except in the Queset Commercial District, and except in the case of an approved Planned Business Development and/or Planned Industrial Development, if more than one building (other than a one, two or three-car garage, a tool-shed, a greenhouse or a cabana) may lawfully be placed on any lot in single or common ownership, the distance between the nearest parts of such buildings shall be not less than forty (40) feet.

4.2.2 Frontage Required. No building shall be erected except on a lot fronting on a street, and there shall be not more than one principal building on any lot except that there may be two buildings on a lot subject to the provisions of Section 8.0.

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

4.2.4 Multiple Uses. In cases of multiple uses, the regulation for each use shall apply to the portion of the building or land so used. A multiple use of a premises for a residential and a business purpose in a business zone may be permitted subject to the foregoing and site plan submission and approval by the Planning & Zoning Board under Section 10.6.

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

4.3 ACCESSORY STRUCTURES.

4.3.1 Attached Garage. A garage or carport attached to any side of a dwelling and constructed as a part of the dwelling shall be considered as a part of the dwelling and shall meet all requirements for front, side, or rear yards, and height of structure which apply to the dwelling.

4.3.2 Storage Structure. A residential storage structure may be located to within five (5) feet of a side or rear lot line, while a detached residential garage shall be located a minimum of fifteen (15) feet from a side yard and

twenty (20) feet from the rear lot line.

4.3.3 Certain Buildings. Tool sheds, garden sheds, storage sheds, garages, or other like buildings shall be allowed as accessory uses in the Residence Districts subject to the dimensional requirements in Section 4.3.

SECTION 5.0 NONCONFORMING USES AND STRUCTURES

5.1 APPLICABILITY. This By-law shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing required by G.L. c. 40A, s. 5 at which this By-law, or any relevant part thereof, was adopted. Such prior, lawfully existing nonconforming uses and structures may continue, provided that no modification of the use or structure is accomplished, unless authorized hereunder.

5.2 NONCONFORMING USES. The Zoning Board of Appeals may award a special permit to change a nonconforming use in accordance with this Section only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood.

5.2.1 Permissible Changes. The following types of changes to nonconforming uses may be considered by the Zoning Board of Appeals:

1. Change or substantial extension of the use;
2. Change from one nonconforming use to another, less detrimental, nonconforming use.

5.3 NONCONFORMING STRUCTURES. The Zoning Board of Appeals may award a special permit to reconstruct, extend, alter, or change a nonconforming structure in accordance with this Section only if it determines that such reconstruction, extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

5.3.1 Permissible Changes. The following types of changes to nonconforming structures may be considered by the Zoning Board of Appeals:

1. Reconstructed, extended or structurally changed;
2. Altered to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent.

5.4 VARIANCE REQUIRED. Except as provided in Section 5.5, below, the reconstruction, extension or structural change of a nonconforming structure in such a manner as to increase an existing nonconformity, or create a new nonconformity, shall require the issuance of a variance; the extension of an exterior wall at or along the same nonconforming distance within a required yard shall also require the issuance of a variance from the Zoning Board of Appeals.

5.5 NONCONFORMING SINGLE AND TWO FAMILY RESIDENTIAL STRUCTURES.

Nonconforming single and two family residential structures may be reconstructed, extended, altered, or structurally changed upon a determination by the Building Commissioner that such proposed reconstruction, extension, alteration, or change does not increase the nonconforming nature of said structure by more than 100% gross floor area.

5.5.1 Permissible Changes. The following circumstances shall not be deemed to increase the nonconforming nature of said structure and a building permit may be issued:

1. The reconstruction, extension or alteration of the structure complies with the current setbacks and building height requirements; or
2. The reconstruction, extension or alteration to any side or face of a structure that does not

comply with a current setback requirement, where the reconstruction, extension or alteration will not result in a decrease in the distance between any lot line and the nearest point of the structure; or

3. The reconstruction, extension or alteration will not extend beyond the existing footprint of the structure, provided that the structure will comply with the current building height requirements.

If the Building Commissioner determines that proposed alteration, extension or change exceeds the one or more of the criteria set forth above, the Zoning Board of Appeals may, by finding, allow such alteration, extension or change where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood. For the purposes of this subsection only, the term “reconstruction” shall not include the voluntary demolition of such structure and its rebuilding. See Section 5.7.

5.6 ABANDONMENT OR NON-USE. A nonconforming use or structure which has been abandoned, or not used for a period of two years, shall lose its protected status and be subject to all of the provisions of this zoning by-law; provided, however, that by special permit the Zoning Board of Appeals may reestablish a nonconforming use or structure otherwise abandoned or not used.

5.7 RECONSTRUCTION AFTER CATASTROPHE OR DEMOLITION. Any nonconforming structure, other than a nonconforming single or two-family dwelling governed by Section 5.5, may be reconstructed after a catastrophe or after demolition in accordance with the following provisions.

5.7.1 Procedures.

1. Reconstruction of said premises shall commence within two years after such catastrophe or demolition.
2. Building(s) reconstructed as of right shall be located on the same footprint as the original nonconforming structure and shall be only as great in volume or area as the original nonconforming structure.
3. In the event that the proposed reconstruction would (a) cause the structure to exceed the volume or area of the original nonconforming structure or (b) cause the structure to be located other than on the original footprint, a special permit from the Board of Appeals shall be required.

5.8 REVERSION TO NONCONFORMITY. No nonconforming use shall, if changed to a conforming use, revert to a nonconforming use.

5.9 SUBSTANDARD LOTS. When a prior lawful nonconforming structure is located on a lot which does not meet current dimensional requirements, such lot shall not be changed, unless the change does not result in exacerbation of an existing nonconformity or a new nonconformity.

SECTION 6.0

GENERAL REGULATIONS

6.1 OFF STREET PARKING AND LOADING REQUIREMENTS.

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

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

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

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

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

In the Village Business District, the Planning and Zoning Board may approve off-premise, off-street parking spaces within 700 feet from the premises to which they are appurtenant, through the site plan review process (see Section 10.6).

6.1.5 Table of Off-Street Parking Regulations.

TABLE OF OFF-STREET PARKING REGULATIONS	
Uses	Number of Parking Spaces per Unit
1. One single- or two-family dwelling	Two for each dwelling unit
2. Multifamily apartments	1.25 for each dwelling unit
3. Lodging unit	One for each bedroom in a lodging unit

TABLE OF OFF-STREET PARKING REGULATIONS

Uses	Number of Parking Spaces per Unit
4. Theater, auditorium, church or similar place of public assembly with seating facilities	One for each five seats of total seating capacity
5. New and used car sales and automotive service establishment and other retail and service establishments utilizing extensive display areas, either indoor or outdoor which are unusually extensive in relation to customer traffic	One per 1,000 sq. ft. of gross floor space In the case of outdoor display areas, one for each 1,000 sq. ft. of lot area in such use
6. Other retail, service, offices, finance, insurance, real estate establishment, or shopping center	One per each 500 sq. ft. of gross floor space
7. Hotel, motel, tourist court	One for each sleeping room
8. Wholesale establishment, warehouse or storage establishment	One per each 1,000 sq. ft. of gross floor space
9. Manufacturing or industrial establishment	One per each 600 sq. ft. of gross floor space OR 0.75 per each employee of the combined employment of the two largest successive shifts, whichever is larger
10. Hospital	Two per bed at design capacity
11. Nursing home	Two per 1,000 sq. ft. of gross floor space
12. Business, trade or industrial school or college	One for each 200 sq. ft. of gross floor area in classrooms

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

6.1.7 Table of Off-Street Loading Regulations.

TABLE OF OFF-STREET LOADING REGULATIONS

Uses	Number of Parking Spaces Per Unit
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1. Retail trade, manufacturing and hospital establishment with over 5,000 sq. ft. of gross floor area	One per 20,000 sq. ft. or fraction thereof of gross floor area up to two spaces; one additional space for each 60,000 sq. ft. or fraction thereof of gross floor area over 40,000 sq. ft. Space used for ambulance receiving at a hospital is not to be used to meet these loading requirements.
2. Business services, other services, community facility (school, church, town building, recreation, etc.) or public utility establishment with over 5,000 sq. ft. of gross floor area	One per 75,000 sq. ft. or fraction thereof of gross floor area up to two spaces; one additional space for each 200,000 sq. ft. or fraction thereof of gross floor area over 150,000 sq. ft.

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

1. The area shall be effectively screened on each side which adjoins or faces the front, side, or rear lot line of a lot situated in any "R", "E", or "M" District.
2. A substantial bumper of masonry, steel or heavy timber, or a concrete curb or berm curb which is backed shall be placed at the edge of surfaced areas except driveways in order to protect abutting structures, properties and sidewalks.
3. The periphery of the building, the parking areas, and the driveway shall be illuminated. Any fixture used to illuminate any area shall be so arranged as to direct the light away from the street and away from adjoining premises used for residential purposes and shall be dark sky friendly.
4. There shall not be any vehicle repair for profit or gasoline or oil service facilities or any repair made to any motor vehicles, except on a lot occupied by a permitted automotive use. Any gasoline or oil facilities shall be at least 25 feet from any lot line.
5. There shall not be any storage of materials or equipment or display of merchandise within required parking area except as part of approved building operations.
6. Parking and loading spaces shall be so arranged as not to permit backing of vehicles onto any street, except in residential districts.
7. Any portion of any entrance or exit driveway shall not be closer than 50 feet to the curb line of an intersecting street.
8. Any two driveways leading to or from a street or to or from a single lot shall not be within 30 feet of each other at their intersections with the front line for an interior lot and 40 feet for a corner lot.
9. An entrance or exit driveway shall not exceed 36 feet in width at its throat.
10. Any open air parking space in districts "B" and "I" shall be at least 10 feet from any sidewalk or street line.

11. In districts "B" and "I", all off-street parking and loading spaces, access ways and maneuvering area shall be laid out so as to provide for adequate drainage, snow and rubbish removal, maneuverability, and curb cuts.

12. In districts "B" and "I", any parking areas(s) adjacent to a building shall be not less than 6" below the elevation of the building entrance(s).

6.1.9 Fire Lanes. In districts "B" and "I", for non-residential uses, fire lanes shall be provided as follows:

1. From the primary entrance of each unit to the travel way, there shall be a 10 foot wide fire lane. From all other entrances and exits to the travel way, there shall be a 6 foot wide fire lane.

2. In the case of shopping centers, restaurants, theaters, and similar locations, instead of the provisions of "a" above, the fire chief may determine to establish a general fire lane of not less than 12 feet in width extending around as much of the perimeter of the building as deemed necessary.

3. In district "B" for multiple family dwelling units, fire lanes shall be provided from each entrance to the travel way, where there shall be a 6-foot-wide fire lane.

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

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

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

1. *Amount.* Developments with proposed parking areas of ten (10) spaces or more shall provide 20 square feet of landscaped open space within the parking area for every parking space provided in the lot.

2. *Buffers.* Landscaping shall be required between non-residential uses or mixed use developments and existing or future residential development areas. Buffer zones shall be a minimum of twelve (12) feet in width and shall substantively screen the site from view through the use of evergreen vegetation at least six feet in height. Fences may be used as part of screening but shall not include chain link fences, unless designed to be screened from view with vegetation. These requirements shall not apply to nonresidential or mixed use development that are designed to integrate existing or future neighboring residences into the site through the use of walkways, bicycle paths or other pedestrian amenities.

3. *Parking Lot Entrances.* Parking lot entrances shall be landscaped minimally with a combination of trees and shrubs. These areas may also be used for signage in compliance with Section 6.2 of this By-law. No trees or shrubs shall be planted in a way to obstruct sight lines of motorists.

4. *Parking Aisles.* The ends of parking aisles that are more than fifteen (15) spaces in length shall incorporate landscape islands at either end of the row. Where the length of parking aisles exceeds twenty-five (25) spaces, an intermediary landscaped island shall be installed at regular intervals. This interval shall not be more than every thirteen (13) spaces. Landscape islands used at the end of parking aisles shall enclose. The width of landscaped islands at their ends shall not be less than four (4) feet and not less than eight (8) feet at their midpoint.

5. *Plant Selection.* No tree, shrub or plant shall be proposed for use within a parking area that has been identified as an Invasive Species by the Massachusetts Plant Advisory Group in the latest version of The Evaluation of Non-Native Plant Species for Invasiveness in Massachusetts (with annotated list), has been identified as invasive or banned on the Massachusetts Prohibited Plant List as periodically updated by the Massachusetts Department of Agricultural Resources, or in any other reputable scientific publication that may be acceptable to the Board. All size and location design elements shall comply with the following specifications:

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

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

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

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

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

6.1.15 Special Permit. The Planning & Zoning Board may, by special permit, reduce the requirements of this Section if specific site or public safety considerations warrant such a reduction and no substantial detriment shall result.

6.2 SIGNS.

6.2.1 Purpose. The purpose of this Section is:

1. To promote the public safety and convenience of streets, highways, sidewalks and other pedestrian spaces, and public and private property within public view;
2. To reduce distractions, hazards and obstructions from signage that will have an adverse impact on vehicular safety;
3. To discourage excessive visual competition in signage;
4. To ensure that signage will adequately aid communication and orientation, identify uses and activities, and express local history and character;
5. To preserve or enhance town character by requiring new and replacement signage which is compatible with the surroundings, appropriate to the type of activity to which it pertains, expressive of the identify of individual proprietors or of the community as a whole, and appropriately sized in its content, and
6. To encourage the use of the Town's Sign and Design Guidelines as a recourse to assist in the development of appropriate commercial signage and building design.

6.2.2 Definitions. See Section 11.0. "Signs."

6.2.3 Permitted Signs in Residence And Eleemosynary Districts. The following signs may be erected or maintained in Residential Districts and Eleemosynary District provided such signs are in compliance with all conditions set forth in this Section. The calculation of maximum number of signs and maximum area of signs does not include directional signs.

1. All signs as permitted in Section 6.2.7;
2. One non-illuminated sign displaying the street number, or name of the occupant of premises, or both, not exceeding four (4) square feet in area. Such signs may be attached to a building or may be on a rod or post not more than six (6) feet high and less than three (3) feet from the property lot line. Such sign may include identification of an accessory studio or professional office in the dwelling or on the premises, or may identify other permitted accessory uses, including allowed home occupations.
3. One bulletin or announcement board or identification sign for a permitted nonresidential building or use, not more than ten (10) square feet signboard area. For churches and institutions, membership clubs, funeral establishments, hospital, other places of public assembly, community facilities or public utilities, one bulletin or announcement board or identification sign is permitted on each building. Each such sign shall be not more than twenty (20) feet signboard area. No such sign shall be located nearer a street than one-half the required front yard depth.
4. Two subdivision identification signs per neighborhood, subdivision, or development, not to exceed thirty-two (32) square feet each in sign area during construction only.
5. On the premises with a lawfully nonconforming use, one sign not more than six (6) square feet.
6. One "For Sale" or "For Rent" sign not more than six (6) square feet and advertising only the premises on which the sign is located. It shall be set back at least fifteen (15) feet from the property lot line.
7. No sign or advertising device shall be illuminated after 11:00 P.M.

6.2.4 Permitted Signs in Business and Industrial Districts. Signs are allowed as follows in

Business and Industrial Districts:

1. All signs permitted in the definition set forth in 11.0. and 6.2.7.
2. One freestanding sign per street frontage, up to a maximum of one hundred (100) square feet for a single or double occupancy building. If three (3) or more multiple tenants occupy a building maximum given sign may be increased to one hundred fifty (150) square feet provided that all tenants occupying the building be allocated sign space in proportion to the amount of building space they occupy. Such signs may not exceed a height of thirty (30) feet.
3. One wall sign per occupancy up to a maximum of one hundred (100) square feet.
4. One under-canopy sign per occupancy, not to exceed twenty (20) square feet in gross sign area.
5. Incidental signs, not to exceed twenty (20) square feet in aggregate sign area per occupancy.
6. The top edge of a sign shall be placed not higher than the main roof of the highest building located on the premises, or if no building exists, the average height of the main roofs of the buildings on the next adjacent properties where buildings do exist and not to exceed thirty (30) feet above ground or sidewalk.

6.2.5 Special Regulations and Allowances for Business and Industrial Districts.

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

6.2.6 Permitted Signs in Local Historic Districts. All signs in the Ames Local Historic District

shall be subject to review by the Easton Historical Commission prior to submission to the Easton Planning & Zoning Board.

6.2.7 Signs Permitted in All Districts. The following signs are allowed in all districts:

1. All signs not requiring permits (see Section 6.2.12);
2. One construction sign for each street frontage of a construction project, not to exceed six (6) square feet in sign area in residential zones of thirty-two (32) square feet in sign area in all other zones. Such signs may be erected fifteen (15) days prior to beginning of construction and shall be removed following completion of construction.
3. One non-illuminated real estate sign per lot or premises, not to exceed six (6) square feet in sign area. Signs used to advertise commercial property not to exceed three (3) by five (5) feet. Signs must be removed following sale, rental or lease. It shall be set back at least fifteen (15) feet from the property lot line.
4. Two attached nameplates per occupancy, not to exceed four (4) square feet in sign area.
5. Directional/Information signs not to exceed six (6) feet in sign area or ten (10) feet in height.

6.2.8 Signs Prohibited in All Districts. The following types of signs are prohibited in all districts:

1. Abandoned signs.
2. Any sign which by reason of its location, shape, size, or color; will interfere with traffic signs, signals, or markings.
3. Signs imitating or resembling official traffic or government signs or signals.
4. Snipe signs or signs attached to trees, utility poles, streetlights, or placed on public property or public right-of-way.
5. Flashing, animated or internally illuminated, including LED and neon, not specifically allowed by the Planning & Zoning Board.
6. Portable signs.
7. Other signs specifically excluded by this By-law.
8. Signs attached to motor vehicles, trailers, or other movable objects regularly or recurrently located for fixed display.
9. Changing image sign.

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

1. *Determination of Sign Area.* Sign measurement shall be based upon the entire area of the sign, with a single continuous perimeter enclosing the extreme limits of the actual sign surface. For a sign painted on or applied to a building or structure, the area shall be considered to include all lettering, wording and accompanying designs or symbols together with any background of a different color than the natural color or finish material of the building or structure. For a sign consisting of individual letters or symbols attached to or painted on a surface, building wall or window, the area shall be considered to be that of the smallest rectangle, circle, oval or other simple straight-lined shape which encompasses all of the letters

and symbols. The area of supporting framework, such as the brackets and posts, shall not be included in the area if such framework is incidental to the display. When a sign has two (2) or more faces, the area of all faces shall be included in determining the area, except where two (2) faces are placed back to back and are at no point more than two (2) feet from each other. In this case, the sign area shall be taken as the area of either face, and if the faces are unequal, the larger shall determine the area.

2. *Sign Height.* No part of any sign or light illuminating a sign shall be at a height in excess of the maximum height as specified in this Section with respect to the height of the building or structure situated on the premises to which the sign relates. No part of any freestanding sign or any light illuminating a sign shall be higher than the highest point of any building or other structure on the premises on which such sign is located or if a vacant lot, at a height of no more than ten (10) feet above ground.

3. *Sign Setbacks.* Signs over one (1) square foot in area which are not temporary signs shall be set back at least fifteen (15) feet from the street line. Temporary signs in Nonresidential Districts shall be set back at least ten (10) feet from the street line.

6.2.10 Illumination and Movement.

1. *Illumination in Residential Zones.* Illumination of a sign shall be by steady white light which shall be properly shielded. Internally illuminated signs shall not be permitted.

2. *Illumination in Business and Industrial Zones.* Illumination of a sign shall be by steady white light which shall be properly shielded or by internal illumination of only the lettering, wording or insignia within the sign.

3. *Illumination in Local Historic Districts.* Illumination of a sign shall be by steady white light which shall be properly shielded as approved by the Easton Historical Commission.

4. *Movement Prohibited in All Districts.*

a. Flashing signs shall not be permitted in any District.

b. Movement of a sign body or any segment thereof, such as rotating, revolving, moving up or down or any other type of action involving a change of position of a sign body or segment thereof, whether caused by mechanical or other means, shall not be permitted in any District.

c. No neon or external florescent lighting shall be permitted in any District.

6.2.11 Permits and Approvals.

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

2. *Approval.* All applicants for sign permits, as required by this Section, in Business and Industrial Districts shall submit plans and supporting materials to the Planning & Zoning Board for approval.

6.2.12 Signs Not Requiring Permits. The following types of signs are exempted from permit requirements, but must be in conformance with all other requirements of this By-law:

1. One construction sign of thirty-two (32) square feet or less.

2. Directional/Information signs of six (6) square feet or less.
3. Holiday or special event decorations and/or festoons.
4. Nameplates of six (6) square feet or less.
5. Political signs.
6. Public signs or notices, or any sign relating to an emergency.
7. Real estate signs.
8. Window signs.
9. Incidental signs.

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

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

1. No sign shall be suspended by non-rigid attachments that will allow the sign to swing in a wind.
2. All freestanding signs shall have self-supporting structures erected on or permanently attached to concrete foundations.
3. Applicants shall refer to the Town of Easton Sign and Design Guidelines adopted by the Planning & Zoning Board in its rules and regulations for additional guidance in building and signage design.

6.2.15 Nonconforming Signs. Existing signs which do not conform to the specific provisions of this By-law may be eligible for designation as "lawfully nonconforming." A nonconforming sign is subject to all requirements this code regarding safety, maintenance, and repair. A nonconforming sign may remain in place provided that:

1. The Building Commissioner determines that such signs are properly maintained and do not in any way endanger the public.
2. The sign was properly covered by a valid permit or variance or complied with all applicable laws on the date of adoption of this By-law.
3. Sign, or signs, were constructed or present prior to zoning.

6.2.16 Loss of Nonconforming Status. A lawfully nonconforming sign may lose this designation if:

1. The sign is relocated.
2. The structure or size of the sign is altered in any way except towards compliance with the By-law. This does not refer to change of copy of normal maintenance.

6.2.17 Special Permit. The Planning & Zoning Board may grant a special permit for on-premises larger signs or additional on-premises signs, provided that no substantial detriment shall result to the neighborhood or the Town.

6.3 PERFORMANCE STANDARDS

6.3.1 Procedures; Rules and Regulations. The following performance standards shall apply in all districts.

6.3.2 Noise.

1. *Hours of Operation.* As a condition of any special permit or site plan approval, the Planning & Zoning Board or the Zoning Board of Appeals, as may be applicable, may incorporate the following conditions regarding hours of operation:

- a. The loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans, or other objects or materials for sale or storage or use in a manner that causes a condition of noise pollution at any time but most specifically between the hours of 8:00 P.M. and 7:00 A.M. across a real property boundary in any district established under this By-law.
- b. Operating or permitting the operation of tools or equipment used in construction, drilling or demolition work between the hours of 8:00 P.M. and 7:00 A.M. Monday through Saturday, or at any time on Sundays or Holidays so that the sound creates a condition of noise pollution across a real property boundary.
- c. The operation of construction devices between the hours of 7:00 A.M. and 8:00 P.M. including such items as compressors, jackhammers, bulldozers, cranes, etc., in a manner that causes a condition of noise pollution that could be avoided by the application of best available technology, which might include mufflers where commercially available.

2. *Ambient Noise Level.* No person shall operate or cause to be operated any source of sound in a manner that creates a sound level which exceeds 10 dBA above ambient when measured at the property boundary of the receiving land use, as set forth in 310 CMR 7.10; provided, however, that emergency generators operating during a power outage shall be exempt.

6.3.3 Stormwater Management. All development shall comply with Section 8 of the Planning & Zoning Board's Subdivision Rules and Regulations.

6.3.4 Prohibited Activities. Prohibited activities are as follows:

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

6.3.5 NPDES. No person shall excavate, cut, grade, or perform any land disturbing activities greater than one acre without a National Pollution Discharge Elimination System (NPDES) permit from the Environmental Protection Agency which shall include an Erosion and Sediment Control Plan approved by the Board. The Erosion and Sediment Control Plan shall be prepared by a Registered Professional Engineer and include but not necessarily limited to the following:

1. Name, address and telephone number of Owner, Civil Engineer, and person responsible for the implementation of the plan;
2. All existing and proposed stormwater utilities, including structures, pipes, swales, and detention/retention basins;
3. Erosion and sediment control provisions to minimize on-site erosion and prevent off-site sediment transport, including provisions to preserve top soil and its limits of disturbance;
4. Design details for both temporary and permanent erosion control structures;
5. A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities; infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, and establishment of permanent vegetation;
6. Any additional information and/or data which as deemed appropriate to ensure compliance with the Subdivision Rules and Regulations, site plan requirements, or the preservation of public health and safety.

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

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

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

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

6.3.7 Exemptions. The following are exempt from these standards:

1. *Emergency Response.* Emergency responses performed by a private entity or a public agency and fire or burglar alarms.

2. *Municipal Uses and Structures.* All municipal uses and structures, including schools.

3. *Events.* Parades, fairs or outdoor entertainment between the hours of 7:00 A.M. and 11:00 P.M. only provided that a permit for such activity has been granted by the Board of Selectmen and that said permit is for not more than ten (10) days.

4. *Religious Services.* Religious services conducted by an organization which qualifies under the laws of the Commonwealth as a tax-exempt religious group.

6.3.8 Waiver of Standards. The Planning & Zoning Board or the ZBA may, in the course of granting a special permit or site plan approval for nonresidential development, waive any of these performance standards where such waiver is not inconsistent with public health and safety.

6.3.9 Enforcement. In issuing a special permit or site plan approval, the issuing authority may ensure compliance with these performance standards at the application stage by requiring evidence of probable compliance, whether by example of similar facilities or by engineering analysis, verified by technical peer review. In addition, the issuing authority may require a monitoring program post-permit issuance for compliance purposes for a time period as may be specified in the special permit or site plan approval. Otherwise, enforcement shall be by the Building Commissioner.

SECTION 7.0

SPECIAL REGULATIONS

7.2 COMMON DRIVEWAYS.

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

7.2.2 Design Standards and Criteria. A common driveway must satisfy all of the following conditions:

1. The distance of the common driveway measured from the street line to the point where any principal building is proposed shall not exceed a distance of five hundred (500) feet, unless the Planning & Zoning Board makes a determination that said driveway will provide safe and reasonable access for fire, police and emergency vehicles.
2. The common driveway shall be located entirely within the boundaries of the lots to which the driveway provides access, and shall be separated from any other lots to which access is not being provided by an appropriately landscaped buffer area at least twenty (20) feet in width.
3. The centerline intersection of the common driveway with the street centerline shall not be less than 45 degrees.
4. A minimum cleared width of 18 feet, and a minimum travel way of 12 feet, shall be maintained over the entire length of the common driveway.
5. A roadway surface of a minimum of 4 inches of graded gravel, placed over a properly prepared base, graded and compacted to drain from the crown shall be installed. Where the property rises in elevation from the street, the driveway shall be paved from the street to the first high point (break in grade) in order to prevent erosion toward the street, except where such paving is prohibited by other Town bylaws.
6. The grade of each common driveway where it intersects with the public way shall not exceed eight percent (8%) for a distance of 20 feet from the travel surface of the public way unless the Planning & Zoning Board shall grant a special permit after a determination that said driveway will provide safe and reasonable access for fire, police and emergency vehicles.
7. The common driveway shall not disrupt existing drainage patterns. A grading and sloping plan, showing existing and proposed conditions, shall be submitted with the special permit application to demonstrate compliance with this requirement.
8. Proposed documents shall be submitted to the Planning & Zoning Board demonstrating that, through easements, restrictive covenants, or other appropriate legal devices, the maintenance (including snow removal), repair and liability for the common driveway and all public utilities shall remain perpetually the responsibility of the private parties or their successors in interest.
9. The common driveway shall never be used to satisfy frontage requirements.

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

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

7.3 COMMUNICATIONS TOWER AND WIRELESS COMMUNICATIONS FACILITY.

7.3.1 Purpose, Applicability and Use. The purpose of this Section is to establish appropriate siting criteria and standards for communications towers and facilities including, but not limited to radio, television, cellular, and digital communications in order to minimize adverse visual impacts and maintain the residential and historic character of the Town, and preserve scenic views to and from the Town's roadways. This Section is intended to establish reasonable regulations while allowing adequate service to residents, the traveling public and others within the Town and to accommodate the need for the minimum possible number of such facilities within the Town. The requirements of this Section shall apply to all communications towers and wireless communication facilities that require a special permit in accordance with Section 10.5 of this By-law, excluding in-kind or smaller replacement of existing equipment.

7.3.2 Required Performance Standards.

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

required sign giving a phone number where the owner can be reached on a twenty-four hour basis. All signs shall conform with

6.2.

15. Satellite dishes and/or antenna shall be situated on a structure in such a manner that they are screened, preferably not being visible from abutting streets. Free standing dishes or antenna shall be located on the landscape in such a manner so as to minimize visibility from abutting streets and residences and to limit the need to remove existing vegetation.

16. All equipment shall be colored, molded and/or installed to blend into the structure and/or the landscape.

17. Antennas or dishes located on a structure shall not exceed ten feet (10') in height above the level of its attachment to the structure.

18. No structure shall extend in a horizontal distance from the centerline of the tower more than twenty-five feet (25') without approval of the Special Permit Granting Authority. Such extension has to conform to the same set back requirements as the tower itself. Setbacks are the furthest extension of the tower.

19. At its discretion, the Special Permit Granting Authority may require the applicant to simulate at the proposed location through the use of some device at the specific location.

7.3.3 Administrative Procedures. Site plan approval and a Special Permit shall be granted by the Board of Appeals in accordance Sections 10.5 and 10.6. The Board of Appeals shall adopt rules relative to the issuance of special permits, including application fees, and file a copy with the Town Clerk.

7.3.4 Criteria for Review and Approval. The SPGA shall review all applications for communication towers and, in addition to the criteria set forth in Section 10.5.2, shall find:

1. that the location of the tower or device is suitable and that the size, height, and design is the minimum necessary for that purpose;
2. that the proposed tower or devices will not adversely impact historic structures or scenic views;
3. that there are no feasible alternatives to the location of the proposed tower or devices (including co-location) that would minimize their impact;
- d. that the proposed tower or device is in compliance with federal and state requirements regarding aviation safety.

7.3.5 Lapse. The special Permit is granted for a period of two (2) years and shall lapse if substantial use or construction has not commenced by such a date, except for good cause shown. And provided further that such construction, once begun, shall be actively and continuously pursued to completion within a reasonable time. Any extension, addition of cells or construction of new or replacement towers shall be subject to an amendment of the special permit following the same procedure as for an original grant of a special permit.

7.4 PLANNED BUSINESS DEVELOPMENT

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

conditions shall apply:

1. A Planned Business Development shall be allowed only upon the grant of a special permit from the Planning & Zoning Board.
2. The tract shall be in single or consolidated ownership at the time of application and shall be at least two acres in size with 100 feet of frontage, except as may be reduced by the Planning & Zoning Board, in the grant of any special permit.
3. Uses shall be contained in one continuous building except that groupings of buildings may be allowed by the Planning & Zoning Board where such groupings are consistent with the safety of the users of the development and are further consistent with the overall intent of this Section.
4. The gross floor area of buildings shall not exceed 50% of the total area.
5. The development shall be served by one common parking area and by common exit and entrance areas except that the Planning & Zoning Board may allow segmented parking areas.
6. The development shall be served by a public water system.
7. Roadway and utility construction shall conform to the Town of Easton Planning & Zoning Board Subdivision Rules and Regulations except as may be modified or may be waived by the Planning & Zoning Board.
8. Plan depicting exterior building elevations, parking layout, access points and site utilities shall be submitted to the Planning & Zoning Board on properly scaled plans prepared by a Professional Engineer.

7.5 PLANNED INDUSTRIAL DEVELOPMENT.

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

1. A Planned Industrial Development shall be allowed only upon the grant of a special permit from the Planning & Zoning Board.
2. The tract in single or consolidated ownership at the time of application shall be at least two acres in size with 100 feet of frontage. Where the site plan constitutes a subdivision, it shall also require approval by the Planning & Zoning Board under the Subdivision Rules and Regulations of the Town of Easton, MA, latest edition.
3. Individual lot sizes shall not be reduced more than 20 percent below that normally required for manufacturing or service industrial purposes in the District.
4. The total number of establishments in the development shall not exceed the number of establishments, which could be developed under normal application requirements of the District.
5. The permitted uses shall be limited to manufacturing or service industrial uses with the total use completely within the building.
6. The development shall be served by a public water system.
7. At least 25 percent of the total tract area (of which at least 25 percent shall not be wetlands or over 5 percent slope land) shall be set aside as common land and shall be either deeded to

the Town or be conveyed to a nonprofit organization, the principal purpose of which is the conservation of open space, or be conveyed to a corporation or trust owned or to be owned by the owners of lots or residential units within the land and covenanted with the Town to be maintained as permanent "open space." If such a corporation or trust is utilized, ownership thereof shall pass with conveyances of the lots or residential units. In any case where such land is not conveyed to the Town, that such land shall be kept in an open or natural state and not be built upon. Determination of open space shall be made by the Planning & Zoning Board.

8. Such common land shall be restricted to open space, recreation, or conservation area and shall have suitable access as determined by the Planning & Zoning Board.

9. Such common land shall not be used for the purposes of disposing of debris, building material or the like. The applicant and/or owner shall take adequate measures, as satisfactory condition exists in the interest of public health, safety and welfare of the public.

7.6 HOTELS AND MOTELS.

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

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

SECTION 8.0

SPECIAL RESIDENTIAL REGULATIONS

8.1 FLEXIBLE DEVELOPMENT.

8.1.1 Purpose. The purpose of this section, Flexible Development, is to:

1. promote more sensitive siting of buildings and better overall site planning;
2. encourage the preservation of open land for its scenic beauty and to enhance agricultural, open space, forestry, and recreational use;
3. preserve historical and archeological resources; to protect the natural environment, including the Town's varied landscapes and water resources;
4. protect the value of real property;
5. perpetuate the appearance of the Town's traditional New England landscape;
6. facilitate the construction, operation and maintenance of streets, utilities, and public services in a more economical and efficient manner;
7. offer an alternative to standard subdivision development; and
8. promote the development of housing affordable to low and moderate income households.

8.1.2 Definitions. See Section 11, definition of "Flexible Development."

8.1.3 Applicability. In accordance with the following provisions, a Flexible Development project may be created, whether a subdivision or not, from any parcel or set of contiguous parcels with more than five (5) acres held in common ownership and located entirely within the Town.

8.1.4 Procedures. Flexible Development may be authorized upon the issuance of a special permit by the Planning & Zoning Board (PZB). See the PZB's Rules and Regulations for specific application and procedural requirements. Applicants for Flexible Development shall file with the PZB the following:

1. A development plan conforming to the requirements for a preliminary plan as set forth in the Subdivision Rules and Regulations of the PZB.
2. Where wetland delineation is in doubt or dispute, the PZB may require appropriate documentation.
3. Data on proposed wastewater disposal, which shall be referred to a consulting engineer for review and recommendation.
4. The PZB may also require as part of the development plan any additional information necessary to make the determinations and assessments cited herein, including proposed deed restrictions and condominium documents.

8.1.5 Design Process. Each development plan shall follow the design process outlined below. When the development plan is submitted, applicants shall be prepared to demonstrate to the Planning & Zoning Board that this Design Process was considered in determining the layout of proposed streets, houselots, and contiguous open space.

1. *Understanding the Site.* The first step is to inventory existing site features, taking care to identify sensitive and noteworthy natural, scenic and cultural resources on the site, and to

determine the connection of these important features to each other.

2. *Evaluating Site Context.* The second step is to evaluate the site in its larger context by identifying physical (e.g., stream corridors, wetlands), transportation (e.g., road and bicycle networks), and cultural (e.g., recreational opportunities) connections to surrounding land uses and activities.

3. *Designating the Contiguous Open Space.* The third step is to identify the contiguous open space to be preserved on the site. Such open space should include the most sensitive and noteworthy resources of the site, and, where appropriate, areas that serve to extend neighborhood open space networks.

4. *Location of Development Areas.* The fourth step is to locate building sites, streets, parking areas, paths and other built features of the development. The design should include a delineation of private yards, public streets and other areas, and shared amenities, so as to reflect an integrated community, with emphasis on consistency with

5. *Lot Lines.* The final step is simply to draw in the lot lines (if applicable).

8.1.6 Modification of Lot Requirements. The PZB encourages applicants for Flexible Development to modify lot size, shape, and other dimensional requirements for lots within a Flexible Development, subject to the following limitations:

1. Lots having reduced area or frontage shall not have frontage on a street other than a street created by the Flexible Development; provided, however, that the PZB may waive this requirement where it is determined that such reduced lot(s) are consistent with existing development patterns in the neighborhood.

2. Side and rear yards shall be at least ten (10) feet, except as otherwise provided in this Section.

8.1.7 Basic Maximum Number of Dwelling Units. The Basic Maximum Number of dwelling units allowed in a Flexible Development shall not exceed the number of lots which could reasonably be expected to be developed upon the site under a conventional plan in full conformance with all zoning, subdivision regulations, health regulations, wetlands regulations and other applicable requirements. The proponent shall have the burden of proof with regard to the design and engineering specifications for such conventional plan.

8.1.8 Density Bonus. The PZB may award a density bonus to increase the Basic Maximum Number of Dwelling Units in accordance with the following:

1. *Transfer Lot.* For each transfer lot, as defined in Section 11.0, up to two dwelling units may be added as a density bonus; provided, however, that this density bonus shall not exceed 20% of the Basic Maximum Number of Dwelling Units.

2. *Additional Open Space.* For an increase in the amount of required contiguous open space of more than 15%, up to two dwelling units may be added as a density bonus; provided, however, that this density bonus shall not exceed 10% of the Basic Maximum Number of Dwelling Units.

3. *Cap.* Any award of a Density Bonus shall not increase the number of dwelling units by more than 30% of the Basic Maximum Number.

8.1.9 Affordable Component. As a condition of the grant of any special permit for a Flexible

Development, a minimum of ten (10%) of the Basic Maximum Number of Dwelling Units (without inclusion of any density bonus) shall be restricted in perpetuity or for the longest period allowed by law. The affordable dwelling units shall be added onto the Basic Maximum Number of dwelling units, not subtracted from it. Any calculation resulting in a fractional unit of more than 0.4, shall be rounded up.

1. The restriction shall be approved as to form by legal counsel to the PZB, and a right of first refusal upon the transfer of such restricted units shall be granted to the local Housing Authority for a period not less than 120 days after notice thereof.

8.1.10 Types of Buildings. The Flexible Development shall consist exclusively of single-family and/or two-family residential structures.

8.1.11 Association Required. The applicant shall provide to the PZB for its approval association documents to provide for the maintenance of the roads, stormwater management facilities, and any common areas in the Flexible Development.

8.1.12 Roads. The principal roadway(s) serving the site shall be designed to conform with the standards of the Planning & Zoning Board's Subdivision Rules and Regulations and shall be maintained by an association of unit owners or by the Applicant.

8.1.13 Parking. Each dwelling unit shall be served by two (2) off-street parking spaces, unless this requirement is reduced by the PZB. Parking spaces in front of garages may count in this computation.

8.1.14 Contiguous Open Space. A minimum of twenty (20%) percent of the parcel shown on the development plan shall be contiguous open space. Any proposed contiguous open space, unless conveyed to the Town or its Conservation Commission, shall be subject to a recorded restriction enforceable by the Town, providing that such land shall be perpetually kept in an open state, that it shall be preserved for exclusively agricultural, horticultural, educational or recreational purposes, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.

1. The percentage of the contiguous open space which is wetlands shall not normally exceed the percentage of the tract which is wetlands or ledge; provided, however, that the applicant may include a greater percentage of wetlands in such open space upon a demonstration that such inclusion promotes the purposes set forth in Section 1, above. In no case shall the percentage of contiguous open space which is wetlands exceed fifty (50%) of the tract.
2. The contiguous open space shall be used for conservation, historic preservation and education, outdoor education, recreation, park purposes, agriculture, horticulture, forestry, or for a combination of these uses, and shall be served by suitable access for such purposes.
3. The contiguous open space shall remain unbuilt upon, provided that the PZB may permit up to twenty (20%) percent of such open space to be paved or built upon for structures accessory to the dedicated use or uses of such open space, pedestrian walks, and bikepaths.
4. Underground utilities to serve the Flexible Development site may be located within the contiguous open space.

8.1.15 Ownership of the Contiguous Open Space. The contiguous open space shall be conveyed to:

1. the Town or its Conservation Commission;

2. a nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above;
3. a corporation or trust owned jointly or in common by the owners of lots within the Flexible Development. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust which shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town to perform maintenance of such open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the town an easement for this purpose. In such event, the town shall first provide fourteen (14) days written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation fails to complete such maintenance, the town may perform it. Each individual deed, and the deed or trust or articles of incorporation, shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning & Zoning Board for approval, and shall thereafter be recorded.

8.1.16 Buffer Areas. A buffer area of twenty five (25) feet shall be provided at the perimeter of the property where it abuts residentially zoned or occupied properties, except for driveways necessary for access and egress to and from the site. No vegetation in this buffer area will be disturbed, destroyed or removed, except for normal maintenance. The PZB may waive the buffer requirement (i) where the land abutting the site is the subject of a permanent restriction for conservation or recreation or the Board determines that a smaller buffer will suffice to accomplish the objectives set forth herein.

8.1.17 Stormwater Management. Stormwater management shall be consistent with the requirements for subdivisions set forth in the Rules and Regulations of the Planning & Zoning Board.

8.1.18 Former OSRD. Any dwelling located in an Open Space Residential Development may be altered pursuant to the procedures set forth in Section 5.5.

8.1.19 Decision. The PZB may approve, approve with conditions, or deny an application for a Flexible Development after determining whether the Flexible Development better promotes the purposes of Section 8.1.1 of this Flexible Development By-Law than would a conventional subdivision development of the same locus.

8.1.20 Relation to Other Requirements. The submittals and permits of this section shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of this By-Law.

8.2 ASSISTED LIVING RESIDENCE.

8.2.1 Definition. An Assisted Living Residence is a residential facility occupied primarily by persons 55 years of age and older including their spouses or surviving spouses, and including rooms occupied by resident staff personnel, all as licensed under G.L. c. 19D. An Assisted Living Residence (ALR) may include the full range of nursing care from total to only partial assistance, and may provide shared food preparation services, limited residential unit food preparation areas, and common recreational, laundry, social, medical and service facilities for the exclusive use of residents of the ALR.

8.2.2 Special Permit Required. An ALR may be allowed by special permit from the Planning & Zoning Board if the following conditions are met.

8.2.3 Conditions. The following conditions apply to any ALR:

1. The architecture and scale of the proposal shall be consistent with the character of the neighborhood.
2. Public or private roads which lead to the property shall be of adequate design, width, and condition to handle proposed traffic.
3. Proposed traffic shall not severely change the character of the neighborhood.
4. The Board of Health shall confirm that the ALR can be accommodated with respect to onsite water, onsite septic disposal or sewer, and any other standards of the Board of Health.
5. Parking areas shall be screened from adjacent streets and properties, and shall have landscaped areas within the parking area to reduce the impact of large paved areas.
6. Signs shall be limited to one identification sign no more than 6 square feet in area except for traffic/parking/pedestrian regulation signs as required by the Planning & Zoning Board. A second identification sign may be allowed if the Planning & Zoning Board determines it is needed.
7. All lighting units shall be located no higher than 14 feet, with lights shielded to direct light downward. Lighting shall not cause glare onto abutting properties.

8.2.4 Accessory Adult Day Care. The Planning & Zoning Board may allow adult social day care as an accessory use, and may place limits on the number of persons served by such facility and its hours of operation.

8.2.5 Density. The maximum number of residential units or beds allowed on a site shall be determined by the Planning & Zoning Board based on such factors as, but not limited to, impact on the neighborhood, affordability for residents, quality of life, and provision for adequate open space, recreational facilities, parking, landscaping, and buffers.

8.3 BED AND BREAKFAST ESTABLISHMENTS.

8.3.1 Standards. A bed and breakfast with up to three guest rooms is allowed subject to site plan approval. A bed and breakfast with from four to ten guest rooms is allowed by special permit from the Planning & Zoning Board. Both are subject to the following conditions:

1. Parking must be off street, on premises, with one (1) space per room rented and one (1) per owner.
2. No other uses except for customary home occupation permitted on the property.
3. No additions or external modifications may be made to the property for lodging use.
4. Certificate of occupancy required subject to annual inspection.

8.4 MULTIFAMILY DWELLINGS.

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

1. Maximum number of bedrooms per 60,000 square-foot lot: 3 bedrooms. The maximum number of bedrooms per dwelling unit shall not exceed 3.
2. In the case of lots in excess of 60,000 square feet in area, the requirements shall be the same as set forth herewith with the exception that 20,000 square feet of land shall be required for each single bedroom dwelling unit and 20,000 square feet of land shall be required for each

additional single bedroom. However, in no case shall the maximum number of bedrooms in any building exceed 10 bedrooms.

3. Each dwelling unit shall have two separate exits.
4. Inner courts shall not be permitted.
5. There shall be a paved driveway a maximum length of 200 feet from the front lot line, paved walk, unobstructed way or any combination thereof, adequate to accommodate fire apparatus within forty feet of the building.
6. Automobile parking spaces shall be required within the lot area. There shall be paved parking spaces for automobiles that shall not be less than 1.75 automobile spaces for each dwelling unit and reasonably accessible. Such parking spaces shall not be within 15 feet of any lot line. All parking facilities so provided are to be for the exclusive use of residents of the property or their guests.
7. Screening and buffers shall be required along the side lot lines. This strip shall be at least 20 feet in width; it shall contain a screen of trees and shrubs at the time of occupancy of such lot and shall be maintained by the owners. A solid wall or fence not to exceed six feet in height, complemented by suitable plantings, may be substituted for such landscape buffer strip. The strip may be part of the yard area.
8. No apartment dwelling units shall be allowed in a basement story.

8.4.2 Reduction of Parking Requirement. Notwithstanding anything to the contrary herein, any minimum required amount of parking may be reduced through issuance of a special permit, upon a demonstration to the reasonable satisfaction of the Planning & Zoning Board that the lesser amount of parking will not cause excessive congestion, endanger public safety, or that lesser amount of parking will provide positive environmental or other benefits, taking into consideration:

1. The availability of surplus off street or on street parking in the vicinity of the use being served and/or the proximity of a bus station or major transportation route;
2. The availability of public or commercial parking facilities in the vicinity of the use being served;
3. Shared use of off street parking spaces serving other uses having peak user demands at different times;
4. Age or other occupancy restrictions which are likely to result in a lower level of auto usage;
5. Impact of the parking requirement on the physical environment of the affected lot or the adjacent lots including reduction in green space, destruction of significant existing trees and other vegetation, destruction of existing dwelling units, or loss of pedestrian amenities along public ways; and
6. Such other factors as may be considered by the Planning & Zoning Board.

8.5 ADULT RETIREMENT DEVELOPMENTS

8.5.1 Purpose. The purposes of this Section are:

1. To provide an alternative housing opportunity for persons 55 years of age and older;
2. To provide an attractive and suitable residential environment that is more amenable to the

needs of people in their later years;

3. To encourage creative and innovative site planning and design, in order to enhance the attractiveness and suitability of this alternative housing type, and to better meet the specific housing needs of this segment of the population; and

4. To encourage the preservation of common land for open space and recreational use by promoting the highest and best utilization of land in harmony with its natural features, and to retain the rural character of the town.

8.5.2 Affordable Housing Requirements. Compliance with Section 8.9 is also required. The special permit hearings and decisions under this Section under Section 8.9 may be combined.

8.5.3 Special Permit. In the Residential, Business and Industrial Districts, the Planning & Zoning Board may grant a Special Permit for an Adult Retirement Development (ARD) as an alternative to conventional subdivision. Subdivision approval pursuant to G.L. c. 41 is also required.

8.5.4 Definitions. See Section 11.0, "Adult Retirement Development."

8.5.5 Permitted Uses. Land in the ARD is specifically limited to single family and two-family dwellings, with residence and occupancy by persons who have achieved a minimum age of fifty-five (55) years of age, in accordance with G. L. c. 151B, as it may be amended, and community facilities for residents of the ARD and their guests.

8.5.6 Area and Dimensional Requirements.

1. *Minimum Tract Size.* The Tract of land for an ARD must contain at least ten (10) acres and have at least forty (40) feet of frontage on a public way.

2. *Lot Area, Frontage, Width and Yard Requirements.*

- a. Minimum Lot Area: Nine-thousand (9,000) square feet;
- b. Minimum lot frontage: seventy-five (75) feet;
- c. Minimum lot width: seventy-five (75) feet.

3. *Minimum Yard Requirements.* See Table of Dimensional and density Regulations.

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

5. *Number of Dwellings.* The maximum number of ARD dwelling units in the Town of Easton shall be limited to a number equivalent to five percent (5%) of the existing single-family residential housing units (excluding ARD units) location in the Town of Easton. The number of single-family residential housing units for the purpose of this By-law shall be established by the Board of Assessors as of January 1 of the calendar year, in which the special Permit application is filed.

- a. The maximum number of dwelling units permitted in an ARD shall be computed by dividing the developable area of the ARD tract (in square feet) by one-half (1/2) of the minimum lot size required in the underlying zoning district. For the purpose of this

computation, the “developable” area shall be the total area of the tract, including the Common Land, but excluding all streams, ponds, wetlands, 100 year floodplains, drainage easements, and areas subject to existing valid open space restrictions.

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

- a. The minimum width of rights-of-way shall be forty (40) feet.
- b. The minimum widths of roadways (paved travel area) shall be twenty-two (22) feet for streets providing access for up to and including 40 dwellings, and twenty-four (24) feet for streets providing access for more than 40 dwellings.
- c. Waivers to the Subdivision Rules and Regulations may be authorized by the Planning & Zoning Board in granting a special permit hereunder provided that the Board determines such exceptions are in the public interest and are not inconsistent with the purposes of Section 8.5.1.

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

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

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

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

location of such parcels are suitable for the designated uses.

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

8.5.9 Use of the Common Land. The Common Land shall be dedicated and used for natural resource protection, recreation, park-purposes, Community Facilities, outdoor education, agriculture, horticulture forestry, or for any combination of such uses. The following requirements shall apply:

1. A portion of the Common Land may also be used for the construction of leaching areas associated with septic disposal systems serving the ARD or for water supply wells serving the ARD, if the Planning & Zoning Board determines that such use will enhance the specific purpose of the ARD and promote better overall site planning. Septic disposal easements shall be no larger than reasonably necessary. If any portion of the Common Land is used for the purpose of such leaching areas or wells, the Planning & Zoning Board shall require adequate assurances and covenants that such facilities shall be maintained by the lot owners within the ARD.

2. A portion of the Common Land may also be used for ways serving as pedestrian walks, bicycle paths and emergency access or egress to the Common Land or adjacent land, if the Planning & Zoning Board determines that such a use will enhance the specific purpose of the ARD and promote better overall site planning, and if the Planning & Zoning Board finds that adequate assurances and covenants exist to ensure proper maintenance of such facilities by the owner(s) of the Common Land.

3. The Common Land may be subject to easements for the construction, maintenance, and repair of utility and drainage facilities serving the ARD or adjacent parcels.

4. The Common Land shall remain unbuilt upon, provided that an overall maximum of ten (10) percent of such land may be subject to pavement and structures accessory to the dedicated use or uses of the Common Land, exclusive of private ways.

5. The proposed use of the Common Land shall be specified on a plan, and appropriate dedications and restrictions shall be part of the deed to the Common Land.

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

8.5.10 Ownership of Common Land.

1. The Common Land shall be conveyed in the whole or in part to a corporation or trust owned or to be owned by the owners of the dwelling units within the ARD; or to an entity responsible for the management of the ARD; or to a nonprofit entity, the principal purpose of which is the conservation of open space. The Planning & Zoning Board shall approve the form of ownership of the Common Land.

2. If any portion of the Common Land is not conveyed to the Town of Easton, a perpetual restriction, approved by the Planning & Zoning Board and enforceable by the Town of Easton, shall be imposed on the use of such land, providing in substance that the land be kept in its open or natural state and that the land shall not be built upon or developed or used except in accordance with provisions of an ARD as set forth herein and, if applicable, as further specified in the decision of the Planning & Zoning Board governing the individual ARD.

3. The proposed ownership of all Common Land shall be specified for the ARD.
4. At the time of its conveyance (if applicable), the Common Land shall be free of all encumbrances, mortgages or other claims (including pre-existing conservation easements or restrictions), except as to easements, restrictions and encumbrances required or permitted by this by-law.

8.5.11 Site Development Standards.

1. Within the ARD, adequate access shall be provided to each dwelling unit. Such access shall be convenient and appropriate for residents and emergency services.
2. To the greatest extent possible, open spaces, common land, house sites, streets and house lots shall be designed with due respect to natural landscape features, scenic views, topography, soils, and natural drainage patterns.
3. All utilities shall be installed underground.
4. Within the ARD, there shall be a buffer zone of at least twenty-five (25) feet in width around the entire perimeter of the Development. The buffer zone shall include natural vegetation, plantings, walls, fences, or vegetated earthen berms to provide a screening barrier between the development and the abutting properties. Screening plantings shall be provided between the wall or fence and the abutting property. The buffer zone and its associated screening barrier shall be designated on the Special Permit Plan. The detailed plan for planting and screening shall be prepared by a Registered Landscape Architect and shall be part of the Special Permit application. The actual requirements regarding buffering, plantings and screening shall be determined by the SPGA, the Planning & Zoning Board, as part of the Special Permit process.
5. Retail sales and/or services may be provided within the ARD site for the convenience of residents and guests only. Signage for such sales or services shall be building-mounted only; sign area shall not exceed six (6) square feet; there shall be only one identification sign per business; and signage shall not be illuminated. All commercial uses within the development shall be delineated as part of the special permit application and must be specifically approved by the SPGA as an integral part of the special permit. Adequate parking for the approved commercial uses, as determined by the SPGA, shall be provided and depicted on the plan.
6. The ARD shall conform with the requirements for a self-contained retirement community as established by G.L. c. 151B, s. 5, Subsection 8, together with any amendment thereto.

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

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

8.5.14 Special Permit Criteria. In addition to the criteria set forth in Section 10.5.2, in evaluating

the proposed ARD, the Planning & Zoning Board shall consider:

1. the general purpose and objectives of this by-law;
2. the existing and probable future development of surrounding areas;
3. the appropriateness of the proposed layout of streets, ways, lots and structures;
4. the proposed layout and use of the Common Land in relation to the proposed dwelling units in the ARD, adjoining public or private common land or open space, or the topography, soils and other characteristics of the tract of land in question;
5. whether the application complies with the requirements of this Section 8.5, other applicable requirements of the Zoning By-laws and any regulations and guidelines promulgated there to, where applicable, the construction and design standards of the Easton Subdivision Rules and Regulations;
6. whether the application is consistent with the purposes of this section; and
7. whether the application is in harmony with the existing and probable future uses of the area and with the character of the surrounding area and neighborhood.

8.5.15 Phasing. If the special permit granted under this section is for more than 100 units, the SPGA may, at its discretion, specify that the construction of the ARD shall be phased in accordance with the following schedule:

1. PHASE I (0-12 months from issuance of special permit): Total number of building permits issued for dwelling units shall not exceed fifty percent (50%) of the total number of dwelling units approved under this special permit;
2. PHASE II (12-24 months from issuance of special permit): Total number of building permits issued for dwelling units shall not exceed seventy-five percent (75%) of the total number dwelling units approved under this special permit;
3. PHASE III (24-36 months from issuance of special permit): Total number of building permits issued for dwelling units may equal the total number of dwelling units approved under this special permit.

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

8.5.17 Change in Plans After Grant of Special Permit. No change in any aspect of the approved plans shall be permitted unless approved in writing by the Planning & Zoning Board. A new or amended special permit will be required if the Planning & Zoning Board determines any proposed change to be substantial.

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

8.6 RESIDENTIAL COMPOUND

8.6.1 Purpose. The purpose of this Section is:

1. To provide sub-dividers an option to develop a parcel of land under less stringent

requirements, where, and only where, the Board determines that such alternative procedures will promote development of the parcel in the best interests of the Town.

2. To promote a lower density of housing than is normally allowed through conventional subdivision.
3. To alleviate the Town's short-and long-term costs for road maintenance and lighting.
4. To minimize construction in or near environmentally sensitive areas.
5. To preserve the rural character of the Town.

8.6.2 General Provisions. The Planning & Zoning Board may grant a special permit to allow the development of a subdivision as a Residential Compound. Subdivision approval, pursuant to G.L. c. 41, is also necessary.

1. Compliance with Section 8.9, Affordable Housing Requirements, is also required. The special permit hearings and decisions under this Section and Section 8.9 may be combined.

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

1. The Residential Compound must create at least three but not more than eight lots, be located entirely in a district in which single-family residences are permitted, and have a minimum of forty (40) feet of frontage on an existing public way in Easton.
2. The average contiguous upland area of the lots so created shall be at least one and one-half times the minimum lot size set forth for the district in Section 4.0. No lot shall have less than the minimum lot size for the district.
3. All lots in a Residential Compound shall have ingress and egress to a Private Lane, ownership of and rights to which shall be retained by a homeowners' association.
4. The minimum frontage of each lot on the Private Lane shall be at least 75 feet.
5. The Private Lane shall extend from a Town of Easton Accepted or public way, and shall end in a cu-de-sac or connect back to itself.
6. A buffer zone of at least 75 feet in width of indigenous vegetation shall separate the new structures in the development from any adjacent public way. The buffer zone shall provide a dense vegetative screen, which shall be supplemented by additional indigenous vegetation, and landscaping that is designed to block the view of the residential structures from the existing public way.

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

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

8.6.6 Planning & Zoning Board Approval. The Planning & Zoning Board may approve a Residential Compound Subdivision after considering, in addition to the criteria set forth in section 10.5.2, whether the Residential Compound, as compared to a conventional subdivision of the same parcel, is likely to:

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

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

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

8.6.8 Private Lanes. Private Lanes shall have:

1. A leveling area of at least 40 feet in length from the street pavement with a minimum width of 20 feet of pavement in accordance with the Subdivision Regulations (except where such paving is prohibited by other Town By-laws), and sloped not more than 4percent grade for the 40 feet it extends from the street pavement.
2. A center line intersection with the street centerline of not less than 60 percent.
3. A roadway surface, on that portion of the Private Lane extending beyond the leveling area, of a minimum of 6 inches of graded gravel, placed over a properly prepared base, graded and

compacted to drain from the crown. Where the property rises in elevation from the street, the way shall be paved from the street to the first high point (break in grade) in order to prevent erosion toward the street, except where such paving is prohibited by other Town By-laws.

4. Proper drainage appurtenances, where required, to prevent washout and excessive erosion, with particular attention to the leveling area, so that water draining onto the street surface from the leveling area is eliminated to the maximum extent feasible.

5. A roadway surface, on the at portion of the Private Lane extending beyond the leveling area, with a minimum width of 18 feet for its entire length, and a minimum right-of-way width of 30 feet for its entire length.

6. A turnaround or cul-de-sac of not less than 30 feet in depth and 40 feet in width provided at the end of the terminus.

7. A buffer zone of indigenous vegetation supplemented by new plantings and landscaping as maybe required by the Planning & Zoning Board separating the Private Lane from any pre-existing residential lot line.

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

8.7 ESTATE LOTS.

8.7.1 Special Permit. The Planning & Zoning Board may grant a special permit for development on a lot in the Residential District with less than the required amount of frontage, according to the criteria for “estate lots” as set forth herein. Estate lots shall comply with all of the General Requirements set forth below, and with the Requirements for pre-existing estate lots or newly-created estate lots as may be applicable.

8.7.2 General Requirements.

1. The applicant shall submit an Approval Not Required (ANR) Plan under the Subdivision Control law depicting the estate lot and the conforming lots (if any). The Approval Not Required Plan shall take the place of the plan otherwise required for special permit applications.

2. A building area shall be designated on the plan, and the width of the estate lot at the widest portion of the building area shall equal or exceed the number of feet normal required for street frontage in the district.

3. Lot width for the estate lot shall at no point be less than 40 feet, and lot frontage shall be not less than 40 feet. Frontage shall meet all of the requirements contained in the definition for “frontage” in Section 11.0.

4. Front, rear and side yard depths shall equal or exceed those required in the district.

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

1. The area of the estate lot shall be at least three times the minimum area normally required for the district.

2. The estate lot shall have existed in separate ownership from any abutting lot. Documentation to this effect shall be submitted to the Planning & Zoning Board. The Building Commissioner shall not issue a building permit for any estate lot without first establishing that compliance with this provision has been determined by the Planning & Zoning Board.

8.7.4 Creation of New Estate Lots. A lot may be divided into an estate lot and one or more lots each of which conforms to all applicable dimensional regulations in Section 4.0 provided that all of the following conditions can be met for the estate lot:

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

8.8 IN-LAW APARTMENTS.

8.8.1 Purpose. The purpose of this Section is:

1. To provide an opportunity for family members who choose to live in close proximity, but separate from other family members, to remain within that family environment;
2. To provide for the health and security concerns of elder or disabled homeowners who wish to remain in their homes;
3. To protect residential stability, property values and the single-family character of neighborhoods;
4. To make it possible for the Town to supervise and monitor such additions for code compliance and safety;

8.8.2 Definitions. See Section 11.0, "In-Law Apartments."

8.8.3 Use and Dimensional Regulations. The Building Commissioner may issue a building permit authorizing the installation and use of an In-Law Apartment within or attached to an existing or new owner-occupied, single-family dwelling only when the following conditions are met:

1. The In-Law Apartment will be a complete, separate housekeeping unit containing both kitchen and bath.
2. The In-Law Apartment must be accessory to a single family dwelling and only one In-Law

Apartment may be created on any lot.

3. The owner(s) of the single family dwelling for which the In-Law Apartment is created must continue to occupy at least one of the dwelling units on the property as their primary residence, except for bona fide temporary absences.
4. Any new separate outside entrance serving an In-Law Apartment shall be located on the side or in the rear of the building. However, numbering in a form acceptable to the Fire Department must indicate to emergency personnel the existence of an additional unit on the lot.
5. The gross floor area of an In-Law Apartment (including any additions) shall not be greater than twenty-five percent (25%) of the primary single family dwelling unit, or nine-hundred (900) square feet, whichever is smaller.
6. Once an In-Law Apartment has been added to a single family residence or lot, the In-Law Apartment shall never be enlarged beyond the nine hundred (900) square feet allowed by this By-Law.
7. One additional off-street parking space shall be provided for use by the occupant(s) of the In-Law Apartment.

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

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

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

8.8.7 Administration and Enforcement. It shall be the duty of the Building Commissioner to administer and enforce the provisions of this Section.

1. No In-Law Apartment may be created or constructed until the Building Commissioner has issued a permit. No permit shall be issued until a sewage disposal works permit, when applicable, has first been obtained from the Board of Health and the proposed building and location thereof conform with the town's laws and bylaws. Any new building or structure shall conform to all adopted state and town laws, bylaws, codes and regulations. No In-Law Apartment shall be occupied until a certificate of occupancy has been issued by the Building Commissioner where required.
2. The Building Commissioner shall refuse to issue any permit for an In-Law Apartment which would result in a violation of any provision of this chapter or in a violation of the conditions or terms of any special permit or variance granted by the Board of Appeals or its agent.
3. The Building Commissioner shall issue a cease and desist order on any work in progress or on the use of any premises, either of which are in violation of the provisions of this Section.

8.9 AFFORDABLE HOUSING REQUIREMENTS

8.9.1 Purpose. The purpose of this Section is to promote the public welfare by:

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

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

8.9.2 Definitions. See Section 11.0, “Affordable Housing Requirements.”

8.9.3 Applicability. In all zoning districts, the provisions of this Section shall apply to any subdivision developed in conjunction with a special permit for a Residential Compound or Adult Retirement Development. The development of any such project shall require the grant of a separate special permit from the Planning & Zoning Board under this Section. Flexible Development, Section 8.1, has its own affordable unit requirement.

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

1. In any subdivision developed in conjunction with a special permit for a Residential Compound or Adult Retirement Development, the applicant shall be required to set aside 20% of the units so created as affordable units, except as the provisions of Section 8.9.6, below, shall apply.
2. The required affordable units shall contain 20% of the bedrooms in the project as a whole.
3. In determining the total number of required affordable units or bedrooms, a fractional unit of 0.4 or more shall be regarded as a whole unit or bedroom.

8.9.5 Standards. Projects containing affordable units shall meet the following standards:

1. Projects shall not be segmented or phased to avoid compliance with these provisions.
2. Affordable units shall be dispersed throughout the project and shall be indistinguishable from market rate units in external appearance. The affordable units shall have the same mechanical systems as market units, except that affordable units with up to two bedrooms may have only one bathroom, affordable units with three or more bedrooms shall have at least 1.5 bathrooms. Affordable units shall have the same finishes and appliances as the market rate units except where the Planning & Zoning Board specifically approves, in advance, a request for different finishes and/or appliances.
3. The affordable units shall contain square footage which is no less than (1) the average size of market rate units containing the same number of bedrooms, or (2) the following, whichever is the smaller:

0 bedrooms:
500 square feet

1 bedroom:

700 square feet

2 bedrooms:

900 square feet

3 bedrooms:

1100 square feet

4 bedrooms:

1300 square feet

4. Sales prices, resale prices, initial rents, and rent increases for the affordable units shall be established in accordance with this section and the Comprehensive Permit Guidelines, as further clarified in the Affordable Housing Guidelines and shall be permanently restricted, to the extent legally permissible, to ensure long-term affordability.
5. The Town may establish a system of priorities for selecting buyers or renters, in accordance with the Affordable Housing Guidelines, and subject to federal and state housing laws.
6. The Town may require that lessees of affordable rental units meet income recertification requirements upon renewal of lease terms, in accordance with the Affordable Housing Guidelines.
7. Affordability restrictions shall be embodied in applicable deed covenants, restrictive covenant agreements, other contractual agreements, land trust arrangements, and/or other mechanisms designed to ensure compliance with this section.
8. Covenants and other documents necessary to ensure compliance with this section shall be executed and, if applicable, recorded prior to and as a condition of the issuance of any building permit or certificate of occupancy, as the Planning & Zoning Board shall deem appropriate.

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

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

8.9.7 Procedures. All projects shall comply with the following procedures as applicable:

1. *Pre-Application Meeting.* The applicant shall convene a pre-application meeting with the Planning & Zoning Board to discuss the project proposal and affordable housing requirements.
2. *Submittal of Affordable Housing Plan.* The applicant shall fill out and submit an Affordable

Housing Plan form to the Department of Planning and Community Development prior to making an application for a building permit. This form requires the following information:

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

8.9.8 Conditions.

1. The Planning & Zoning Board shall require that a Revised Affordable Housing Plan, which shall include any conditions in the grant of a special permit from the Planning & Zoning Board, shall be submitted to the Planning Director for final approval prior to the issuance of a building permit. For projects providing affordable units, the Affordable Housing Plan shall include a reference to specific floor plans of the affordable units that shall be attached to the plan. For projects providing cash or other contributions, the revised Affordable Housing Plan shall set forth a detailed description, if applicable, and schedule for contributions, including any documentation required to secure such, in accordance with the Affordable Housing Guidelines. The Revised Affordable Housing Plan shall be legally binding as part of a special permit which shall refer to it in any decision.
2. Where set forth as a condition in the approved Revised Affordable Housing Plan, no building permit shall be issued until the applicant submits to the Director of the Department of Planning and Community Development a proper bond, or other financial instrument designed to secure performance of the requirements of this section.
3. No building permit shall be issued until the applicant submits proof that the special permit decision has been recorded and that the Planning Director has issued a final approval letter for the Revised Affordable Housing Plan.
4. The Planning & Zoning Board may impose conditions in which the Building Commissioner

may limit, restrict, or withhold the issuance of a certificate of occupancy for any market rate unit(s) in a development until:

- a. all of the affordable units have obtained a certificate of occupancy; or
- b. any cash contribution, buildings and/or off-site units required to be donated to the Town or its designee have been conveyed.

5. Prior to issuance of any certificate of occupancy for the a project including affordable units, the applicant shall submit to the Director of Planning and Community Development for approval a plan for marketing and selection of occupants; initial rents or sales prices for the units designated as affordable; and, prior to their being recorded, condominium, cooperative or other homeowner association documents, as appropriate. For projects including affordable units for rent, this plan shall be recorded as a part of the affordable housing restriction set forth herein. All plans shall be consistent with the Affordable Housing Guidelines.

6. Initial Sales/Rental will be through a lottery implemented by a qualified non-profit housing agency such as the Easton Housing Authority, the South Shore Housing Development Corporation, or the Citizens Housing and Planning Association, and a comparable agency will oversee re-sales or re-rentals to preserve affordability in perpetuity, in accordance with the Comprehensive Permit Guidelines.

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

8.9.10 Contributions of Cash. Cash contributions made to the Affordable Housing Trust in accordance with this Section shall be used only for purposes of providing affordable housing for low or moderate income households as defined by this Section.

SECTION 9.0 SPECIAL DISTRICT REGULATIONS

9.1 AQUIFER PROTECTION OVERLAY DISTRICT (APOD).

9.1.1 Findings. Town of Easton finds the following conditions to occur:

1. The ground water underlying the town is the sole source of its existing and future drinking water supply;
2. The ground water aquifers are integrally connected with and flow into the surface waters, lakes, ponds and streams which constitute significant recreational and economic resources used for water related recreation and fishing;
3. Accidental spills and discharges of petroleum products and other toxic or hazardous materials and sewage discharge have repeatedly threatened the quality of such ground water supplies and related water resources throughout Massachusetts, posing potential public health and safety hazards and threatening economic losses to affected communities;

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

9.1.3 Prohibited Uses. Within an APOD, the following uses are specifically prohibited:

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

16. Sanitary Landfills; specifically excluded from this provision is the continued use and vertical expansion of the existing municipal sanitary landfill off Prospect Street in accordance with approval by the Massachusetts Department of Environmental Protection (DEP).

17. Solid waste facilities; with the specific exception that the existing landfill located off Prospect Street may be converted to a composting facility and/or a solid waste transfer station.

18. Land filling of sludge and septage.

9.1.4 Density Regulations. Residential dwellings shall be permitted only at a density not greater than that allowed in Section 4.0.

9.1.5 Special Permit Uses. Within the APODs the following uses shall be allowed only upon receipt of a special permit from the Planning & Zoning Board:

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

9.1.6 Special Permits; Procedures. The Special Permit Granting Authority (SPGA) under this Section shall be the Planning & Zoning Board. Such special permits shall be granted if the SPGA determines, in conjunction with the other Town agencies indicated below, that the intent of this Section, as well as its criteria, are met. In making such a determination, the SPGA shall give consideration to the simplicity, reliability and feasibility of the control measures proposed and the degree and threat to water quality which would result if the control measures fail.

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

9.1.7 Special Permit; Criteria. In lieu of the criteria set forth in Section 10.5.2, special permits under this Section shall be granted only if the SPGA determines, in conjunction with the Department of Public Works, Water Division, that ground water quality resulting from on-site wastewater disposal and other on-site operations remains within current EPA and DEP standards for drinking water at the downgradient property boundary.

9.1.8 Special Permit; Submittals. In applying for a special permit required by this section, the applicant shall provide the following information:

1. A complete list of all chemicals, pesticides, fuels and other potentially toxic or hazardous materials to be manufactured, used or stored on the premises in quantities greater than those associated with normal household use, accompanied by a description of measures proposed to protect all storage containers/facilities from vandalism, corrosion and leakage and to provide for the control of spills.
2. A description of potentially toxic or hazardous wastes to be generated, indicating storage and disposal methods.
3. Evidence of approval by the DEP of any industrial waste treatment or disposal system or any wastewater treatment system with a capacity of 15,000 gallons per day or more.

4. Projections of downgradient concentrations of nitrogen and other relevant chemicals at property boundaries and other locations deemed pertinent by the SPGA. Projections shall be based upon appropriate ground water models and the following information/ standards:

a. Nitrogen loading calculations.

- Wastewater per person: 5 lbs. of nitrogen per year
- Persons per dwelling: 3
- Lawn fertilizers: 2 lbs. of nitrogen per 1,000 square feet of lawn area per year
- Road runoff: 0.19 lbs. of nitrogen per curb mile per day
- Background nitrogen concentration: actual field measurements

b. Groundwater flow and impacts to drinking water and supply wells.

- Identify probably impacted water supply well(s) by constructing flow lines on the Easton Water Table Map (IEP, 1986) downgradient of the proposed site
- Use 15 inches per year for sand and gravel and 7 inches per year for till for aril recharge rates
- Determine the value for hydraulic conductivity from the closest downgradient public water supply well in the Easton Aquifer Protection Plan (IEP, 1986)

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

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

9.1.9 Design and Operations Guidelines. The following design and operation guidelines shall be observed within the APODs.

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

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

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

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

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

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

9.2 FLOOD PLAIN OVERLAY DISTRICT (FPOD).

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

9.2.2 District Delineation. The Floodplain Overlay District (FPOD) is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Easton designated as Zone A, AE, AH, AO, A1-30, A99, on the Bristol County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Bristol County FIRM that are wholly or partially within the Town of Easton are panel numbers 25005C0033F, 25005C0034F, 25005C0041F, 25005C0042F, 25005C0043F, 25005C0044F, 25005C0052F, 25005C0053F, 25005C0054F, 25005C0061F, 25005C0062F, 25005C0063F, 25005C0064F, 25005C0068F, 25005C0132F, 25005C0151F, 25005C0152F and 25005C0156F dated July 7, 2009. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Bristol County Flood Insurance Study (FIS) report dated July 7, 2009. The FIRM and FIS report are incorporated herein by reference and are on file with the Planning and Zoning Board.

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

- * Section of the Massachusetts State Building Code which addresses flood plain and coastal high hazard areas (currently 780 CMR 120.G “Flood Resistant Construction and Construction in Coastal Dunes”);

- * Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- * Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- * Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

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

1. Agricultural uses such as farming, grazing, truck farming, horticulture, and the like;
2. Forestry and nursery uses;
3. Outdoor recreational uses, including fishing, boating, play areas, and the like;
4. Conservation of water, plants, wildlife;
5. Wildlife management areas, foot, bicycle, and/or horse paths
6. Temporary nonresidential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises;
7. Buildings lawfully existing prior to the adoption of these provisions.

9.2.5 Standards.

1. Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.
2. No encroachment, including fill, new construction, substantial improvements, and other developments within the regulatory floodway will be allowed unless it has been demonstrated through hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in an increase in flood levels within the community during the occurrence of the base flood discharge, as per Section 60.3 (d) (3) of the National Flood Insurance Program Regulations.
3. Within Zone A at any location where the 100 year flood elevation is not shown on the FIRM, the Planning & Zoning Board, may utilize any base flood elevation and floodway data available from Federal, State, or other official sources as criteria for requiring that new construction, substantial improvements or other development within Zone A meet 44 CFR 60.
4. Within Zone A at any location where the 100 year base flood elevation is not specifically delineated on the FIRM and no base flood elevations and floodway data is available from Federal, State, or other official sources, the base flood elevation shall be developed by a Registered Professional Engineer, assuming 7 inches of rain falling on the watershed area over a 24-hour period.
5. Base flood elevation data shall be required for all new subdivisions and other proposed development (including for manufactured home parks and subdivisions), as per Section 60.3 (b) (3) of the National Flood Insurance Program regulations. Should all areas of the site be above the base flood elevations, it should be so noted on the plans.
6. In a riverine situation, the Building Commissioner shall notify adjacent communities , the

National Flood Insurance Program State Coordinator at the Massachusetts Department of Conservation and Recreation and the National Flood Insurance Program Specialist at the Federal Emergency Management Agency, Region I prior to any alteration or relocation of a watercourse and submit copies of such notifications to the Coordinating Agency Administrator, as per Section 60.3 (b) (6) of the National Flood Insurance Program Regulations and Flood Hazard Management Program Model By Laws for Floodplain Districts, Article III Notification of Watercourse Alteration.

7. Floodway Data. In Zones A, A1-30, and AE, along with watercourses that have not had a regulatory floodway designated the best available Federal, State, local or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

8. Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser.

9.2.6 Exceptions. The following exceptions are specifically exempted from Section 9.2:

1. All residential, commercial, business, educational and municipal buildings and those portions only of their lots therefore needed for such repair, rebuilding, modifications, or enlargement thereof;

a. existing in the FPOD as of March 7, 1973; or

b. for which building permits were issued prior to March 7, 1973.

2. All buildings referred to above may be repaired, rebuilt, modified or enlarged, including but not limited to, the addition of garages or living space and construction of appurtenant use of the building together with such filling, diking, and/or as may be necessary for the protection of said structures from flooding consistent with all other laws of the Commonwealth of Massachusetts and this Section. It should be noted that exceptions to this Section do not constitute exceptions to appropriate state regulations.

9.2.7 Prohibited Uses. Dumping, filling, excavating or transferring of any material which will reduce the natural storage capacity of the land, interfere with the patterns of any watercourses or degrade the quality of surface or ground water within this District is prohibited, except as provided in paragraph (B) herein and activities that are incidental to flood or mosquito control work performed by and under the direction of an authorized government agency or activities incidental to the agricultural uses described in Section 9.2.3.

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

9.3 QUESET COMMERCIAL DISTRICT (QCD).

9.3.1 Purpose. The Quest Commercial District (QCD) has been established to promote and regulate

development in the emerging commercial corridor on Washington Street (Route 138) from its intersection with Route 123 on the north (Belmont Street) to Depot Street on the south. The availability of sewer capacity from the nearby Queset Commons Chapter 40R project is expected to spur interest in and development of this area. The other purposes of the QCD are to:

1. Promote public health, safety, and welfare by encouraging creative development of commercial properties;
2. Preserve community character while enhancing economic opportunity;
3. Establish requirements, standards, and guidelines that will ensure predictable, fair and cost-effective development review and permitting; and
4. Establish development standards to allow context-sensitive design and creative site planning.

9.3.2 Subdistricts. In order to improve the public realm, create a more desirable and attractive district, and provide incentives for economic development or redevelopment, the QCD has been divided into three (3) subdistricts as shown on the QCD Map dated April 15, 2015:

1. Subdistrict A is the most advantageous location to add potential additional sewer capacity, and has other market draws such as access to Route 24 and proximity to Stonehill College.
2. Subdistrict B is intended to be the connection between Subdistricts A and C and includes smaller, centrally-located parcels.
3. Subdistrict C is intended to have higher densities than Subdistrict B as it is the other main entrance to the district.

9.3.3 Map. The location and boundaries of the QCD and its subdistricts are shown on the Map entitled “Queset Commercial District,” prepared by RKG Associates Inc., dated April 15, 2015. The QCD Map is hereby made a part of the Zoning By-Law. Copies of the QCD Map are available in the office of the Planning & Zoning Board and the Town Clerk.

9.3.4 Site Plan Approval Required. All new development or redevelopment in the Queset Commercial District shall be subject to site plan approval pursuant to Section 10.6, herein. In addition to the Criteria for Evaluation set forth therein, the criteria set forth in Section 7.6 of the “Administrative Rules and Regulations” of the Easton Planning & Zoning Board shall apply.

9.3.5 Design Standards for Commercial Buildings. The Planning & Zoning Board is hereby authorized to reasonably regulate building design, including, but not limited to, the following aspects: building facades and materials; architectural elements; building height and roof lines; building height transition planes; entrances to the street; use of glass; relation to pedestrian scale.

9.3.6 Design Standards for Landscaping and Site Development. The Planning & Zoning Board is hereby authorized to reasonably regulate landscaping and site development, including, but not limited to, the following aspects: location of accessory receptacle or structure; composition of landscaping irrigation; type and number of required plantings; required open space; sidewalks; crosswalks; street lights and poles.

9.3.7 Design Standards for Lighting and Utilities. The Planning & Zoning Board is hereby authorized to reasonably regulate lighting and utilities, including but not limited to, the following aspects: Type, arrangement, and shielding of lighting; reduction of glare and overspill onto adjacent

properties and into the night sky; underground wiring.

9.3.8 Design Standards for Off-Street Parking and Loading. The Planning & Zoning Board is hereby authorized to reasonably regulate off-street parking and loading, including, but not limited to, the following aspects: number and location of curb cuts and common driveways; location of parking and loading facilities; design, surface treatment, lighting, and other requirements; interior landscaping for parking areas; shared parking; sidewalks and pedestrian paths; car stops; bicycle parking facilities.

9.3.9 Waiver of Design Standards. The Planning & Zoning Board may waive any dimensional requirement (except building height) and design standard set forth in this Section or its “Administrative Rules and Regulations” of the Easton Planning & Zoning Board upon a determination that such waiver is in the public interest and not inconsistent with the intent and purpose of this Section.

9.4 LARGE-SCALE GROUND MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION OVERLAY DISTRICT (SPOD).

9.4.1 Purpose. The purpose of this Section is to facilitate the creation of new Large-Scale Ground-Mounted Solar Photovoltaic Installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on environmental, scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations. The provisions set forth in this Section shall apply to the construction, operation, repair, and/or removal of Large-Scale Ground-Mounted Solar Photovoltaic Installations greater than 250 kW on at least 5 acres of land in the SPOD. Any installation qualifying as a Large-Scale Ground-Mounted Solar Photovoltaic Installation shall require Site Plan Review in accordance with Section 10.6 of this By-law.

9.4.2 Definitions. See Section 11.0, “Large-Scale Ground Mounted Solar Photovoltaic Installation Overlay District.”

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

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

1. Municipal facilities owned, operated by, or developed for and on behalf of the Town of Easton are allowed as-of-right without Site Plan Review, but must meet the other requirements of this Section.
2. Smaller scale ground- or building-mounted solar electric installations which are an

accessory structure to an existing residential or non-residential use do not need to comply with this Section, but require a building permit and must comply with the other provisions of this By-law as may be applicable.

9.4.5 General Requirements for all Large-Scale Ground-Mounted Solar Photovoltaic Installations. The following requirements are common to all solar installations to be sited in the SPOD.

1. *Compliance with Laws, Ordinances and Regulations.* The construction and operation of all Large-Scale Ground-Mounted Solar Photovoltaic Installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar installation shall be constructed in accordance with the State Building Code.

2. *Building Permit and Building Inspection.* No Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be constructed, installed or modified as provided in this Section without first obtaining a building permit.

3. *Fees.* The application for a building permit for a Large-Scale Ground-Mounted Solar Photovoltaic Installations must be accompanied by the fee required for a Building Permit [and Special Permit] and as required by Section 10.6, Site Plan Review.

9.4.6 Site Plan Review. Large-Scale Ground-Mounted Solar Photovoltaic Installations shall undergo Site Plan Review in accordance with Section 10.6 of this By-law by the Planning & Zoning Board prior to construction, installation or modification as provided in this Section and shall also meet the requirements of this Section. Municipal facilities are not subject to Site Plan Review, but must meet other requirements of this Section including but not limited to the Design and Performance Standards. All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts. The project applicant shall provide the following documents in addition to or in coordination with those required for Site Plan Review.

1. *Site Plan.* The Site Plan must include the following:

- a. Property lines and physical features, including roads and topography, for the project site;
- b. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures including their height;
- c. Locations of wetlands, Priority Habitat Areas defined by the Natural Heritage & Endangered Species Program (NHESP);
- d. Locations of Floodplains or inundation areas for moderate or high hazard dams;
- e. Locations of Priority Heritage Landscapes and local or National Historic Districts;
- f. A list of any hazardous materials proposed to be located on the site in excess of household quantities and a plan to prevent their release to the environment as appropriate;
- g. Blueprints or drawings of the solar installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed

layout of the system and any potential shading from nearby structures;

- h. One or three line electrical diagram detailing the solar installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
- i. Documentation of the major system components to be used, including the electric generating components, transmission systems, mounting system, inverter, etc.;
- j. Name, address, and contact information for proposed system installer;
- k. Name, address, phone number and signature of the project applicant, as well as all co-applicants or property owners, if any;
- l. The name, contact information and signature of any agents representing the project applicant;
- m. Fire protection measures;
- n. Storm drainage, including means of ultimate disposal and calculations;
- o. Existing trees 10" caliper or better and existing tree/shrub masses; proposed planting, landscaping, and screening. Every abutting property shall be visually screened from the project through any one or combination of the following location, distance, plantings, existing vegetation and fencing. Said screening is not required to exceed 6 feet in height and the Applicant shall demonstrate that the proposal provides visual screening;
- p. Certified list of abutters.

2. *Site Control.* The project applicant shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar installation.

3. *Operation and Maintenance Plan.* The project applicant shall submit a plan for the operation and maintenance of the Large-Scale Ground-Mounted Solar Photovoltaic Installation, which shall include measures for maintaining safe access to the installation, stormwater management (consistent with DEP's Stormwater Regulations and the Town of Easton's Stormwater Regulations) and vegetation controls, as well as general procedures for operational maintenance of the installation.

4. *Zoning.* Zoning District designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose).

5. *Insurance.* The project applicant shall provide proof of liability insurance.

6. *Financial Surety.* Applicants of Large-Scale Ground-Mounted Solar Photovoltaic Installation projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Planning & Zoning Board, but in no event to exceed more than 125 percent (125%) of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project applicant and the Town. Such surety will not be required for municipal facilities. The project applicant shall submit a fully inclusive estimate of the costs associated with

removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

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

9.4.7 Dimensional Requirements.

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

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

2. *Appurtenant Structures.* All appurtenant structures to Large-Scale Ground-Mounted Solar Photovoltaic Installations shall be subject to reasonable regulations adopted by the Planning & Zoning Board after a public hearing concerning the bulk and height of structures, lot area, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be screened from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

9.4.8 Design and Performance Standards.

1. *Lighting.* Lighting of Large-Scale Ground-Mounted Solar Installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be shielded from abutting properties. Lighting of the Large-Scale Ground-Mounted Solar Photovoltaic Installations shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

2. *Signage.* Signs on Large-Scale Ground-Mounted Solar Photovoltaic Installations shall comply with Section 6.2. A sign consistent with Section 6.2 shall be required to identify the owner and provide a 24-hour emergency contact phone number. Large-Scale Ground-Mounted Solar Photovoltaic Installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar installation.

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

4. *Roads.* Access roads shall be constructed to minimize grading, removal of stone walls or

street trees and minimize impacts to environmental or historic resources.

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

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

9.4.9 Safety and Environmental Standards.

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

2. *Land Clearing, Soil Erosion and Habitat Impacts.* Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the Large-Scale Ground-Mounted Solar Photovoltaic Installation or otherwise prescribed by applicable laws, regulations, and bylaws.

9.4.10 Monitoring, Maintenance and Reporting.

1. *Solar Installation Conditions.* The Large-Scale Ground-Mounted Solar Photovoltaic Installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Management Director. The owner or operator shall be responsible for the cost of maintaining the solar installation and any access road(s).

2. *Modifications.* All material modifications to a Large-Scale Ground-Mounted Solar Photovoltaic Installation made after issuance of the required building permit shall require approval by the Planning & Zoning Board.

3. *Annual Reporting.* The owner or operator of the installation shall submit an Annual Report demonstrating and certifying compliance with the Operation and Maintenance Plan required herein and the requirements of this Section and their approved site plan including control of vegetation, noise standards, and adequacy of road access. The annual report shall also provide information on the maintenance completed during the course of the year and the amount of electricity generated by the facility. The report shall be submitted to the Board of Selectmen, Planning & Zoning Board, Fire Chief, Emergency Management Director, Building Commissioner, Board of Health and Conservation Commission (if Wetlands Permit was

issued) no later than 45 days after the end of the calendar year.

9.4.11 Abandonment or Decommissioning.

1. *Removal Requirements.* Any Large-Scale Ground-Mounted Solar Photovoltaic Installation which has reached the end of its useful life or has been abandoned (see subsection 2, below) shall be removed. The owner or operator shall physically remove the installation no more than 180 days after the date of discontinued operations. The owner or operator shall notify the Planning & Zoning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- a. Physical removal of all Large-Scale Ground-Mounted Solar Photovoltaic Installations, structures, equipment, security barriers and transmission lines from the site;
- b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations; and
- c. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Site Plan Review Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

2. *Abandonment.* Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning & Zoning Board. If the owner or operator of the Large-Scale Ground-Mounted Solar Photovoltaic Installation fails to remove the installation in accordance with the requirements of this section within 180 days of abandonment or the proposed date of decommissioning, the town may enter the property and physically remove the installation at the owner's expense.

3. *Financial Surety.* Applicants shall submit documentation of financial surety that satisfies Section 9.4.6.6.

9.5 MEDICAL MARIJUANA TREATMENT CENTER OVERLAY DISTRICT (MMOD).

9.5.1 Purpose. The purpose of this Section is provide for the placement of Medical Marijuana Treatment Centers (MMTCs), consistent with the Humanitarian Medical Use of Marijuana Act, G. L. c. 94C, App. §1-1, et seq., in locations suitable for lawful medical marijuana facilities; and to mitigate adverse impacts of MMTCs on adjacent properties, residential neighborhoods, historic districts, schools, playgrounds and other locations where minors congregate by regulating the siting, design, placement, security, and removal of MMTCs.

9.5.2 Definitions. See Section 11.0, "Medical Marijuana Treatment Center Overlay District."

9.5.3 Overlay District. The Medical Marijuana Dispensary Overlay District, hereinafter referred to as the "MMOD", is an overlay district that is superimposed over the underlying zoning districts, as shown on the Zoning Map and as set forth on the map entitled "Medical Marijuana Dispensary Overlay District," dated May 27, 2014, attached hereto as Appendix B. This map is hereby made a part of this By-Law and is on file in the Office of the Town Clerk. The MMOD shall not limit, preclude or otherwise affect any uses that are permitted in the underlying zoning district.

9.5.4 General Requirements for all Medical Marijuana Treatment Centers. MMTCs may be

permitted in the MMOD only pursuant to a Special Permit. The Planning & Zoning Board shall be the Special Permit Granting Authority (SPGA) for a MMTC special permit. The construction and operation of all Medical Marijuana Treatment Centers shall be consistent with all applicable local, state and federal requirements, including but not limited to the Humanitarian Medical Use of Marijuana Act, G.L. c.94C, App. §1-1, et seq.

9.5.5 Location. MMTCs may not be located within 500 feet of the following. The distances under this subsection is measured in a straight line from the nearest point of the property line of the protected uses herein to the nearest point of the property line of the proposed MMTC.:

1. School, including a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university;
2. Child Care Facility or Day Care Center;
3. Library;
4. Playground;
5. Public Park;
6. Youth and/or recreation center;
7. Public swimming pool;
8. Similar facility in which minors commonly congregate including but not limited to a place of worship; dance, arts or martial arts studio; or tutoring center.
9. MMTCs may not be located within 1000 feet of another MMTC.
10. MMTCs may not be located within 200 feet of an existing, legal residential use. The distance under this subsection is measured in a straight line from the nearest point of the legal residential building to the nearest point of the proposed MMTC building.

9.5.6 Site Plan Review. Medical Marijuana Treatment Centers shall undergo Site Plan Review in accordance with Section 10.6 by the Planning & Zoning Board prior to construction, installation or modification and shall also meet the requirements of this Section. The Application for Site Plan Review shall be submitted with the Application for Special Permit.

9.5.7 Additional Required Documents. In addition to the materials required under Section 10.6, the applicant shall include:

1. A copy of its registration as an MMTC from the Massachusetts Department of Public Health (“DPH”);
2. A detailed floor plan of the premises of the proposed MMTC that identifies the square footage available and describes the functional areas of the MMTC, including areas for any preparation of MIPs;
3. Design and appearance of proposed buildings, structures, freestanding signs, screening and landscaping;
4. A description of the security measures, including employee security policies, approved by DPH for the MMTC;
5. A copy of the emergency procedures approved by DPH for the MMTC;
6. A copy of the policies and procedures for patient or personal caregiver home delivery

approved by DPH for the RMD;

7. A copy of the policies and procedures for the transfer, acquisition, or sale of marijuana between RMDs approved by DPH;
8. A copy of proposed waste disposal procedures; and
9. A description of any waivers from DPH regulations issued for the RMD.

9.5.8 Special Permit Conditions. The Planning & Zoning Board, acting as the Special Permit Granting Authority (SPGA) shall impose conditions reasonably appropriate to improve site design, traffic flow, public safety, protect water quality, air quality, and significant environmental resources, preserve the character of the surrounding area and otherwise serve the purpose of this Section. In addition to any other specific conditions applicable to the applicant's MMTC, the Planning & Zoning Board may include the following conditions in any special permit granted hereunder:

1. Hours of Operation, including dispatch of home deliveries.
2. The permit holder shall file a copy of any Incident Report required under 105 CMR 725.110(F) with the Zoning Enforcement Officer and the Planning & Zoning Board within 24 hours of creation.
3. The permit holder shall file a copy of any summary cease and desist order, cease and desist order, quarantine order, summary suspension order, order limiting sales, notice of a hearing, or final action issued by DPH or the Division of Administrative Law Appeals, as applicable, regarding the MMTC with the Zoning Enforcement Officer and Planning & Zoning Board within 48 hours of its receipt.
4. The permit holder shall provide to the Zoning Enforcement Officer and Chief of the Police Department, the name, telephone number and electronic mail address of a contact person in the event that such person needs to be contacted after regular business hours to address an urgent issue. Such contact information shall be kept updated by the permit holder.
5. The special permit shall be limited to the current applicant and shall lapse if the permit holder ceases operating the MMTC.
6. The special permit shall lapse upon the expiration or termination of the applicant's registration by DPH.
7. The permit holder shall notify the Zoning Enforcement Officer and Planning & Zoning Board in writing within 48 hours of the cessation of operation of the RMD or the expiration or termination of the permit holder's registration with DPH.

9.6 QUESET SMART GROWTH OVERLAY DISTRICT (QSGOD).

Note: The QSGOD was adopted by Town Meeting under G.L. c. 40R in 2006. The QSGOD is incorporated by reference as part of this By-Law. The text of the QSGOD is available in the Office of the Town Clerk and the Planning & Zoning Board during normal business hours.

SECTION 10.0 ADMINISTRATION AND ENFORCEMENT

10.1 PERMIT.

10.1.1 Building Permit. It shall be unlawful for any person to erect, construct, reconstruct, or alter a structure without applying for and receiving from the Building Commissioner a building permit.

10.1.2 Issuance. Such permits shall be applied for in writing to the Building Commissioner. The Building Commissioner shall not issue any such permit unless the plans for the building, and the intended use thereof in all respects fulfill the provisions of this By-law, except as may have been specifically permitted otherwise by action of the Board of Appeals, provided a written copy of the terms governing any such permission be attached to the application and to the resulting building permit issued. One copy of each such permit issued, including any conditions or exceptions attached thereto, shall be kept on file in the office of the Building Commissioner.

10.1.3 Plot Plan. Each application for a permit to build, alter, or move a building shall be accompanied by a plot plan in such numbers of copies and drawn to such a scale as is required by the Building Commissioner. Each such plot plan shall show dimensions and area of lots and of structures and sewage disposal systems, to be erected, altered or moved, and adjacent streets or ways. Such plot plans shall accurately indicate dimensions of all lot lines.

10.2 ENFORCEMENT AND PENALTIES.

10.2.1 Building Commissioner. This By-law shall be enforced by the Building Commissioner. The Building Commissioner, upon being informed in writing of a possible violation of this By-law or on his own initiative, shall make or cause to be made an investigation of facts and an inspection of the premises where such violation may exist. The Building Commissioner, on evidence of any violation, after investigation and inspection shall give written notice of such violation to the owner and to the occupant of such premises. The Building Commissioner shall demand in such notice that such violation be abated and within a reasonable time, designated therein by the Building Commissioner. Such notice and demand may be given by mail addressed to the owner at the address appearing for him on the most recent real estate tax records of the Town of Easton and to the occupant at the address of the premises of such seeming violation.

10.2.2 Duties. The Building Commissioner shall withhold a permit for construction, alteration or moving of any building or structure if the building or structure as constructed, altered or moved would be in violation of this By-law; and no permit or license shall be granted for a new use of a building, structure or land which use would be in violation of this By-law. If the Building Commissioner is requested in writing to enforce this By-laws against any person allegedly in violation of the same and the Building Commissioner declines to act, he shall notify, in writing, the party requesting such enforcement of any action or refusal to act, and the reasons therefore, within fourteen days of receipt of such request.

10.2.3 Penalties. Penalties for violations of any provision of this By-law may, upon conviction, be affixed in any amount not to exceed three hundred dollars (\$300.00) for each offense. Each day, or portion of a day, that any violation is continued shall constitute a separate offense.

10.2.4 Noncriminal Disposition. In addition to the procedures for enforcement as described in the previous paragraph, the provisions of this By-law may be enforced by the Building Commissioner by noncriminal complaint pursuant to the provisions of G.L. c. 40, s. 21D. The penalty for violation of

any provision of this By-law shall be \$25.00 for the first offense; \$50.00 for the second offense; \$100.00 for the third offense and \$200.00 for the fourth and each subsequent offense.

10.3 BOARD OF APPEALS.

10.3.1 Membership. There shall be a Board of Appeals of five members and two associate members who shall be residents of the Town of Easton. As terms expire or vacancies occur, the Board of Selectmen shall make appointments pursuant to G.L. c. 40A, s. 12 and the Town Charter. Members shall serve without remuneration and shall be subject always to the rule that they shall give due consideration to the pertinent provisions of this By-law.

10.3.2 Powers of the Board of Appeals. The Board of Appeals shall have the following powers:

1. Appeals. To hear and decide an appeal taken by any person aggrieved by reason of his inability to obtain a permit from any administrative official, or any person aggrieved by any order or decision of the Commissioner of Buildings or any other administrative official in violation of any provision of Chapter 40A, General Laws, or of this By-law.
2. Special Permits. To grant a special permit when designated as the Special Permit Granting Authority by this By-law.
3. Variances. To authorize a variance for a particular use of a parcel of land or to an existing building thereon from the terms of this By-law as set forth in G.L. c. 40A, s. 10.
4. Comprehensive Permits. To grant a comprehensive permit pursuant to G.L. c. 40B.

10.3.3 Rules and Regulations; Fees. The Zoning Board of Appeals shall adopt rules and regulations, including fees, for the conduct of business and for the purpose of this By-law and Chapter 40A of the General Laws, and shall file a copy of such rules and fees with the Town Clerk.

10.4 PLANNING & ZONING BOARD.

10.4.1 Establishment. The Planning & Zoning Board shall consist of five (5) members and one (1) alternate member appointed by the Board of Selectmen.

10.4.2 Powers. The Planning & Zoning Board shall have the following powers:

1. To hear and decide applications for special permits as provided in this By-law.
2. To hear and decide applications for site plan approval pursuant to Sections 10.6 and 10.7.

10.4.3 Rules and Regulations; Fees. The Planning & Zoning Board shall adopt rules and regulations, including fees, for the conduct of business and for the purpose of this By-law and Chapter 40A of the General Laws, and shall file a copy of such rules and fees with the Town Clerk.

10.5 SPECIAL PERMITS.

10.5.1 Special Permit Granting Authority. The Board of Appeals, Planning & Zoning Board, and the Board of Selectmen shall be the Special Permit Granting Authority (SPGA) as specified in the various sections of this By-law and, when designated herein, shall hear and decide applications for special permits.

10.5.2 Criteria. Special permits shall be granted by the SPGA, unless otherwise specified herein, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this By-Law, the determination shall include consideration of each of the following:

1. Social, economic, or community needs which are served by the proposal;
2. Traffic flow and safety, including parking and loading;
3. Adequacy of utilities and other public services;
4. Neighborhood character and social structures;
5. Impacts on the natural environment; and
6. Potential fiscal impact, including impact on town services, tax base, and employment taking into account any proposed mitigation.

10.5.3 Application. The SPGA may adopt additional rules relative to the issuance of special permits and shall file a copy with the Town Clerk. The rules shall prescribe a size, form, contents, style, and number of copies of plans and specifications and the procedure for submission and approval of such permits.

10.5.4 Conditions. The SPGA may impose additional conditions and limitations as it may deem necessary.

10.5.5 Regulations. The SPGA may adopt rules and regulations for the administration of this Section.

10.5.6 Fees. The SPGA may adopt reasonable administrative fees and technical review fees for applications for special permits.

10.5.7 Lapse. Special permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within 24 months following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in G.L. c. 40A, s. 17, from the grant thereof) with the Town Clerk.

10.6 SITE PLAN APPROVAL.

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

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

10.6.3 Site Plan Requirements. The site plan shall show or the accompanying materials shall detail:

1. the record owner;
2. location;
3. zone boundary lines;
4. easements, or other legal restrictions;

5. exact location of building(s) on the lot with side, front and rear dimensions;
6. lot dimensions; topography;
7. adjacent public ways;
8. location of off-street parking, lighting, and utility systems;
9. surface drainage;
10. traffic impacts as set forth in Section 6.4;
11. location and nature of open spaces with specific notations as to landscaping;
12. locus plan; and
13. other details as applicable and deemed necessary by the Planning & Zoning Board.

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

10.6.5 Criteria for Evaluation. The Planning & Zoning Board will review the application and plans and determine whether the application conforms to this By Law, and, in considering a site plan under this section, shall assure, to a degree consistent with Site Plan Guidelines established hereunder and a reasonable use of the site for the purposes permitted or permissible by the regulations of the district in which located:

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

10.6.6 Conditions.

1. A time period for the completion of the site construction work required to be done under this section may be established by the Planning & Zoning Board to ensure compliance therewith.
2. Noncompliance with the provisions of the site plan shall result in rescission of the site plan approval at the stipulated expiration date; or at any other time by vote of the Planning & Zoning Board.
3. Substantial completion of the public safety provisions of the site plan is a prerequisite for

issuance of an occupancy permit.

10.6.7 Decision. The Planning & Zoning Board shall file its decision with the Town Clerk within ninety (90) days of the receipt of the application. Failure to file a decision within this time period shall be deemed a constructive approval of the application. This deadline may be extended by agreement of the applicant and the Planning & Zoning Board. Any such extension shall be filed forthwith with the Town Clerk.

10.6.8 Regulations. The Planning & Zoning Board may adopt rules and regulations for the administration of this Section.

10.6.9 Fees. The Planning & Zoning Board may adopt reasonable administrative fees and technical review fees for applications for special permits.

10.6.10 Lapse. Site plan approval shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within 24 months following the filing of the decision (plus such time required to pursue or await the determination of an appeal referred to in G.L. c. 40A, s. 17, from the grant thereof) with the Town Clerk.

10.6.11. Appeal. The decision of the Planning & Zoning Board may be appealed in accordance with G.L. c. 40A, s. 17 to a court of competent jurisdiction.

10.7 SITE PLAN REVIEW FOR SECTION 3 USES.

10.7.1 Purpose. The purpose of this Section is to provide for site plan review of religious, educational, and child care centers otherwise “exempt” pursuant to G.L. c. 40A, s. 3.

10.7.2 Site Plan Review Required. Prior to the issuance of any building permit or certificate of occupancy, the establishment, alteration, change, extension, or reconstruction of uses B.1, B.2, or B.3, as set forth in the Table of Use Regulations, shall require site plan approval from the Planning & Zoning Board pursuant to this Section.

10.7.3 Scope of Site Plan Review. Under this Section, Site Plan Review shall be limited to two inquiries:

1. Whether the use qualifies for protection under G.L. c. 40A, s. 3; and, if so,
2. What reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements, if any, should be imposed on the use.

10.7.4 Required Information. All applications for Site Plan Review shall be in writing and provide, at a minimum, the following information:

1. Name and address of applicant person or entity;
2. Name and address of property owner;
3. Description of the proposed use and any documents necessary to establish threshold compliance with G.L. c. 40A, s. 3;
4. Reason that relief is requested from otherwise applicable zoning requirements;
5. If necessary to reach a decision on the application, the Planning & Zoning Board may request further information from the applicant consistent with G.L. c. 40A, s. 3, specifying in detail the information required.

10.7.5 Site Plan; Contents. In addition, the applicant shall submit a site plan with the following information:

1. Legend depicting all pertinent existing and proposed site features.
2. The date and north arrow shall be shown on the plans.
3. All site plans must be stamped by a Registered Professional Civil Engineer and a Professional Land Surveyor. The land surveyor shall perform an instrument boundary survey and shall certify the accuracy of the locations of the buildings, setbacks, and all other required dimensions to property lines.
4. Zoning Chart depicting “Required” vs. “Provided” for all applicable Zoning Criteria including Lot Size, Frontage, Setbacks, Building Height, Lot Coverage, Parking Spaces, Landscaping Requirements.
5. Locus map, at a scale of 1”=600’ or suitable scale to accurately locate the site in Town, oriented on the plan in the same way as the large scale plan.
6. The location, width, status (public or private), and name of all streets within 100' of the project.
7. On-site and abutting lot lines. On site lot lines shall be described by bearings and distance. Abutting lot lines shall be shown in a general way.
8. Zoning District lines, including overlay districts if applicable.
9. The location of existing or proposed building (s) on the lot shall be shown with total square footage and dimensions of all buildings.
10. Any streams, brooks, or wetland resource area boundaries within 100’ of the property lines.
11. Information on the location, size and type and number of existing and proposed landscape features.
12. Information on the location, size and capacity of existing and proposed on-site and abutting utilities, (water, sewer, drainage, natural gas, electrical cable, etc.) including utilities in abutting side streets, if applicable.
13. Detailed locations and dimensions of all existing and proposed buildings and uses on site and on abutting properties, including exterior details relating to the building footprint. All existing and proposed setbacks from property lines. Any minimum, or below minimum, setback distances shall be clearly noted as such on the plan.
14. Information and details for all site and directional on-site signage shall be submitted.
15. Elevation and facade treatment plans of all proposed structures. Color renderings are required for new construction.
16. Information on the location, size and type of parking, loading, storage and service areas. A parking calculation schedule noting existing, required and proposed spaces for the entire site shall be provided.
17. Details and specifications (if applicable) for proposed site amenities, including, but not limited to fences, recreation facilities, walls or other barrier materials; and special paving materials.

10.7.6 Decision. The Planning & Zoning Board may approve, approve with conditions, or deny an application for site plan approval. In making its decision, the Board shall be guided exclusively by G.L. c. 40A, s. 3. The Board shall file a written decision with the Town Clerk within ___ days of receipt of the application. Failure to file a decision within ninety (90) days shall constitute approval of the site plan.

10.7.8 Appeal. Any appeal of the Planning & Zoning Board's decision shall be made pursuant to G.L. c. 40A, s. 17, to a court of competent jurisdiction.

10.8 REQUEST FOR REASONABLE ACCOMMODATION.

10.8.1 Purpose. Under the FHA, it is a discriminatory practice to refuse to make "a reasonable accommodation in rules, policies, practices, or services when such accommodation may be necessary to afford [a handicapped] person equal opportunity to use and enjoy a dwelling." 42 U.S.C. § 3604(f)(3)(B). The same standard applies under the ADA, which also addresses nonresidential facilities providing services to persons with disabilities. 42 U.S.C. 12112(b)(5). The purpose of this Section is to facilitate housing and/or services for persons with disabilities and to comply fully with the spirit and the letter of the FHA and, where applicable, the ADA.

10.8.2 Request. Any person eligible under the FHA or any provider of housing to persons eligible under the FHA, or any person eligible to operate a nonresidential facility providing services to persons eligible under the ADA, may request a Reasonable Accommodation as provided by the Fair Housing Act and/or the ADA. A Request for a Reasonable Accommodation does not affect a person's or provider's obligations to act in compliance with other applicable laws and regulations not at issue in the requested accommodation.

10.8.3 Zoning Board of Appeals. All requests for Reasonable Accommodation under the FHA and/or the ADA shall be submitted to the Zoning Board of Appeals (ZBA).

10.8.4 Information. All requests for Reasonable Accommodation shall be in writing and provide, at a minimum, the following information:

1. Name and address of person (s) or entity requesting accommodation;
2. Name and address of property owner;
3. Name and address of dwelling or facility at which accommodation is requested;
4. Description of the requested accommodation and specific regulation or regulations for which accommodation is sought;
5. Reason that the requested accommodation may be necessary for the person or persons with disabilities to use and enjoy the premises; and
6. If the requested accommodation relates to the number of persons allowed to occupy a dwelling, the anticipated number of residents, including facility staff (if any).
7. If necessary to reach a decision on the request for Reasonable Accommodation, the ZBA may request further information from the applicant consistent with the FHA and/or ADA, specifying in detail the information required.

10.8.5 ZBA Procedures.

The deadlines imposed in G.L. c. 40A, s. 11 or s. 15 may be extended upon the request of the applicant and the approval of the ZBA. The ZBA may seek information from other Town agencies in assessing the impact of the requested accommodation on

the rules, policies, and procedures of the Town. Upon written notice to the ZBA, an applicant for a Reasonable Accommodation may withdraw the request without prejudice. The ZBA shall consider the following criteria when deciding whether a request for accommodation is reasonable:

1. Whether the requested accommodation would require a fundamental alteration of a legitimate Town policy; and
2. Whether the requested accommodation would impose undue financial or administrative burdens on the Town government.

10.8.6 Decision. After conducting an appropriate inquiry into the request for Reasonable Accommodation, the ZBA may:

1. Grant the request;
2. Grant the request subject to specified conditions; or
3. Deny the request.

The ZBA shall issue a written final decision on the request in accordance with G.L. c. 40A, s. 15. If the ZBA fails to render its decision on a request for Reasonable Accommodation within the time allotted by G.L. c. 40A, s. 15, the request shall be deemed granted. The ZBA's decision shall be filed with the Town Clerk and sent to the applicant by certified mail.

10.8.7 Appeal. The ZBA's decision pursuant to this section may be appealed to a court of competent jurisdiction in accordance with G.L. c. 40A, s. 17 or otherwise.

10.8.8 File. The ZBA shall maintain a file of all requests for Reasonable Accommodation under the FHA and/or the ADA and a file of all decisions made on such requests. The file(s) may be reviewed in the Office of the ZBA upon request during regular business hours.

10.8.9 Other Laws. While a request for Reasonable Accommodation is pending, all laws and regulations otherwise applicable to the premises that is the subject of the request shall remain in full force and effect.

10.8.10. Effective Date. The provisions of this Section shall apply only to requests for Reasonable Accommodation made after May 16, 2016. Any person who has previously submitted a request for Reasonable Accommodation may resubmit the request for processing pursuant to the procedures set forth in this Section.

SECTION 11.0 DEFINITIONS

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

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

Adult Entertainment Establishments: Shall include and be defined as follows:

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

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

Adult Mini Motion Picture Theater: An enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by emphasis on matter depicting, describing or relating to "sexual conduct" as defined in G.L. c. 272 s. 31 (as defined below) for observation by patrons therein.

Adult Live Entertainment Establishments: Establishments which feature live entertainment which consists of entertainers engaging in "sexual conduct" or "nudity" as defined in G.L. c. 272, s. 31.

Massage: Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulation of external parts of the human body with the hands or with the aid of any mechanical or electric apparatus or appliances, with or without supplementary aids as rubbing alcohol, liniment, antiseptics, oils, powder, creams, lotions, ointment or other such similar preparations commonly used in the practice of massage under such circumstances that it is reasonably expected that the person to whom the service is provided, or some third person on his or her behalf, will pay money or give any other consideration or any gratuity therefore. The practice of massage shall not include the

following individuals while engaged in the personal performance of duties of their respective professions:

A. Physicians, surgeons, chiropractors, osteopaths, physical therapists, or massage therapists who are duly licensed to practice their respective professions in the Commonwealth of Massachusetts.

B. Registered nurses, licensed practical nurses or nurses aides under the direction of a., above, registered nurses, or licensed practical nurses who are duly licensed to practice their respective professions in the Commonwealth of Massachusetts.

C. Barbers and beauticians who are duly licensed under the laws of the Commonwealth of Massachusetts, except that this exclusion shall apply solely to the massage of the neck, face and scalp of the customer or client for cosmetic or beautifying purposes.

Adult Retirement Development: For the purposes of Section 8.5, the following definitions shall apply:

Adult Retirement Development (ARD): a self-contained alternative residential community constructed expressly for and specifically limited to use and residency by persons who have achieved a minimum age requirement for residency of at least fifty-five (55) years. Such developments shall comply in all respects to the requirements of G. L. c. 151B, as may be amended.

Community Facility: Developed common areas, constructed solely for the use of the residents of the ARD and their guests. The term "Community Facility" may include buildings housing activities and amenities such as game room, entertainment room, sewing room, library, kitchen, laundry facilities, exercise room, toilet facilities, locker rooms for men and women, etc. Facilities) may also include outdoor activities and amenities such as swimming pools, gardens, paths and walkways, putting greens, and the like. All Community Facilities shall be designed and maintained in conformance with the latest Massachusetts standards for handicap accessibility.

Affordable Housing Requirements: The following definitions shall apply in Section 8.8. Where a term is undefined herein, the definition set forth in the Affordable Housing Guidelines adopted pursuant to this Section 8.9, if any, shall control. All other undefined terms in this section shall either be governed by Section 11.0, Definitions of this By-Law or shall be interpreted in accord with such normal dictionary meaning or customary usage as is appropriate to the context.

Affordable Housing Guidelines: Written policies and criteria, recommended by the Affordable Housing Trust Fund Board of Trustees and adopted by the Planning & Zoning Board, which supplement and serve to aid in the interpretation of this section. They may be revised from time to time without an amendment to this By-Law.

Affordable Housing Plan: A document that constitutes the applicant's showing of compliance with the requirements of Section 8.8.

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

Housing Inventory.

Comprehensive Permit Guidelines. Refers to guidelines promulgated by DHCD pursuant to G.L. c. 40B, ss. 20-23.

Income, Low: A combined household income which is less than or equal to 50% of the Area Median Income, as defined by HUD.

Income, Moderate: A combined household income which is less than or equal to 80% of the Area Median Income, as defined by HUD.

Project: A residential development, or development with a residential component, subject to the requirements of Section 8.9.

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

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

Aquifer Protection Overlay District: The following definitions shall apply for the purposes of Section 9.1:

Toxic or Hazardous Material: Any substance or mixture of such physical, chemical or infectious characteristics as to pose a significant, actual or potential hazard to water supplies or other hazard to human health, if such substance or mixture were discharged to land or waters of the Town. Toxic or hazardous materials include, without limitation, the following: organic chemicals; petroleum products; heavy metals; radioactive or infectious wastes; acids and alkalis; products such as pesticides, herbicides, solvents and thinners.

Wastes generated by the following activities, without limitation, are presumed to be toxic or hazardous unless and except to the extent that anyone engaging in such activity can demonstrate to the satisfaction of the Board of Health and the Department of Public Works, Water Division: airplane, boat and motor vehicle service and repair; chemical and bacteriological laboratory operation; cabinet making; dry cleaning; electronic circuit assembly; metal plating, finishing and polishing; motor and machinery service and assembly; painting, wood preserving and furniture stripping; pesticide and herbicide application; photographic processing; printing.

Assisted Living Residence: A residential development subject to certification by the executive office of elder affairs under G.L. c. 19D and 651 CMR 12.00.

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

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

Boarder: An individual other than a family member occupying a dwelling unit who, for consideration, is furnished sleeping accommodations, meals, and may be provided personal care or other services, but excluding guests at a bed and breakfast.

Building: A combination of any materials, whether portable or fixed, having a roof and enclosed within exterior walls or fire walls, built to form a structure that is safe and stable supported by columns or walls resting on its own foundation for the shelter, housing, or enclosure of persons, animals, chattels, or property of any kind. For the purposes of this definition "roof" shall include an awning or any similar covering, whether or not permanent in nature.

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

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

Building, Detached: A building having open space on all sides.

Building, Principal: A building in which is conducted the principal use of the lot on which it is located.

Business or Professional Office: A business establishment, which does not offer a product or merchandise for sale to the public but offers a professional service to the public. However, general or personal service establishments are not to be included in the definition of business offices.

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

Child Care Center: A child care center as that term is defined in G.L. c. 15D, s. 1A.

Commercial Recreation, Indoors: Entertainment and recreational facilities operated as a business for gain, including but not limited to bowling alley, theater, fitness center, or sports arena, provided such use is housed indoors in sound-insulated structure protecting neighborhood from inappropriate noise in any season.

Commercial Recreation, Outdoors: Golf, swimming, tennis, or other outdoor recreational facility.

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

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

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

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

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

District: A zoning district as established by Section 2.0 of this By-law.

Driveway: An open space, located on a lot, built for access to a garage, off-street parking or loading space. A driveway may not be more than 24 feet in width in Residential, Residential I, and Business Neighborhood Zones, and not more than 36 feet in width in Business, Industrial, Eleemosynary, and Municipal Zones. Each driveway shall service no more than one lot.

Drive-In or Drive-Through Establishment: A business establishment that includes service that is provided from a drive-up or drive-through window or other similar arrangement that allows the service of a patron while the patron remains in a vehicle, whether parked or live parked. The term shall include eating establishments and service establishments such as banks, dry cleaners, pharmacies, and the like, and automotive service stations and gasoline stations and the like.

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

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

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

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

Electric Charging Station, Level Two: A facility equipped with a compatible cable such as J-1772, for the recharging of the batteries of motor vehicles.

Essential Services: Services and facilities offered by public utility or governmental agency by the erection, construction, alteration, or maintenance of underground or overhead gas, electrical, steam, or water transmission or distribution systems and structures, excluding power plants or transfer stations. Facilities necessary for the provisions of essential services include poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith. Specifically excluded from this definition are municipal, state, or federal services and facilities.

Family: One or more persons, including domestic employees, occupying a dwelling unit and living as a single, nonprofit housekeeping unit provided that a group of five or more persons who are not related by blood or marriage.

Family day care home, large: An accessory use as defined in G.L. c. 15D, s. 1A.

Family day care home, small: An accessory use as defined in G.L. c. 15D, s. 1A.

Farmers' Market: A public market for the primary purpose of promoting and selling fresh produce, prepared foods and meat, poultry and fish. Such products may include, but shall not be limited to: Fresh Produce (fresh uncut fruits and vegetables); Unprocessed honey; Maple syrup; Meats, poultry, and fish; Farm fresh eggs; Jams and jellies; Candy; Baked goods.

Flexible Development: The following definitions shall apply for the purposes of Section 8.1:

Affordable Dwelling Unit: A dwelling unit restricted as affordable to households qualifying as low or moderate income.

Affordable to Households Qualifying as Low Income: Affordable to households, adjusted for size, under the applicable guidelines of the Commonwealth's Department of Housing and Community Development, earning less than 50% of the median income.

Affordable to Households Qualifying as Moderate Income: Affordable to households, adjusted for size, under the applicable guidelines of the Commonwealth's Department of Housing and Community Development earning more than 50% but less than 80% of the median income.

Contiguous Open Space: Open space suitable, in the opinion of the Planning & Zoning Board, for the purposes set forth in Section 8.1.1, herein. Such open space may be separated by the road(s) constructed within the Flexible Development. Contiguous open space shall not include required yards.

Transfer Lot: A parcel of land with not less than 60,000 square feet used to establish a density bonus in a Flexible Development, as set forth in Section 8.1. Such transfer lot shall be:

A. Determined by the Planning & Zoning Board to be of special importance because of its visual prominence or potential vista blockage, ecological significance or fragility, value as agricultural or recreational land, critical relation or proximity to the Town's drinking water supply, or because it is identified in the Town's open space plan; and

B. Not more than 50% wetlands, as defined in G. L. c. 131, §40, or not land used to satisfy dimensional requirements in any other development of land; and

C. Subject to a permanent conservation restriction approved as to form by Town Counsel pursuant to G. L. c. 184, §§ 31 through 33, or conveyed in fee or with a suitable restriction to the Town or to a nonprofit organization, the principal purpose of which is the conservation of open space or other appropriate purpose consistent with the open space uses designated in Section 8.1.

Flood Plain: The area subject to periodic flooding, the limits of which are determined by Section 9.2.

Floor Area, Gross: The sum of the areas of the several floors of a building, measured from the exterior faces of the walls. It does not include cellars, unenclosed porches or attics not used for human occupancy or any frontage.

Funeral Home: Facility for the conducting of funerals and related activities such as embalming.

General Service Establishment: Shop for lawn mower or small appliance repair, upholstery or furniture repair, bicycle repair person, printer, blacksmith, builder, carpenter, caterer, electrician, lawn mower service person, mason, painter, plumber or roofer.

Height: Measured as the vertical distance from the mean grade of the natural ground contiguous to the building, as such ground existed prior to construction at the location of existing or proposed exterior walls ("Grade Plane"), to the mean height of the highest roof surface. For new subdivisions the Grade Plane shall be calculated based upon finished grades as shown on site plans approved by the Planning & Zoning Board. The limitation shall not apply to chimneys, vents, and other similar features provided such features do not cover more than fifteen percent (15%) of the area of the roof

of the building or other structure and in no way are used for human occupancy.

Home Occupation: An accessory use as set forth in Section 3.3.

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

Hotel: A building or any part of a building containing rooming units without individual cooking facilities for transient occupancy and having a common entrance or entrances. A hotel may include a restaurant, bar or tavern, and accessory recreational facilities. Does not include a motel, boarding house, lodging house, or rooming house.

In-Law Apartments: For the purposes of Section 8.8, the following definitions shall apply:

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

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

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

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

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

Kennel: An establishment as defined in G.L. c. 140, s. 137A.

Large Scale Ground Mounted Solar Photovoltaic Installation Overlay District (SPOD): For the purposes of Section 9.4, the following definitions shall apply:

Building Commissioner: The official charged with the enforcement of this By-law.

Building Permit: A construction permit issued by an authorized Building Commissioner which provides evidence that the project is consistent with the state and federal building codes as well as this By-Law, including those governing ground-mounted large-scale solar installations.

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

Large-Scale Ground-Mounted Solar Photovoltaic Installation: A solar energy system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate

capacity greater than 250 kW and occupies more than 5 acres of land.

On-Site Solar Installation: A solar installation that is constructed at a location where other uses of the underlying property occur.

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

Solar Photovoltaic Array: An arrangement of solar photovoltaic panels.

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

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

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

Lot, Corner: A lot at the point of intersection of and abutting on two or more intersecting streets, the interior angle of intersection of the street lot lines, or in the case of a curved street, extended lot line, being not more than 135 degrees.

Lot Depth: The distance between the front lot line and the rear lot line.

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

A. Where a single lot abuts a street at more than one location (as with a U-shaped lot) or abuts more than one street (as with a corner lot), the greatest uninterrupted linear or curvilinear measurement of a front lot line along one side of one street shall be considered the frontage.

B. On lots abutting curved streets or cul-de-sacs, the arc length between the side lot lines will be considered the frontage.

C. The ends of streets without a turning circle shall not be considered frontage.

Lot Line, Front: The property line dividing a lot from a street (right of way).

Lot Line, Rear: The lot lines opposite from the front lot line.

Lot Line, Side: Any lot line not a front or rear lot line.

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

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

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

requirements of this by-law.

Manufacturing: A use engaged in the basic processing and manufacturing of materials, or the manufacture from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products.

Medical Clinic: A facility as defined in 105 CMR 145.020, including a mobile clinic and urgent care facility.

Medical Marijuana Treatment Center Overlay District (MMOD): For the purposes of Section 9.5, the following definitions shall apply:

Medical Marijuana Treatment Center: A not-for-profit entity, as defined by Massachusetts law only, registered under applicable Massachusetts law, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.

Medical Use of Marijuana: The acquisition, cultivation, possession, processing, (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfer, transportation, sale, distribution, dispensing, or administration of marijuana, for the benefit of qualifying patients in the treatment of debilitating medical conditions, or the symptoms thereof, as may be further defined under Massachusetts law.

Medical Office: A building designed and used as an office by physicians, dentists, or psychotherapists for the diagnosis and treatment of human patients that does not include overnight care facilities or licensing as a clinic.

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

Mixed Use: A development that includes primary non-residential and primary residential uses on the same site.

Mobile Home: A movable or portable dwelling unit built on a chassis, designed for connection to utilities when in use, and designed without necessity of a permanent foundation for year-round living.

Motel: A building or any part of a building containing rooming units without individual cooking facilities for transient occupancy and having a common entrance or entrances. Generally, does not include a restaurant, bar or tavern, or accessory recreational facilities. Does not include a boarding house, lodging house, or rooming house.

Motor Vehicle Hourly Rental Station: A facility at which, by contract, motor vehicles are made available for rent for a period not longer than 24 hours.

Motor Vehicle Light Service Station: A building or premises used for the dispensing, sales or offering for sale of motor fuels directly to users of motor vehicles. Other sales activities and any repairs shall be activities minor in scope and clearly subordinate to the sale of motor fuels, oils and lubricants. No drive-through facilities are permitted without further zoning relief.

Motor Vehicle Repair: A building or use which is designed or intended to be used for the storage, servicing, repair, maintenance, or cleaning of motor vehicle equipment.

Motor Vehicle Sales: Premises for the sale of used or new motor vehicles, including supplying of fuel, oil, lubrication, washing, or repair services, but not to include body work or painting.

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

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

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

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

Personal Service Establishment: A facility providing personal services such as hair salon, barber shop, tanning beds, dry cleaning, print shop, photography studio, and the like.

Place for Manufacturing, Assembling, or Packaging of Goods: Those used primarily for heavy or light industry or the manufacture or assembly of a product including processing, blending, fabrication, assembly, treatment and packaging.

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

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

Qualified Acre: Agricultural land on which the sale of products produced from the agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture use on the parcel annually generates at least \$1,000 per acre based on gross sales dollars in area not zoned for agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture.

Reconstruction: The demolition of a structure and the rebuilding of a new structure on the same lot.

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

Research and Development Facilities: Those facilities used primarily for research, development and/or testing of innovative information, concepts, methods, processes, materials, or products. This can include the design, development, and testing of biological, chemical, electrical, magnetic, mechanical, and/or optical components in advance of product manufacturing. The accessory development, fabrication, and light manufacturing of prototypes, or specialized machinery and devices integral to research or testing may be associated with these uses, but excluding laboratories categorized as Level 4 by the National Institutes for Health.

Retail: A facility selling new or used goods to an end user but not otherwise specifically listed in the Table of Use Regulations.

School Aged Child Care Program: A school aged child care program as that term is defined in G.L. c. 15D, s. 1A.

Sign: For the purposes of Section 6.2, the following definitions shall apply:

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

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

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

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

Banner Sign: A sign frequently constructed of fabric or other flexible material and frequently displayed on a pole or staff which can be freestanding or attached to a building or structure, and temporary in nature.

Billboard: See "Off-Premises Sign".

Building: As defined in Section 11.0.

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

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

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

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

Directional: A sign limited to pedestrian and vehicular traffic instruction and/or direction or restrictions on the use of parking areas. "No Parking", "Entrance", "Exit" and "Additional Parking in the Rear" are examples of directional signs. No sign that identifies the occupant or use of the site shall be considered a directional sign.

Directory Sign: A group of signs clustered together as a single structure or compositional unit to advertise occupants of the same building or building complex.

Double Faced Sign: A sign with two faces.

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

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

Facade: The exterior surface of a building wall facing a street or containing a public entrance, which corresponds to the height and width of the interior space owned or leased by the occupant of the building.

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

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

Flag: A sign frequently constructed of fabric or other flexible material and frequently displayed on a pole or staff which can be freestanding or attached to a building or structure, and temporary in nature. Official flags of governmental jurisdictions properly displayed and decorative flags on residences shall not be considered as signs for the purposes of this Section.

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

Freestanding Sign: A sign structurally separate from a building or structure that is attached to or part of a self-supporting structure.

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

Frontage, Building: The length of an outside building wall on a public right-of-way.

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

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

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

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

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

Internally Illuminated Sign: A sign which utilizes translucent panels, canvas or other fabric, letters, devices or other similar components to create an image by allowing light to pass through.

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

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

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

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

Marquee Sign: Any sign attached to or supported by a marquee structure.

Nameplate: A non-electric on-premise identification sign giving only the name, address,

and/or occupation of an occupant or group of occupants.

Nonconforming Sign: A sign which was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations. Also, a sign which does not conform to Section 6.2, but for which a special permit has been issued.

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

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

On-Premises Sign: A sign which pertains to the use of the premise on which it is located.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sign: Any device, structure, fixture, or placard using graphics, symbols, and/or written copy

designed specifically for the purpose of advertising or identifying any establishment, product, goods, or services.

Sign, Area Of:

1. **Projecting and Freestanding.** The area of a freestanding or projecting sign shall have all faces of any doubled-faced or multi-faced sign counted in calculating its area. The area of the sign shall be measured as follows if composed of one or two individual cabinets: (a) The area around and enclosing the perimeter of each cabinet or module shall be summed and then totaled to determine the total area. The perimeter of measurable area shall not include embellishments such as pole covers, framing, decorative roofing, etc. provided that there is not written advertising copy on such embellishments; or (b) If the sign is composed of more than two sign cabinets or modules, the area enclosing the entire perimeter of all cabinets and/or modules within a single, continuous geometric figure shall be the area of the sign. Pole covers and other embellishments shall not be included in the area of measurement if they do not bear advertising copy.

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

3. **Others.** For other signs the area shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed. Both sides of double-faced signs shall be computed in determining gross display area. Frames and structural members not bearing advertising matter shall not be included in computation of sign area.

For a sign consisting of individual letters, designs, and symbols attached to or painted on a surface, building, wall or window, the area shall be considered to be that of the smallest quadrangle which encompasses all of the letters, designs and symbols.

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

Subdivision Identification Sign: A freestanding or wall sign identifying a recognized subdivision, condominium complex, or residential development.

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

Under Canopy Sign: A sign suspended beneath a canopy, ceiling, roof or marquee.

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

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

Special Permit Granting Authority: Authority to issue specific special permits as designated by this By-Law.

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

Story, Basement: The lower most story of which any portion of the floor is below the exterior

grade.

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

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

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

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

Truck Terminal: A facility for handling freight with or without maintenance facilities.

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

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

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

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

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

Variance: Such departure from the terms of the by-law as the Board of Appeals upon appeal in specific cases is empowered to authorize under the terms of Section 10.3.

Veterinary facility or clinic: A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short term care incidental to the use.

Warehouse: A building used primarily for the storage of goods and materials, for distribution, but not for sale on the premises.

Warehouse, Mini or Self Storage: Establishment providing individual storage units for long or short term rental to persons or businesses.

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

Wholesale: Sale of goods not at retail.

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

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

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

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

Zoning Act: Chapter 40A of the General Laws.

APPENDIX A: TABLE OF USE REGULATIONS

R - Residential, R1 - Residential 1, B - Business, BN - Business Neighborhood, I - Industrial, E - Eleemosynary, M - Municipal or Open Space, QCD – Queset Commercial District and vbd – village business district. ZBA – Special Permit/Zoning Board of Appeals, PZB – Special Permit/Planning & Zoning Board, Queset Commercial District (QCD) with Sub-Districts A, B, C.

In the Queset Commercial (QCD) District, the following shall apply: N (or blank) – not permitted; Y – permitted in Subzones A, B, and C; A – permitted in Subzone A only; B – permitted in Subzone B only; C – permitted in Subzone C only; SP (PZB)– permitted by special permit of the Planning and Zoning Board; SP (ZBA) – permitted by special permit of the Zoning Board of Appeals; SP (BOS) – permitted by special permit of the Board of Selectmen.

PRINCIPAL USES									
A. Residential Uses	R	R1	B	BN	I	E	M	QCD¹	VBD
1. Single family dwelling	Y	Y	Y	ZBA	N	ZBA	N	N	ZBA
2. One 2-family or one duplex dwelling	PZB	PZB	PZB	N	N	N	N	B	PZB
3. Multifamily Dwellings (See Sec. 8.4)	N	N	Y	N	N	N	N	N	N
4. Conversion of an existing dwelling to two dwelling units	PZB	PZB	Y	N	N	N	N	B	PZB

¹ Under Queset Commercial (QCD), letter designations A, B, or C refer to the subdistricts. Where Y appears the use is permitted anywhere in the QCD.

A. Residential Uses (con't)	R	R1	B	BN	I	E	M	QCD¹	VBD
5. Mixed Use ²	N	N	PZB	N	N	N	N	PZB-A/C)	Y
6. Assisted living residence (See Sec. 8.2)	ZBA	ZBA	ZBA	N	N	N	N	N	ZBA
7. Bed and breakfast (See Sec. 8.3) * ZBA for 5 to 10 rooms for rent	Y	Y	Y	N	N	N	N	N	Y
8. Nursing or convalescent home	ZBA	ZBA	Y	N	N	Y	Y	B/C	ZBA
9. Flexible Development (See Sec. 8.1)	PZB	PZB	N	N	N	N	N	N	N
10. Adult Retirement Development (See Sec. 8.5)	PZB	PZB	N	N	N	N	N	N	N

² Provided that in the Queset Commercial District, mixed-use development shall be permitted only if at least 2/3 of the total gross floor area in the project is used for Office, Retail or Restaurant Uses permitted under Subsections D and E of Section 5.3.

B. Institutional, Recreational, and Educational Uses	R	R1	B	BN	I	E	M	QCD¹	VBD
1. Use of land or structures for religious purposes	Y	Y	Y	Y	Y	Y	Y	Y	Y
2. Use of land or structures for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation	Y	Y	Y	Y	Y	Y	Y	Y	Y
3. Child care center or school aged child care program	Y	Y	Y	Y	Y	Y	Y	Y	Y
4. Cemeteries	ZBA	ZBA	N	N	N	ZBA	Y	N	N
5. Indoor or outdoor recreation facility owned or operated by an agency of Town or other government	Y	Y	Y	N	Y	ZBA	Y	B/C	Y
6. Essential services	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA
7. Private nonprofit libraries or museums	Y	Y	Y	Y	Y	Y	Y	A/C	Y
8. Private nonprofit community center building, settlement house, adult education center or other similar facility provided indoor or outdoor noisy activities shall be not less than 50 ft. from any lot line and shall not be detrimental to the neighborhood by reason of noise in any season	ZBA	ZBA	ZBA	N	N	Y	N	A	ZBA
9. Hospital, elderly retirement facility and/or elderly congregate housing	ZBA	ZBA	Y	N	N	Y	Y	B/C	ZBA

B. Institutional, Recreational, Educational (con't)	R	R1	B	BN	I	E	M	QCD¹	VBD
10. All Town uses and buildings	Y	Y	Y	Y	Y	Y	Y	Y	Y

C. Agricultural Uses	R	R1	B	BN	I	E	M	QCD¹	VBD
1. Farming - agricultural, orchard, horticultural, or silvicultural, on five or more acres of land or two qualified acres	Y	Y	Y	Y	Y	Y	Y	Y	N
2. Farming - on less than five acres of land or less than two qualified acres, may include livestock or poultry but not swine, provided that any building housing livestock or poultry be not less than 50 ft. from the property boundary	Y	Y	ZBA	N	ZBA	Y	Y	Y	N
3. One roadside stand per farm for sale of agricultural products, the major portion of which are grown or produced on the premises; permitted if on five or more acres of land or two qualified acres as per G.L. c. 40A, s. 3	Y	Y	Y	Y	Y	N	N	Y	Y
4. Roadside stand not exempt per G.L. c. 40A, s. 3	Y	Y	Y	Y	Y	Y	Y	Y	Y
5. Farmers market	PZB	PZB	PZB	PZB	PZB	N	PZB	Y	PZB

D. Office and Laboratory	R	R1	B	BN	I	E	M	QCD¹	VBD
1. Business, financial, and professional use	N	N	Y	Y	Y	N	N	Y	Y
2. Offices and clinics for medical, psychiatric, or other health services for examination or treatment of persons as outpatients, including only urgent care facilities or laboratories that are part of such office or clinic	N	N	Y	Y	Y	N	N	Y	Y
3. Laboratory or research facility	N	N	Y	Y	Y	N	N	Y	N
4. Commercial or educational radio or television studio	N	N	Y	Y	Y	N	N	Y	Y

E. Retail Business and Consumer Service Establishments	R	R1	B	BN	I	E	M	QCD¹	VBD
1. Store for retail sale of merchandise, provided all display, storage, and sale of materials are conducted within a building and provided there be no manufacturing or assembly on the premises	N	N	Y	Y	Y	N	N	Y	Y
2. Restaurant serving food and beverages to be consumed within the building	N	N	Y	N	ZBA	N	N	Y ³	Y
3. Bakery, deli, ice cream shop, or similar establishment where food is prepared and sold at retail on the premises for consumption elsewhere, but not including drive-through or drive-up service	N	N	Y	Y	N	N	N	Y	Y
4. Drive-in, open-air restaurant, outside dining facility, or other establishment providing food and beverages with no live or mechanical entertainment	N	N	ZBA	N	ZBA	N	N	PZB-B	ZBA
5. All other drive-in or drive-through facilities	N	N	ZBA	ZBA	ZBA	ZBA	ZBA	PZB	PZB
6. Space for manufacturing, assembly, or packaging of consumer goods, provided that at least 50% of such merchandise is sold at retail on premises and that all display, sales, and storage is conducted within building and further provided that not more than 25% of floor area is devoted to manufacturing, assembly, or packaging of consumer goods and not more than 5 persons are employed at any one time for manufacturing, assembly, or packaging of such goods	N	N	Y	N	Y	N	N	B/C	Y

³ In the Queset A Subdistrict: (a) a restaurant may also provide food service on a patio or an outdoor seating area directly adjacent to the building; (b) drive-through service is prohibited.

E. Retail Business and Consumer Service (con't)	R	R1	B	BN	I	E	M	QCD¹	VBD
7. Personal service establishment	N	N	Y	Y	ZBA	N	N	Y	Y
8. General service establishment	N	N	Y	Y	ZBA	N	N	Y	Y
9. Hand laundry, dry cleaning, or tailoring, or other similar uses, provided personnel is limited to not more than six (6) persons at any one time on the premises	N	N	Y	N	Y	N	N	B/C	Y ⁴
10. Mortuary, undertaking, or funeral establishment	N	N	Y	N	N	N	N	B	N
11. Veterinary establishment, provided that animals are kept indoors	N	N	Y	Y	Y	N	N	B/C	N
12. Store for retail sale of merchandise such as but not limited to lumber yards and building supply yards wherein merchandise is stored in the open, provided that all merchandise is screened from ground level view from any abutting street or abutting property where such materials are stores	N	N	N	N	Y	N	N	N	N
13. Planned Business Development	N	N	PZB	N	PZB	N	N	PZB	N
14. Hotel or Motel	N	N	PZB	N	N	N	N	PZB	PZB
15. Trade, professional, or other school conducted as a private business for gain	N	N	Y	Y	ZBA	Y	N	B/C	Y
16. Nonprofit membership club or fraternal lodge	ZB A	ZBA	Y	N	N	Y	N	B/C	ZBA
17. Commercial recreation, outdoors	ZB A	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	Y	ZBA
18. Commercial recreation, indoors	N	N	ZBA	N	ZBA	N	N	Y	ZBA

⁴ Dry cleaning facilities are prohibited in the Village Business District

E. Retail Business and Consumer Service (con't)	R	R1	B	BN	I	E	M	QCD¹	VBD
19. Theater	N	N	ZBA	N	N	N	N	Y	ZBA
20. Sales places for flowers, garden supplies, agricultural produce partly or wholly outdoors, including commercial greenhouses	N	N	Y	N	Y	N	N	Y	N
21. Adult Entertainment Establishment	N	N	N	N	ZBA	N	N	N	N

F. Motor Vehicle Related Uses	R	R1	B	BN	I	E	M	QCD¹	VBD
1. Motor vehicle light service	N	N	ZBA	N	Y	N	N	ZBA-C	N
2. Sale or rental of motor vehicles or boats and accessory storage conducted partly or wholly within an enclosed sound-insulated structure to protect the neighborhood from inappropriate noise and other disturbing effects such as but not limited to flashing, fumes, gases, smoke, and vapors	N	N	Y	N	Y	N	N	B/C	N
3. Motor vehicle repair shops, provided all work is carried out within the building	N	N	Y	N	Y	N	N	B	N
4. Motor vehicle washing establishments	N	N	ZBA	N	ZBA	N	N	ZBA-C	N
5. Truck and heavy equipment repair shops provided all work is carried out within the building	N	N	ZBA	N	Y	N	N	N	N
6. Motor vehicle hourly rental station	N	N	N	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA
7. Electric charging station, Level Two	N	N	N	Y	Y	Y	Y	Y	ZBA

G. Industrial, Wholesale, and Transportation Uses	R	R1	B	BN	I	E	M	QCD¹	VBD
1. Laundries and dry cleaning plant	N	N	N	N	Y	N	N	N	N
2. Printing, binding, publishing and related arts and trade	N	N	N	N	Y	N	N	N	Y
3. Bottling of beverages	N	N	N	N	Y	N	N	N	Y
4. Plumbing, electrical, or carpentry shop or other similar service or repair establishment	N	N	ZBA	N	Y	N	N	N	ZBA
5. Place for manufacturing, assembling, or packaging of goods, provided that all resulting cinders, dust, flashing, fumes, gases, odors, refuse matter, smoke and vapor be effectively confined to the premises or be disposed of in a manner that does not create a nuisance or hazard to safety or health	N	N	N	N	Y	N	N	N	N
6. Wholesale business and storage in a roofed structure	N	N	N	N	Y	N	N	N	N
7. Place for exhibition, lettering, or sale of gravestones	N	N	Y	N	N	N	N	B	N
8. Warehouse	N	N	N	N	Y	N	N	N	N
9. Trucking and freight terminals	N	N	N	N	Y	N	N	N	N
10. Planned Industrial Development	N	N	N	N	PZB	N	N	N	N

H. Other Principal Uses	R	R1	B	BN	I	E	M	QCD¹	VBD
1. Extractive industries, manufacture, distribution or sale of explosives, or any trade, industry or other use that is noxious or hazardous by reason of vibration or dust, gas, fumes, smoke, cinders, flashing, or excessively bright lights, refuse matter or electromagnetic radiation	N	N	N	N	N	N	N	N	N
2. Open-lot storage including storage in trailers and semitrailers	N	N	N	N	N	N	N	N	N
3. Any use hazardous to health because of danger of flooding, inadequacy of drainage or inaccessibility of drainage or in-accessibility to firefighting apparatus or other protective service	N	N	N	N	N	N	N	N	N
4. Junk yard, sales of junk, or salvaged materials	N	N	N	N	N	N	N	N	N
5. Heliport, helistop	N	N	N	N	ZBA	ZBA	N	N	N
6. Dog Kennel	ZBA	ZBA	ZBA	N	ZBA	ZBA	ZBA	N	N
7. Trailer for business use	N	N	ZBA	N	ZBA	ZBA	ZBA	N	N
8. Communications Tower and Wireless Communications Facility	N	N	ZBA	ZBA	ZBA	ZBA	ZBA	N	N

I. Accessory Uses	R	R1	B	BN	I	E	M	QCD¹	VBD
1. Private greenhouse, stable, tennis court, swimming pool, or other similar building or structure for domestic use	Y	Y	Y	Y	Y	Y	Y	Y	N
2. The raising or keeping of livestock or poultry as pets or for use by residents of the premises provided that no building for livestock or poultry may be less than 25 ft. from any side or rear lot line nor nearer than 50 ft. to any front lot line	Y	Y	Y	Y	Y	Y	Y	N	N
3. Any customary home occupation provided that not more than three (3) employees, one of whom can be a nonresident, shall be employed on the premises at any one time	Y	Y	Y	Y	Y	N	N	Y	Y
4. The use of a portion of a dwelling or accessory building thereto by a resident builder, rental office, carpenter, painter, plumber, electrician, or mason or by a resident tree surgeon or landscape gardener or for incidental work and storage in connection with an off-premise occupation, provided there is no external change which alters the residential appearance of the buildings and further provided that all storage is kept indoors	Y	Y	Y	ZB A	Y	N	N	B/C	ZBA
5. Renting of rooms in an existing dwelling to not more than three (3) boarders	Y	Y	Y	N	N	N	N	N	ZBA
6. Home office for resident physician, dentist, attorney-at-law, architect, engineer or member of other recognized profession provided that not more than three (3) persons shall be employed on the premises at any one time	Y	Y	Y	Y	Y	N	N	B/C	Y

I. Accessory Uses (con't)	R	R1	B	BN	I	E	M	QCD¹	VBD
7. Heliport, helistop	N	N	N	N	ZBA	ZBA	N	N	N
8. Dog Kennel	ZBA	ZBA	ZBA	N	ZBA	ZBA	ZBA	N	N
9. Car Washing Establishments	N	N	ZBA	N	ZBA	N	N	N	N
10. Trailer for business use	N	N	ZBA	N	ZBA	ZBA	ZBA	N	N
11. Antenna Transmitter/ Receiving Tower, Residential Use (in excess of 25 feet above roof ridge height)	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	Y	N	ZBA
12. Antenna Transmitter/Receiving Tower, Commercial (in excess of 25 feet above roof ridge height)	N	N	ZBA	ZBA	ZBA	ZBA	Y	N	ZBA
13. Family home day care, small	Y	Y	Y	N	N	N	N	N	Y
14. Family home day care, large	ZBA	ZBA	ZBA	N	N	N	N	N	ZBA
15. Adult social day care	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA	ZBA

Appendix B: Dimensional and Density Regulations

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

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

DIMENSIONAL AND DENSITY REGULATIONS TABLE

Zoning District	Minimum Lot Size in Sq. Ft.	Continuous Minimum Lot Frontage in Lin. Ft. (2)	Minimum Yard Depth in Ft. (2)			Minimum Lot Depth in Ft.	Maximum Building Height in Ft. (3)	Maximum % of Lot Coverage by Structure	Minimum Open Space % Lot Area ¹⁷	Maximum # of Stories Above Grade (5)	Building Placement % Frontage Minimum	Building Placement % Frontage Maximum
			Front (10)	Rear	Side							
Residential - R	40,000	150	25	20	15	100	25 (15)	20		3		
Residential 1 - R1 (11)	40,000	150	25	20	15	100	25 (15)	20		3		
Business - B	40,000	150	50 16	40	25	125	45	25		3		
Business Neighborhood BN	40,000	150	50	20	25	125	35	25		3		
Village Business-VB	2,000	40	NA (20)	10 (20)	NA (20)	NA	45 (20)	NA (20)		3		
Industry - I (9)	40,000	150	50	40	25	160	50	25		3		
Eleemosynary E	(8)	(8)	(8)	(8)	(8)	(8)	(8)	(8)		(8)		
Flood Plain - F	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)		(1)		

Zoning District	Minimum Lot Size in Sq. Ft.	Continuous Minimum Lot Frontage in Lin. Ft. (2)	Minimum Yard Depth in Ft. (2)			Minimum Lot Depth in Ft.	Maximum Building Height in Ft. (3)	Maximum % of Lot Coverage by Structure	Minimum Open Space % Lot Area ¹⁷	Maximum # of Stories Above Grade (5)	Building Placement % Frontage Minimum	Building Placement % Frontage Maximum
			Front (10)	Rear	Side							
Municipal or Open Space - M	(7)	(7)	50	40	25	125	(7)	(7)		(7)		
Queset A	40,000	150	30	25	25		45 ¹⁸	N/A	20%	3 ¹⁸	60%	90%
Queset B	25,000 ¹⁹	125	25	20	25		45	N/A	10%	3	50%	75%
Queset C	40,000	150	30	20	25		45	N/A	15%	3	60%	80%

Apartments	60,000	250	75	40	25	160	40	25		3		
Motel	60,000	250	75	50	50	160	35	25		3		

The above notes for apartments and motels and are not to be construed as separate zones.

- (1) Restrictive Use.
- (2) On lots abutting streets on more than one side, the front yard requirements shall apply to each of the abutting streets.
- (3) These height restrictions shall not apply to chimneys, water towers, skylights and other necessary features appurtenant to buildings which are usually carried above roofs and are not used for human occupancy.
- (4) Deleted in its entirety at Adjourned Annual Town Meeting April 9, 1985.
- (5) This restriction does not apply to above-ground swimming pools.
- (6) Apartments--See Section 8.4 for requirements.
- (7) No restriction.
- (8) Permit from the Planning & Zoning Board.
- (9) No industry which produces dust, fumes, smoke, odors, noise, or pollutants of any type shall in the future be constructed or placed on a parcel of land in the industrial zone within five hundred (500) feet of any church, school or dwelling, existing or in the process of being erected at the time of adoption of this by-law.
- (10) Where present buildings on adjoining lots are less than twenty-five (25) feet from the front lot lines, new buildings may be placed as near the way as the average of the buildings on said adjoining lots. A vacant lot shall, for this purpose, be treated as so occupied by a building set back twenty-five (25) feet.
- (11) Deleted Special Town Meeting 1/23/95

- (12) Continuous minimum Lot Width shall require that each RESIDENTIAL LOT shall have 150 feet of frontage width, and at least 100 feet of horizontal distance between the side lot lines at the minimum front yard depth of 100 feet for residential lots.
- (13) Continuous minimum Lot Width shall require that each BUSINESS LOT shall have 150 feet of frontage width, and at least 100 feet of horizontal distance between the side lot lines at the minimum front yard depth of 125 feet for business lots.
- (14) Continuous minimum Lot Width shall require that each INDUSTRIAL LOT shall have 150 feet of frontage width, and at least 100 feet of horizontal distance between the side lot lines at the minimum.
- (15) Height
 - One (1) foot may be added to the Maximum Building Height for each additional foot by which (i) the front setback exceeds the minimum front setback distance) or (ii) the narrower side setback exceeds the minimum side setback distance, whichever of these two distances is the smallest; provided the height shall not in any case exceed thirty-five (35) feet.
 - In situations where a building is allowed to be closer to a property line one (1) foot shall be deducted from the Maximum Allowable Building Height for each foot by which (i) the front setback is less than the minimum front setback distance or (ii) the narrower side setback is less than the minimum side setback distance, whichever of these two distances is the greatest. This reduction in Maximum Height shall apply only to the portions of the building that occupy the space between the property line and the corresponding setback line.

In instances where a building has a walk out basement located on the rear wall the grade plane shall be calculated using the mean grade from all front and side walls.

- (16) Minimum front yard depth of less than 50 feet may be granted via Special Permit by the Planning and Zoning Board. Waivers of this minimum requirement will only be granted when the applicant demonstrates the proposed front yard depth is consistent with good and consistent planning practices; closely matches the setbacks of the surrounding area and will not have a negative impact on adjacent properties.
- (17) At least 50% of the open space shall be landscaped open space in front of or beside the principal building on the lot, visible from the public way. In Queset A, pedestrian plaza or other pedestrian amenities located in front of the building may be counted toward the minimum open space requirement, subject to approval by the Planning Board.
- (18) In Queset A up to 4 stories and/or 60' may be allowed through design review. The façade length of any 4th story is limited to 60% of the ground floor façade length.
- (19) With shared access and shared parking; otherwise, 40,000 sq.
- (20) In the Village Business District, the Planning and Zoning Board may, in conjunction with any site plan review proceeding as may be required under Section 10.6, require larger setbacks, decreased height or decreased lot coverage if such modified dimensions are warranted by existing conditions and/or the nature and location of existing buildings on abutting lots; or if such modified dimensions are necessary to ensure that there will be no detriment to the surrounding neighborhood.