Grafton
Zoning By-Law

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October 19, 2015

Grafton, Massachusetts

Reflects changes made at Town Meeting on October 19, 2015
Approved by the Attorney General's Office on February 17, 2016

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SECTION 1 - ADMINISTRATION AND INTERPRETATION

1.1 Title

This By-Law shall be known as the Grafton Zoning By-Law.

1.2 Purpose

The Purpose of this Zoning By-Law (this "Zoning By-Law" or "By-Law"**)** is to promote the health, safety, convenience, amenities, and general welfare of the inhabitants of the Town of Grafton, through encouraging the most appropriate use of the land as authorized by Article 89 of the Amendments to the Massachusetts Constitution (the Home Rule Amendment) and Chapter 40A of the General Laws with the following objectives:

To conserve health; to secure safety from fire, flood, panic and other dangers; to lessen congestion in the streets and ways; to provide adequate light and air; to prevent over crowding of land; to avoid any undue concentration of population; to recognize the need for housing for persons of all income levels; to facilitate the adequate provision of transportation, water, water supply, drainage, schools, parks, open space, and other public requirements; to conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment; to encourage the most appropriate use of land throughout the town, including consideration of town plans and programs, and to preserve and increase amenities available to the citizens of Grafton.

1.3 Administration

1.3.1 Enforcement: The Inspector of Buildings shall be charged with the enforcement of this Zoning By-Law and shall withhold a permit for the construction, alteration or moving of any building or structure if the building or structure as constructed, altered or moved would**,** in any way, violate the provisions of this By-Law. No permits shall be granted for any new use of a building, structure or land if such use would be in violation of this By-Law.

1.3.1.1 Submittal - Applications for special permits, variances, and appeals must be filed with the Town Clerk. A copy of the application, including the date and time of filing certified by the Town Clerk, shall be filed forthwith by the applicant with the office of the special permit granting authority or Board of Appeals, as appropriate. (T.M. 10-17-88)

1.3.2 Zoning Permit

1.3.2.1. A Zoning Permit issued by the Inspector of Buildings shall be obtained before any building or structure is erected, structurally altered, or moved, as well as
for any change in use of any property or building**,** or when any earth is moved in preparation for any new or changed use. \

1.3.2.2 The Zoning Permit shall certify that the plans and intended use of the land, buildings, or structures are in conformity with the requirements of this By-Law. Nonetheless, the issuance of a zoning permit shall not in any way be considered a waiver of any requirement of this By-Law.

1.3.2.3 The Inspector of Buildings may issue a Zoning Permit without further review by the Planning Board for any use in any district that is designated by a "Y" in the Use Regulation Schedule (Section 3.2.3.1).

1.3.2.4 A Zoning Permit shall not be issued for any use, other than those specified in Section 1.3.2.3 until a Site Plan has been submitted to, reviewed and approved by the Planning Board in accordance with Section 1.3.3.

1.3.2.5 A Zoning Permit shall not be issued for any use designated as "S" in the Use Regulation Schedule until a special permit has been granted by the special permit granting authority in accordance with Section 1.5.

1.3.2.6 The Inspector of Buildings shall review all applications for zoning permits to ascertain whether the site is located within the Flood Plain District, and if it is, he shall refer such application to the Town Engineer for verification. If a special permit is required the Town Engineer shall notify the Planning Board and Inspector of Buildings in writing and refer said application and accompanying documents to the Planning Board for consideration under a special permit application. Under such circumstance, the burden of proving that the site falls outside the Flood Plain District is on the applicant.

1.3.2.7 The Inspector of Buildings shall send one (1) copy of any Zoning Permit issued to the Planning Board within five (5) days after issuance.

1.3.3 Site Plan Review

1.3.3.1 For the purpose of assuring proper drainage, screening, safe access, adequate parking and loading spaces, public convenience and safety, adequate consideration of abutting land owners and compliance with the provisions of this By-Law, a Site Plan shall be submitted as required by this By-Law for all uses other than (a) those specified in Section 1.3.2.3., and (b) those uses for which a Master Plan Approval has been issued by the Planning Board pursuant to the provisions of Section 9 of this Zoning By-Law, in which case, project plan approval shall be required as specified in Section 9.

1.3.3.2 Where a use is permitted upon issuance of a Special Permit, the Site Plan Review procedure shall be incorporated into the procedure used for dealing with applications for Special Permits. Such procedures are noted in Sections 1.3.3.3, 5.1, 5.2, 5.3, 6.4, 7.4.d-h and 8.1.2. (T.M.- 5/13/91).

1.3.3.3 All Applications for Site Plan Review shall be filed with the Planning Board and shall be accompanied by the following:

a.) Properly executed application form, and (if applicable) all materials necessary for facilitating a public hearing on the application;

b.) All required fees;

c.) A written description of the proposed use, signed by the applicant(s) and owner(s) of the property, which provides, at a minimum, the following details:

- the specific nature of the operations/activities that are proposed on the property;
- a description of all existing use(s) of the property, and an indication of whether or not such uses will continue with the proposed use(s);
- hours of operation of the proposed use(s) or activity;
- the maximum number of employees on the largest shift;
- shipping/receiving activity (including types of delivery vehicles, number/frequency of deliveries);
- use of any hazardous materials or substances in the operation of the proposed use;
- any potential for future changes to the building or use(s), such as increases in: the square footage of the building; the hours of operation and/or deliveries; the maximum number of employees; or any other significant changes to the proposed use(s) as presented by the current application;
- any other information or details that may not be specified herein or required to be shown on the plans, but**,** as determined by the Planning Board, is relevant due to the specific nature of the proposed use(s) or activity; and a
- list of any requested waivers from the requirements of Sections 1.3.3.3(d)-(f), including a detailed explanation/justification of the reason(s) for such request.

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

(1.) Name and address of the person(s) submitting the application;

(2.) Name and address of the owner(s) of the subject property(ies), if different;

(3.) Present use(s) of the land and description and use(s) of existing building(s) thereon, if any;

(4.) Proposed use(s) of the land;

(5.) Proposed use(s) of existing buildings, if any;

(6.) Description and proposed use(s) of the proposed building(s), if any;

(7.) Zoning District(s) in which the parcel is located, including floodplain if applicable;

(8.) Locus Map (scale of 1"=1,000') and north arrow;

(9.) Title Block containing: name of the project; applicant; property owner; property address and Assessor's Map/Lot number; date (with revisions); name, address and phone number, and the signature and seal of the professional architect or engineer preparing the plan;

(10.) Wetlands, Ponds, Streams, or other water bodies, including all applicable buffer zones;

(11.) Ownership of all abutting land and approximate location of buildings, driveways, and parking areas thereon within a maximum distance of two hundred feet (200′) of the property lines;

(12.) Existing and proposed topography at two-foot (2′) elevation intervals;

(13.) All property lines of the subject property, and all setbacks of buildings and parking areas from said lines, and existing and proposed easements, if any;

(14.) Extent and type of all existing and proposed surfaces (pervious and impervious) on the property, including specific materials;

(15.) Lot coverage calculations showing percentage of buildings, percentage of pavement, and percentage of open space/ landscaped areas;

(16.) Parking calculations for proposed use(s), including all existing use(s) that will continue to exist on the property, if applicable;

(17.) Calculations of the volume of earth material to be removed or filled on the property, and delineation of the location(s) of such activity;

(18.) Driveways and driveway openings/entrances;

(19.) Parking and loading spaces;

(20.) Service areas and all facilities for screening;

(21.) Landscaping;

(22.) Lighting;

(23.) Proposed signs (business, traffic, etc.);

(24.) Sewage, refuse and other waste disposal;

(25.) Stormwater management facilities (drainage);

(26.) All structures and buildings associated with the proposed and existing use(s) on the property;

(27.) Exterior storage areas and fences;

(28.) Utilities and their exterior appurtenances (e.g., fire connections);

(29.) Provisions for dust and erosion control;

(30.) Any existing vegetation;

(31.) Any other details or information deemed necessary by the Planning Board due to the unique nature of a proposed use or the subject property;

e.) A stormwater management hydrological study prepared in accordance with the *Rules and Regulations Governing the Subdivision of Land: Grafton, Massachusetts* (Sections 3.3.3.19 and 4.7.8).

f.) A report, if applicable, showing calculations of the volume of earth material to be removed from or delivered to the site, including a description of such removal or fill activity. Depending upon the volume of material to be removed or filled, the Planning Board may require the Applicant to submit additional information (if not submitted in the report) regarding, but not limited to, the following: the hours of fill/removal activity; proposed route(s) of transporting materials to and from the site; and measures for dust and erosion control (both on- and off-site) for the proposed activity.

g.) Written statements from the following:

(1.) The engineer and/or architect preparing the plans indicating that the building(s) and site have been designed to comply with the performance standards set forth in Section 4.1 of the Zoning By-Law.

(2.) The applicant(s) and owner(s) of the property indicating that the building(s) and site will be maintained, and the activities on the site will be conducted in accordance with, the performance standards set forth in Section 4.1 of the Zoning By-Law.

h.) Any other information, materials, reports or studies deemed necessary by the Planning Board, due to the special nature of the proposed use/activity or the subject property, to achieve the purposes set forth in Sections 1.2 and 1.3.3.1 of this By-Law

1.3.3.4 For all Site Plan Review Applications the Planning Board may, by an affirmative vote of at least 4 members (or 3 when less than 5 are eligible to vote on such application), one of whom may be the Associate Member when sitting in review of the application**,** authorize deviation from the requirements of Sections 1.3.3.3(d) - (f) provided such deviation is not, in the opinion of the Board, contradictory or inconsistent with the intent and purposes set forth in Sections 1.2 and 1.3.3.1 of this By-law. The Planning Board, in its decision, shall make specific findings justifying the granting or denying of any such requests.

1.3.3.5 Plan Acceptance: Failure by the Applicant to provide all information, items and materials deemed necessary by the Planning Board, other than those that have been specifically waived pursuant to Section 1.3.3.4, within a reasonable timeframe once notified by the Board or its agent of the necessity for such, shall be grounds for denial of the application.

1.3.3.6 Approval Procedure: Within four (4) business days after receiving a plan, the Planning Board shall submit one (1) copy of the site plan each to the Board of Selectmen, the Board of Health, the Conservation Commission, the Inspector of Buildings, the Town Engineer and the Sewer Commissioners requesting their comments. The Planning Board shall determine whether a public hearing shall be

held regarding the site plan. If the Board determines that there shall be a public hearing, it shall, within sixty-five (65) days from the receipt of the plan, hold a duly advertised public hearing. Within ninety (90) days after the date of the public hearing, the Planning Board shall determine whether the site plan complies with the purpose and provisions of this By-Law, and shall inform the Inspector of Buildings and the applicant in writing of its approval thereof, subject**,** if necessary, to reasonable conditions to assure protection of the public interest to a degree consistent with a reasonable use of the site, or its disapproval thereof.

1.3.3.7 At the applicant's written request to the Planning Board, it may extend the time period for approval to a mutually agreeable date. Failure of the Planning Board to act within ninety (90) days after the date of the public hearing or within the time mutually agreed upon, as the case may be, shall constitute approval of the site plan and the Town Clerk, upon receipt of evidence of such failure to act, shall so certify to the applicant. A building permit shall not be issued in a case requiring a site plan approval until the Planning Board shall have approved the site plan, with or without conditions, or the time period for approval has elapsed without action. (T.M. 10-17-88)

1.3.3.8 An approved site plan shall be valid for a period of two (2) years from the date of approval. All work proposed in the site plan or required by conditions to which the approval was subject must be completed within two (2) years from the date of approval of the site plan unless a longer period is expressly granted in writing at the time of site plan approval or at a later date should the applicant request an extension and the same is granted by the Planning Board.

1.3.3.9 All work shown on an approved site plan shall be completed and all related conditions of approval shall be satisfied prior to the issuance of an occupancy permit. If completion of such work and satisfying of such conditions is not possible prior to the issuance of an occupancy permit due to extenuating circumstances, the petitioner shall notify the Planning Board of all incomplete items and unsatisfied conditions prior to applying for said permit. Prior to the issuance of an occupancy permit, the Petitioner shall notify the Planning Board in writing as to the remaining items to be completed, if any, as well as the expected completion date of the work and if after inspection by the Planning Board designee, it is determined that work subject to Section 1.3.3 has not been completed in accordance with the approved plan(s) or any related conditions of approval have not been satisfied, the Planning Board may require the posting of a bond or other type of security deemed acceptable by the Board to assure compliance with the approved plan(s) and related conditions. The amount of the security shall be determined by the Board's designee at the expense of the individual seeking the occupancy permit, and shall be a multiple of one and one-half (l½) times the cost of completing any remaining improvements (either on- or off-site) and those costs required to satisfy any conditions placed upon the site plan approval. The Planning Board shall notify the Building Inspector in writing once the security has been properly posted with the Town. At the option of the Planning Board, the Planning Board designee may be the Building Inspector, Town Planner, or the Board’s consulting engineer. The Planning Board may

waive the requirement of providing a performance security if it determines that completion of certain on- or off-site work and satisfying certain conditions of approval are integral aspects of a particular use for which an occupancy permit is sought.

1.3.3.10 The Planning Board may approve, upon request, minor changes to an approved site plan without receiving an application or conducting a public hearing provided such change is, in the opinion of the Board, not substantially different than presented in the materials and information used in making the original Site Plan decision. The Planning Board reserves the right to solicit comments from other Town boards, departments and committees, as well as its consulting engineer, in making determinations regarding such change(s). The Planning Board may, upon its determination, require a modification of the original Site Plan decision if it finds that the proposed changes are substantial in nature and/**or** of public concern, or substantially alter the plans and information used in making this Decision. The Planning Board, in considering such change(s), shall make specific findings justifying the granting or denying of any such request for minor modification. Any proposed change deemed substantial in nature shall require a modification of the original Site Plan application and decision**.** Any application for such modification shall be made pursuant to Section 1.3.3 of this By-law.

1.3.4 Building Permit

A building permit shall be issued for construction, alteration or moving of a building or structure which as constructed, altered or moved would be in conformance with this By-Law. No building or foundation permit shall be issued for any parcel of land not serviced by the municipal sewage disposal system until the applicant has obtained a Disposal Works Construction Permit or the Board of Health or its agent determines and informs the Inspector of Buildings that an existing sewerage disposal system is adequate for the proposed construction. The Inspector of Buildings may require the applicant to obtain a determination by the Board of Health as to the adequacy of the existing sewerage disposal system for any proposed alteration or addition to an existing residence or structure.

1.3.5 Occupancy Permit

No building erected, materially altered, relocated or in anyway changed as to construction or use under a permit or otherwise, and no land shall be occupied or used without an occupancy permit signed by the Inspector of Buildings. Said Permit shall not be issued until the building, and its use and accessory uses, and the use of all land comply in all respects with this Zoning By-Law.

1.3.6 Enforcement and Penalty

1.3.6.1 If the Inspector of Buildings is requested in writing to enforce the provisions of this By-Law against any person allegedly in violation of this By-Law and the Inspector of Buildings declines to act, he shall notify, in writing, the party requesting such enforcement of any action, or refusal to act, and the reasons therefore, within fourteen (14) days of receipt of such request.

1.3.6.2 Any person aggrieved by reason of his inability to obtain a permit or enforcement action from the Inspector of Buildings or other administrative officer under the provisions of this By-Law, or any person including an officer or board of the Town, aggrieved by an order of decision of the Inspector of Buildings, or other administrative officer, in violation of the provisions of Chapter 40A of the General Laws or any provision of this By-Law, may file an appeal in accordance with the provisions of Chapter 40A of the General Laws.

1.3.6.3 Whoever violates any provision of this By-Law shall be punished by a fine imposed by a Court of Law not exceeding one-hundred (100) dollars for each offense and each day that such a violation continues shall constitute a separate offense.

1.4 Zoning Board of Appeals

1.4.1 The Zoning Board of Appeals, constituted under Article 5 of the Warrant for the Town Meeting of April 25, 1956, Article 36 of the Warrant for the Town Meeting of March 9, 1970, and Article 51 of the Warrant for the Town Meeting of May 5, 1975, shall be the Zoning Board of Appeals for all purposes under this By-Law**.** Members of said Board shall be appointed by the Board of Selectmen and said appointment shall be made and shall operate in accordance with Chapter 40A of the General Laws of the Commonwealth of Massachusetts and any amendments thereto. The Zoning Board of Appeals shall consist of five registered voters of the Town. The Board of Selectmen shall also appoint two registered voters of the Town for a term of three (3) years to serve as associate members to act in the absence of regular members and at the expiration of each three (3) year term shall again appoint two (2) associate members for three (3) years. All members and associate members of the Zoning Board of Appeals shall serve without compensation.

1.4.2 Powers of the Zoning Board of Appeals:

- **a**. To hear and decide appeals in accordance with Chapter 40A.
- **b**. To hear and decide petitions for variances in accordance with Chapter 40A in all districts**,** subject to appropriate conditions and safeguards**,** including**,** but not limited to**,** calendar time period, extent of use, hours of operation, outdoor storage, lighting, parking or similar controls.
- **c**. To hear and decide applications for expansion of non-conforming uses in accordance with the provisions of Section 3.4.3.5 of this By-Law.
- **d**. To hear and decide applications for special permits in those circumstances where the board is empowered to act as Special Permit Granting Authority under the provisions of this By-**L**aw.

1.4.3 In exercising the powers granted by Section 1.4.2 above, the Zoning Board of Appeals shall act in accordance with the provisions of Chapter 40A of the General Laws as well as this Zoning By-Law.

1.4.4 Any approval which has been granted by the Zoning Board of Appeals under the provisions of Section 1.4.2 (c) above shall lapse within two (2) years from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause.

1.4.5 Any person aggrieved by a decision of the Zoning Board of Appeals may appeal to either the District Court**,** the Superior Court, or the Land Court, in accordance with section 17 of Chapter 40A of the General Laws.

1.4.6 The Zoning Board of Appeals shall adopt rules consistent with Chapter 40A of the General Laws and the provisions of this By-Law for the conduct of its business.

1.5 Special Permit Granting Authorities

The Special Permit Granting Authority for the Town of Grafton shall be allocated as follows:

1.5.1 Planning Board: Except as provided in Section 3.4.3.5, the Planning Board shall have the authority to grant special permits for all uses designated with the symbol "S" on the Use Regulation Schedule in Section 3.2.3.1 of this By-Law. These are the uses for which a special permit is required and for which plans and documents must be submitted in accordance with the requirements of Section 5.1. The Planning Board shall have the authority to issue special permits for major business, office and industrial complexes, for multiple family dwellings, for flexible development, for common driveways**,** and floodplain developments in accordance with the provisions of Section 4.3 (Major Business, Office and Industrial Complexes), Section 5.2 (Multi-Family Dwellings), Section 5.3 (Flexible Development), Section 5.9 (Common Driveways)**,** Section 6.4 (Flood Plain Developments), Section 7 (Water Supply Protection By-Law) and Section 8 (Traffic Control) of this By-Law.

1.5.1.1 Fees:

- **a**. Multi-Family Residential Uses. The filing fee for a special permit for multi-family uses shall be $250 plus $80/unit with a minimum of $550. For revisions of the plans, the fee shall be $100 plus $20/unit.
- **b**. Commercial Uses. The base filing fee for a special permit for commercial uses shall be $250/lot and $6/parking space.
- **c**. Industrial Uses. The base filing fee for a special permit for industrial uses shall be $250/lot and $6/parking space.
- **d**. Site Plans. The filing fee for all site plans will be $100.

In addition to the application fees, and any fees required for reviews beyond the capabilities of the town (as described within this Section), applications shall be accompanied by a fee to cover the costs of the required legal advertisement in the local newspaper for the necessary public hearing. Such cost shall be in accordance with the current *Planning Board Fee Schedule* in effect at the time of submitting the application.

Plans determined to be incomplete and not accepted under Section 1.3.3.5, Plan Acceptance, of this By-Law shall forfeit their fee. A new fee is required with each submittal.

Under the circumstances where a filing fee is payable under this section and a fee is also payable under subdivision regulations, the higher fee shall be payable.

Any required review beyond the capabilities of the town must be paid for by the applicant; including, but not limited to, engineering, professional planning review, inspection of construction and sampling and testing. (T.M. 10-17-94)

1.5.1.2 Associate Member: In accordance with Chapter 40A, Section 9 of the General Laws of the Commonwealth of Massachusetts and its amendments, the Planning Board in conjunction with the Board of Selectmen shall appoint by majority vote a registered voter of the Town to serve as an Associate Member for a term of two years. The Chairman of the Planning Board may designate the associate to sit on the Board for purposes of action on a special permit application in case of absence, inability to act, or conflict of interest of a regular member, or a vacancy on the Board. The associate member may not act on issues other than special permits. (T.M. 5-14-90)

1.5.2 The Planning Board: The Planning Board shall also have the authority to grant special permits for signs in accordance with the provisions of section 4.4 of this By-Law.

1.5.3 The Zoning Board of Appeals: The Zoning Board of Appeals shall have the authority to grant special permits for non-conforming existing uses and their continuance and extension as provided for in Chapter 40A of the General Laws and in Section 1.4.2 of this By-Law.

1.5.4 Appeals: Any person aggrieved by a decision of the Planning Board or the Board of Selectmen or the Zoning Board of Appeals in exercising their powers to grant or deny special permits under this By-Law may appeal such decisions to either the District Court, the Superior Court, or the Land Court, in accordance with section 17 of Chapter 40A of the General Laws.

1.5.5 Conditions for Granting Special Permits: Special Permits may be granted only for uses which are in harmony with the general purpose and intent of this By-Law. The special permit granting authority shall deny an application for a special permit when it determines that a nuisance, hazard, or congestion will be created, or for any other reason there will be substantial harm to the neighborhood or a derogation from the general purpose and the intent of the By-Law, or where the special permit is determined not to be in the public interest, or that the stated district objectives or applicable use criteria will not be satisfied. The special permit granting authority shall make findings on which to base its determination on the specific issues of:

a. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe.

b. Off-street parking and loading areas where required, with particular attention to the items in paragraph (a) above, and the economic, noise, glare, or odor effects of the special permit on adjoining properties and properties generally in the district.

c. Refuse collection or disposal and services areas, with particular reference to items in paragraphs (a) and (b) above.

d. Screening and buffering with reference to type, dimensions and character.

e. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.

f. Required yards and other open space; and

g. General compatibility with adjacent properties and other property in the district.

h. There will not be any significant adverse impact on any public or private water supply.

i. If the subject site is located within the Water Supply Protection Overlay District, there will not be any significant or cumulative impact upon municipal water supplies, and the Board shall give appropriate consideration to contamination by nitrate-nitrogen loading in making this determination.
(T.M. 10-28-86)

j. Protect important historic, cultural and scenic landscapes. (TM 10-18-99)

1.5.6 Review and Reports: When acting as Special Permit Granting Authority, the Planning Board, upon the receipt of any application for a special permit and the required plans and documents, shall file one copy with the Town Clerk, one copy each with the Board of Selectmen, the Board of Health, the Conservation Commission, the Inspector of Buildings, the Town Engineer, the Sewer Commission, the Police Department, the Fire Department, the School Department and the Board of Assessors for their review and recommendation. These boards and officers shall submit reports to the Planning Board within thirty-five (35) days of the receipt of the application and supporting documents from the Planning Board. Failure to report shall be deemed to be lack of opposition thereto. The Planning Board shall prepare written findings for any special permit application, whether granted or denied. These findings shall address, at a minimum, the issues listed in Section 1.5.5 above. Additional findings and determinations may be made if deemed appropriate by the Planning Board.

1.5.7 Public Hearing: Any special permit shall be acted upon only after a public hearing which must be held within sixty-five (65) days after the effective date of filing of a special permit application. The effective date of the filing is the date the application is filed with the special permit granting authority, and a copy shall be filed forthwith with the Town Clerk.

1.5.8 Period of Validity: Major Residential Special Permits which authorize the filing of a Definitive Plan shall be valid for a maximum of two (2) years, within which time an application for Definitive Plan, deemed complete pursuant to the Subdivision Regulations, shall be filed in accordance with all applicable regulations. All other special permits shall lapse one (1) year after the date of granting if substantial use, or construction, has not been commenced except in accordance with law. (T.M. 5-11-98)

1.5.9 Permits Granted before Zoning Changes: If a special permit or a building permit is issued before the publication of the first notice of a public hearing of a proposed zoning amendment, but is not then utilized by commencing construction within six (6) months and then proceeding as expeditiously as is reasonable, the building or special permit will lapse and a new permit will be required to conform to the amended By-Law.

1.6 Applicability

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

1.7 Separability

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

1.8 Amendment

This By-Law may from time to time be changed by amendments, addition, or repeal by the Town Meeting in the manner provided in Chapter 40A of the General Laws, and any amendment therein.

1.9 Effective Date

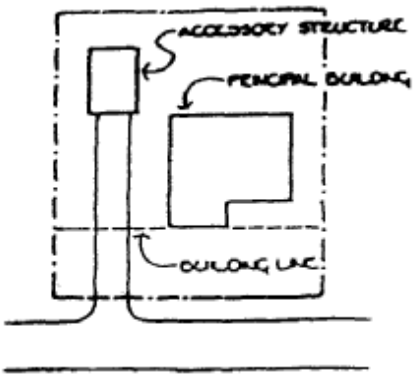
Upon its effective date, this By-Law shall amend and be substituted for the existing Zoning By-Law of the Town of Grafton**,** but shall not affect such rights or duties that have matured, penalties that were incurred, proceedings that were begun or appointments made before its effective date, pursuant to the previously effective Zoning By-Law, except as otherwise provided by Chapter 40A of the General Laws.

SECTION 2 - DEFINITIONS

2.1 Uses and Structures

Accessory Apartment: An accessory apartment is a separate housekeeping unit, complete with its own sleeping, cooking, and sanitary facilities, that is substantially contained within the structure of a single-family dwelling, but functions as a separate unit.

Accessory Building or Use: An accessory building or use is one which is subordinate or incidental to the main use of a building on a lot. The term "accessory building" when used in connection with a farm shall include all structures customarily used for farm purposes and they shall not be limited in size.



(for illustration purposes only)

Adult Entertainment Enterprises: Includes all include adult retailers, adult dance clubs and adult theaters as defined below.

Adult Retailers: An establishment having as a substantial or significant portion of its stock in trade devoted to books, magazines, videotapes, cd-roms, implements, or other matter or paraphernalia which are characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in General Laws, Chapter 272, Section 31, and which excludes minors by virtue of age.

Adult Dance Club: an establishment which, as a form of entertainment, permits a person or persons to perform in a state of nudity as defined in General Laws, Chapter 272, Section 31, and which excludes minors by virtue of age.

Adult Theater: An enclosed building used for presenting material distinguished by an emphasis on matter depicting, describing or relating to sexual conduct or excitement as defined in General Laws, Chapter 272, Section 31, and which excludes minors by virtue of age.

Alternative Energy: Energy derived from combined heat and power; and electric and hydrogen powered vehicles and associated technologies, including advanced batteries and re-energizing stations.

Amusement Enterprises: A commercial facility providing for the entertainment of patrons, including installations or businesses known as "Drive-In" or "Open-Air" theaters, miniature golf courses, golf driving ranges, carnival machinery providing rides to patrons, and ice or roller skating rinks, any use of which requires payment of a fee.

Animal Hospital or Veterinary Facility: Commercial facilities for keeping animals to be treated, undergoing treatment or recovering from treatment in accordance with normal veterinary practice as established by the Massachusetts Board of Registration Veterinary Medicine. This definition shall not apply to educational institutions of veterinary science.

Backyard Chickens: Raising and keeping of common, domestic female chicks and hens (no roosters) for personal consumption and enjoyment. Limited to six (6) per lot, and must be physically contained within a dedicated space of…at minimum rate…four (4) square feet per hen.

Bed and Breakfast Homestay: A private owner-occupied residence with one to three guestrooms. A bed and breakfast homestay having more than three and less than six guest bedrooms may be approved if the home is designated on the National Register of Historic Places or located within a Town of Grafton historic district. The bed and breakfast homestay is subordinate and incidental to the main residential use of the building. Individual guests are prohibited from staying at a particular bed and breakfast establishment for more than thirty (30) days in any one-year period. (T.M.- 5/13/91)

Biotechnology: The term biotechnology refers to any technology that uses living organisms or parts of organisms to make or modify products, to improve plants or animals, or to develop micro-organisms for specific uses. (Source - Office of Technology Assessment, U.S. Government)

Boarding House: A building with not more than five (5) guest rooms where lodging and meals are provided by the proprietor for compensation.

Buffer Area: A strip of land, identified on a site plan or by a zoning by-law, established to protect one type of land use from another incompatible land use. Under normal circumstances, the area is landscaped and kept as open space.

Building: Any structure enclosed within exterior walls or firewalls built, erected and framed of a combination of any materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals, or personal property.

Building Area: Building area is the aggregate or the maximum horizontal cross section area of the main building on the lot, excluding cornices, eaves, gutters or chimneys projecting not more than thirty (30) inches. Also excluded are steps, single story porches, balconies and terraces.

Common Driveway – A driveway which provides access to more than one lot, each of which has at least the minimum frontage on a Town street as required by the Zoning Bylaw. A common driveway does not qualify as a street for determining frontage under General Laws**,** Chapters 40A and 41.

Conventional Development Plan: A Conventional Development Plan conforming to the requirements of a preliminary subdivision plan under the Subdivision Rules and Regulations of the

Planning Board ("Subdivision Rules") depicting a conventional lot layout. Such plan shall also indicate wetlands, proposed topography, and, except where Town sewers will be utilized, the results of deep soil test pits and percolation tests (the location of which may be designated by the Board of Health or its agent) at a rate of one per every five acres **(**or more as may be required by the Board of Health**)**, but in no case fewer than five per Major Residential Development.

Day Care Center: Any facility operated on a regular basis whether known as a day nursery, nursery school, kindergarten, child playschool, progressive school, child development center, or preschool, or known under any other name, which receive children under seven (7) years of age or under sixteen (16) years of age if such children have special needs for nonresidential custody and care during part or all of the day separate from their parents or legal guardians. Daycare center shall not include: any part of a public school system unless the services of such system are primarily limited to kindergarten, nursery or related preschool services; a Sunday school conducted by religious institution; a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services; a family day care home, as defined by Section Nine (9) of Chapter 28A of the Massachusetts General Laws as amended; an informal cooperative arrangement among neighbors or relations; or the occasional care of children with or without compensation.

Disposal Area: The use of any area of land, whether inside or outside of a building, for the storage, keeping or abandonment of junk, scrap or discarded materials made or used by man, or the demolition or abandonment of automobiles or other vehicles, boats, or machinery or parts thereof.

Dormitory: A building or group of buildings designed or altered for the purpose of accommodating students or members of religious orders with sleeping quarters, with or without communal kitchen facilities, and administered by bonafide educational or religious institutions. Dormitories include fraternity and sorority houses, convents, priories or monasteries, but do not include clubs or lodges.

Dwelling: A building or portion thereof designed exclusively for residential occupancy, including one-family, two-family and multi-family dwellings, but not including hotels or boarding houses.

Dwelling Unit: One (1) or more rooms, whether or not containing an interior door in common with another dwelling unit, and containing cooking, sanitary, eating and sleeping facilities arranged for the use of one (1) or more persons; as distinguished from and not including boarding houses, communes, dormitories, hotels, lodging houses and similar transient living accommodations; or trailer homes, mobile homes or trailer coaches.

Dwelling, One Family: A detached building designed for and occupied exclusively as a home or residence and containing no more than one (1) dwelling unit.

Dwelling, Two Family: A detached building designed for and occupied exclusively as a home or residence and containing two (2) dwelling units.

Dwelling, Multi-Family: A building designed for and occupied exclusively as a home or residence and containing three (3) or more dwelling units.

Exposure: An exterior wall which faces a yard or courtyard whose minimum dimension shall be no less than fifty (50) feet.

Family: An individual, two or more persons related by blood or marriage, or a group of not more than five persons who need not be so related, living as a single housekeeping unit.

Family Day Care Home: A facility engaged in the regular daily care for remuneration of six (6) or fewer children who do not reside at the facility, and who are less than seven (7) years of age, or less than sixteen years of age with special educational needs.

Flexible Development: A Flexible Development shall mean a Major Residential Development in which the single family dwelling units are clustered together into one or more groups on the lot and the clusters are separated from each other and adjacent properties by permanently protected open space (T.M. 5/13/91)

Floor Area: The total area of the several floors of a building measured from the exterior building faces.

Frontage: The continuous linear extent of a lot measured along the street right-of-way from the intersection of one side lot line to the intersection of the other side lot line of the same lot. The frontage on a corner lot shall be measured to the middle of the curve connecting the sidelines of the intersecting rights-of-way. (T.M. 10-20-03). If a lot has frontage on more than one street, frontage on only one street shall be used to satisfy the minimum lot frontage requirement. Principal vehicular access to the principal use of the lot shall be through frontage that satisfies the minimum lot frontage requirements. (T.M. 10-21-13)

Garage, Community: A structure or series of structures for the storage or parking of automobiles and not used for making repairs for compensation.

Garage, Private: A detached or attached accessory building used for the purpose of parking or storage of personal vehicles belonging to the occupants of the premises that is used for residential purposes.

Garage, Public: A building other than a private or community garage used for maintenance, repair or storage of automobiles for compensation.

Toxic or Hazardous Materials: Any substance or mixture of physical, chemical, or infectious characteristics posing a significant, actual and potential hazard to human life or water supplies if such substance or mixture were to be discharged into the air, land, or water. This includes, without limitation, synthetic organic chemicals, heavy metals, radioactive or infectious waste, acids and alkalis, and all substances listed as toxic or hazardous in G.L. c. 21C, G.L. c. 21E, 310 CMR 30.00 et seq., and section 307(a) of the federal Clean Water Act, as amended.

Heavy Industrial Uses: Uses of land whose primary products or activities are:

- Weapons, ordnance and accessories
- Meat packing
- Paper or pulp mills
- Petroleum refining
- Ready-Mix concrete
- Sand or gravel pits
- Stone quarry
- Textile dying and finishing
- Fertilizer plant
- Metal fabrication requiring use of drop hammers
- Paving materials
- Processing of reclaimed rubber
- Refractory concrete block and brick
- Sawmills
- Tannery
- Wool scouring or other similar products or activities

Height of Building: The vertical distance from grade, which is the average finished ground level, to the top of the highest roof beams of a flat roof or to the mean level of the highest gables or highest point of a hip, pitch, or sloped roof. When a building faces on more than one street, the height shall be measured from the average of the grades at the center of each street front.

Home Occupation: An accessory use which is carried on by the permanent residents of a dwelling unit, with not more than two (2) nonresident employees, and only inside the dwelling or accessory residential garage with only customary home equipment used therein; further subject to the provisions that all materials and products of the occupation be stored only within the dwelling; no external alterations or structural changes not customary to a residential building are required; and the occupation does not result in the production of offensive noise, vibration, heat, dust or other objectionable conditions. A home occupation shall not include repairs to motor vehicles as defined in Massachusetts General Laws, Chapter 90, Section 1, as amended.

Hotel: A building designed as a temporary abode for more than twelve (12) persons or providing six (6) or more sleeping rooms in which lodging is provided with or without meals.

Institutional and Philanthropic Uses: Institutional and philanthropic uses are nonprofit social and educational activities, facilities and organizations which include the following:

- parish halls and other religious or semi-religious meeting places
- museums
- agricultural and horticultural societies
- historical societies
- literary societies including libraries
- scientific societies
- fraternal societies
- charitable societies
- civic societies

Unless otherwise provided by law, institutional and philanthropic uses shall not include:

- Profit making businesses and government or nonprofit institutions engaged in the treatment of physical and mental illnesses, diseases and disabilities.

- Profit making businesses and government or nonprofit institutions engaged in psychological or social counseling or therapy.

- Residential quarters for groups or individuals in which psychological or social counseling or therapy is administered.

Lodging House: A dwelling in which living space without cooking facilities is let for compensation to twelve (12) or fewer persons and provides not more than five (5) guestrooms for persons who are not within the second degree of kinship to the owner or operator as defined by civil law.

Long Term Care Facility: Any institution whether conducted for charity or profit which is advertised, announced or maintained for the express or implied purpose of providing three (3) or more individuals admitted thereto with long-term resident, nursing, convalescent or rehabilitative care; supervision and care incident to old age for ambulatory persons; or retirement home care for elderly persons. Long-term care facility shall include convalescent or nursing homes, rest homes, infirmaries maintained in towns and charitable homes for the aged. (Mass. Dept. Public Health Regulations 105 CMR 151.000 effective February 6, 1980).

Lot: An area of land in one ownership with definite boundaries ascertainable by recorded deed or plan and used or set aside and available for use as the site of one or more buildings or for any other definite purpose.

Lot Line: The property line bounding the lot.

Lot Width: The linear distance from side lot line to side lot line measured along the building front yard setback line.

Major Residential Development: The creation in a residential district (R-20, R-40, Agri., RMF) of more than five (5) buildable lots, by subdivision or otherwise, or the construction of more than five (5) single family dwelling units within a (two-year) period on a lot or set of contiguous lots in common ownership on or after 1/1/91. (T.M. 5/13/91)

Major Business, Office or Industrial Complex: Refer to Section 4.3.1.

Minimum Lot Area: The horizontal area of the lot, exclusive of any area in any street, required for the construction of buildings or structures. 75% of land under any waterbody, swamp, wet meadow or marsh, as defined in General Laws Chapter 131, Section 40, and the regulations promulgated thereunder, shall not be included in the minimum lot area required for Zoning Compliance.
(T.M. 5-10-89)

Minor Residential Development: Any single family development in a Residential District (R-20, R-40, Agricultural, RMF) which does not constitute a Major Residential Development. (T.M. 5/13/91)

Mixed Use Development: A development of two or more compatible land uses, such as residential, office, retail, recreational, and light industrial.

Non-Conforming Use of Structure: A lawfully existing use of structure which conformed to the provisions of the zoning bylaw, if any, at the time it was established or constructed, but does not conform to the presently applicable requirements for the district in which it is located.

Nursing and/or Convalescent Homes: Any institution however named whether conducted for charity or profit, which is advertised, announced or maintained for the express or implied purpose of caring for three or more persons admitted thereto for the purpose of nursing or convalescent care.

Parking Area: An area other than a street used for temporary parking of more than four (4) automobiles.

Parking Space: A space designed to be occupied by, and adequate to park a motor vehicle plus access thereto. Within a parking area each parking space shall not be less than eight and one-half (8 1/2) by eighteen (18) feet.

Principal Structure: Any structure which houses, shelters or supports a principal use as defined by Section 3.2.3.1 of these By-Laws. (T.M. 10-17-94)

Professional Office: An office of recognized professions such as doctors, lawyers, licensed massage/muscular therapists licensed by the appropriate boards/commissions of the Commonwealth of Massachusetts, engineers, artists, musicians, designers, and others, who through training are qualified to perform services of a professional nature. (T.M. 10-21-91) (TM 10-19-09)

Renewable Energy: Energy derived from natural resources which are regenerated over time through natural processes. Such energy resources include the sun (solar); wind; moving water (hydro and wave); organic plant and waste material (biomass); and the earth's heat (geothermal). Renewable energy resources may be used directly or indirectly to create other more convenient forms of energy. Renewable energy sources also include landfill gases, fuel cells that use renewable energy, and advanced biofuels.

Restaurant: An establishment for the sale of prepared food, more than half the dollar sales of which are for consumption on the premises and within a building.

Riding Stable: A facility for the boarding and/or riding of horses and ponies. These facilities are also sometimes referred to as boarding stables, riding academies, or riding trails.

Roadside Stand: A stand or shelter for the sale of produce. Roadside stands will be allowed in residential districts for the sale of products principally produced on the premises on which the stand is situated.

Signs: See Section 2.3.

Single Ownership: An individual person, two (2) or more individuals, a group or association of individuals or a partnership or corporation, including an organization of unit owners under G.L. c. 183A, having common individual interests in a tract of land and improvements thereon.

Special Permit: A permission granted in writing by the special permit granting authority for a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning district as special permits, if specific provision for such special permits is made in this Zoning By-Law.

Street: Any public way laid out for vehicular traffic or any private way laid out for or used as a public way for such traffic.

Structure: A combination of materials assembled at a fixed location to give support or shelter, such as a building, framework, retaining wall, tent, reviewing stand, platform, bin, fence, sign, recreational tramway, mast for radio antenna or the like. The word "structure" shall be construed, where the context requires, as though followed by the words, "or part of parts thereof." (T.M. 10-17-89)

Structural Alterations: Any change in or additions to, the structural or supporting members of a building such as bearing walls, columns, beams or girders.

Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:

1. before the improvement or repair is started, or

2. if the structure has been damaged and is being restored, before the damage occurred.

The term does not, however, include any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

Temporary Construction Office: A structure, building or trailer built on, or towed to, a site for the purpose of providing, an on-site office in which to manage the construction of one or more permanent structures or buildings, during said construction.

Tool Shed: A detached or attached structure for the storage of tools associated with and used for residential purposes. (T.M. 5-10-89)

Trailer: A vehicle, without motor power, designed to be drawn by motor vehicle and to be used for habitation or business use.

Variance: A grant of relief from the requirements of this By-Law which permits construction in a manner that would otherwise be prohibited by the By-Law. Grants of relief are for construction only and do not include relief from the requirements of this By-Law governing the use of land and premises.

Water District: A portion of the Town designated by appropriate authority as a single district for purposes of furnishing public water supply therein. There are at the enactment of the provision two (2) water districts within the Town of Grafton:

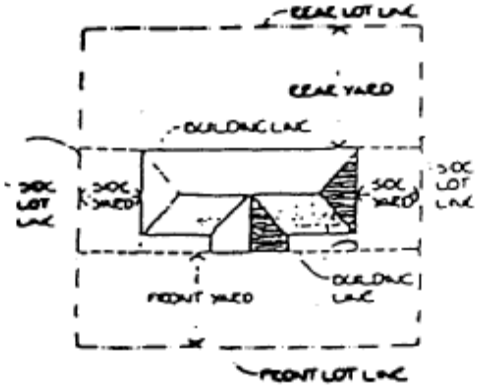
A. The South Grafton Water District, so called, as designated and bounded by the Legislative Act which created it.

B. The Grafton Water District, so called, as designated and bounded by the Legislative Act which created it.

Yard, Front: An open, unoccupied space extending across the full width of the lot between the front wall of the principal building and the front lot line. The depth of the required minimum lot shall be measured perpendicularly from the front lot line toward the interior of the lot.

Yard, Side: An open, unoccupied space between the main building and sideline of the lot, extending from the front yard to the rear yard. The width of the required minimum yard shall be measured perpendicularly from the side lot line toward the interior of the lot.

Yard, Rear: An open, unoccupied space extending across the full width of the lot between the most rear main building and the rear lot line. The depth of the required minimum rear yard shall be measured perpendicularly from the rear lot line toward the interior of the lot.



(for illustration purposes only)

2.2 Flood Plains

Area of Special Flood Hazard: The land in the flood plain subject to a one percent or greater chance of flooding in any given year.

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Development: Any man-made change to improve or unimprove real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations located within the area of special flood hazard.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land area from:

1. The overflow of inland water and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM): The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the Town of Grafton.

Flood Insurance Study: The official report provided in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

Floodway: The channel or a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

New Construction: Structures for which the start of construction commenced on or after the effective date of the establishment of the Flood Plain District provisions contained in Section of this By-Law.

2.3 Signs

Automated Variable Message Sign: A variable message sign that changes its message by programmable electronic or mechanical processes, automatically or by remote control**.**

Billboard: A permanent sign, over four (4) square feet in size, not located on the property or premises it intends to advertise, call attention to, or identify.

Business Center Identifier Sign: A sign which contains the place name of a business center. Said sign may contain no other advertising.

Changeable Electronic Variable Message Sign: An automated variable message sign that displays a message by means of an electronic image or video (including, but not limited to, a television screen, plasma screen, digital screen, LED screen, video board, or holographic display).

Curb Sign: The delineation between the area intended for pedestrian traffic and the area intended for vehicular traffic.

Directional or Informational Sign: Any sign erected near a street or driveway or parking area which is necessary for the safety and direction of vehicular or pedestrian traffic. Directional or informational signs may not advertise, identify or promote any product, person, premises or activity.

Directory Sign: Any sign listing the name and location of the occupants of a site or building.

Display Surface: The total exposed area of a sign. Where signs are placed back to back in opposite directions the display surface is defined as the area of one face of the sign. The display surface of an individual letter sign or other irregularly shaped sign shall be the smallest rectangle into which the sign will fit.

Electric Sign: Any sign which is internally illuminated by incandescent or fluorescent lamps, light-emitting diodes (LEDs), electroluminescent material, luminous tubes, or other means of converting electricity into light.

Erected: Attached, constructed, reconstructed, altered, enlarged or moved. Erected shall not mean repainted, cleaned, repaired or maintained, except where a structural change is made. Altered includes changes in the lettering or symbols on the sign, but excludes changes to the message of a variable message sign.

Form Sign: Any sign constructed in three dimensions to represent an object.

Freestanding Sign: Any sign that is not attached to, erected on, or supported by a building.

Holiday Decoration: Any embellishment or ornament normally associated with the celebration of a national or state holiday.

Individual Letter Sign: Any sign made up of separate self-contained letters.

Industrial Use: Any use permitted in an industrial district.

Institutional Directory Sign: A freestanding outdoor sign erected and maintained by the Town that directs the public to civic, educational, cultural and/or religious facilities for reasons of public safety, convenience and improved traffic flow.

Nonprofit Event Temporary Sign: A temporary sign used exclusively to advertise an event sponsored by a nonprofit organization. (T.M. 10-20-14)

Outdoor Sign: Any sign placed out of doors in view of the general public.

Portable Sign: A sign structure of A-frame or similar design, which shall stand no more than 3' 6" high and which shall have no more than two (2) opposite-facing sides, each a maximum of 2' x 3'. Such signs shall be freestanding, not affixed to any structure nor to the ground. Such signs shall be located and permitted only as described in Section 4.4. (T.M. 5/9/94)

Projecting Sign: Any sign other than a wall sign suspended from or supported by a building and projecting out therefrom.

Projections: The distance a sign extends beyond the building.

Roof Sign: Any sign attached to or erected on the roof of a building. Also, any sign protruding above the lowest part of a building roof.

Sign: Any combination of words, lettering, parts of letters, colors, figures, numerals, phrases, sentences, emblems, devices, designs, images, trade names or trademarks whether rigid, movable, portable, or flexible, illuminated or not, by which any thing, advertisement, identification or message, is made known, such as are used to designate or locate an individual, firm, association, corporation, profession, business, commodity, product or process, which are visible from a public or private way, or right of way and used to attract attention. (T.M. 10/20/14)

Sign Structure: The supports, uprights, braces and framework of a sign.

Store: Any use permitted in a business district.

Temporary Sign: Any sign to be displayed for a limited period of time for the sole purpose of advertising, announcing or promoting a charitable, religious or civic event such as, but not limited to, fundraisers and public elections. Temporary signs shall also include any sign erected by a federal, state, or local government entity to protect public safety and warn against hazardous or dangerous conditions such as, but not limited to, contagious diseases or condemned property. (T.M. 5-10-04; T.M. 10-20-14))

Variable Message Sign: A sign or portion thereof that is capable of having its message changed, either manually (as, for example, by hanging letters on the face) or automatically (as, for example, changing a pattern of lights), without otherwise altering the sign.

Wall Sign: Any sign attached to or erected against the wall of a building with the display surface of the sign in a plane parallel to the plane of the wall, which does not project more than one foot from the face of the wall.

Window Sign: Any sign designed to be visible from the exterior by being placed in, on, or behind a window or outside glass door. (T.M. 5-9-88)

2.4 Water Supply Protection

Aquifer: A geologic formation that contains sufficient saturated permeable material to yield significant quantities of water to wells.

Groundwater: All water found beneath the surface of the ground.

Impervious Surface: Materials or structures on or above the ground that do not allow precipitation to infiltrate the underlying soil.

Upland: That portion of a lot which does not lie within any area defined as a wetland by the Massachusetts Wetland Protection Act (General Laws Chapter 131, Section 40).

SECTION 3 - USE AND INTENSITY REGULATIONS

3.1 Zoning Districts

3.1.1 Establishment

The Town of Grafton is hereby divided into the following zoning districts:

TITLE	SHORT NAME
Agriculture	A
Low Density Residential	R-40
Medium Density Residential	R-20
Multi-Family Residential	R-MF
Neighborhood Business	NB
Community Business	CB
Office/Light Industry	OLI
Industrial	I
Flood Plain	FP
Water Supply Protection Overlay	WSPO
Campus Development Overlay	CDO
Fisherville Smart Growth Overlay District	FSGOD
Chapter 43D Priority Development Site Overlay District	PDSOD
Village Mixed Use District	VMU

3.1.2 Zoning Map

The boundaries of the districts, other than the Flood Plain **District** re defined and bounded on the map entitled "Town of Grafton – Zoning Map", on file with the Town Clerk. That map and all explanatory matter thereon are hereby made a part of this By-Law, together with any amendments, as adopted by vote of Town Meeting. The boundaries of the Flood Plain **District** are defined in Section 6.2.

3.1.3 District Boundaries

Boundaries of Zoning Districts indicated on the Zoning Map as approximately following or terminating at a town limit or lot line, or street, railroad, or stream centerlines shall be construed to be actually at those lines. Boundaries indicated as at a numerically noted distance from a street line shall be construed to be actually parallel to, and located such distance in feet from such street line. When not locatable in any other way, boundaries shall be determined by scale from the map.

3.1.4 Divided Lots

Where the boundary of a zoning district divides a lot having frontage on a street in a less restricted district, the provisions of this By-Law covering the less restricted portion of the lot may extend not more than twenty-five feet within the lot beyond the district boundary. Where the boundary of a district divides a lot having frontage on a street in a more restricted district,

the provisions of this By-Law covering the more restricted portion of the lot shall extend to the entire lot, except as specified in Section 7.3. For the purposes of this Section, the districts in descending order from more restricted to less restricted are: Flood Plain, Water Supply Protection Overlay, Agricultural, Low density residential, Medium density residential, Multi-family residential, Neighborhood business, Community business, Office/light industrial and industrial. (T.M. 5-10-89)

3.1.5 District Intents and Purposes

3.1.5.1 Agricultural (A): To provide for agricultural and rural residential sites while at the same time encouraging open space, preserving or enhancing views, protecting the character of the historic environs, preserving or enhancing visual landscapes, reorganizing limitations for on-site waste water disposal systems in terms of drainage, soil suitability, proximity to surface and subsurface water resources, and slope. The above purposes are, however, mitigated by the overriding goal of protecting the town's ground water resources.

3.1.5.2 Low Density Residential (R-40): To provide sites for low density residential development with respect to the existing character of the neighboring homes and properties, including compatible related home-oriented activities and pursuits in a semi-rural environment. The above purposes are, however, mitigated by the overriding goal of protecting the town's ground water resources.

3.1.5.3 Medium Density Residential (R-20): To provide sites for medium density residential development with respect to the existing character of the neighboring homes and properties, including compatible, related home-oriented activities and pursuits in a small village environment. The above purposes are, however, mitigated by the overriding goal of protecting the town's ground water resources.

3.1.5.4 Multi-Family Residential (RMF): To provide sites for higher density attached dwelling units appropriate in and adjacent to small village environments. To provide for a wider range of building types and income levels in the Town of Grafton. To allow for the more intensive use of land in and near the historic villages of Grafton. The above purposes are, however, mitigated by the overriding goal of protecting the town's ground water resources.

3.1.5.5 Neighborhood Business (NB): To provide sites for small scale business development for local and transient services compatible with low and medium density residential development within village settings which through landscaping and design or through preservation, enhance the natural landscaping and historic environs; at the same time protecting any existing views, minimizing the visibility of parked cars, avoiding the appearance of commercial strips as well as congestion in the abutting streets and ways, and retaining the character and the quality of life in the small New England village. The above purposes are, however, mitigated by the overriding goal of protecting the town's ground water resources.

3.1.5.6 Community Business (CB): To provide sites for businesses that serve the entire town which, through proper siting, landscaping and design, create amenities and avoid the appearance of commercial strips, and adverse impacts on abutting streets and uses. The above purposes are, however, mitigated by the overriding goal of protecting the town's ground water resources.

3.1.5.7 Office/Light Industry (OLI): To provide sites for office and light industrial development which create employment opportunities and maximize the use of Grafton's access and environmental conditions, while recognizing site and area limitations in terms of drainage, soil suitability, proximity to surface and subsurface water resources and slope and preserving or enhancing visual landscapes. The above purposes are, however, mitigated by the overriding goal of protecting the town's ground water resources.

3.1.5.8 Industrial (I): To provide sites for industry which create employment opportunities and maximizes the use of Grafton's access and environmental conditions and labor force, while recognizing the limitations of Grafton to handle traffic, water runoff, sewage, and other environmental and neighborhood impacts. The above purposes are, however, mitigated by the overriding goal of protecting the town's ground water resources.

3.1.5.9 Flood Plain (FP): To insure the minimization of flood damage and to minimize any impediment to the natural flow of flood waters.

3.1.5.10 Water Supply Protection Overlay District (WSPO): To protect Grafton's ground-water supplies.

3.1.5.11 Campus Development Overlay (CDO):
See Section 9.1. (T.M. 10-19-92)

3.1.5.12 Fisherville Smart Growth Overlay District (FSGOD):
See Section 10.1

3.1.5.13 Chapter 43D Priority Development Overlay District (PDSOD):
See Section 11.1

3.1.5.14 Village Mixed Use District (VMU)
See Section 12

3.2 Use Regulations

3.2.1 General

Buildings or structures shall be erected or used and premises shall be used only as set forth in the "Use Regulations Schedule" except as exempted by Section 3.4 or by statute, except as otherwise provided in Section 9. (T.M.10-19-92) Symbols employed shall mean the following:

Y - A permitted use

P - A use authorized after a site plan review

S - A use authorized under Special Permit as provided for in Section 1.5 herein

N - An excluded or prohibited use

SN - A use authorized under Special Permit if connected to municipal sewerage system. If not so connected, an excluded or prohibited use.

***** - A use further controlled by Water Supply Protection Overlay District Regulations (Section 7). Refer to such section for further classifications and restrictions

--- - A use which is not further controlled within the Water Supply Protection Overlay District. Refer to underlying district for allowance provision.

3.2.2 Special Rules

3.2.2.1 Where an activity might be classified under more than one of the uses in the Use Regulations Schedule, the more specific classification shall determine permissibility; if equally specific the more restrictive shall govern.

3.2.2.2 An animal kennel shall not be located within 100 feet of the boundary of a residential district or of an existing residential building on another lot.

3.2.2.3 (Reserved) (*NOTE: Previous section regulating the sale or rental of used motor vehicles as an adjunct to the sale of new vehicles DELETED by* T.M. 5-16-2001)

3.2.2.4 Outside bulk storage, contractor's yard, disposal area or open storage related to manufacturing, processing, warehousing, wholesale trade or a public utility facility shall be screened from an adjacent residential use, a residential district or street by a solid stockade fence six (6) feet in height or densely planted trees or shrubs six (6) feet or more in height, or be equivalently obscured by natural vegetation.

3.2.2.5 Sale of produce accessory to an agricultural or residential use in any residential district shall be confined to retailing by residents of produce originating on the premises. Except for the months of June, July, August and September, a majority of the products for sale do not have to be produced by the owner of the land on which the farm stand is located. During the above noted months, what constitutes a majority of the products for sale will be determined by either gross sales dollars or volume. (T.M. 5-13-91)

3.2.2.6 Uses customarily accessory to a residence shall include the occasional sale of used household goods, a motor vehicle, or a boat of a resident.

3.2.2.7 Any use which cannot reasonably be classified under any use listed in the Use Regulations schedule is specifically not allowed in all districts.

3.2.2.8 Any area within the Water Supply Protection Overlay District is subject to the more restrictive designation of either the Water Supply Protection Overlay district or the underlying district.

3.2.2.9 (Reserved)

3.2.2.10 Religious and educational uses shall, except as otherwise provided in Section 9, be subject to the following regulations:

1. Maximum building height -- 35 feet.
2. Maximum building coverage -- 30%.

3. Setback, shall comply with zoning.

4. Roads and parking areas shall be paved and constructed in accordance with Subdivision Rules and Regulations.

5. Parking requirements:

A. Places of assembly: 1 space for every three (3) seats.

B. Classrooms and/or dormitories –

Grades 1-10: .....1 space for each staff member;

Grades 10-12: .....1 space for each staff member plus I space for every two (2) students;

College:.....1 space for each staff member and student plus 10%.

6. The Planning Board reserves the right to waive these regulations upon the receipt of a detailed waiver request and a majority vote of the Planning Board. (T.M. 5-10-89)

3.2.2.11 Bed and Breakfast homestay uses shall be subject to the following regulations:

1. The only meal to be provided guests shall be breakfast, and it shall only be served to guests taking lodging in the facility.

2. Rooms used for sleeping shall be part of the primary residential structure and shall not have been specifically constructed for rental purposes.

3. No exterior alterations, other than those required by law to ensure the safety of the structure, shall be made to any building for the purpose of providing a bed and breakfast homestay.

4. The homestay operation shall not use more than 50% of the floor area of the principal residence. Common areas such as kitchens are not included in this calculation.

3.2.3.1 - Use Regulation Schedule
(CDO uses - See Section 9)

PRINCIPAL USES **DISTRICTS**

Agricultural, Floricultural & Horticultural Uses	**A**	**R40**	**R20**	**RMF**	**NB**	**CB**	**I**	**OLI**	**VMU**	**FP**	**WSPO**
1.Raising and keeping of livestock, including but not limited to horses cattle, sheep, goats, swine, fur animals and poultry, on a parcel under 5 acres.	S	S	S	S	N	N	S	S	N	S	---
2. Raising and keeping of livestock, including but not limited to horses, cattle, sheep, goats, swine, fur animals and poultry, on a parcel over 5 acres.	Y	Y	Y	Y	Y	Y	Y	Y	Y	S	---
3. Raising of crops whether for sale or personal consumption on a parcel of 5 acres or less. (T.M. 10-28-86)	Y	Y	Y	Y	Y	Y	Y	Y	Y	S	---
4. Raising of crops, whether for sale or personal consumption, on a parcel of over 5 acres.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	---
5. Indoor commercial horticultural/ floricultural establishment under 5 acres (e.g. greenhouses) (T.M. 10-28-86)	Y	S	S	S	S	S	S	S	S	S	---

3.2.3.1 - Use Regulation Schedule - continued
(CDO uses - See Section 9)

PRINCIPAL USES **DISTRICTS**

Residential Uses	A	R40	R20	RMF	NB	CB	I	OLI	VMU	FP	WSPO
1. Detached one-family dwelling (one per lot) (T.M. 10-17-94)	Y	Y	Y	Y	N	N	N	N	N	S	---
2. Detached two-family dwelling (one per lot) (T.M. 10-17-94)	N	N	S	Y	N	N	N	N	N	S	---
3. Multi-family dwelling (see Section 5.2).	N	N	N	S	N	N	N	N	Y	S	---
4. Lodging and/or boarding house.	S	N	S	S	S	S	N	N	S	S	SN
5. Hotel, Motel or Motor Court	N	N	N	N	S	S	S	S	S	S	SN
6. Mobile homes or trailers for human habitation.	N	N	N	N	N	N	N	N	N	N	---
7. Flexible Development (T.M. 5-13-91)	S	S	S	S	N	N	N	N	N	S	---
8. Minor Residential Dev. (T.M. 5-13-91)	Y	Y	Y	S	N	N	N	N	N	N	N
9. Major Residential Dev. (T.M. 5-13-91)	S	S	S	S	N	N	N	N	N	N	N
10. Apartment for security guard (one per premise)	N	N	N	N	S	S	S	S	Y	S	---
11. Conversion of any existing building to residential use, conforming with the applicable zoning requirements for the district in which it is located.	S	S	S	S	N	N	N	N	N	S	---

3.2.3.1 - Use Regulation Schedule - continued
(CDO uses - See Section 9)

PRINCIPAL USES **DISTRICTS**

Public and Semi-Public Uses	**A**	**R40**	**R20**	**RMF**	**NB**	**CB**	**I**	**OLI**	**VMU**	**FP**	**WSPO**
1. Public, private sectarian or denominational school (non-profit) (T.M. 10-20-97)	P	P	P	P	P	P	P	P	P	P	P
2. Day Care Centers (T.M. 5-11-92)	P	P	P	P	P	P	P	P	P	P	---
3. Family Day Care Home (T.M. 5-11-92)	P	P	P	P	P	P	P	P	P	P	---
4. Religious use	P	P	P	P	P	P	P	P	P	P	P
5. Nursing and/or convalescent homes and long-term care facilities (non-profit)	S	N	S	S	N	S	N	N	N	S	SN
6. Hospitals and Clinics for in and out-patient care (non-profit)	S	N	S	S	S	S	S	S	N	S	SN
7. Community and/or Neighborhood Centers	S	S	S	S	S	S	S	S	Y	S	---
8. Other institutional and philanthropic uses	S	S	S	S	S	S	S	S	S	S	---
9. Cemeteries (profit and non-profit)	S	S	S	S	S	S	S	S	S	S	---
10. Municipal uses voted by Town Meeting	S	S	S	S	S	S	S	S	S	S	---

3.2.3.1 - Use Regulation Schedule - continued
(CDO uses - See Section 9)

PRINCIPAL USES **DISTRICTS**

Recreational Uses	A	R40	R20	RMF	NB	CB	I	OLI	VMU	FP	WSPO
1. Standard golf and Par-3 golf courses	S	S	S	S	S	S	S	S	N	S	*
2. Golf driving ranges and miniature golf courses	S	N	N	N	S	S	S	S	N	S	---
3. Other recreational facilities conducted for gainful profit, including indoor and outdoor theaters, physical fitness centers, outdoor tennis and racquetball facilities	S	N	N	S	S	S	S	S	S	S	---
4. Private membership clubs	S	N	N	N	S	S	S	S	S	S	---
6. Picnic and beach areas	S	S	S	S	S	S	S	S	S	S	---
6. Riding stables, and/or boarding, trails and riding academies (also subject to provisions of Section 5-6)	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	---
7. Camp grounds	S	N	N	N	N	N	S	S	N	S	SN
8. Other private predominantly open recreational uses	S	N	N	N	N	N	S	S	S	S	---
9. Other private recreational uses housed in buildings	S	N	N	N	N	S	S	S	S	S	---
10. Public recreational facilities	S	S	S	S	S	S	S	S	S	S	---

3.2.3.1 - Use Regulation Schedule - continued
(CDO uses - See Section 9)

PRINCIPAL USES **DISTRICTS**

Business Uses	A	R40	R20	RMF	NB	CB	I	OLI	VMU	FP	WSPO
1. Retail establishment serving the convenience goods needs of a local area including but not limited to: grocery, delicatessen, bakery, supermarket, drug stores and similar uses:											
a) up to 5,000 sq. ft. of floor area per establishment	N	N	N	N	Y	Y	S	S	Y	S	---
b) exceeding 5,000 sq. ft. of floor area per establishment	N	N	N	N	S	P	S	S	S(1)	S	---
2. Auction galleries & flea markets	N	N	N	N	N	P	S	S	N	S	---
3. Other retail establishments:											
a) up to 5,000 sq. ft. of floor area per establishment	N	N	N	N	Y	Y	S	S	Y	S	---
b) exceeding 5,000 sq. ft. of floor area per establishment	N	N	N	N	S	P	S	S	S(1)	S	---
4. Personal and consumer service establishments, including but not limited to: barber and beauty shops, shoe and leather repair, laundry or dry cleaning establishments and laundromats:											
a) up to 5,000 sq. ft. of floor area per establishment	N	N	N	N	Y	Y	S	S	Y	S	*
b) exceeding 5,000 sq. ft. of floor area per establishment	N	N	N	N	S	P	S	S	S(1)	S	*

3.2.3.1 - Use Regulation Schedule - continued
(CDO uses - See Section 9)

PRINCIPAL USES **DISTRICTS**

Business Uses	A	R40	R20	RMF	NB	CB	I	OLI	VMU	FP	WSPO
5. Establishments selling food prepared for immediate consumption which is distributed to customers in whole or in part, by means of automobile drive-up windows, counters or by employees delivering such food to automobiles	N	N	N	N	N	S	S	S	N	S	---
6. Establishments selling food prepared for immediate consumption where customers are served primarily at a table or counter	S	N	N	S	P	P	S	S	Y	S	---
7. Other eating and drinking establishments	N	N	N	N	N	P	S	S	Y	S	---
8. Offices of licensed medical and dental practitioners limited to general out-patient care and diagnosis	N	N	N	N	S	P	S	P	Y	S	---
9. Business, professional and general offices:											
a) up to 5,000 sq. ft. of floor area per establishment	N	N	N	N	Y	Y	S	Y	Y	S	---
b) exceeding 5,000 sq. ft. of floor area per establishment	N	N	N	N	S	P	S	P	S	S	---
10. Gasoline service stations	N	N	N	N	N	S	S	S	N	S	N
11. Fuel Oil dealers and stations	N	N	N	N	N	S	S	S	N	S	N
12. Car wash establishments	N	N	N	N	N	S	S	S	N	S	SN
13. Banks	N	N	N	N	S	P	S	S	Y(2)	S	---

3.2.3.1 - Use Regulation Schedule - continued
(CDO uses - See Section 9)

PRINCIPAL USES **DISTRICTS**

Business Uses	**A**	**R40**	**R20**	**RMF**	**NB**	**CB**	**I**	**OLI**	**VMU**	**FP**	**WSPO**
14. Funeral homes	S	S	S	S	S	Y	S	S	S	S	---
15. Animal kennels or hospitals	S	N	N	N	N	S	S	S	S	S	---
16. Schools (for profit)	N	N	N	N	S	Y	S	Y	N	S	SN
17. Nursing and/or convalescent homes and long term care facilities (for profit)	S	N	S	S	S	S	N	N	N	S	SN
18. Hospitals and clinics for in- and out-patient care (for profit)	N	N	N	S	N	S	N	S	N	S	SN
19. Kiosks for business use and information dissemination	N	N	N	N	S	S	N	N	S	S	---
20. Adult Entertainment Enterprises pursuant to Section 5.7 of this Bylaw (T.M. 10-20-97)	N	N	N	N	N	S	S	N	N	---	---
21. Mixed Use	**N**	**N**	**N**	**N**	**N**	**N**	**N**	**N**	Y	**N**	**N**

3.2.3.1 - Use Regulation Schedule - continued
(CDO uses - See Section 9)

PRINCIPAL USES **DISTRICTS**

Communications, Transportation, Public Utility Uses	**A**	**R40**	**R20**	**RMF**	**NB**	**CB**	**I**	**OLI**	**VMU**	**FP**	**WSPO**
1. Wireless Communications Facility, in accordance with Section 5.8 of this bylaw (T.M. 10-20-97)	S	S	S	S	S	S	S	S	S	S	---
2. Bus or railroad passenger terminal	N	N	N	N	N	S	S	S	N	S	---
3. Rail terminals, including rail freight yards or freight terminals	N	N	N	N	N	S	S	S	N	S	*
4. Truck terminals, truck freight yards or freight terminals	N	N	N	N	N	S	S	S	N	S	*
5. Aircraft landing area:											
a) Airport or aircraft landing area for fixed wing flying craft	N	N	N	N	N	N	S	S	N	S	*
b) helicopter aircraft or gyroplane landing area	S	N	N	N	N	S	S	S	N	S	*
6. Independent storage area or parking area, automobile parking garage for 5 or more automobiles	N	N	N	N	S	S	S	S	**N**	S	*
7. Electric generating or distribution station or substation	S	S	S	S	S	S	S	S	S	S	---
8. Wind energy conservation system	S	S	S	S	S	S	S	S	S	S	---
9. Automobile and/or truck sales and/or rental establishment	N	N	N	N	N	S	S	S	N	S	*
10. All Public Water Utility Uses to include wells, treatment facilities, storage tanks and accessory uses.	S	S	S	S	S	S	S	S	S	S	S

3.2.3.1 - Use Regulation Schedule - continued
(CDO uses - See Section 9)

PRINCIPAL USES **DISTRICTS**

Industrial and Warehouse Uses	**A**	**R40**	**R20**	**RMF**	**NB**	**CB**	**I**	**OLI**	**VMU**	**FP**	**WSPO**
1. Manufacturing establishments including assembly, fabrication, processing and reprocessing of materials, excepting that tanneries, meat packing and pet food plants and slaughterhouses are prohibited. Also prohibited are establishments that treat and/or process hazardous waste materials	N	N	N	N	N	N	S	N	S	S	*
2. The following light industrial uses: Scientific or research laboratories - Offices for technical, executive, professional or administrative uses - Public utility/community use, excepting power generation facilities. - Light manufacturing, assembly, warehousing or processing operations, excluding those defined as heavy industrial uses in Section 2.1 of this Bylaw. Further provided that the storage of goods or materials shall not be permitted on any lot except in a fully enclosed building.	N	N	N	N	N	N	S	S	N	S	*
3. Lumber and building material establishments	N	N	N	N	N	S	P	S	N	S	*
4. Automobile and/or truck repair garages	N	N	N	N	N	S	P	S	N	S	N

3.2.3.1 - Use Regulation Schedule - continued
(CDO uses - See Section 9)

PRINCIPAL USES **DISTRICTS**

Industrial and Warehouse Uses	**A**	**R40**	**R20**	**RMF**	**NB**	**CB**	**I**	**OLI**	**VMU**	**FP**	**WSPO**
5. Scrap metal and other materials storage yards including scrap automobiles and trucks	N	N	N	N	N	N	N	N	N	N	N
6. Land and water recreation vehicle (including boats) sales and service and storage areas	N	N	N	N	N	S	S	S	N	S	*
7. Public storage areas or buildings such as those for road salt and sand and municipal vehicles	S	S	S	S	S	S	S	S	**N**	S	*
8. Stone, sand and/or gravel processing operations* (*Quarrying of stone and removal of sand and gravel is covered by the Grafton Earth Removal By-Law.)	N	N	N	N	N	N	N	N	N	N	*

3.2.3.1 - Use Regulation Schedule - continued
(CDO uses - See Section 9)

PRINCIPAL USES **DISTRICTS**

Accessory Uses	A	R40	R20	RMF	NB	CB	I	OLI	VMU	FP	WSPO
1. Customary home occupations conducted as a gainful business	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*
2. Accessory professional office in a dwelling conducted by the resident occupant	S	S	S	S	S	S	S	S	S	S	---
3. Accessory building such as a private garage, playhouse, greenhouse, tool shed and private swimming pool	Y	Y	Y	Y	Y	Y	Y	Y	Y	S	---
4. Storage of not more than one trailer primarily designed for and intended for camping purposes. Occupancy of such stored trailer shall not exceed 30 days in one calendar year	Y	Y	Y	Y	Y	Y	Y	Y	S	S	---
5. Sale of produce, the majority of which shall have been produced on the premises	Y	Y	Y	Y	Y	Y	Y	Y	Y	S	---
6. Temporary construction office	Y	Y	Y	Y	Y	Y	Y	Y	Y	S	---
7. Parking of up to two registered commercial motor vehicles, excluding tractor-trailers	Y	Y	Y	Y	Y	Y	Y	Y	S	S	---
8. Storage of boats, boat trailers and utility trailers, excluding those stored for commercial purposes	Y	Y	Y	Y	Y	Y	Y	Y	S	S	---
9. Accessory Apartment (T.M. 10-16-89)	S	S	S	S	N	N	N	N	S	N	---
10. Bed & Breakfast Home-Stays (T.M.5-13-91)	S	S	S	S	N	N	N	N	S	N	SN

3.2.3.1 - Use Regulation Schedule - continued
(CDO uses - See Section 9)

PRINCIPAL USES **DISTRICTS**

Accessory Uses	A	R40	R20	RMF	NB	CB	I	OLI	VMU	FP	WSPO
11. Common Driveway (in accordance with Section 5.9 of this By-law) (T.M.10-18-04)	S	S	S	S	S	S	S	S	S	S	*
12. Golf Course Clubhouse, a building which may include a function room/banquet room, rooms for service and sale of food and beverages, a pro shop for the sale of golf related items, kitchen area, administrative offices, rest rooms, including storage of golf carts. (T.M. 5-9-05)	S	S	S	S	S	S	S	S	N	S	*
13. Backyard Chickens (T.M. 5-14-12)	Y	Y	Y	S	S	S	S	S	S	S	S

3.2.3.2 – Intensity of Use Schedule

Zoning District	Minimum Area (Sq. Ft.)	Minimum Frontage/ Lot Width (Ft)	Minimum Yards			Maximum Building Coverage (% of Lot)	Maximum Building Height (Ft)
			Front (Feet)	Side (Feet)	Rear (Feet)		
Agricultural (A)	80,000[1]	200[3]	30	15	15	25	35
	40,000[2]	140[4]	30	15	15	30	35
Low Density Residential (R-40)	40,000	140[4]	30	15	15	30	35
Medium Density Residential (R-20)	20,000	125[5]	30	15	15	30	35
Multiple Family Residential (R-MF)	44,000	150[6]	35	30	50	40	40
Neighborhood Business (NB)	20,000	100[7]	40	15	15	30	35
Community Business (CB)	40,000	140	40	15	15	30	35
Office/Light Industrial (OLI)	40,000	120[5]	40	35[8]	35[8]	40	35
Industrial (I)	40,000	120[5]	40	35[8]	35[8]	40	35
Village Mixed Use (VMU)	20,000	100	None	15	15	75[10]	40
Flood Plain (FP)						- As Governed in Section 6 -	
Campus Development Overlay (CDO)						- As Governed in Section 9 -	
Fisherville Smart Growth Overlay District (FSGOD)						- As Governed in Section 10 -	
Chapter 43D Priority Development Overlay District (PDSOD)						- As Governed in Section 11 -	

[1] 80,000 sq.-ft. minimum lots required in unsewered areas.

[2] In areas connected to and serviced by sewers in accordance with Sewer regulations.

[3] Except that the frontage may be 120 feet when the frontage is located on the turnaround of a cul-de-sac.

[4] Except that the frontage may be 90 feet when the frontage is located on the turnaround of a cul-de-sac.

[5] Except that the frontage may be 80 feet when the frontage is located on the turnaround of a cul-de-sac.

[6] Except that the frontage may be 100 feet when the frontage is located on the turnaround of a cul-de-sac.

[7] Except that the frontage may be 70 feet when the frontage is located on the turnaround of a cul-de-sac.

[8] Side and rear yards shall each be at least one hundred (100) feet when abutting any residential or agricultural district.

[9] In any district no building except roadside stands shall be placed nearer to the exterior line of any street than the distance specified as the minimum front yard for that district in the Intensity Use Schedule.

[10] In VMU District, the maximum building coverage shall include all impervious surfaces.

3.2.3.3 Uses, whether or not on the same parcel as activities permitted as a matter of right, accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production, may be permitted upon the issuance of a special permit provided the Planning Board finds that the proposed accessory uses do not substantially derogate from the public good.

3.2.3.4 Any structure located on a corner lot shall beset back from all streets a distance equal to the front yard setback requirement in the district.

3.2.4 No commercially registered motor vehicle or trailer shall be principally garaged in any portion of a lot in a residential district unless said vehicle or trailer is suitably housed during the nighttime in a structure which shall have a roof and shall be enclosed on all sides so that said vehicle or trailer is not visible. This restriction shall not apply to vans or pickup trucks that have a capacity of one ton or less, to station wagons, or to any preexisting nonconforming use of a lot.

3.3 Intensity Regulations

3.3.1 General

Buildings or structures shall be erected or used and premises shall be used only as set forth in the "Intensity of Use Schedule" in Section 3.2.3.2, unless otherwise exempted by statute.

3.3.2 Supplementary Requirements

3.3.2.1 A two family dwelling shall contain not less than 1200 square feet gross floor area.

3.3.2.2 No building shall exceed 40 feet in height, except that spires, water tanks, communication towers, chimneys, flag poles, and other structures normally built above the roof and not devoted to human occupancy may be erected to such heights as are necessary to accomplish the purpose they are normally intended to serve.

3.3.2.3 No fence, wall, hedge, shrubbery, or other obstruction shall be permitted to block vision between two and one-half (2 1/2) feet and eight (8) feet above the street grade on a corner lot within a triangular area formed by the intersecting street lines and a straight line which joins points on such street lines twenty feet from their intersection.

3.3.2.4 No structure other than a dock or boathouse shall be located within twenty-five (25) feet of the normal bank of any river or stream having a year-round running flow of water, of any lake or pond containing one thousand square feet or more of water eleven months of the year.

3.3.2.5 No accessory building shall be located within any required front or side yard. No accessory building shall be located within any required rear yard, except that a building accessory to a one-or-two family dwelling, may located up to ten (10) from a lot line.

3.3.3 Special Cases

3.3.3.1 Where two or more principal structures are erected on the same lot, adequacy of access to utility service, and drainage serving each structure shall be functionally equivalent

to that required for separate lots in the Planning Board's adopted Subdivision Regulations; the minimum lot area, width, and frontage shall be the sum of the requirements for each structure; and the minimum distance between such structure shall be the height of the higher building.

3.3.3.2 Where no street line has been established or can be readily determined, such line shall be assumed to be twenty-five (25) feet from the center of the traveled roadway for the purpose of applying these regulations.

3.3.3.3 Projections of not more than three (3) feet are permitted in required yards for architectural features of a building, such as stairs, chimneys, cornices, eaves or canopies, but not for open decks, bay windows or other enclosed-habitable projections. (T.M. 5-13-91)

3.3.3.4 Not less than ten (10) feet from the property line around the perimeter of the property, or the minimum setback, whichever is less, must be stabilized with vegetation, landscaping, or plant materials excepting only cuts through the stabilized border for walkways and entrances and exits, or as permitted through the issuance of a special permit for a common driveway pursuant to Section5.9. (T.M. 10-21-13; T.M. 10-20-14)

3.4 Non-Conforming Conditions

3.4.1 Lots: A lot that does not conform to the intensity requirements of this By-Law shall be governed by the following provisions:

3.4.1.1 Such lot shall not be built upon unless it meets the criteria contained in G.L. c 40A, §6**,** or Section 3.4.1.2 herein.

3.4.1.2 Any lot lawfully laid out by plan or deed duly recorded, as defined in G.L. c. 41, § 81L, or any lot shown on a plan endorsed with the words "approval under the subdivision control law not required" or words of similar import, pursuant to G.L. c. 41, §81P, which complies at the time of such recording or such endorsement, whichever is earlier, with the minimum area, frontage, width and depth requirements, if any, of the Grafton Zoning By-Law in effect in the Town of Grafton where the land is situated, notwithstanding the amendment of provisions of the Zoning By-Law imposing minimum area, frontage, width, depth, or yard requirements, or more than one such requirement, in excess of those in effect at the time of such recording or endorsement: (1) may thereafter be built upon for one or two-family residential use if, at the time of the adoption of such requirements or increased requirements, or while building on such lot was otherwise permitted, whichever occurs later, such lot was held in ownership separate from that of adjoining land located in the same district, or, (2) may be built upon for one or two-family residential use for a period of five years from the date of such recording or such endorsement, whichever is earlier, if, at the time of the adoption of such requirements or increased requirements, such lot was held in common ownership with that of adjacent land located in the same district; and further provided in either instance, at the time of building: (a) such lot has an area of seven thousand five hundred square feet or more and a frontage of seventy-five feet or more in a district zoned for one or two-family residential use, and conforms except as to area, frontage, width, and depth with the applicable provisions of the Grafton Zoning By-Law in effect

in the Town, and, (b) any proposed structure is to be located on such lot so as to conform with the minimum requirements of front, side, and rear yard setback, if any, in effect at the time of such recording or such endorsement, whichever is earlier, and to all other requirements for such structure in effect at the time of building.

3.4.1.3 The land shown on a definitive subdivision plan or a preliminary subdivision plan which is followed within seven (7) months by a definitive plan shall be governed by the zoning in effect when the plan is first submitted in accordance with G.L. c. 40A, § 6. The use of land shown on an approval not required plan shall be governed by the zoning in effect when the plan is first submitted in accordance with G.L. c. 40A, §6.

3.4.1.4 No such lot may be changed in size or shape so that a nonconformity with the provisions of this By-Law is increased in degree or extent, or a violation created, except by a public taking of a portion of the lot.

3.4.2 Structures: A lawfully existing structure which does not conform to the requirements of this By-Law may continue. Any reconstruction, extension, structural change or alteration of such structure shall be governed by the following:

3.4.2.1 Any reconstruction, extension or structural change to a lawfully nonconforming structure shall conform with the provisions of the By-Law and to any proposed amendment for which first notice of the public hearing has been published.

3.4.2.2 If a nonconforming structure devoted to a conforming use is destroyed by fire or other catastrophe, it may be repaired or rebuilt provided that the restoration is commenced within twelve (12) months, and completed within twenty-four (24) months of the catastrophe, and no nonconformity with the provisions of this By-Law is increased in degree or extent, or a violation created. Otherwise, it may be repaired or rebuilt only in conformity with the provisions of this By-Law.

3.4.2.3 Any alteration of a lawfully existing on conforming structure shall conform with the provisions of this By-Law or to any proposed amendment if the alteration is begun after the first notice of the public hearing has been published when the alteration will provide for the use of the structure as follows:

a) for a substantially different purpose;

b) for the same purpose in a substantially different manner; or,

c) for the same purpose to a substantially greater extent.

3.4.2.4 Nonconforming single family or two-family residential structures may be reconstructed, extended, altered, or structurally changed upon a determination by the Inspector of Buildings that such proposed reconstruction, extension, alteration, or change does not increase the nonconforming nature of such structure. The following circumstances shall not be deemed to increase the nonconforming nature of such structure:

(i) alteration to a structure located on a lot with insufficient area provided that the alteration complies with all current setback, yard, building coverage, and building height requirements.

(ii) alteration to a structure located on a lot with insufficient frontage provided that the alteration complies with all current setback, yard, building coverage, and building height requirements.

(iii) alteration to a structure which encroaches upon one or more required yard or setback areas, provided that the alteration will comply with all current setback, yard, building coverage and building height requirements.

3.4.2.5 Changes in nonconforming structures devoted to nonconforming uses shall be governed by Section 3.4.3 of this By-Law.

3.4.3 Uses: Any lawful existing use of a structure or land which does not conform to the provisions of this By-Law may continue. Any change or substantial extension of such use shall be governed by the following:

3.4.3.1 Any change or substantial extension of a lawfully existing nonconforming use of a structure or land shall conform with the provisions of this By-Law and to any proposed amendment for which first notice of the public hearing has been published. Such change or extension in an R-40, R-20, AGRI, OLI, CB, NB or R-MF district shall not exceed fifty (50) percent of the area occupied at the time such use became nonconforming. (T.M. 5-10-89)

3.4.3.2 Any extension to the use of a nonconforming structure shall be governed by Section 3.4.2.3 of this By-Law.

3.4.3.3 Any nonconforming structure or use which has been abandoned or not used for a period of two (2) years (24 months) shall not be re-established except in conformance with this By-Law. (T.M. 10-17-88)

3.4.3.4 If a structure or a group of structures devoted to a nonconforming use is damaged or destroyed by fire or other catastrophe, it may be repaired or rebuilt and the use restored, provided that the restoration is commenced within twelve (12) months and completed within twenty-four (24) months of the catastrophe. Otherwise it may be repaired or rebuilt only in conformity with the provisions of this By-Law.

3.4.3.5 Pre-existing nonconforming structures or uses may be extended, altered, or changed only by special permit, provided that no such extension, alteration, or change shall be permitted unless the Zoning Board of Appeals finds that such extension, alteration, or change will not be substantially more detrimental than the existing nonconforming use to the neighborhood. Notwithstanding the aforesaid, however, in the Water Supply Protection Overlay District, an extension, alteration, or change may only be allowed by the Zoning Board of Appeals up to 50% above what was existing on the site as of the date of enactment of the Water Supply Protection Overlay District only if the applicant can provide all necessary safeguards to insure that such extension, alteration, or change will not be more detrimental to the supply and quality of groundwater than the existing use.

SECTION 4 - GENERAL REGULATIONS

4.1 Performance Standards

4.1.1 No land, building or structure shall be used or occupied in any district in the Town of Grafton except in conformance with the standards contained herein.

4.1.2 Except as herein provided, all use and conditions of land, buildings and structures shall be in conformance with the Regulations as Amended for the Control of Air Pollution in Central Massachusetts Air Pollution Control District, adopted by the Bureau of Air Quality Control, Division of Environmental Health, Department of Public Health, Commonwealth of Massachusetts, as amended to become effective September 1, 1972 and amendments thereto. Enforcement of the regulations is provided for in Regulation 52.1 and amendments thereto.

4.1.3 Heat, Glare and Vibration

No heat, glare or vibration shall be discernible from the outside of any structure. In no case shall vibration be permitted which is discernible to the human sense of feeling for three (3) minutes or more duration in any one (1) hour of the day between the hours of 7 a.m. and 7 p.m., or of thirty (30) seconds or more duration in any one (1) hour between the hours of 7 p.m. and 7 a.m.

4.1.4 Waste Disposal, Water Supply and Water Quality

All requirements of the Massachusetts General Laws and the Regulations of the State Department of Public Health shall be met and, when required, approval shall be indicated on the approved Site Plan. In no case shall discharge cause the waters of the receiving body to exceed the limits assigned by the Commonwealth of Massachusetts, Department of Environmental Protection, Division of Water Pollution Control, as published and entitled "Surface Water Quality Standards" 314C.M.R. 4.00, Water Quality Standards for Groundwater 314C.M.R. 6.00, the Federal Safe Drinking Water Act 40 C.F.R., 141 - 143, and any amendments thereto.

4.1.5 Storage

1. All materials, supplies and equipment not intended for retail and wholesale shall be stored in accordance with Fire Prevention Standards of the National Fire Prevention Association and shall be screened from view from public ways and abutting properties.
2. The storage, utilization or manufacture of materials or products which decompose by detonation shall be in accordance with standards as adopted by the Massachusetts Department of Public Safety.
3. The storage, utilization or manufacture of solid materials which are subject to intense burning or of flammable liquids or gases shall be subject to conditions of a permit issued by the Board of Selectmen.

4.1.6 Work Within or Affecting Existing Road or Right of Way

No work shall take place within a public street right of way except in accordance with all applicable permits. A Driveway Permit shall be required for any driveway or street proposed

to intersect or access an existing street, or to alter the dimension, geometry or drainage characteristics of any existing driveway or street. All work shall be completed in accordance with a valid permit and shall be so certified by the Superintendent of Streets or his designee prior to receipt of an occupancy permit for any structure or use.
(T.M. 5-11-98)

4.2 Off-Street Parking and Loading

4.2.1 General

Sufficient off-street parking and loading shall be provided to serve all persons needing vehicular access to new structures and uses, and to enlarged, extended or changed structures and uses to the extent such need is increased by such enlargement, extension, or change. Minimum parking requirements are set forth in the "Off-Street Parking Schedule".

4.2.2 Off-Street Parking Schedule

Use	Unit of Measure	Parking spaces required per unit or fraction thereof
One or two family Dwelling	Dwelling unit	2.00
Multi-family Dwelling	Dwelling unit	2.25
Lodging House, Hotel, Motel or Motor Court, Bed and Breakfast Homestay (T.M.5-13-91)	Each guest room or suite	1.00
Nursing and/or Convalescent Home	2 Employees, maximum shift plus 3 beds	1.00 1.00
Recreational use available to the public, Restaurant	3 seats plus each employee maximum shift	1.00 1.00
Other Business use:		
Buildings with less than 2,000 sq. ft. excluding storage area	200 sq. ft. gross floor area excluding storage area	1.00
Buildings with more than 2,000 sq. ft. excluding storage area	150 sq. ft. gross floor area excluding storage area	1.00
Transportation Industrial and Utility Use	1.3 employees, maximum shift	1.00
Industrial and Warehouse Use (T.M. 10-17-94)	500 sq. ft. gross floor area	1.00

4.2.3 Location Requirements

4.2.3.1 Parking and loading areas and garages shall be provided on the same lot as the use they are required to serve, except as provided in Section 4.2.5.1 herein.

4.2.3.2 No parking or loading area shall be located within ten (10) feet of a street line. No parking area containing more than four (4) spaces or a loading area shall be located within 50 feet of a street line in an I or OLI District, nor within a required front yard in an R-40, R-20, or R-MF District. No parking area or garage containing more than two (2) spaces or loading area shall be located in a front yard in an NB District.

4.2.3.3 No parking area serving a multi-family dwelling shall be located nearer to any lot line than the distances specified as minimum yards in the Intensity of Use Schedule (Section 3.2.3.2), nor shall it be located in the area to the front of the building line.

4.2.3.4 **Loading and Unloading Areas** - Loading and unloading areas shall be so located and designed that the vehicles intended to use them can maneuver safely and conveniently to and from a public right-of-way, and complete the loading and unloading operations without obstructing or interfering with any public right-of-way, access drive or any parking space or parking lot aisle.

4.2.3.5 **Loading and Off-Street Parking** - No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of off-street parking area be used to satisfy the area requirements for loading and unloading facilities.

4.2.3.6 Off Street Loading Standards

Zone:	NB	RMF	CB	OLI	I
Berth size:					
width	12	12	15	15	15
length	25	25	50	50	50
overhead clearance	14	14	15	15	15

(T.M. 5-13-91)

4.2.4 Other Requirements

4.2.4.1 A parking area containing more than six (6) spaces or a required loading area shall be designed so that no vehicles need back onto or off a street or stand on a street while parking, loading, unloading or waiting to do so.

4.2.4.2 No street access drive for parking areas containing six (6) or more spaces or a loading area shall exceed 30 feet in width at the street line. The minimum distance between the sidelines of such drives and the sidelines of any intersecting street or any other street

access drive, measured between where such street and driveway sidelines intersect the adjacent street line shall be as follows:

	From intersecting streets	**From other drives**
Drives serving a dwelling	50	20
Drives serving a hotel, motel or motor court	50	60
Drives serving other permitted principal structures in an:		
R-MF District	50	50
NB District	50	50*
I District	50	150
CB District	50	50
OLI District	50	50
other Districts	50	60

* Sideline of street access drive shall be no closer than 25 feet to the sideline of the property.

4.2.4.2.1 Access Drives - All access drives serving parking areas shall be at least twenty-four (24) feet wide; except that if tractor trailers would be accommodated then the roads shall be fourteen (14) feet wide for one-way traffic and twenty-four feet wide for two-way traffic. (T.M. 5-13-91)

4.2.4.3 Egressing vehicles from drives serving more than forty (40) parking spaces shall have 200 feet visibility in each travel direction.

4.2.4.4 Parking and loading areas shall be graded, surfaced with a non-dusting material, drained and suitably maintained to the extent necessary to avoid the nuisance of dust, erosion, or any water flow onto streets or adjoining property.

4.2.4.5 Parking areas containing more than five (5) spaces shall include or be bordered within five feet of the spaces by at least one tree of 2" caliper for each five (5) spaces. Trees within parking areas shall be in curb or berm protective plots of at least 60 square feet per tree. No such protective plot shall be paved with any impervious material.

4.2.4.6 Not less than 25% of any lot area shall be retained as unoccupied space free of all buildings, parking, pavement including street access drives and walks or other conditions rendering the land surface impervious.

4.2.4.7 All commercial site plans shall show all proposed lighting on said site for exits and entrances and said lighting shall be erected and maintained by the owner.

4.2.5 Special Cases

4.2.5.1 Parking spaces may be provided on lots separate from a nonresidential use they are to serve and be credited to such use in meeting the requirements of this By-Law, provided they are legally available and are within 300 feet of the principal structure, measured within street right-of-way. Proof of legal availability shall be required and failure to retain the availability of such parking spaces for the need they are required to serve shall be sufficient cause to deny or revoke a Use Permit until such spaces are restored or replaced.

4.2.5.2 Reserve Parking - Reserve Parking Spaces Under a Site Plan Special Permit, the Special Permit Granting Authority (SPGA), may authorize a decrease in the number of parking spaces and shall have the authority to require an increase in the number of parking spaces required above, in accordance with the following:

4.2.5.2.1 The SPGA may authorize a decrease in the number of parking spaces required provided that:

a) The decrease in the number of parking spaces is no more than 30% of the total number of spaces required. The waived parking spaces shall be set aside and shall not be intended for immediate construction. Such spaces shall be labeled as "Reserve Parking" on the site plan and reference Section 4.2.5-2.

b) Any such decrease in the number of required parking spaces shall be based upon documentation of the special nature of a use or building.

c) The parking spaces labeled "Reserve Parking" on the site plan shall be properly designed as an integral part of the overall parking layout, located on land suitable for parking development and no case located within area counted as buffer, parking setback or open space.

d) The decrease in the number of required spaces will not create undue congestion or traffic hazards and that such relief may be granted without substantial detriment to the neighborhood and without derogating from the intent and purpose of this bylaw.

e) Such relief may be granted without substantial detriment to the neighborhood and without derogating from the intent and purpose of this bylaw.

4.2.5.2.2 If, at any time after the Certificate of occupancy is issued for the building or use, the Inspector of Buildings determines that additional parking spaces are needed, the Inspector shall notify the Planning Board, in writing, of such finding and the Planning Board may require that all or any portion of the spaces shown on the approved site plan as "Reserve Parking" be constructed.

4.2.5.2.3 The Planning Board may require provisions for an increase in the number of parking spaces required under this section provided that:

a) The increase in the number of parking spaces is no more than 20% of the total number of parking spaces required under this section provided that:

b) Any such increase in the number of required parking spaces shall be based upon the special nature of a use or building.

c) The increased number of parking spaces shall be labeled "Increased Reserve Parking" on the site plan and shall be properly designed as an integral part of the overall parking layout, located on land suitable for parking development and in no case located within area counted as buffer or parking setback. The applicant shall not be required to construct any of the parking spaces labeled as "Increased Reserve Parking" for at least one year following the issuance of a Certificate of Occupancy. Where the "Increased Reserve Parking" area is required and the applicant has otherwise provided the number of parking spaces required, the area of land reserved for the increased number of parking spaces may be deducted from the minimum open space required under Section 4.2.4.6.

4.2.5.2.4 If after one year from the issuance of a Certificate of occupancy the Inspector of Buildings finds that all or any of the "Increased Reserve Spaces" are needed, the Inspector may notify the Planning Board, in writing, of such finding and the Planning Board may require that all or any portion of the spaces identified as "Increased Reserve Spaces" on the site plan be constructed within a reasonable time period as specified by the Planning Board. (T.M. 5-13-91)

4.3 Major Business, Office and Industrial Complexes

4.3.1 Applicability: Any premises having more than 20,000 square feet gross floor area devoted to retail stores or office services (including motor vehicle), restaurant, fast food establishment, bank, finance agency, industry or indoor or outdoor commercial recreation shall be considered as a Major Complex. The construction of drainage, utilities and roadways shall be performed in accordance with the design and construction standards of the Rules and Regulations Governing the Subdivision of Land in the Town of Grafton. The special permit granting authority shall have the right to waive such special requirements. Construction or change of use resulting in such a complex is allowable only if granted a Special Permit in accordance with the following:

4.3.2 Objectives: The objectives for allowing Major Complexes are to increase the diversity and convenience of goods and services available in Grafton to provide entrepreneurial and employment opportunities for area residents, to focus development at locations able to support it with relatively small environmental or municipal cost, and to protect the town's natural environment, existing character and development, and ability to provide public services.

4.3.3 Submittals: A copy of the following shall accompany an application for a Special Permit for a Major Business Office and Industrial Complex or for rezoning to accommodate such a complex.

1. A site plan at a scale of 1" = 40' showing all information specified in Section 1.3.3.4 (Site Plan)

2. Analysis of the consequences of the proposed development, evaluation of the following impacts at a level of detail appropriate to the scale of development proposed, and using analysis methods suggested by the special permit granting authority.

Natural Environment: groundwater and surface water quality groundwater level, stream flows, erosion and siltation, vegetation removal (especially unusual species and mature trees), and wildlife habits.

Public Services: traffic safety and congestion, need for water system improvements, need for public sewerage.

***Economics*:** anticipated market area, complementary with or duplication of existing services, amount and types of employment, labor force area.

Visual Environment: visibility of buildings and parking, visual consistency with existing development in the area.

4.3.4 Decision Criteria: A special permit for a Major Complex shall be granted only upon determination by the special permit granting authority that the requirement of the above Special Permit Criteria, Section 1.5.5, and the following have been met.

1. The proposed plan is consistent with any submittals made prior to rezoning, or in the event of inconsistency, satisfactory explanation has been made and submitted showing why the departure is necessitated by change conditions or earlier error, and that the departure does not reduce compliance with the objectives for the Major Complexes.

2. The Complex shall be so designated and located that annual average daily traffic is not increased 50% or more above current levels at any point more than 1,000 feet from a state highway intersection, with current levels being as determined by the Grafton Planning Board at developer's expense; and shall be so located that resultant traffic is not above the capacity of roads and intersections for level of service "C" at any point within 1 mile of the premises using definitions and methods of estimation as outlined by the Highway Research Board Highway Capacity Manual, 1965 or later editions. (T.M. 10-28-86)

3. Site design and storm water facilities shall be so designed that in a 50 year storm the peak stormwater flows leaving the premises will not be increased more than 10% above current flows or cause design capacity of receiving structures or channel capacity of receiving streams to be exceeded.

4.4 Signs

Purpose

The purpose of this section is to regulate the size, location, type, illumination and installation of all signs and other similar advertising devices within the Town of Grafton in order to: protect the public health, safety, convenience and general welfare of residents and visitors; protect and enhance the visual environment of the Town of Grafton; assure that signs do not unnecessarily detract from the historic qualities and characteristics of the Town; facilitate efficient communication and avoid confusion; avoid conflict between signs and the visual qualities of their environs; and support business vitality.

4.4.1 Administration

4.4.1.1 Permits Required

1. No sign shall be erected except as provided by the By-Laws and after a permit has been issued by the Inspector of Buildings or if required, a special permit has been issued by the Planning Board.

2. Application for a sign permit shall be made in writing upon forms furnished by the Inspector of Buildings. An original application shall contain the location, by street number, of the proposed sign, the name and address of the owner of the premises where the sign is to be located, the name and address of the owner of the sign, the name and address of the sign contractor or erector, if any, and a scale drawing showing the construction, the methods of installation or support, colors, dimensions and position of the sign, method of illumination, if any, and such other relevant information as may be requested. The application must be signed by both the owner of the premises where the sign is to be located and the owner of the sign, acknowledging responsibility for compliance with the By-Law. An application which is incomplete, as determined by the Inspector of Buildings, shall be returned to the applicant. An application for a sign renewal permit shall contain such information as the Inspector of Buildings may require.

3. Within thirty (30) days after application for a permit has been made, the Inspector of Buildings shall approve or disapprove the application.

4. A fee shall be paid to the Town of Grafton for an original or renewal application for a sign permit, in accordance with the Town's Fee Schedule. No fee shall be required for a permit for a nonprofit event temporary sign.

5. A sign permit shall be valid for a period of three (3) years from the date of approval. A sign renewal permit shall be valid for three (3) years following the period for which the permit being renewed was valid.

6. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six (6) months from the date of the permit. The applicant shall notify the Inspector of Buildings of completion of work under a permit within ten (10) days of completion.

7. All signs erected under this By-Law shall be erected in the exact location and manner described in the permit. The permit number shall be clearly visible on the sign.

8. The application for a permit for an automated variable message sign shall include contact information for one or more contacts who shall be available 24 hours a day, seven days a week, and who shall be responsible for message content and sign maintenance. This requirement is for the direct contact of a responsible party for compliance to this Bylaw and the issuance of an emergency Public Service Announcement (PSA). The issuance of an emergency PSA shall be voluntary on the part of the sign owner. If said contact information changes subsequent to the permit application, updated contact information shall be provided to the Inspector of Buildings and the Chief of Police.

4.4.1.2 Exceptions

1. No permit shall be required for a sign in a residential district erected in accordance with the provision of Section 4.4.3.3 of this By-Law.

2. No permit shall be required for any sign erected by the Town or by the Commonwealth of Massachusetts or any subdivision or agency thereof.

3. No permit shall be required for holiday decorations when displayed within forty-five (45) days prior to and ten (10) days after the holiday with which they are specifically identified and which do not advertise or promote the interests of any person, premise or activity.

4. No permit shall be required for signs endorsing candidates or issues for public elections, which are displayed as temporary or portable signs, provided such signs are not greater than twelve (12) square feet in area. Such signs shall be allowed in all zoning districts and shall comply with all other requirements for temporary signs as set forth in Section 4.4.2.3 of this By-law.

5. The provisions of Section 4.4 shall not apply to signs either held or supported by an individual or group of persons.

6. The standard type of gasoline and diesel fuel pump bearing thereon in usual size and form the name or type of fuel and the price thereof, shall not be deemed to be a sign under this By-Law.

4.4.1.3 Enforcement

1. At the request of the Applicant the Inspector of Buildings shall inspect every sign for which a permit is required within thirty (30) days after it is erected to determine whether the sign has been erected in accordance with the provisions of the permit therefore and shall order the removal or modification of any sign erected or maintained in a manner inconsistent with such permit. Thirty (30) days notice in writing shall be given to the owner of such sign, and to the owner of the premises on which such sign is located to remove the sign or to modify it to be in accordance with the provisions of the permit. Immediate removal may be ordered for any sign requiring a permit which is erected without first obtaining such permit.

2. Any sign owner or owner of property on which a sign is located who violates, or permits a violation of, this By-Law shall be subject to a fine in accordance with Section 1.3.6.3 of the Zoning By-Laws.

4.4.2 General Regulations

The following provisions are applicable to signs in all districts.

4.4.2.1 Illumination

1. Electric signs are not permitted within any residential district or the Village Mixed Use District.
2. Changeable Electronic Variable signs are permitted only in the Community Business zoned districts (this shall not apply to existing non-conforming signs of these types).
3. No red or green lights shall be used on any sign if the sign is located so that such lights could create a driving hazard.
4. No sign may be illuminated more than thirty (30) minutes before opening or after closing of any store or business, or thirty (30) minutes before or after working hours in an industrial building, except signs identifying municipal buildings.
5. Internally illuminated signs, luminous signs, and signs illuminated from an external source directed solely toward said sign are the only permitted methods of illumination. The light from any sign shall be so shaded, shielded or directed or shall be maintained at a sufficiently low level of intensity and brightness that it shall not adversely affect the neighboring premises nor the safe vision of operators of vehicles moving on public ways. Only white lights shall be used for external illumination of a sign.
6. An electric sign on which the message is visible only when the sign is illuminated (including, but not limited to, a changeable electronic variable message sign) shall be equipped with a light detector/photocell, a scheduled dimming timer, or other automatic control by which the sign's brightness can be dimmed when ambient light conditions darken. In addition to any other enforcement authority specified in this bylaw, the Inspector of Buildings shall have the authority to enforce reasonable standards upon any owner of such a sign regarding the brightness of the sign.
7. A message displayed on a changeable electronic variable message sign shall be composed of one foreground color and one contrasting background color.

8. Signs within the Village Mixed Use District may be illuminated only from external sources, and only white lights shall be used for illumination.

4.4.2.2 Billboards

Billboards are prohibited in all parts of the Town of Grafton, except where specifically permitted.

4.4.2.3 Temporary and Portable Signs

Except as specifically permitted by this By-Law or where otherwise exempted by the provisions of the United States Constitution and Article 16 of the Massachusetts Constitution, all temporary signs and portable signs are prohibited in the Town of Grafton. Temporary signs and portable signs permitted under this By-Law shall be displayed no earlier than thirty (30) days prior to, and no later than seven (7) days after any event for which such sign is intended to address. Such signs shall not be erected or displayed so as to endanger public safety.

4.4.2.4 Moving Signs

1. Except as provided in this subsection, signs or portions thereof operated so as to swing, flash, or revolve, signs consisting of pennants, ribbons, streamers, spinners, strings of light bulbs, revolving beacons, searchlights, signs displaying animation, and signs operated or illuminated so as to create the illusion of motion are prohibited in all districts.
2. Any message, advertisement, announcement or display on an automated variable message sign shall remain fixed for a period of at least ten (10) seconds.
3. An automated variable message sign shall change from one message, advertisement, announcement or display to the next within three-tenths (0.3) of one second.
4. A changeable electronic variable message sign shall display no message if it malfunctions in a way that renders it incapable of complying with the provisions of this by-law.

4.4.2.5 Installation

1. No sign shall be erected that shall in any way create a traffic hazard, nor shall it in any way obscure, obstruct, or confuse traffic control or the view of motorists, bicyclists, or pedestrians as required for traffic safety.

2. No sign, or sign structure, may project beyond the curb line.

3. Letters, figures, characters or representations in cutout or irregular form, maintained in conjunction with, attached to, or superimposed upon any sign, shall be safely and securely built or attached to the sign structure.

4. No sign shall be painted on the exterior surface of any wall, including windows and doors.

5. Signs shall be designed, constructed and erected in accordance with the State Building Code.

6. No sign shall be posted or attached to utility poles, trees, fences, other signs, or structures other than buildings or a structure designed to support a free-standing sign.

7. All signs shall be erected on the same lot as the premises, person or activity they are intended to advertise, call attention to or identify, except for (1) institutional directory signs, which may be erected off-premises subject to the provisions set forth in Section 4.4.4.1 of this By-Law, and (2) nonprofit event temporary signs, which may be located off the premises of the sponsoring organization. Notwithstanding the foregoing, a variable message sign may from time to time display an emergency public service announcement upon request of the Town, as specified in Section 4.4.1.1 (8) of this By-Law, or a message advertising, announcing or promoting a charitable, religious or civic event.

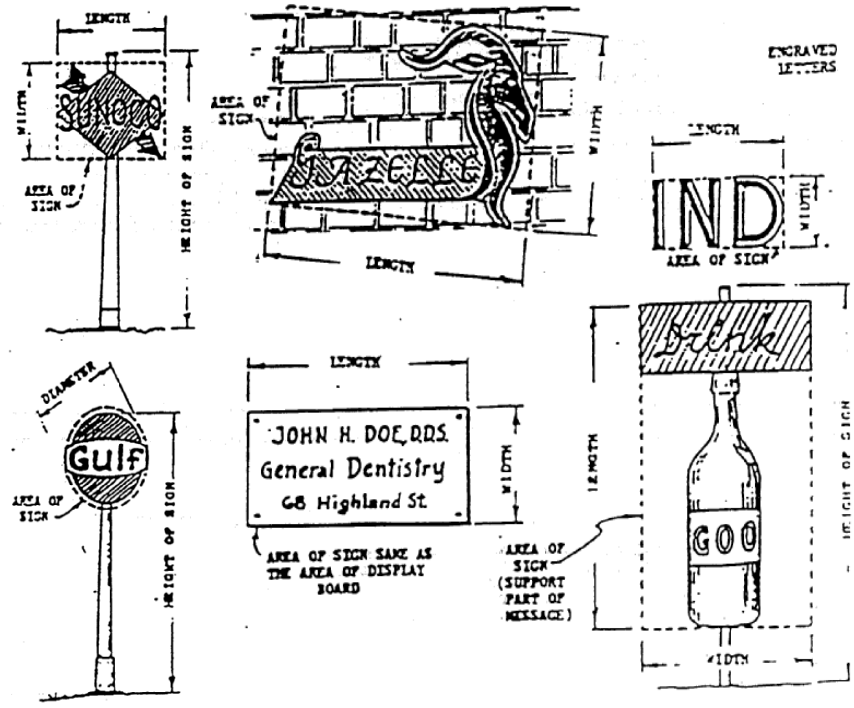
8. With the exception of free standing directional and informational signs, all free standing signs in NB, CB, OLI, and I Districts shall be installed no closer than twelve (12) Linear Feet from the front and side lot lines.

9. With the exception of free standing directional and informational signs, free-standing signs and appurtenance structures must be constructed so that no portion of the sign (except pole) shall be located between two and one-half (2 ½) feet and seven (7) feet, as measured from average grade within the Intersection Sight Distance triangle as defined by the American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, AASHTO, Washington, DC, 2004.

4.4.2.6 Maintenance

Every sign shall be maintained by the owner in a safe and well maintained condition. Every freestanding sign shall be kept free and clear of all obnoxious substances, rubbish and weeds.

ILLUSTRATIVE APPLICATION OF SIGN DIMENSIONS AND AREAS
(See Section 4.4.3.1 for text)



4.4.3 Regulations and Restrictions

The regulations and restrictions set forth in this article shall apply to each sign in the zoning district in which it is erected.

4.4.3.1 Calculation of Sign Dimensions

1. Calculation of Area: The area of a sign shall be the area of the smallest rectangle or circle within which the entire sign can fit; excluding structural supports which do not contribute through shape, color, or otherwise to the sign's message; but including any separate surface, board, frame or shape on or within which the sign is displayed. For signs the components of which are painted or engraved on, or otherwise applied directly to a building or other structure, the sign area shall include any background of a different color, material or appearance from the remainder of the wall or structure, and shall in any event enclose all letters, figures, or representations related to the sign. The dimensions of a sign shall be the length and width of such a rectangle or the diameter of such a circle.

2. Height. The height of a sign shall be measured to the highest point of the sign, including any structural or ornamental projections above the sign proper, from the average ground level above which the sign is located.

3. Two-Sided Signs. A two-sided sign with messages on opposite sides (back-to-back) will be deemed to be one sign; a sign with faces at an angle to each other shall be deemed to consist of several signs, one for each direction faced. Illustrations of sign dimensions are shown on previous page.

4.4.3.2 All Zoning Districts

Signs permitted in all zoning districts are the following, in addition to those permitted by other provisions of this By-Law:

1. One wall or freestanding sign not exceeding twelve (12) square feet in area which denotes and describes a place of worship, library, museum, social club or society or a similar non-profit institution or school, and is located on the premises thereof.

2. A nonprofit event temporary sign, not exceeding thirty-two (32) square feet in area.

4.4.3.3 Agriculture and Residential Districts (A, R-40, R20, and RMF)

No sign shall be permitted in an agricultural or residential district except as follows and as permitted elsewhere in this By-Law.

1. One (1) wall sign or freestanding sign which does not exceed two (2) square feet in area, having the name of the occupant or the designation of any authorized occupation permitted in the district, or both, shall be permitted.

2. One (1) wall sign or freestanding sign which does not exceed six (6) square feet in area and advertises the rental, lease, or sale of the premises shall be permitted; provided, however, such sign shall be removed within seven (7) days of the rental, lease or sale of the premises.

3. Temporary signs not exceeding six (6) square feet in area may be erected to warn against contagious diseases, to warn against danger or to ensure silence where serious illness exists.

4. For bed and breakfast homestays, one small unlighted announcement sign that may not exceed three (3) square feet in area and that the sign be attached to and parallel with the front wall of the building.

5. During the construction of a residential subdivision or multi-family dwelling development, one (1) freestanding sign no greater than twelve (12) square feet in size may be erected on the premises at the entrance to said development to identify the project, including the name of the developer, builder, contractor, engineer, and/or sales agent. Such sign shall not be illuminated, shall be installed a minimum of ten (10) feet from all street right-of-ways and abutting property lines, and shall not create a nuisance or hazard condition for vehicles and pedestrians or endanger public safety. Such sign shall not be erected until construction has commenced in accordance with all applicable requirements of the Town of Grafton, and shall be removed within seven (7) days of completion of construction or the issuance of the last occupancy permit in the development, whichever occurs sooner. Once erected, such sign shall only be displayed provided the necessary approvals and/or permits for said development remain valid and, in the opinion of the Building Inspector/Zoning Enforcement Officer, construction of the development remains continuous.

4.4.3.4 Business, Office, Industrial, and Village Mixed Use Districts (NB, CB , OLI, I, and VMU)

No sign shall be permitted in a business district except as follows:

4.4.3.4.1 Exterior Signs

1. There shall be no more than one exterior sign for each store, not including directional or informational signs, except as provided herein. The exterior sign may be a wall sign, individual letter sign, or sign projecting from a building.

2. If the store has a direct entrance into the store in a wall other than the store front, there may be a secondary sign affixed to such wall and, if the store has a wall other than the store front, that faces upon a street or parking area, there may be a secondary sign affixed to such wall whether or not such wall contains an entrance to the store; provided, however, that no store shall have more than two (2) secondary signs in any event. The

display surface of each of the secondary signs shall not exceed six (6) square feet.

3. A wall sign or individual letter sign shall meet all of the following criteria:

A. **<u>Height</u>** : The height of any sign shall not exceed four (4) feet, and no sign shall project above the highest line of the roof of a building.

B. **<u>Length</u>** :

1.) For any building fully occupied by a single store/business, the length of a sign shall not exceed the lesser of the full length of the side of the building to which the sign will be affixed or forty (40) feet; or,

2.) For any building occupied by more than one store/business, the length of a sign for each store/business shall not exceed the lesser of two (2) feet shorter than the length of the wall occupied by that store/business to which the sign will be affixed or twelve (12) lineal feet.

C. **<u>Area</u>** :

1.) For any building fully occupied by a single store/business, the area of a sign shall not exceed one and one-quarter (1 ¼) square feet for each lineal foot of the store wall to which the sign will be affixed; or,

2.) For any building occupied by more than one store/business, the area of sign for each store/business shall not exceed one and one-quarter (1 ¼) square feet for each lineal foot of store wall occupied by that store/business to which the sign will be affixed.

4. A sign projecting from a building shall not project more than six (6) feet and shall not contain more than twenty-four (24) square feet of display surface. A sign which projects over a sidewalk may not contain more than six (6) square feet of display surface. Within the OLI and I District, one projecting sign shall be allowed per exterior doorway.

5. Any business may divide the total display area of the one (1) exterior sign affixed to the front wall of the building, to which they are entitled as herein above provided, into separate signs affixed to and parallel to such wall and indicating the separate operations or department of the business; provided, however, that the total of the width of the separate signs shall not exceed the maximum width permitted under this By-Law for a single exterior sign on such wall.

4.4.3.4.2 Directional and Informational Signs

Directional or informational signs shall be limited to two (2) square feet in overall area. Directional and informational signs may not be located at a height over six (6) feet above ground level if mounted on a building wall, nor three and one-half (3-1/2) feet above ground level if freestanding.

4.4.3.4.3 Directory Signs

In addition to the signs permitted under Section 4.4.3.4.1, there may be one (1) directory sign listing the occupants or tenants of the building affixed to the exterior wall of the building at each entrance to the building. A directory sign shall not exceed an area determined on the basis of one (1) square foot for each occupant or tenant of the building.

4.4.3.4.4 Freestanding Signs

1. In addition to signs permitted in Sections 4.4.3.4.1, 4.4.3.4.2, and 4.4.3.4.3, one freestanding sign per lot is permitted, subject to the following provisions.

2. A freestanding sign may have one (1) square foot of area for each four (4) linear feet of front lot distance, up to a maximum of seventy-five (75) square feet of sign area. If the front lot line is less than one hundred (100) lineal feet, a sign area of twenty-five (25) square feet is permitted. If the front lot line is more than three hundred (300) lineal feet, a sign area of ninety-five (95) square feet is permitted, provided that such a sign is set back from the front lot line at least fifty (50) linear feet.

3. Freestanding signs shall not be more than ten (10) feet in height above the ground, excepting that they may increase in height by one (1) foot above ten (10) feet for each two (2) feet they are set back from the front lot line. No freestanding sign shall be higher than twenty-five (25) feet above the ground.

4.4.3.4.5 Additional Signs

1. During construction of a new building, a free-standing sign may be erected on the premises to identify the building, the owner, the contractor, the architect or the engineers, provided such sign shall not exceed thirty-two (32) square feet in area, or ten (10) feet in width or height. Such sign shall be removed within seven (7) days of issuance of an occupancy permit for the building.

2. In addition to signs otherwise permitted, one (1) wall sign or freestanding sign, not exceeding twelve (12) square feet in area, advertising the rental, lease, or sale of the premises shall be permitted. Such sign shall be temporary and shall be removed within seven (7) days of the rental, lease or sale of the premises.

3. In addition to signs otherwise permitted, window signs are permitted in business districts provided that their aggregate display surface does not exceed twenty-five (25) percent of the total exterior glass area, and that they are lighted by normal building illumination only. Window signs less than three by four (3 x 4) feet promoting charitable events shall not count against the allowable twenty-five (25) percent.

4.4.4 Special Cases / Relief

The Planning Board may grant a Special Permit authorizing relief from the provisions of Section 4.4 only as specified in this Section. Such relief may be granted in cases where either extreme or unusual conditions exist or enforcement of the By-Law would involve practical difficulties or unnecessary hardship, provided in each case desirable relief may be granted without substantially derogating from the intent and purpose of this Bylaw. In granting a Special Permit under this Section, the Planning Board shall make findings on which to base its determination with respect to the following:

(a) whether public safety, convenience, and traffic-flow will be improved thereby, and the sign will not be a nuisance or a hazard to vehicles and pedestrians;

(b) whether the architecture of the building, the location of the building with reference to the street or the nature of the establishment is such that the sign should be permitted in the public interest;

(c) whether the sign will cause visual confusion, glare, **or** offensive lighting in the neighborhood or surrounding properties;

(d) whether the sign requested pursuant to the special permit application is necessary due to topography or site conditions unique to its proposed location;

(e) whether a unique and particular type of use requires additional signage in order to identify the premises adequately;

(f) whether the sign in question is appropriately located and reasonably adapted to the proper use;

(g) whether the sign will significantly alter the character of the zoning district or be a detriment to the surrounding area;

(h) whether the sign will be detrimental to the public safety and welfare; and

(i) whether the granting of the Special Permit would derogate substantially from, or would be in harmony with, the intent and purposes of the By-Law**.**

Due to unique or uncharacteristic circumstances and conditions that may exist relative to a particular application under this sub-section, the Planning Board shall not be limited solely to these criteria in exercising its authority under this Section.

The requirements for the Planning Board to make findings with respect to the issues listed in Section 1.5 of this By-Law for the granting of Special Permits shall be in addition to, and considered part of, the requirements of this Section.

In granting any Special Permit under this Section, the Planning Board may impose such conditions, safeguards, limitations and restrictions as it deems appropriate, and which are not inconsistent with the purpose or provisions of this Bylaw, wherever in the Board's determination such requirements are warranted and in the public interest. All Special Permits issued under this Section shall be in accordance with the provisions of Chapter 40A of the General Laws, as well as all applicable requirements of the Grafton Zoning By-Law.

The Planning Board may grant relief through the Special Permit process for the following:

4.4.4.1.Off-premises Institutional Directory Signs (Section 4.4.2.5.7)

The organization desiring said directory sign shall apply to the Planning Board in writing stating the proposed wording and site or sites for such signs(s). No more than two (2) such signs facing traffic from one direction, nor more than four (4) signs in total, shall be permitted per applicant unless the Board finds that hardship and unique circumstances mandate the need for additional signs. The Planning Board shall refer the application to the Department of Public Works, who shall submit a report in accordance with the requirements of Section 1.5.6 of this By-Law. The Planning Board, after consideration of the information submitted, shall approve the final wording and design of such directory signs. Signs approved under this sub-section shall be constructed, installed and maintained by the applicant in accordance with the requirements of the Department of Public Works and this By-Law, unless otherwise specified under any such Special Permit. The application shall be accompanied by a paid fee per sign covered by the application, in accordance with the Town's Fee Schedule.

4.4.4.2.Alternative Location for a Directory Sign (Section 4.4.3.4.3)

The Planning Board may grant a special permit to allow an alternative location for a directory sign, other than that allowed by Section 4.4.3.4.3, if the Board determines that the building design precludes effective use of a wall mounted directory sign. Such a sign may be free standing but must conform to all other provisions of this By-Law including having an area no greater than one (1) square foot for each occupant or tenant of the building.

4.4.4.3 Use of one sign, which is not otherwise permitted by right by these By-Laws, per lot.

Such signs, whether portable or otherwise, shall not exceed twelve (12) square feet in area, and shall not be illuminated in any way. In their decision, the Planning Board shall specify the particular location of the sign, and may further limit its time or manner of display. Applications should indicate the amount of allowable signage for the lot, the amount of existing signage, and the size(s),

location(s) and type(s) of all existing and proposed signage which benefits the site. Such signs may be authorized for a specific period of time, and following a separate public hearing for each request, may be renewed so that such signs are not displayed for more than 180 days per calendar year.

4.4.4.4 Relief from the requirements of Section 4.4 with respect to the size, height, installation of signs pursuant to Section 4.4.2.5.9, minimum setback, location (on- or off-premises), or quantity of sign(s).

4.4.5 Severability

If any provision of this section, or the application thereof to any person or circumstance, shall be held invalid by any court or competent jurisdiction, such invalidity shall not affect the other provisions, or application thereof, of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are hereby declared to be severable.

(T.M. 10-20-14; T.M. 5/11/15)

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SECTION 5 - SPECIAL REGULATIONS

5.1 General

Procedures Requiring Site Plans - Applicants for Special Permits for uses so designated in Section 3.2 shall submit ten (10) copies of an application and a site plan to the special permit granting authority. Applicants for multi-family and flexible development are encouraged to pursue Pre-Application Review prior to the formal application stage, which requires detailed plans.

5.2 Multi-Family Dwellings

5.2.1 Procedures:

5.2.1.1 Application and Plans: Applicants for a Special Permit for Multi-Family Dwellings shall submit applications and plans as required by Section 5.1.

5.2.1.2 Review and Reports: The special permit granting authority shall transmit one copy of the application and required plans to the Board of Health, who shall submit a report consistent with Section 1.5.5.

5.2.1.3 Criteria: Approval of multi-family dwellings in the R-MF zoned areas shall be granted upon special permit granting authority determination that the plan complies with the requirements of this By-Law and that due regard has been given to the disposal of surface waters, movements of vehicular traffic and accessibility to emergency vehicles and that the use is in harmony with the general purpose and intent of this By-Law. All multi-family structures must be connected to public water and sewer systems. On-site treatment and disposal of sewerage is not permitted. A public water system may be any municipal water supplier or a public utility franchised to furnish water.

5.2.2 Requirements

5.2.2.1 There shall be at least 5500 sq. ft. of land area for each dwelling unit proposed to be placed on a lot. Each building shall not exceed 140 feet in any dimension.

5.2.2.2 The site plan shall be so designed that parking areas are screened from streets by building location, grading, or screening; lighting on parking areas avoids glare on adjoining properties; major topographic changes or removal of existing trees are avoided whenever possible; and water, wetlands, or other scenic views from streets are preserved.

MULTIFAMILY DWELLING

(for illustration purposes only)

5.2.2.3 Not less than 25 percent of the lot area of multi-family dwellings only in the R-MF district shall be retained as unoccupied space free of all buildings, parking and pavement including street access drives and walks or other conditions rendering the land surface impervious. Within the Water Supply Protection Overlay District not more than 25 percent of the lot area shall be rendered impervious; the remainder shall be retained as unoccupied space free of all buildings, parking, pavement other than street access drives and walks, and other conditions rendering the land surface impervious; except that the Inspector of Buildings may, after consultation with the Town Engineer, and the Conservation Commission, allow up to 75 percent of the lot area to be rendered impervious, provided that techniques satisfying the requirements specified in Section 7.5 subsection (d) are used to maximize groundwater recharge without risking groundwater contamination. These unpaved areas shall have appropriate landscaping of grass, shrubbery, trees, flowers, or suitable ground cover indigenous to the area. Adjacent to, and for the length of each exterior wall of each principal building, there shall be a three (3) foot wide area of landscaping. Adjacent to, and for the length of each side and rear lot line, there shall be a fifteen (15) foot wide area of landscaping. All such landscaping shall be indicated on the Site Plan required in Section 5.1.

5.2.2.4 Within the unoccupied space requirement of Section 5.2.2-3 above, there shall be one thousand (1000) square feet of usable common open space per dwelling unit. Usable common open space shall mean areas left substantially in a natural state or improved by such landscaping as required in Section 5.2.2.3. above, and primarily designed and intended for the active and passive recreation of the occupants of the dwellings. Usable common open space shall not include street rights-of-way, open parking, or service areas, driveways, easements for above ground utilities, required minimum front yards, or any other land deemed unsuitable by the Planning Board for reasons of excessive slope or poor drainage.

5.2.2.5 In cases of public open space dedicated in fee to the Town, such open space shall be maintained as a public area, accessible to the public. This shall not preclude the Town from refusing to accept such land with or without a favorable report from the special permit granting authority.

5.2.2.6 In cases of the sale of individual units as in a condominium, there shall be included in the deed a requirement obligating the purchasers to join in an organization of unit owners incorporated under G.L. c. 183A, as amended. The organization shall file a written report, including the names and addresses of all officers of the organization, with the Town Clerk, to be submitted to the Town Clerk by February 15 of each year. Such report may be the same written report rendered to all unit owners referred to in G.L. c. 183A, §10(d).

5.2.2.7 There shall be a satisfactory design and location of collection points for the disposal of garbage and trash, adequately screened for reason of health and safety, as determined by the special permit granting authority and the Board of Health.

5.2.2.8 All existing or proposed utilities shall be installed underground at the time of initial construction. Lighting facilities, whether placed along service drives, in parking areas, or on the exterior of buildings, shall be so arranged that they do not cause illumination in excess of one-half (1/2) of a foot candle at any point vertically above the property line or upon any window surface of buildings used for dwelling purposes.

5.2.2.9 If there is more than one (1) such structure on a lot of record, there shall be at least thirty (30) feet between each structure. The only exception may be that no more than three (3) buildings may each be inter-connected by a covered walkway or breezeway for reasons of convenience and shelter from the elements, if such walkway shall not, in the opinion of the special permit granting authority, impair the services to the buildings by emergency vehicles or equipment. Such buildings so inter-connected shall be deemed as separate and individual buildings for the purposes of administering the Rules and Regulations Governing the subdivision of Land for the Town of Grafton.

5.2.2.10 The construction of drainage, utilities and roadways shall be performed in accordance with the design and construction standards of the Rules and Regulations Governing the Subdivision of Land in the Town of Grafton. The special permit granting authority shall have the right to waive any of such special requirements.

5.3 Major Residential Development

5.3.0 General

Major Residential Development shall be permitted in the residential districts (R-20, R-40, Agricultural, RMF) only upon issuance of a Special Permit from the Planning Board, as specified in Sections 1.3.3, 1.5 and 3.2.3.1 of this By-Law, and in accordance with the additional requirements specified herein.

5.3.1 Definition

Flexible Development as set forth in this Section is authorized by The Zoning Act, General Laws c. 40A, Section 9, and is based on the general concept of "Cluster Development" described therein. A Flexible Development shall mean a Major Residential Development in which the single family dwelling units are clustered together into one or more groups on the lot and the clusters are separated from each other and adjacent properties by permanently protected open space.

5.3.2 Purpose

Major Residential Developments shall be designed to:

a) allow for greater flexibility and creativity in the design of residential developments;

b) encourage the permanent preservation of open space, agricultural and forestry land, and other natural resources;

c) maintain the Town of Grafton's traditional New England rural character and land use pattern in which small villages contrast with open space and farmlands;

d) protect scenic vistas from Grafton's roadways and other places;

e) preserve unique and significant natural, historical and archeological resources;

f) facilitate the construction and maintenance of streets, utilities and public services in a more economical and efficient manner;

g) protect existing and potential municipal water supplies;

h) encourage a less sprawling form of development;

i) minimize the total amount of disturbance on the site. (TM 10-18-99)

5.3.3 Applicability:

a) In order to further the purposes enumerated above, Major Residential Development shall only be allowed after issuance of a Flexible Development Special Permit, hereinafter referred to as "FDSP", or a special permit for Major Residential Development utilizing Conventional Development, hereinafter known as "CDSP", by the Planning Board. (T.M. 3-16-87, 10-18-99)

b) At the owner's option, an application can be made for a FDSP for a Minor Residential Development. (TM 10-18-99)

5.3.4 Data Submission - Requirements for All Major Residential Developments:

a) **Pre-Application Review**: To promote better communication and to avoid misunderstanding the applicant is encouraged to meet with the Planning Board prior to filing its Application for a special permit for a Major or Minor Residential Development.

b) Applicants for Major Residential Special Permits shall file with the Town Clerk one (1) copy, and with the Planning Board twelve (12) copies (unless a lesser number of copies is allowed by specific vote of the Planning Board), of the following documents which shall have been prepared by an interdisciplinary team including a registered land surveyor, a registered professional engineer, and a registered landscape architect:

1. A Conventional Development Plan conforming to the requirements of a preliminary subdivision plan under the Subdivision Rules showing a conventional lot layout. Such plan shall also indicate wetlands, proposed topography and, except where Town sewers will be utilized, the results of deep soil test pits and percolation tests (the location of which may be designated by the Board of Health or its agent) at a rate of one per every five acres or more as may be required by the Board of Health, but in no case fewer than five per Major Residential Development.

2. A Flexible Development Plan in the same detail as the Conventional Development Plan but showing development of the lots so as to maximize the purposes of Flexible Development.

3. A Land Use Plan, as required under Section 5.3.11.a, showing the proposed use of the Common Land.

4. A brief comparison of the impacts of a Flexible Development Plan to those that would result from the Conventional Development Plan, or if the application is for a CDSP, the analysis should discuss the specific site characteristics which make the Conventional Development Plan the best development option, including but not limited to the purpose and design guidelines for Flexible Development.

5. A list of requested waivers from the Subdivision Rules.

5.3.5 Major Residential Development Standards

The following standards shall apply to all Major Residential Developments:

5.3.5.1 Number of Dwelling Units Permitted: The maximum number of dwelling units allowed shall equal the number of dwelling units which could reasonable be expected to be developed on the property under a Conventional Development Plan in full conformance with zoning, Subdivision Rules, health codes, wetlands bylaws, and other applicable requirements.

5.3.5.1.1 Where the property lies in more than one zoning district, the number of dwelling units allowed shall be calculated as above for each district and added to give an overall allowable total.

5.3.5.1.2 The Planning Board shall consider the recommendations of the Board of Health, the Conservation Commission, and the Engineering Department of the Town of Grafton in making determinations hereunder.

5.3.5.2 Bonus Provision: The Planning Board shall issue a FDSP containing more than the number of dwelling units permitted under Section 5.3.5.1 above, upon the Board's determination that the proposed development, through the quality of its site selection, programming and design, displays a conscious effort to comply with the purposes of Flexible Development. The increase over the number of dwelling units permitted under Section 5.3.5.1 shall be: (a) 15% of the total permitted under that section if the proposed development complies with at least 6 of the Design Guidelines specified in Section 5.3.13; (b) 20% of the total permitted under that section if the proposed development complies with at least 9 of the Design Guidelines: and (c) 25% if the proposed development complies with all Design Guidelines. Any Design Guideline that is not applicable to the site shall not be counted in determining the bonus.

5.3.6 Minimum Dimensional Requirements for Lots within a Flexible Development

a) ***Average Lot Area***: In the R-20 District not less than 10,000 square feet; in the R-40 District not less than 20,000 square feet (with public sewer and water, 15,000 square feet); and in the Agricultural District not less than 30,000 square feet (with public sewer and water, 25,000 square feet).

b) ***Minimum Lot Area***: The minimum lot area for all building lots in a Flexible Development in the R-20 District shall not be less than 8,000 square feet; in the R-40 District not less than 12,500 square feet and in the Agricultural District not less than 20,000 square feet.

c) ***Minimum Frontage***: Not less than 80 feet. Lots located on the turnaround of a dead-end street shall have a minimum of fifty (50) feet of street frontage providing a front building line is designated on the Plan for such a lot and the width of the lot at this building line is at least equal to the minimum frontage requirement.

d) ***Front Yard Setbacks***: Front Yards may be staggered to provide a variety in the size of such yards. The minimum average of all front yards shall be twenty (20) feet; however, no front yard shall be less than fifteen (15) feet. The front yard setback shall be measured from the nearest edge of pavement or sidewalk as appropriate.

e) ***Side Yard Setbacks***: Side Yards shall be a minimum of seven (7) feet.

f) ***Rear Yard Setbacks***: Rear Yards shall be a minimum of fifteen (15) feet, except that in no case may a rear yard setback line be within 50 feet of any property that is not part of the flexible development.

g) The front, side and rear setback lines shall be shown on the Definitive Subdivision and or Approval Not Required plan.

h) ***Buffer Areas***: All dwellings and structures shall be located a minimum of 50 feet from adjacent tracts of land and adjacent or on site farmland.

i) The portions of the buffer strip between the residential and farmland portions of a Flexible Development may be counted as usable Common Land for Flexible Development purposes, provided such use will not impact adversely on adjacent farming activity and is consistent with Section 5.3.2 of the By-Law.

j) ***Accessory Buildings or Uses***: Accessory buildings or uses are not allowed in front yards. Accessory buildings and uses such as storage sheds and swimming pools may be located within the rear setback. No accessory building or use may be located within ten (10) feet of the rear lot line.

5.3.7 Required Amount of Common Land

Not less than 40% in the R-20 District, 40% in the R-40 District, and 50% in the Agricultural District of the total area of the tract of land to be developed as a Flexible Development shall be dedicated as Common Land. The following additional restrictions shall apply:

a) At least 50% of the required amount of Common Land shall be Upland and shall be dedicated and used for a purpose listed in 5.3.11.

b) Up to 50% of the required Common Land may be composed of land classified as bordering vegetated and isolated wetlands, as defined by General Laws c. 131, §40**,**

or the Town of Grafton Wetlands By-Law, or areas designated for stormwater management, provided that the proposed uses of this Common Land are found to be consistent with Section 5.3.11.

c) Rights of Way for streets or common drives, and the perimeter separating the development from adjacent properties, shall be excluded from the computation of Common Land area unless the perimeter land contains land uses consistent with Section 5.3.11 and such uses are approved by the Planning Board.

5.3.8 Major Residential Development Considerations

In evaluating the proposed Major Residential Development, the Planning Board shall consider the general objectives of this By-Law and of Major Residential Development, including, but not limited to, the existing and probable future development of surrounding areas; the appropriateness of the proposed layout of the lots and the proposed layout and use of the Common Land in relation to the topography, soils and other characteristics and resources of the tract of land in question. The Planning Board shall grant a FDSP if it finds that the Flexible Development and the proposed uses:

a) comply in all respects to the requirements of the Bylaw and enhance the purpose and intent of this bylaw.

b) are in harmony with the existing and probable future uses of the area and with the character of the surrounding area and neighborhood,

c) are, on balance, more beneficial to the Town than the development likely would be without such approval.

d) comply with the requirements of Section 1.5.5 for granting special permits.

e) will be connected to public sewer, unless in the opinion of the Board of Health, the development can be adequately served by the use of on-site subsurface sewage disposal systems and in furtherance of the purposes of this Zoning By-Law and protection of the environment.

5.3.9 Requirements for Major Residential Development

The Planning Board shall review the data required in Section 5.3.4 above, and shall hold a public hearing within 65 days of a complete filing as defined in Section 1.3.3.5 (Plan Acceptance) and comply with the procedures for special permits as required under G.L. **c.** 40A, § 9**,** and Section 1.5 of this By-Law. Prior to the close of the public hearing, the Board shall recommend the development plan that it considers the most beneficial to the Town. Within seven days, the Applicant shall then elect which plan he wishes to pursue and communicate this choice in writing to the Board, prior to the close of the public hearing. The Board may approve such plan with or without conditions. The Board may disapprove an application for Major Residential Development if it determines that: the plan the Applicant elects to pursue does not conform to the requirements of this By-Law; or, either the Conventional Development Plan or Flexible Development Plan presented by

the Applicant is not a good-faith effort to create a design that is consistent with the intent and purposes of Major Residential Development, as set forth in this By-Law.

5.3.10 Procedural Requirements

5.3.10.1 When a Major Residential Development Special Permit is approved for a Conventional Development Plan (CDSP) submitted in accordance with Section 5.3.4.b.1 above, all subsequent submissions, requirements and approvals will be specified in the Subdivision Rules, as applicable. No development of land within a Major Residential Development shall occur unless the land is in fact subdivided into lots with each dwelling having a separate lot described on an approved subdivision plan or on an approval not required plan.

5.3.10.2 When a Major Residential Development Special Permit is approved for a Flexible Development Plan (FDSP) submitted in accordance with Section 5.3.4.b.2-5, all subsequent submissions, requirements and approvals will be governed by the requirements of the Subdivision Rules. If Definitive Subdivision approval is required, the FDSP shall contain a condition that a Definitive Subdivision Plan complying with the Subdivision Rules be subsequently submitted to the Planning Board. Where applicable, the provisions of Flexible Development shall supersede any other provisions to the contrary of this By-Law or the Subdivision Rules. No development of land within a Flexible Development shall occur unless the land is in fact subdivided into lots with each dwelling having a separate lot described on an approved subdivision or approval not required plan.

5.3.10.3 The Planning Board may require changes to the "Flexible Development Plan" or Conventional Development Plan and impose additional conditions, safeguards, and limitations as it deems necessary to secure the objectives of the By-Law.

5.3.10.4 Revisions and Amendments of Flexible Development Plans and Conventional Development Plans" - Subsequent to granting of a FDSP or CDSP and approval of a Definitive Plan of subdivision, the Planning Board may permit without initiating a new Special Permit proceeding the relocation of lot lines within the development. Any change in the layout of streets; in the use, ownership and layout of the Common Land; or any other conditions stated in the original Special Permit, shall require written approval of the Planning Board. The Planning Board may, upon its determination, require a new Special Permit application if it determines that the proposed changes are substantial in nature or may be of public concern.

5.3.11 Use of the Common Land

The Common Land shall be dedicated and used for conservation, historic preservation and education, outdoor education, recreation, park purposes, agriculture, horticulture, forestry, or for a combination of those uses. No other uses shall be allowed in the Common Land except as provided herein:

5.3.11.a) The proposed use of the Common Land shall be specified on a Land Use Plan and appropriate dedications and restrictions in a form satisfactory to the Planning Board

shall be recorded in the Worcester District Registry of Deeds. The Planning Board shall have the authority to approve or disapprove particular uses proposed for the Common Land in order to enhance the specific purpose of Flexible Development.

5.3.11.b) The Common Land shall remain unbuilt upon, provided that an overall maximum of five (5) percent of such land may be subject to pavement and structures accessory to the dedicated use or uses of the Common Land, and provided that the Common Land may be subject to temporary easements for the construction, maintenance, and repair of roads, utilities serving the Flexible Development, and sewer or drainage facilities serving the Flexible Development or adjacent land.

5.3.11.c) The Common Land may be in one or more parcels and shall be reasonable in size for all proposed or allowed use(s) of such land. Common land shall also be configured and designed to meet the following criteria:

- in places where the proposed residential development is adjacent to existing recreation, conservation, open space or other similar types of land, the common land in the development shall be configured to allow and promote opportunity for inter-connections of such lands;
- access strips at least forty-feet (40′) wide shall be provided to each parcel of common land from one or more streets in the development, and shall be contiguous across proposed rights-of-way;
- access strips shall be delineated in a manner satisfactory to the Planning Board, and should utilize features such as stone walls or distinct vegetation wherever possible and appropriate;
- each point of entry to the common land from a street shall be designated in a manner satisfactory to the Planning Board; signage may, where deemed appropriate, be used to identify such locations and describe the associated common land (including ownership, permitted activities, public/private access);
- where appropriate, trail markers shall also be installed to guide users of the common land on the site and to help avoid encroachment onto abutting private property;
- signage, trail markers, and other features used to identify and/or delineate common land shall be installed prior to the sale of lots within such development.

Based upon the circumstances of each individual application and site, the Planning Board may require additional criteria and/or may waive strict compliance with the requirements listed above if the Board determines such action will result in a development that better meets the intent and purposes of this By-Law.

5.3.11.d) A portion of the Common Land may also be used for the construction of retention and detention facilities and leaching areas, if associated with drainage or septic disposal systems serving the Flexible Development, and if such use, in the opinion of the Planning Board, enhances the specific purpose of Flexible Development to promote better overall site planning. Easements shall be no larger than reasonably necessary and the Planning Board shall require adequate assurances and covenants that such facilities shall be maintained by the lot owners within the Flexible Development.

5.3.11.e) A portion of the Common Land may also be used for ways serving as pedestrian walks and bicycle paths, if such a use, in the opinion of the Planning Board, enhances the general purpose of Flexible Development and enhances better site and community planning, and if the Planning Board finds that adequate assurances and covenants exist, to ensure proper maintenance of such facilities by the owner of the Common Land.

5.3.12 Ownership of the Common Land

The Common Land shall, at the owner's election, be:

5.3.12.a) Conveyed in whole or in part to the Town of Grafton and accepted by it for one of the uses specified in 5.3.11;

5.3.12.b) Conveyed to a nonprofit organization, the principal purpose of which is the conservation of open space and/or any of the purposes and uses to which the Common Land may be dedicated;

5.3.12.c) Conveyed to a corporation or trust to be owned jointly or in common by the owners of lots or dwelling units within the Flexible Development. If such a corporation or trust is utilized, ownership thereof shall run with the land and pass with conveyances of the lots or dwelling units in perpetuity. Maintenance of the Common Land and facilities shall be permanently guaranteed by such corporation or trust which shall provide for mandatory assessments for maintenance expenses to each lot or residential unit. Each such trust or corporation shall be deemed to have assented to allow the Town of Grafton to perform maintenance of the Common Land and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the town an easement over Common Land to do so. In such a case, the Town of Grafton shall first provide fifteen days written notice to the trust or corporation as to the maintenance that is lacking, and, if the trust or corporation fails to complete said work, the Town may perform it. The owner of each lot or residential unit shall be deemed to have assented to the Town filing a lien against each lot or residential unit in the development for the full cost of such maintenance, which liens shall be released upon payment to the Town of same. Each individual deed, as well as the deed of trust or articles of incorporation, shall include provisions to carry these provisions into effect. Documents creating such trust or corporation shall be submitted to the Planning Board for approval and shall be recorded in the Registry of Deeds as a condition of the FDSP.

5.3.12.d) Retained by the owner or other entity for use or lease for one of the purposes specified in 5.3.11 provided that the owner conveys the development rights of that open space in the form of a conservation restriction prohibiting further development of the property.

If the Common Land or any portion thereof is not conveyed to the Town of Grafton, a perpetual conservation restriction conforming to the standards of the State Division of Conservation Services, approved by the Planning Board and enforceable by the Town of Grafton, shall be imposed on the use of such land, providing that the land be kept in its open or natural state and that the land shall not be built upon, developed or used except in accordance with the provisions of the FDSP. Such restrictions shall further provide for maintenance of the Common Land in a manner which will ensure its suitability for its function, appearance, cleanliness and proper maintenance.

The proposed ownership of all the Common Land shall be shown on the Land Use Plan for Flexible Development. At the time of its conveyance, the Common Land shall be free of all encumbrances except as permitted by the Planning Board, or other claims except as to easements, restrictions and encumbrances required by this By-Law.

5.3.13 Design Guidelines

In evaluating the layout of lots and Common Land, the following criteria will be considered by the Planning Board as indicating design appropriate to the natural landscape and meeting the purpose of Flexible Development.

5.3.13.a) Preserve and maintain existing fields, pastures, other land in agricultural use and sufficient buffer areas to minimize conflict between residential and agricultural use. For example, tucking house lots and driveways into wooded areas is recommended.

5.3.13.b) Maintain or create a buffer of natural vegetation of at least 100 feet in width adjacent to surface waters and wetlands.

5.3.13.c) Leave unblocked or uninterrupted scenic views and vistas, particularly as seen from public roads, special places as designated in the Town of Grafton Open Space and Recreation Plan, or scenic roads. For example, a 100 foot deep "no build buffer" is recommended to screen homes from the street (and vice versa)

5.3.13.d) Protect the habitat areas of species listed as endangered, threatened or of

special concern by the Massachusetts Natural Heritage Program.

5.3.13.e) Preserve historic and prehistoric sites and their environs in so far as needed to protect the character of the site.

5.3.13.f) The elements of the Flexible Development Plan (buildings, circulation, Common Land, landscaping, etc.) are arranged favorably with and so as to protect valuable natural environments such as stream valleys, outstanding vegetation, water bodies or scenic views.

5.3.13.g) Protection of major street appearance and capacity by avoiding development fronting such streets while contributing to the overall aesthetic quality of the development.

5.3.13.h) Landscaping screens areas of low visual interest such as utility boxes, trash containers, and parking areas, and treats pedestrian systems and open space areas in a manner which contributes to their use and visual appearance.

5.3.13.i) Active recreational areas are suitably located and accessible to the residential units and adequate screening ensures privacy and quiet for neighboring residents. Where called for in the Town of Grafton Open Space and Recreation Plan and where warranted by the criteria established in that plan, and where feasible on a site, a large playing field is to be provided for recreational use.

5.3.13.j) The pedestrian circulation system is designed to assure that pedestrians can move safely and easily on the site and between properties and activities within the site and neighborhood.

5.3.13.k) The Common Land shall be reasonably contiguous, coherent and if the tract of land abuts adjacent Common Land or other permanently protected open space, the Common Land shall be connected with such adjacent Common Land and with such permanently protected open space.

5.3.13.l) Access to the Common Land shall be delineated by the use of design elements such as stone walls, woodland paths surfaced with bark mulch, etc.

5.3.13.m) Provisions for affordable housing, as defined by M. G. L. Chapter 40B, Sections 20 through 23 inclusive, comprising at least 10% of the total number of dwelling units in the project and interspersed throughout the development, and in a manner and through instruments satisfactory to the Planning Board.
(T.M. 10-17-94)

5.3.14 Ways, Interior Streets, and Utilities

The construction of all ways, interior streets and utilities shall be in accordance with the standards specified in the Subdivision Rules. The Planning Board is strongly encouraged to waive those sections of the Subdivision Rules in the interests of good design if it determines that adequate access will be provided to all lots in the development by ways that will be safe and convenient for travel. While each development proposal is unique the Planning Board is encouraged to waive standards for cartway width (5.2.2.1), curbing (4.2, 5.7.3), Right of Way (4.1.4.1), Dead End Streets (4.1.6), Sidewalks (4.1.4.3), Drainage (4.7.9.2), Common Driveway (4.12 and 5.14) and to use a 25 mile per hour Design Speed to establish engineering criteria for minimum grade (4.1.5.1), maximum grade (4.1.5.2), minimum tangent length between reverse curves (4.1.3.3) and maximum grade within 50 feet of an intersection (4.1.5.6). (T.M.5-13-91)

5.4 Incentive Provisions in Business, Office, & Industrial Districts

5.4.1 As part of special permits for developments in the NB, CB, OLI and I Districts the special permit granting authority may grant exceptions to intensity regulations contained in Section 3.2.3.2. Exceptions may be granted of up to fifteen (15) percent above or below any single dimensional intensity regulation in return for an applicant's written agreement to provide one or more of the features listed in Section 5.4.2.

5.4.2 One of the following features may be required by the Planning Board in exchange for allowing a single exception in intensity regulation dimensions as provided in Section 5.4.1.

5.4.2.a) Site landscaping beyond the minimal required by this By-Law.

5.4.2.b) Sidewalks along the street on the property for which the special permit is being considered.

5.4.2.c) Paved vehicle lanes for:

1. Turning movements on or off of a public roadway,
2. Postal boxes or other public conveniences,
3. Bus stops.

5.4.2.d) Structures or area to be used for the following public purposes:

1. Bus stop shelters
2. Information kiosks
3. Parking greater than that required in this bylaw

5.5 Wind Energy Conversion System

A wind energy conversion system may be built, provided that the height of any tower plus the radius of any rotor mounted on such tower does not exceed 70 feet above the ground level base of such tower, and that the distance from the ground level base of the tower to any property or street line be not less than the sum of the total of the height of the tower plus the radius of the rotor. The issuance of a special permit for a wind energy conversion system shall be subject to a finding by the Grafton Planning Board that the operation of such a system is not likely to cause electromagnetic disturbances for adjacent properties. The Grafton Planning Board shall require the testimony of a qualified expert witness to give such assurance and shall further require the applicant for such a special permit pay for the services of the qualified expert witness.

5.6 Riding Stables or Academies or Trails or Boarding Stables

Riding stables or academies or trails, or boarding stables for five or more horses or ponies, **or other similar uses pursuant with M.G.L. c.40A Sec. 3,** may be built and operated provided that:

- Any such facility shall be located on a lot at least five (5) acres in area.

- All buildings and structures, including riding rings and manure pits, shall be located at least 100 feet from any property or street line.

- The use of temporary buildings or trailers for the stabling of horses or ponies in excess of 15 days is prohibited.

- There shall be no storage of supplies outside of permanent buildings.

- All regulations on the stabling of horses or ponies made by state or local health authorities shall be complied with.

- Where the holding of shows or competitions is intended, off-street parking shall be provided at a rate of one space for every five spectators. Such parking area need not be paved, but shall**,** at a minimum, be graveled or treated to reduce dust.

5.7 Adult Uses

5.7.1 Authority, Purpose and Intent

5.7.1.1 These provisions are enacted pursuant to General Laws, Chapter 40A, Section 9A, and pursuant to the Town's authority under the Home Rule Amendment to the Massachusetts Constitution. It is the purpose and intent of this By-Law to address and mitigate the secondary effects of the Adult Entertainment Enterprises and sexually oriented businesses referenced and defined herein. Such secondary effects have been shown to include increased crime, adverse impacts on public health, adverse impacts on the business climate of the Town, adverse impacts on the property values of residential and commercial properties, and adverse impacts on the quality of life in the Town, all of which secondary impacts are adverse to the health, safety and general welfare of the Town of Grafton and its inhabitants.

5.7.1.2 Further, these provisions have neither the purpose nor intent of imposing a limitation or restriction on the content of any communicative matter or materials, including sexually oriented matter or materials. Similarly, it is not the purpose or intent of this bylaw to restrict or deny access by adults to Adult Entertainment Enterprises or to sexually oriented matter or materials protected by the Constitutions of the United States of America and of the Commonwealth of Massachusetts, nor restrict or deny rights that distributors or exhibitors of such matter or materials may have to sell, rent, distribute, or exhibit such matter or materials. Neither is it the purpose or intent of this By-Law to legalize the sale, rental, distribution, or exhibition of obscene or other illegal matter or materials.

5.7.2 Rules and Application Requirements. No special permit will be granted by the Planning Board for an Adult Entertainment Enterprise unless the following conditions are satisfied:

5.7.2.a. The Planning Board shall be the Special Permit Granting Authority. The application requirements and procedures shall be conducted pursuant to Section 1, Administration and Interpretation of this Zoning By-Law.

5.7.2.b. Dimensional Requirements:

Any such proposed use shall be located:

1. a minimum of 200 feet from any residential district designated by the Grafton Zoning By-Law;

2. a minimum of 2000 feet from any public school, public library, day care facility or religious facility;

3. a minimum of 1000 feet from any public playground, park or recreational area where large numbers of minors regularly travel or congregate;

4. a minimum of 4000 feet from any other adult uses is required.

5.7.2.c. No special permit shall be issued to any person convicted of violating the provisions of General Laws, Chapter 119, Section 63 or General Laws**,** Chapter 272, Section 28.

5.7.2.d. No special permit shall be granted pursuant to this section unless the Board shall have made detailed findings, in addition to the findings required by Section 1.5.5 of this Zoning By-Law, based upon the required submissions in the following subsections e. and f., and of Section 1 of this By-Law, that:

1. the specific site is an appropriate location for such use in accordance with the standards set forth in the foregoing subsection b;

2. the use as developed and carried on will not adversely affect the neighboring properties or people;

3. the use as developed and carried on will not create a nuisance or serious hazard to vehicles or pedestrians traveling into, out of, and about the premises;

4. the use as developed shall provide adequate and appropriate facilities for its proper operation, taking into account the public health and welfare of its patrons and the surrounding environs of the property.

5.7.2.e. In addition to the submittal requirements and review standards pertaining to administration, application and submission requirements, fees, powers, hearings and time limits, provided in Section 1 of this By-Law, each applicant for a special permit under this section shall submit:

1. a security plan detailing how the property will be policed so as to avoid unruly and/or illegal activities from taking place upon the applicant's property and to deter and prevent incidents of vandalism, loitering and other associated activities upon its property;

2. a plan to protect adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features;

3. evidence that adequate stormwater and drainage facilities are available or will be provided to service the use; this information shall be contained in the site plan submitted under Section 1 of this By-Law. The site plans shall also demonstrate the adequacy or water supply and sewerage disposal facilities to service the site and the proposed use;

4. evidence that the adult entertainment establishment will not generate excessive noise so as to create a disturbance and nuisance to adjacent or other neighboring properties;

5.7.2.f. Every adult entertainment establishment lawfully in existence as of the date of adoption of this section shall apply for a special permit as a condition of its continued operation at such location, within ninety days of the effective date of adoption of this section provided, however, that any adult entertainment establishment lawfully in operation and holding all required licenses as of the date of adoption of this section shall be grandfathered as to it location and considered a nonconforming use with respect thereto and provided, further, that any of the particular requirements contained in subsections d, e and h of this section may be waived by a four-fifths vote of the Planning Board upon a finding that the literal enforcement of the particular requirements of these subsections upon such existing adult entertainment enterprise would result in an extreme hardship.

5.7.2.g. No pictures, publications, videotapes, movies, covers or other implements, items, or advertising that fall within the definition of adult entertainment enterprise merchandise or are erotic, prurient, or related to sadism, or sexual exploitation shall be displayed in the windows of, or on the building of any adult entertainment enterprise, or be visible to the public from pedestrian sidewalks or walkways or from other areas, public or semi-public, outside such establishments.

5.7.2.h. All other applicable provisions of the Grafton Zoning By-Law shall also apply.

5.7.2.i. If any section or portion of this By-Law is ruled invalid by a court of competent jurisdiction, such ruling will not affect the validity of the remainder of this By-Law.

5.8 Wireless Communications Facilities

5.8.1 Purpose and Intent, Definitions

5.8.1.1 Purpose and Intent

The Town recognizes the quasi-public nature of wireless communications systems and finds that these regulations are necessary to protect public safety, to protect the ecological, scenic, historical and recreational values of the Town and to ensure that

adverse visual and operational effects will not contribute to blighting, deterioration or other deleterious effects upon the surrounding neighborhood.

It is the intent of this Section to provide for establishment and/or expansion of cellular telephone, mobile radio and personal communication and similar systems within the Town of Grafton while protecting neighborhoods and minimizing the adverse visual and operational effects of wireless telecommunications facilities through careful design, siting and screening and in furtherance of the requirements of the Telecommunications Act of 1996. More specifically the Section has been developed in order to:

- Maximize use of existing and approved towers and other structures to accommodate new antennas and transmitters in order to reduce the number of wireless communications facilities needed to serve the community.
- Encourage providers to co-locate their facilities on a single structure or site
- Minimize the location of facilities in visually sensitive areas
- Site facilities below visually prominent ridge lines
- Protect historic and residential areas from potential adverse impacts of such facilities
- Avoid potential damage to adjacent properties from facility failure through engineering and careful siting of facilities

5.8.1.2 Definitions

A "wireless communications facility" shall mean transmitters, structures (including but not limited to towers) and other types of installations, including but not limited to antennae and accessory structures, used for the provision of wireless services, including but not limited to all commercial mobile services.

5.8.2 This Section shall not apply to "direct-to-home satellite services" or other similar antenna(e) which are no greater than six feet (6') in diameter.

5.8.3 Site Selection Preferences

These regulations are written for the purpose of indicating that the Town of Grafton's preferences for facility locations are as follows, in descending order of preference:

- On existing structures such as buildings, communications towers, smokestacks, utility structures, etc.;
- In locations where existing topography, vegetation, buildings or other structures provide the greatest amount of screening;
- On new towers in the CB, OLI and I zoning districts;

- On government or educational institution structures in the CB, OLI and I zoning districts;
- On government or educational institution structures in the A or R40 zoning districts;
- On government or educational institution structures in the R20, RMF or NB zoning districts;
- On new towers in the A and R40 zoning districts;
- On new towers in the R20, RMF and NB zoning districts.

Collocation is generally viewed as preferable to construction of a new support structure where it is assumed that collocation may often be less imposing. The Board's evaluation of each application is essential, however, and applicants are reminded that the preferences described in this section are intended as guidance for development of the application and for the Board's review but are not to be considered in any way completely dispositive.

5.8.4 Additional Submittal Requirements

In addition to the submittal requirements of Section 1.3 of this Zoning By-Law, the following items and information are required to be submitted at the time an application under this section is filed:

5.8.4.a) A report by a professional or radio frequency engineer describing the general design and capacity of any proposed installation, including:

- The number and type of antenna(e) proposed;
- A description of the proposed antenna(e) and all related fixtures, structures, appurtenances and apparatus, including height, materials, color and lighting;
- A description of the proposed antenna(e) function and purpose;
- The frequency, modulation and class or service;
- Direction of maximum lobes;

- An evaluation of the potential to utilize existing facilities for the proposed facility
- An evaluation of the feasibility of attaching the proposed facility to existing buildings;
- Copies of all applicable permits, including but not limited to all State and Federal permits required for this project and a certification of compliance with the terms and provisions of the license issued for this purpose by the Federal Communications Commission (FCC).

5.8.4.b) Site Justification or Appropriateness Statement, including a description of the narrowing process that eliminated other potential sites;

5.8.4.c) Evidence that the applicant has filed a notice of proposed construction with the Federal Aviation Administration if the proposed facility exceeds 200 feet in height or in the event such notice is otherwise required.

5.8.4.d) Support materials that show: the location of structures of similar or greater elevation within one-half-mile (two thousand six hundred forty feet) radius of the proposed site/parcel; that the owners of those locations have been contacted and asked for permission to install the facility on those structures, and denied, or that such other locations do not satisfy requirements to provide the service needed. This would include, but not be limited to, smoke stacks, water towers, tall buildings, antenna or towers of other wireless communications companies, other wireless communications facilities (fire, police, etc.) and all other tall structures. Failure to present evidence of a good faith effort on the part of the applicant to utilize existing facilities shall be grounds for denial of the application.

5.8.4.e) Material describing a specific plan for a "balloon" or similar test, including the date and time, as well as a rain date and time, suitably and clearly described for inclusion in the legal notice in the newspaper and for inclusion in the notice to abutters.

5.8.4.f) A statement indicating how the proposal meets, in the opinion of the applicant, the intents and purposes identified in subsection 1 of this section.

5.8.4.g) Stamped, addressed envelopes to all abutting property owners (according to the latest available tax listing) within a one-thousand three hundred twenty foot (1,320') radius of the proposed facility location, in addition to other special permit notice requirements, to facilitate the Board's notification of the public hearing to those additional property owners.

5.8.4.h) Due to the technical nature of the materials to be submitted, and the discussion and testimony presented during the public hearing for wireless communications facility applications, the applicant shall submit to the Planning Board, at the time of application, funds in an amount sufficient for the Board to engage the services of experts or consultants to assist the Board in its deliberations, and a recording secretary, stenographer, or similar service, to keep a detailed record of the proceedings during the public hearing for such application. Said funds shall be deposited by the Town in a revolving account, established pursuant to General Laws, Chapter 44, Section 53E½, to be used solely for the purposes of this Section. Funds remaining after the close of the public hearing shall be returned to the applicant.

5.8.5 Conditions for Granting

In addition to the conditions for granting contained in Section 1.5.5 and all other applicable sections of this bylaw, the Planning Board shall make findings on which to base its determination on the specific issues of:

5.8.5.a) how well the use and proposal meet all required conditions and specifications of the By-Law;

5.8.5.b) if the proposed facility is to be located in a residential zoning district, or within a distance equal to twice the height of the tower (from the ground to its highest point) but not less than 200 feet of a residential zoning district, whether the applicant has provided substantial evidence that the facility cannot, by technical necessity, feasibly be located in a non-residential zone

5.8.5.c) whether the proposal would sufficiently screen the facility from view, both through landscaping, placement and design, in order to minimize the visual appearance of the entire facility from areas within a one-thousand three hundred twenty foot (1,320') radius of the proposed facility location.

5.8.5.d) whether the proposed facility will be housed within or upon a special structure, which will be architecturally compatible with the surrounding residential area (including, for example, bell tower or church steeple), or whether, by virtue of its design, no such special structure is required in order to minimize the visual impact within a one-quarter-mile (1,320') radius. This provision applies to facilities in a residential (A, R40, R20, or RMF) zoning district, or within a distance equal to twice the height of the facility (from the ground to its highest point) but not less than three hundred feet (300'), from such zoning district.

5.8.6 General Requirements

5.8.6.1 Any principal part of the facility (excluding guy cables) shall be setback from the nearest property line by a distance of twice the height of the facility (as measured to its highest point, including antennae, etc.), or a distance of three hundred feet (300'), whichever is greater.

5.8.6.2 Any principal part of the facility (excluding guy cables) shall be setback from the nearest residential structure by a distance of twice the height of the facility (as measured to its highest point, including antennae, etc.), or a distance of three hundred feet (300'), whichever is greater.

5.8.6.3 No artificial lighting shall be installed unless required by the Federal Aviation Administration. If such lighting is required, it shall be screened so as not to project its light below the horizontal plane in which it is located.

5.8.6.4 A tower shall be of monopole or similarly unimposing design. In the event other than a monopole is proposed, the Board will view a guyed pole more favorably than a broad lattice type or similar structure. The applicant shall successfully demonstrate to the satisfaction of the Board that the proposed facility will have minimal visual impact.

5.8.6.5 To minimize the number of wireless communications facility sites in the community in the future, the proposed facility shall be designed and constructed so it is reasonably capable of accommodating other users, including other wireless communication companies and local police, fire and ambulance companies, unless it

is determined to be technically infeasible based on the Board's evaluation of information submitted.

5.8.6.6 No interference to existing television, cable television or radio signals, including emergency systems and public safety communications, shall be permitted from the tower or components thereon. If interference occurs, it shall be the responsibility of the site owner to immediately remedy it.

5.8.6.7 Unless otherwise required by the Federal Communications Commission or the Federal Aviation Administration, towers facilities shall be painted non-contrasting grey or blue in color, or camouflaged with some other treatment deemed acceptable by the Board. Antenna(e) shall be non-contrasting or camouflaged.

5.8.6.8 The related unmanned equipment and/or other buildings shall not be more than twelve (12) feet in height. All ancillary uses (including, for example, but not limited to, a maintenance depot, vehicle storage, etc.) are prohibited.

5.8.6.9 All utilities proposed to serve the facility shall be installed underground.

5.8.6.10 Dish antennae shall be no more than six (6) feet in diameter, and shall be mesh (rather than solid). Panel antennae shall be no more than five (5) feet in height.

5.8.6.11 No advertising or signage shall be permitted on the facility.

5.8.6.12 No facility shall be located within a distance equal to twice the height of the facility (as measured from the ground to its highest point) plus four hundred feet (400') of a wellhead area of a municipal water supply.

5.8.6.13 Landscaping shall be provided around the base of the facility, adjacent to a security fence at least six feet (6') in height. The landscaping shall consist of a planting strip at least 25 feet wide, with ground cover and/or grass, and shall include at least one row of six-foot (6') high evergreen trees adjacent or proximate to the fence, and a row of deciduous trees at least ten feet (10') in height and at least one-and-one-half-inch (1 1/2") caliper planted no more than 20 feet apart on center, and deemed acceptable by the Board. Applicants may substitute alternative landscape plans that meet the purposes of this subsection to limit the visual impact of the lower portion of the tower and adjoining accessory facilities for the Board's consideration.

5.8.7 Although not an accessory use as defined by the By-Law, a wireless communications facility may be sited on a lot which already accommodates a lawful principle use. During the Board's review of the special permit application, due consideration will be given to the overall functioning of the lot, with particular respect to the items in Sections 1.5.5 and 5.8.5 and other applicable sections of this By-Law.

5.8.8 Any alteration or expansion of the facility or structure or the uses it supports (including the size, number or color of antennae or other components) shall require a modified special permit, applied for in accordance with all regulations applicable at the time such application is properly made.

5.8.9 If the facility is abandoned or no longer operable, it shall be removed within six (6) months of its abandonment.

5.8.10 The Planning Board may, by a vote of at least 4 members, each of whom is eligible to participate in the special permit vote, authorize deviation from strict compliance with the provisions of this Section 5.8 where such deviation is in furtherance of the purposes and intents of the bylaw, and where such authorized deviation is expressly enumerated, justified and acted upon by the Planning Board.

5.8.11 Severability: The invalidity of any section or provision of this By-Law shall not invalidate any other section or provision herein.

Section 5.9 Common Driveway

The purpose of this Section is to promote and ensure vehicular access to building sites that: provides a safe and efficient means of ingress/egress; minimizes disturbance to, and encourages the protection and preservation of, areas with significant environmental and/or historical features and vistas; and, enhances public safety by minimizing to the extent practical the number of points of ingress and egress along roadways.

5.9.1 Procedure

Common driveways shall only be allowed upon the issuance of a Special Permit by the Planning Board in accordance with all applicable provisions of this By-law and shall be designed to conform to the requirements set forth in the Rules and Regulations Governing the Subdivision of Land, Grafton, Massachusetts, in effect at the time such application for a common driveway is submitted. Applications for a Special Permit for common driveways shall also demonstrate access to the proposed building site of each lot to be served by the common driveway over the legal frontage of one of such lots, depicting all necessary grading, materials and construction methods. Under no circumstances shall more than three lots be serviced by a common driveway.

The Planning Board may, by a vote of at least four (4) members, each of whom is eligible to participate in the special permit vote, authorize deviation from strict compliance with the provisions of this Section where such deviation is in furtherance of the purposes and intent of the By-Law provided such deviation is not, in the opinion of the Board, contradictory or inconsistent with the intent and purposes set forth in Sections 1.2 and 5.9 of this By-law. The Planning Board, in its decision, shall make specific findings justifying the granting or denying of any such requests.

5.9.2 Conditions for Granting

In addition to the criteria contained in Section 1.5.5 and all other applicable sections of this By-law, the Planning Board shall, in considering an application under this Section, make findings on which to base its determination with regard to the following:

(a) compliance with the design and construction requirements for common driveways set forth in the Rules and Regulations Governing the Subdivision of Land, Grafton, Massachusetts;

(b) access to the proposed building site of each lot using the legal frontage of said lots;

(c) provisions for safe ingress/egress of the residents of the lots served by the proposed common driveway, as well as public safety vehicles and personnel;

(d) the location of the point of ingress/egress of the proposed common driveway with respect to public safety, convenience and traffic flow, including, but not limited to, topography, sight lines and road grades;

(e) location of environmental and/or historical resources, and the impacts of driveway construction on such resources without the use of a common driveway;

(f) the potential for the proposed common driveway to reduce excessive points of ingress/egress along roadways and minimize access points to the extent practical.

In granting any Special Permit under this Section, the Planning Board may impose such conditions, safeguards, limitations and restrictions as it deems appropriate, and which are not inconsistent with the purpose or provisions of this By-Law, wherever in the Board's determination such requirements are warranted and in the public interest. All Special Permits issued under this Section shall be in accordance with the provisions of Chapter 40A of the General Laws, as well as all applicable requirements of this By-Law.

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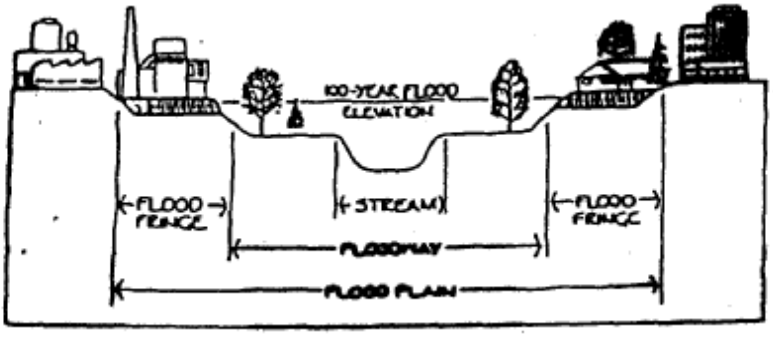
SECTION 6 - FLOOD PLAIN DISTRICTS
(overlay to all other districts)

6.1 Purpose

The purpose of the Flood Plain Districts are to protect the public health, safety and general welfare, to protect human life and property from the hazards of periodic flooding, to preserve the natural flood control characteristics, and the flood storage capacity of the flood plain, and to preserve and maintain the ground water table and water recharge areas within the flood plain.



(for illustration purposes only)

6.2 District Delineation

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Grafton designated as Zones A and AE, on the Worcester 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 Worcester County FIRM that are wholly or partially within the Town of Grafton are panel numbers 25027C0639E, 25027C0643E, 25027C0826E, 25027C0827E, 25027C0828E, 25027C0829E, 25027C0831E, 25027C0832E, 25027C0833E, 25027C0834E, 25027C0836E, 25027C0837E, 25027C0841E and 25027C0842E dated July 4, 2011. The exact boundaries of the Floodplain District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Worcester County Flood Insurance Study (FIS) report dated July 4, 2011. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk and the Planning Department. (TM 05-09-11)

Within this District, if the FIRM map and other documentation of FEMA do not provide the 100-year flood elevation data, the applicant shall obtain an existing flood elevation data, which shall be submitted to and reviewed by the Town Engineer. If the Town Engineer determines that the data is sufficiently detailed and accurate, it shall be relied upon to establish compliance with this Bylaw. If the determination is that the land is in the Flood Plain, the Town Engineer shall so notify the Planning Board. (TM 10-18-99)

6.3 Regulations

The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- Section of the Massachusetts State Building code which addresses floodplain 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);

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. (TM 05-09-11)

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

a) Agricultural uses such as farming, grazing, truck farming, horticulture and the like.

b) Forestry and nursery uses.

c) Outdoor recreational uses, including fishing, boating, play areas, and the like.

d) Conservation of water.

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

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

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

6.4 Special Permits

No structure or building shall be erected, constructed, substantially improved, or otherwise created or moved; no earth or other materials dumped, filled, excavated, or transferred, unless a special permit is granted by the Planning Board. Said Board may issue a special permit hereunder (subject to other applicable provisions of this By-Law) and of the Massachusetts General Laws if the application is in compliance with the following provisions:

a) The proposed use shall comply in all respects with the provisions of the underlying district, and

b) Within five (5) business days of receipt of the application, the Board shall transmit one copy of the development plan to the Board of Selectmen, Board of Health, Conservation Commission, Town Engineer and Inspector of Buildings. Final Action shall not be taken until reports have been received from the above Boards and officers or until forty-five (45) days have elapsed, and

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

d) In considering an application to determine whether a site is reasonably free from flooding, the Planning Board shall, to a degree consistent with a reasonable use of the site, find the following requirements to be fulfilled:

1. The location and construction of the utilities will minimize or eliminate flood damage.

2. The method of disposal of sewage, refuse and other wastes, resulting from the use permitted on the site, and the methods for providing adequate drainage will minimize flood damage.

3. A good and sufficient case is demonstrated.

4. A determination that failure to grant the special permit would result in exceptional hardship to the applicant.

5. The granting of a special permit will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws.

6. A determination that the special permit is for the minimum construction necessary, considering the flood hazard, to afford relief.

e) The Board may specify such additional requirements and conditions as it finds necessary to protect the health, safety and welfare of the public and the occupants of the proposed use.

f) Special permits may be issued for structures to be erected on a lot of one-half (1/2) acre or less in size, if otherwise permitted by law, contiguous to and surrounded by lots with existing structures constructed below the base flood level.

g) A special permit shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

h) If a special permit is granted, the Planning Board shall notify the applicant in writing above their signature that:

1. The issuance of such a special permit to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as determined by National Flood Insurance Coverage.

2. Such construction below the base flood level increases risks to life and property.

i) The Planning Board will maintain a record of all special permit actions including justification for their issuance and reports such special permits in the Annual Report submitted to the Federal Insurance Administration.

6.5 Application for a Variance

The Zoning Board of Appeals may grant a variance from these flood plain district requirements upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief in the case of:

6.5.1. New structures to be erected on a lot contiguous to and surrounded by lots within existing structures constructed below the flood protection elevation, or

6.5.2. The restoration or reconstruction of a structure listed on the National Register of Historic Places or an Official State Inventory of Historic Places.

6.5.3. Variances shall not be issued for any new construction, substantial improvement, or other development in a designated flood zone which would result in an increase in flood heights within the community during the occurrence of the 100 year flood. (T.M. 10-17-88)

6.5.4. Variances shall not be issued except (i) that the Zoning Board of Appeals specifically finds that owing to circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this By-Law would involve substantial hardship, financial or otherwise, to the petitioner or appellant and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this By-Law. (ii) A determination that the variance issuance will not result in significantly increased flood heights, additional threats to public safety, extraordinary, public expense, nuisances, fraud on or victimization of the public, or conflicts with existing local laws or ordinances.

6.5.5. The applicant must be notified that the issuance of a variance to locate a structure at an elevation below the 100 year flood level will result in increased actuarial rates for flood insurance coverage.

6.6 Administrative Duties

Upon the granting of such variance, the Zoning Board of Appeals shall require that:

6.6.1. A notice be recorded with the title records of the property at the Worcester County Registry of Deeds, stating that the proposed construction will be located in a flood hazard area. (T.M. 10-17-88)

6.6.2. The Town Clerk maintains a record of all variance actions, including justification for their issuance and the number of variances issued. The Clerk shall also send an Annual Report to the Flood Insurance Administration of the number of variances granted.

6.7 Authority and Interpretation

Where these flood area provisions impose greater or lesser restrictions or requirements than those of other applicable By-Laws or regulations, the more restrictive shall apply.

6.8 Validity and Severability

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

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SECTION 7 - WATER SUPPLY PROTECTION OVERLAY DISTRICT
(Overlay to all other districts)

7.1 Purpose

The purpose of the Water Supply Protection Overlay District is to safeguard and protect Grafton's sources of water supply. This By-Law is intended to preserve and maintain the filtration and purification function of the land, the ground water table, the purity of ground water supplies, and to protect the public health, safety and welfare.

7.2 Findings

The Town of Grafton finds that:

a) The ground water supplies underlying Grafton are the primary sources of Grafton's existing and future drinking water supply;

b) The ground water aquifers are integrally connected with, and flow into, surface waters which constitute significant recreational and economic resources of the town;

c) Accidental spills and discharges of petroleum products and other toxic and hazardous materials and sewage discharge have repeatedly threatened the quality of such ground water supplies and related water resources throughout towns in Massachusetts, posing potential public health and safety hazards and threatening economic losses to the affected communities;

d) The groundwater aquifers are recharged by precipitation falling upon the land surface directly above the aquifers, and as more of that land surface is rendered impervious by development, recharge may decrease, threatening the eventual inability of the aquifers to meet the Town's demand for water.

7.3 Water Supply Protection Overlay District

The Water Supply Protection Overlay District, as shown on a map entitled **"Town of Grafton – Zoning Map"** shall be considered superimposed over any other district established in this By-Law. This map is hereby made a part of this By-Law and is on file in the Office of the Town Clerk. The Water Supply Protection Overlay District comprises areas in the Town of Grafton where liquid or water-soluble material placed on or below the surface of the land will migrate to municipal well fields. The requirements enumerated hereafter for the Water Supply Protection Overlay District shall be in addition to, rather than in place of, the requirements for the underlying district. Where the boundary line of the Water Supply Protection Overlay District divides any lot existing at the time such line is established, the regulations established hereunder shall not apply to the portion of such lot located within the Water Supply Protection Overlay District, provided such lot does not extend more than 25 feet into the Water Supply Protection Overlay District.

In the event that the Water Supply Protection District boundaries are in doubt or in dispute, the burden of proof shall be upon the owner(s) of the land in question to show where the boundaries should properly be located. At the request of the owner(s), and at the owner(s)' expense, the town may engage a qualified hydro geologist or Registered Professional Engineer to determine more accurately the precise location of the water supply district boundary.

7.4 Use Regulations

7.4.A. Allowed Uses: Within the Water Supply Protection Overlay District the following uses will be allowed:

7.4.A.1. Any use allowed in the underlying zone, unless further regulated or prohibited by this By-Law. Such allowed uses include:

a. Agricultural, floricultural or horticultural use.

b. Detached one or two family homes.

c. Religious uses.

d. Community and/or neighborhood centers.

e. Golf driving ranges and miniature golf courses.

f. Picnic and beach areas.

g. Retail establishments serving the convenience goods needs of a local area.

h. Auction galleries and flea markets.

i. Eating and drinking establishments.

j. Business, professional and general offices.

k. Commercial storage of boats, trailers and recreational vehicles.

(T.M. 10-21-91)

7.4.B. Allowed Uses - Sewered: Within the Water Supply Protection Overlay District the following uses are allowed with connection to public sewerage and upon the receipt of a special permit, issued in accordance with the provisions of Section 1.5.5 of this Zoning By-Law:

7.4.B.1. Lodging and/or boarding house.

7.4.B.2. Hotel, motel or motor court.

7.4.B.3. Nursing and/or convalescent homes and long term care facilities.

7.4.B.4. Campgrounds

7.4.B.5. Hospitals and clinics for in- and out-patient care.

7.4.B.6. Car washes and exterior truck washes.

7.4.B.7. Schools.

7.4.B.8. Self-service laundries.

7.4.B.9. Bed and Breakfast homestay

(T.M. 5-13-91)

7.4.C. Prohibited Uses: Within the Water Supply Protection Overlay District the following uses are specifically prohibited:

7.4.C.1. Sanitary landfill operations, land filling of septage or the disposal, storage or processing of any solid/liquid waste products per solid waste regulations, 310. CMR **19.006;** (T.M. 10-21-91)

7.4.C.2. Package sewage treatment plants;

7.4.C.3. Disposal of snow and street sweepings collected from outside the overlay district;

7.4.C.4. Storage of road salt, de-icing chemicals, fertilizers, herbicides or pesticides in quantities greater than normally associated with household or agricultural uses;

7.4.C.5. Motor vehicle salvage operations and junkyards;

7.4.C.6. The use of septic system cleaners which contain toxic organic chemicals;

7.4.C.7. Dry cleaning plants;

7.4.C.8. Airplane, boat, train and motor vehicle service, repair and painting operations, including auto body shops;

7.4.C.9. Storage, transport or sale of petroleum or other refined petroleum products in quantities greater than normally associated with household use, except for the building which it will heat.

7.4.C.10. Chemical operations including, but not limited to:

a. Plating, finishing, polishing of metals.

b. Painting, stripping, and finishing of wood products.

c. Laboratories and experimental facilities.

7.4.C.11. Heavy or light manufacturing using hazardous materials in quantities greater than normally associated with household use. Including but not limited to:

a. Chemical manufacture or processing.

b. Machine shops/metal working.

c. Commercial photography labs/processors.

d. Commercial printers.

e. Electronic component manufacturing and assembly.

7.4.C.12. Processing, cooking, distillation or incineration of animal or vegetable product including but not limited to:

a. Distillery, brewery.

b. Slaughter house.

c. Fat rendering.

d. Soap manufacture.

e. Paper manufacture.

f. Textile manufacture and processing.

7.4.C.13. Any other use which involves as a principal the manufacture, storage, use, transportation or disposal of a toxic or hazardous material in quantities greater than normally associated with household use.

7.4.C.14. Removal of gravel, soil, loam or other earth material within (5) feet of the maximum annual ground water elevation other than any removal required for the construction of structures; installation of walks; driveways; septic systems; swimming pools; utilities, in the course of normal and customary horticultural; floricultural; or agricultural use of land; or in normal use of a cemetery.

7.4.C.15. Gasoline Service Stations.

7.4.C.16. The storage of animal manures unless covered or contained. (T.M. 10-21-91)

7.4.C.17 The use, storage and manufacture of perchlorate as it applies to:

a. Fireworks

b. Blasting agents

c. Other materials containing perchlorate

7.4.D. Special Permit Uses: Within the Water Supply Protection Overlay District, the following uses shall be allowed only upon receipt of a special permit, issued in accordance with the provisions of Section 1.5.5 of this Zoning By-Law and subsections E-H below. Due to the nature of these uses, particular attention must be given to protecting the integrity of the aquifer area. Inability to conclusively demonstrate that no contaminants will come into contact with the ground, potentially compromising the integrity of the aquifer, shall cause the special permit to be denied and such uses(s) shall not be conducted.

7.4.D.1. any use involving secondary usage or storage of toxic or hazardous materials in quantities greater than normally associated with household use;

7.4.D.2. any use involving secondary and minimal usage or storage of herbicides, pesticides or fertilizers, other than the amounts normally associated with household or agricultural use;

7.4.D.3. golf courses, either for private or public use;

7.4.D.4. processing or washing of earth materials, including batching plants; commercial cabinet/furniture making;

7.4.D.6. municipal sewage treatment facilities with on-site disposal of primary or secondary treated effluent.

7.4.D.7. underground fuel or other storage tanks, including any tanks or collection pits (wholly or partially below mean ground elevation).

7.4.D.8. Light manufacturing specific to plastic molding, extrusion or fabrication of plastics.

7.4.D.9 Uses identified in Section 9.4 Permitted Uses (Campus Development Overlay District) shall be permitted as a Special Permit within the WSPOD.

7.4.E. Special Permit Granting Authority. The special permit granting authority (SPGA) under this By-Law shall be the Planning Board. Such special permit shall be granted if the SPGA determines, in conjunction with the Department of Public Works, Board of Health and Conservation Commission, that the intent of this By-Law, as well as its specific criteria are met. In making such determination, the SPGA shall give consideration to the simplicity, reliability and feasibility of the control measures proposed and the degree of threat to water quality which would result if the control measures failed. The SPGA shall explain any departures from the recommendations of the other town agencies in its decision.

7.4.F. Review by Other Town Agencies. Upon receipt of the special permit application, the SPGA shall transmit one copy to the Department of Public Works, Conservation Commission, Board of Selectmen, Inspector of Buildings, Highway Supervisor, Sewer Commissioners, Town Engineer, the appropriate Water District, and Board of Health for their written recommendations. Failure to respond in writing within 35 days of receipt by the Board 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.

7.4.G. Special Permit Criteria. Special permits under this Section shall be granted only if the SPGA determines, in conjunction with the town agencies as specified above, that ground water quality resulting from on-site waste disposal, recharge of runoff from impervious surfaces, and other on-site operations will not fall below federal or state standards (314 C.M.R. 6.00) for drinking water at the down gradient property boundary; and that the design complies with the applicable criteria specified in Section 7.5.

7.4.H. Submittals. In applying for a special permit required by this section, the information listed below shall be submitted:

7.4.H.1. A complete list of chemicals, pesticides, herbicides, fertilizers, fuels and other potentially toxic or hazardous materials to be 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 control of spills.

7.4.H.2. A description of potentially toxic or hazardous wastes to be generated, indicating storage and disposal methods.

7.4.H.3. Evidence of approval by the Massachusetts Department of Environmental Protection of any industrial waste treatment or disposal system or any wastewater treatment system over 15,000 gallons per day capacity.

7.4.H.4. Projections of down gradient concentrations of nitrogen, phosphorus, and other relevant chemicals to be disposed of on-site, at property boundaries and other locations deemed pertinent by the Planning Board, prepared by a hydro geologist or Registered Professional Engineer possessing experience and education in Water Supply Protection and Hydrology.

7.5 Design and Operations Criteria

For all uses within the Water Supply Protection Overlay District the following design and operation criteria shall be satisfied where applicable:

7.5.A. Safeguards: Provision shall be made to protect against toxic hazardous materials discharge or loss resulting from corrosion, accidental damage, spillage or vandalism through measures such as: spill control provisions in the vicinity of chemical or fuel delivery points; secured storage areas for toxic or hazardous materials; and indoor storage provisions for corrodible or dissolvable materials. For operations which allow the evaporation of toxic or hazardous materials into the interiors of any structures, a closed vapor recovery system shall be provided for each such structure to prevent discharge of contaminated condensate into the ground water.

7.5.B. Location: Where the premises are partially outside of the Water Supply Protection Overlay District, potential pollution sources such as on-site waste disposal systems shall be located outside the District to the extent feasible.

7.5.C. 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.

7.5.D. Ground Water Recharge: Maximum ground water recharge shall be attained without risking ground water contamination. All runoff from impervious surfaces shall be recharged on the site, by being diverted toward upland areas covered with vegetation for surface infiltration to the extent possible, or as otherwise directed by the Grafton Department of Public Works and Conservation Commission. Dry wells shall be used only where other methods are infeasible, and where used shall be preceded by oil, grease, and sediment traps to facilitate removal of contaminants. No discharge directly into surface waters or wetlands without intervening mitigation measures will be allowed. All recharge areas shall be maintained in full working order by the owner. An annual maintenance plan shall be submitted to the Inspector of Buildings and Town Engineer to assure that the methods used for on site recharge and infiltration shall remain effective.

7.5.E. Limitation on Impervious Material: Within the Water Supply Protection Overlay District, not more than 25%, or five thousand (5000) square feet, whichever is greater, of any lot area shall be rendered impervious; the remainder shall be retained as unoccupied space free of all buildings, parking, pavement, including street access drives and walks, and other conditions rendering the land surface impervious; except that the Inspector of Buildings may, after consultation with the Town Engineer and the Conservation Commission, allow up to 75% of the lot area to be rendered impervious, provided that techniques satisfying the requirements set forth above are used to maximize groundwater recharge without risking groundwater contamination. All required unoccupied areas shall be landscaped or stabilized with plant material (except as may be otherwise set forth in Section 5.2.2.3 as pertaining to multi-family dwellings).

7.6 Violations

Written notice of any violation of this By-Law shall be provided by the Inspector of Buildings to the owner of the premises as per Sections 1.3.1 and 1.3.6 of this By-Law, specifying the nature of the violations 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 30 days be allowed for either compliance or finalization of a plan for longer-term compliance. In the enforcement of this By-Law, the Inspector of Buildings shall notify the Board of Health of any violations and seek the Board of Health's assistance in securing compliance.

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SECTION 8 - TRAFFIC CONTROL

8.1 Objectives, Applicability

8.1.1 The provisions of this section are intended to achieve the following purposes:

8.1.1.a. to permit vehicular traffic on Grafton streets to move in an efficient manner without excessive delay or congestion,

8.1.1.b. to permit emergency vehicles to reach homes and businesses with a minimum of delay,

8.1.1.c. to reduce motor vehicle and pedestrian accidents on town's streets,

8.1.1.d. to consider and allow for safe and convenient routes for pedestrians and bicyclists,

8.1.1.e. to promote cleaner air and to reduce automotive exhaust emissions caused by vehicles standing and idling for an excessive time,

8.1.1.f. to promote the efficient use of the town's arterial and collector streets so that use of local and neighborhood streets as shortcuts can be discouraged,

8.1.1.g. to avoid excessive traffic demand on town streets that necessitate extraordinary town expenditures to maintain adequate and safe traffic flow,

8.1.1.h. to maintain a balance between the traffic generating capacity of dwellings and businesses in the town and the traffic carrying capacity of streets and intersections,

8.1.1.i. to encourage alternate methods of transporting people, through public transportation, carpools and vanpools, bicycling and walking, rather than near exclusive reliance on single occupant automobiles,

8.1.1.j. to encourage the use of good traffic engineering principles and design standards consistent with a predominantly residential suburban town,

8.1.1.k. to encourage the positive management of traffic flow consistent with the town's other stated objectives,

8.1.1.l. to encourage private sector participation in dealing with the town's traffic problems,

8.1.1.m. to expand the town's inventory of data about traffic conditions on town streets,

8.1.1.n. to promote the concentration of traffic on major streets by increasing the capacity of these facilities,

8.1.1.o. to promote efficient level of operating speeds on major streets and arterials, and

8.1.1.p. to create an adequate supply of off-street parking to preserve street space for carrying traffic rather than parking cars.

8.1.2 No building permit shall be granted for the erection of a new building or the enlargement of an existing building with the result that:

8.1.2.a. there are 10,000 square feet or more of gross floor area on the lot, including any existing floor area, but not including any floor area devoted to residential use or to off-street parking, or

8.1.2.b. there are 50 or more dwelling units, or their equivalent, in a development, including any existing dwelling units, unless a special permit with site plan review has been granted and the SPGA has made a determination that the streets and intersections affected by the proposed development have, or will have as a result of traffic improvements, adequate capacity, as set forth in subsection 8.3, to accommodate the increased traffic from the development.

8.2 Traffic Study Required

8.2.1 A traffic study shall be submitted with each application for a subdivision of greater than 20 units, special permit or special permit with site plan review, or where required by the Planning Board, unless otherwise waived by a four-fifths (4/5) vote of the SPGA.

8.2.2 The traffic study shall be conducted by a traffic engineer who will certify that he/she qualified for the position of member of the Institute of Traffic Engineers.

8.2.3 For the purposes of this analysis, the terms below shall have the meaning indicated. The morning and evening "peak period" shall usually be the two hours between 7 A.M. and 9 A.M. and between 4 P.M. and 6 P.M. respectively. The morning and evening peak hour shall be that consecutive 60 minute segment within the "peak period" in which the highest traffic count occurs as determined by traffic counts of the peak period divided into 15-minute segments. For uses which have an exceptional hourly, daily, or seasonal peak period, the Planning Board may require that the analysis be conducted for that extraordinary peak period.

A street or intersection "likely to be affected by the development" is one which has an Average Daily Traffic (ADT) of 2,000 vehicles or more and either: 1) carries 10 percent or more of the estimated trips generated by the development or 2) in the case of an intersection, traffic from the proposed development will add 5 percent or more to the approach volumes.

8.2.4 The traffic study shall include:

8.2.4.a. An estimate of trip generation for the proposed development showing the projected inbound and outbound vehicle trips for the morning and evening peak periods and a typical one hour not in the peak period. Where there is existing development of the same type of use on the site, actual counts of trip generation shall be substituted. Trip generation rates may be based on: 1) the "Trip Generation Manual, Third Edition" (or more recent editions as they become available) prepared by the Institute of Transportation Engineers, and, if applicable, 2) data about similar developments in Massachusetts or 3) data from professional

planning or transportation publications, provided the methodology and relevance of the data from 2) and 3) is documented.

8.2.4.b. An estimate of the directional distribution of new trips by approach streets and an explanation of the basis of that estimate. Where there is existing development of the same type of use on the site, actual counts of trip directional distribution shall be submitted.

8.2.4.c. An assignment of the new trips to be generated by the proposed development to the segments of the Town street network, which shall include state highways in Grafton, which are likely to be affected by the proposed development (see 8.2.3).

8.2.4.d. Average Daily Traffic (ADT) on the streets likely to be affected by the development (see 8.2.3), counted for a 24 hour period.

8.2.4.e. Intersection turning movement counts of the morning and evening peak periods at the intersections likely to be affected by the proposed development (see 8.2.3). In special circumstances where the peak traffic impacts are likely to occur at times other than the usual morning and evening peak periods, the Planning Board may require counts for those other peak periods.

8.2.4.f. An inventory of the roadway characteristics of the principal approach streets adjacent to the development site and of the streets in the intersections at which turning movement counts are taken showing the width of the right of way and of the traveled way, traffic control devices, obstructions to adequate sight distance, the location of driveways or access drives within 500 feet of the entrance to the site for uses that are substantial trip generators, and the presence or absence of sidewalks and their condition.

8.2.4.g. In the case of a development in an abutting city or town, which will have a traffic impact on a street or intersection in Grafton which is likely to be affected by the proposed development for which the traffic study is being prepared, the traffic impact of the development in the abutting city or town shall be included in the traffic study provided: 1) that traffic impact is equal to or greater than that set forth in the test in 8.2.3., 2) the development has been approved by official action of that abutting city or town but has not opened for use prior to the date that the traffic counts required by this section were taken, and 3) data on the traffic impact of that development, comparable to that required by this section, is available.

8.2.4.h. An analysis of the effect on the capacity of those intersections in Grafton street system likely to be affected by the development (see 8.2.3) during peak periods of: 1) the additional traffic generated by the development, and 2) additional traffic from other developments previously approved by the Town of Grafton for which a traffic study was required, or by an abutting city or town as provided in subparagraph "g" above, which have not yet been opened for use prior to the date that the traffic counts required by this section were taken. Analysis of the capacity of intersections shall be based on traffic "levels of service" as described in the "Highway Capacity Manual, 1985 Edition" published by the Transportation Research Board. This analysis may include an intersection of an access drive serving a development and a segment of the Grafton street system.

8.2.4.i. Where mitigating measures or trip reduction programs are proposed, they shall be included in the traffic study at the time of filing of the application. Where the proposed mitigating measure is the construction of a traffic engineering improvement, evidence, such as letters of support, or commitment, or approval, or the award of a contract, may be submitted to show that construction of the traffic improvement is likely to occur.

8.2.4.j An estimate of the time and amount of peak accumulation of off-street parking.

8.2.4.k. Estimates of the "level of service, of affected intersections in five years from the date of application without the development built and with it built.

The counts referred to above shall have been taken within the 12 months prior to the filing of the application, unless otherwise waived by the SPGA. Upon request, the traffic engineer shall furnish an explanation of the methodology of the traffic study and additional data, as needed.

8.3 Adequate Traffic Capacity

8.3.1 Prior to granting a special permit or special permit with site plan review in those cases covered by subparagraph 8.1.2 or as may be required elsewhere in this By-Law, the SPGA shall determine that the streets and intersections likely to be affected by the proposed development currently have, or will have as a result of traffic improvements, adequate capacity, as defined in subparagraph 8.3.2. In making its determination of adequate capacity, the SPGA shall consider at least the cumulative effect on a street or intersection likely to be affected by the development, as provided in subparagraph 8.2.3, or: 1) existing traffic conditions, 2) estimates of traffic from other proposed developments which have already been approved in part or in whole by the Town of Grafton for which a traffic study was required or by official action of an abutting city or town, which have not yet been opened for use prior to the date that the traffic counts required by this section were taken, and 3) estimates of traffic from the proposed development.

8.3.2 Adequate Capacity Defined by Level of Service

Adequate capacity shall mean level of service "D" or better as described in the "Highway Capacity Manual, 1985 or later Editions" published by the Transportation Research Board. If the level of service that would result from the cumulative effect, referred to in subparagraph 8.3.1 is "E" or below, the SPGA shall determine there is not adequate capacity and shall deny the application.

8.3.3 Mitigating Measures to Improve Capacity

The SPGA shall consider that various traffic engineering improvements can improve the traffic carrying capacity of an intersection or street and improve the level of service rating to a higher and acceptable value. The SPGA shall consider such improvements in its determination and may make a conditional determination that adequate capacity is dependent upon the construction of the traffic engineering improvement.

The SPGA may make a condition of its approval of the special permit or special permit with site plan review that the start, or any stage, of the construction of the development, or the occupancy thereof, is dependent upon the start or completion of the traffic engineering improvement. A conditional approval shall be dependent upon at least a start of the physical construction of the traffic engineering improvement. Letters of support, or commitment, or approval, or the award of a contract are not considered as a start of construction. Prior to making a conditional determination of adequacy, the SPGA may consider as evidence such letters of support, or commitment, or approval, or the award of a contract that construction of the traffic improvement is likely to occur as the basis for making a conditional determination of adequacy.

8.3.4 Trip Reduction Requirements

As a condition of its approval of a special permit or a special permit with site plan review, the SPGA may require actions and programs by the owner and/or manager of a development to reduce the number of single occupant automobile trips made to a development, particularly during peak traffic hours. Such actions and programs may include:

8.3.4.a. providing a pass to employees for use on a public transportation system that serves the development site,

8.3.4.b. use of carpools and vanpools

8.3.4.c. scheduling of hours of operation, such as flextime, staggered work hours, and spread scheduling that reduces trips during peak traffic hours,

8.3.4.d. preferential parking locations and arrangements for vehicles other than single occupant automobiles,

8.3.4.e. restrictions on access to, or egress from, off-street parking areas during peak traffic hours, or

8.3.4.f. bicycle parking facilities, and other measures such as locker and shower facilities to encourage bicycle commuting.

Where such conditions are included, they shall include a reporting system which monitors the effectiveness of the trip reduction program. The SPGA may make a condition of the granting of the special permit or special permit with site plan review that: 1) such monitor be directly responsible to and report to the Inspector of Buildings and 2) the applicant be responsible for the cost of providing such monitoring system.

If the Inspector of Buildings determines that the conditions of the special permit or special permit with site plan review are not being met, he/she shall order the applicant to bring the development into compliance or shall take such other corrective enforcement action as may be needed to insure compliance.

(T.M. 5-10-89)

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SECTION 9 - CAMPUS DEVELOPMENT OVERLAY

9.1 District

The Campus Development Overlay District **as shown on a map entitled "Town of Grafton – Zoning Map"** shall comprise:

9.1.A. All land in the Town of Grafton now owned by Tufts University, the underlying zoning of which is the Office/Light Industry (OLI) District; comprising two parcels as follows:

Parcel 1 situated on the southerly side of Westboro Road, and bounded and described as follows:

NORTHWESTERLY ..... by Westboro Road (Route 30) by several courses, together measuring about 4,440 feet;

NORTHEASTERLY ..... by the Grafton-Westborough town line, about 1,600 feet;

NORTHERLY ..... by the Grafton-Westborough town line, about 1,650 feet;

NORTHEASTERLY AND NORTHERLY ..... by land now or formerly of Glenn M. and Waldo E. Nichols by several courses, together measuring about 1,450 feet;

SOUTHEASTERLY ..... by land now or formerly of Howard F. Houlden and Sandra L.Foy by several courses, together measuring about 2,690 feet;

WESTERLY ..... by the same, about 226 feet;

SOUTHERLY ..... by the same, by several courses, together measuring about 730 feet;

SOUTHWESTERLY ..... by Willard Street, about 610 feet;

SOUTHERLY ..... by a line crossing Willard Street, about 50 feet;

SOUTHEASTERLY ..... by land now or formerly of Scott R. and Karen M. Goodspeed, Grafton Historical Society and Roger W. Robinson, et al., by several courses, together measuring about 1,760 feet;

SOUTHERLY ..... by land now or formerly of Redio Bartolini, about 429 feet;

SOUTHWESTERLY ..... by the same, about 610 feet;

SOUTHEASTERLY ..... by the same, by several courses, together measuring about 674 feet;

NORTHEASTERLY ..... by the same, by several courses, together measuring about 735 feet;

SOUTHERLY ..... by land now or formerly of James M. and Alice Shea by several courses, together measuring about 770 feet;

EASTERLY ..... by the same, by two courses, together measuring about 425 feet;

SOUTHEASTERLY ..... by land now or formerly of John and Lucinda Markis by several courses, together measuring about 1,294 feet;

SOUTHWESTERLY ..... by the same, about 244 feet, and by land or formerly of the Commonwealth of Massachusetts by several courses, together measuring about 3,630 feet; and

Parcel 2, situated on the northerly side of Westboro Road, and bounded and described as follows:

SOUTHEASTERLY ..... by Westboro Road (Route 30), by several courses, together measuring about 3,071 feet;

EASTERLY ..... by the Grafton-Westborough town line, about 870 feet; and

NORTHWESTERLY ..... by land now or formerly of Consolidated Rail Corporation by several courses, together measuring about 3,385 feet; and

9.1.B. and in the Town of Grafton now owned by the Commonwealth of Massachusetts, the underlying zoning district of which is the Office/Light Industry (OLI) District; comprising a portion of Parcel 1 and all of Parcel 2 shown on a plan entitled "Land in Shrewsbury and, Grafton (Worcester Co.) MA, Surveyed For Commonwealth of Massachusetts, Office of Finance, Division of Capital Planning & Operations" dated March 18, 1992 by C.T. Male Associates, P.C., together bounded and described as follows:

SOUTHEASTERLY ..... by land shown on said plan as of Conrail by several courses, together measuring 2,338.58 feet;

SOUTHWESTERLY ..... by land shown on said plan as of Russell and owner not determined, by two courses, together measuring 2,050.72 feet;

NORTHWESTERLY ..... by the Grafton-Shrewsbury town line by the portion of said Parcel 1 situated in Shrewsbury, about 2,465 feet;

NORTHEASTERLY ..... by a way known as Woods Road, 169.13 feet;

EASTERLY ..... by a way known as Pine Street by several courses, together measuring 1,243.82 feet; and

9.1.C. Such other land zoned Office/Light Industry (OLI) or Industrial (I), as shall be designated as included in the CDO District by two-thirds vote at a Town Meeting.

9.2 Applicability

9.2.A. The CDO District constitutes an overlay and does not abrogate the provisions of this by-law relating to the underlying zoning district. To that end, all uses and structures within the CDO District permitted by this Section 9 and pursuant to the procedures herein set forth shall be governed solely by the provisions of this Section 9, and any other uses and structures shall be governed solely by the provisions of this by-law relating to the underlying district in which such uses and structures are located; provided, however, that the provisions of Section 6 with respect to Flood Plain and of Section 7 with respect to Water Supply Protection shall remain applicable to all uses and structures.

9.2.B. In recognition of the provisions of Massachusetts General Laws, Chapter 40A, Section 3, with respect to non-profit educational institutions and the provisions of law and instruments of record affecting the land in Grafton now owned by Tufts University, the land now owned by Tufts University and situated in the CDO District shall be dealt with as a single parcel of land comprising multiple buildings and facilities; and Tufts University or its successors shall not be required to create, establish, accept or recognize the separation of any portions of said land into "lots" or by "lot lines" within the CDO District; provided, however, that nothing herein shall be deemed to abrogate or limit the right of Tufts University to create, establish, accept or recognize "lots" or "parcels" within the CDO District insofar as may be reasonably necessary for purposes of mortgage or bond indenture financing or leasing portions of such land.

9.3 Purposes

The purposes of the Campus Development Overlay District are to permit the establishment of well designed rural campus park developments in Industrial and Office/Light Industrial Zoning Districts through the use of master plans which provide for compatibility with nearby residential and commercial developments; encourage economic growth in the Town of Grafton through high quality mixed-use development by integrating educational and compatible commercial activities; to establish zoning regulations to encourage and set guidelines for such development while minimizing, to the extent possible, the adverse impact of development on the natural features of the CDO areas, including the overriding goal of protecting the Town's general water resources; and to encourage such mixed-use development by providing sites at and in the vicinity of an existing school of veterinary medicine for research, development and manufacturing other sciences, and for offices, administrative and support facilities and other commercial enterprises.

9.4 Permitted Uses

The following uses shall be permitted in the CDO District:

9.4.A All educational uses by non-profit educational institutions, including classrooms, hospital facilities, clinics, laboratories, research centers, auditoria, study halls, libraries, dormitories, housing for students, faculty and staff, fraternities and sororities, campus centers, book stores, athletic facilities, farming facilities, animal husbandry facilities, executive and administrative

offices, staff offices, maintenance and service facilities, and all other elements and features associated with educational institutions;

9.4.B (i) Research, development and manufacturing in the fields of biotechnology, medical, pharmaceutical, physical, biological, and behavioral sciences and technology; environmental sciences, toxicology, wildlife medicine, and genetic engineering, comparative medicine, bioengineering, cell biology, human and animal nutrition, and veterinary medicine, and (ii) research and development in the fields of Alternative energy and Renewable Energy, including the production of equipment, apparatus, machines and other devices for research, development, manufacturing and advance and practical application in any of such fields or areas described in clauses (i) and (ii) of this Section, and including offices, administrative and support facilities related to any of the foregoing activities.

9.4.C. Research and development in the field of computer technology, including the light manufacture, assembly and production of equipment, apparatus, machines and other devices for such field, and also including internet service providers, electronic data storage centers and similar back office operations, and including offices, administrative and support facilities related to any of the foregoing activities; (T.M. 5-15-02)

9.4.D. Commercial facilities reasonably required in connection with and in furtherance of any of the uses permitted under the preceding paragraphs (a), (b) and (c), including, without limitation, animal and veterinary hospitals and clinics, restaurant and other food service facilities (but excluding establishments selling food prepared for immediate consumption which is distributed to customers in whole or in part by means of automobile drive-up windows, counters or by prohibited), conference and convention facilities, hotel, motel and other housing accommodations, library, information and telecommunication services, and facilities for banking, postal and delivery services, day care and recreation; and

9.4.E. Facilities accessory to any of the foregoing, including water, sewage disposal, drainage, electric, telephone Alternative Energy, Renewable Energy and other utility services; roads, walks, paths, parking areas and structures, and lighting, directional signage and vehicular services therefore; grounds maintenance, snow plowing and open space protection; and all structures, equipment and facilities necessary to any thereof.

9.5 CDO Design Criteria and Guidelines

The intent of the Campus Development Overlay District is to provide for development in accordance with master plans which are based upon analysis of, and insofar as feasible, in conformity with the following design criteria and guidelines:

9.5.A. Overall unity of site design, including: logical and coordinated patterns for streets, ways and pedestrian paths; distributed open space, appropriate landscaping; aesthetic harmony of features including building architecture, street furniture and signage.

9.5.B. Preservation and integration into the design of open spaces, wetlands, specimen trees, agricultural areas and other features of environmental significance.

9.5.C. Drainage systems which protect and appropriately employ open spaces and wetlands, utilizing conduits, swales, streams, detention or retention ponds, oil, grease, and sedimentation traps, and other mitigative measures, as appropriate to the design, use and terrain.

9.5.D. Underground utilities, excepting existing above-ground sewer line and existing above-ground electric and telephone lines.

9.5.E. Compliance with all specific dimensional and design regulations set forth in Section 9.6.2 hereof.

9.5.F. Mitigation of the adverse effects of development on: traffic circulation and street capacity; air quality; noise (including that generated by traffic); storm water runoff on adjacent and downstream surface water bodies; flooding, erosion, sedimentation, changes in water tables; wildlife, wildlife habitat, rare or endangered plant or animal species; water supply, including adverse impacts on water aquifers and public water distribution system; and adverse effects of sewage disposal on ground water, aquifers, surface water and the municipal sewage system.

9.5.G. Compatibility with uses approved by the Town of abutting properties, including aesthetic compatibility; or appropriate separation and buffers from such abutting property by plantings or terrain.

9.5.H. Availability of public services, and impact on or contribution by the proposed development thereto, including: police and fire services, Town road maintenance, traffic control, solid waste disposal, and open space and recreational facilities.

9.5.I. Costs and benefits to the Town of Grafton, showing net benefits.

9.5.J. Facilities for meeting transportation needs, and planning for control and reduction of vehicle trips by means of ride-sharing, car-pooling, use of campus vans, and MBTA facilities, with respect to which the Planning Board may require an annual study and report to be made.

9.5.K. Organizational and managerial arrangements and documents pursuant to which the master plan will be implemented and common facilities will be maintained, including provisions for architectural review and control, enforcement of applicable restrictions, and the planning with respect to transportation and certification with respect to parking herein provided for.

9.6 CDO Special Regulations

9.6.6 Planning Procedures

9.6.1.1 Master Plan: With respect to each tract of land of 50 acres or more situated in the CDO District a master plan of the concept of development thereof shall be submitted to the Planning Board for its approval, and written notice of such submission shall be given to the Town Clerk. The Planning Board shall hold a public hearing on the proposed Master Plan within sixty-five days of submission thereof. Notice of the time and place of said hearing shall be given by the Planning Board at the expense of the applicant, not less than five days prior to such hearing, by publication in a newspaper of general circulation in Grafton. Each

such master plan shall with respect to the tract of land included therein contain such plans, information, analyses and documents as shall be reasonably necessary to indicate the anticipated scope and intensity of development, size and location of structures, layout of streets and ways, impact thereof on the environment, municipal services and traffic, and municipal costs, revenues and benefits, and shall insofar as reasonably feasible conform with the design criteria and guidelines set forth in Section 9.5 hereof. Any such master plan so filed with the Planning Board may be approved and adopted by a majority vote of the Planning Board and shall govern the development of the tract of land included therein, and shall be a public record. Such master plan may from time to time be proposed by an applicant to be modified and supplemented to bring it into conformity with changed circumstances, ongoing development within the CDO District, and information disclosed upon detailed study and engineering of particular development sites, and may be so changed or added to by majority vote of the Planning Board, which may in its discretion hold a public hearing, with notice given as above set forth, if it deems the proposed modification and supplementation to be substantial. When reviewing a master plan under 9.6.1.1, the applicant shall pay for reasonable costs of engineering and other professional services necessary to the Planning Board's review and approval of the applicant's master plan.

9.6.1.2 Applicant Submissions: Prior to application for a building permit for a use permitted in the CDO District the applicant shall submit a project plan to the Planning Board and shall give written notice of such submission to the Town Clerk. Such project plan, comprising site plan and project data, shall include such of the following as are appropriate to the particular project:

9.6.1.2.A. A map or maps prepared to a scale of not less than one (1) inch to eighty (80) feet showing: name and address of the applicant; scale and north point; location of the project site; general topography of the site; approximate location and dimensions of existing and proposed buildings; distance of proposed buildings to CDO District boundary if less than 200 feet; location of on-site utilities, existing or proposed easements, public and private rights-of-way, access roads; and plans for vehicular and pedestrian circulation, parking and loading.

9.6.1.2.B. Written statements by the applicant that the project for which a building permit is sought complies with (a) the applicable master plan as most recently approved by the Planning Board, (b) the uses permitted within the CDO District and (c) all requirements of Sections 9.6.2, 9.6.3, 9.6.4 and 9.6.5 hereof; together with such plans, information, analyses, computations and other data as are reasonably necessary to confirm such statements.

9.6.1.2.C. Application for endorsement of a plan subdivision approval-not-required or for approval of a subdivision plan if required.

9.6.1.2.D. A filing fee equal to (1) Two Hundred Dollars ($200) plus Six Dollars ($6) for each parking space required in relation to the application, or (2) if greater, the filing fee required pursuant to the Planning Board Rules and Regulations Governing the Subdivision of Land, if applicable; and in addition thereto the applicant shall pay for reasonable costs of engineering and other professional services necessary to the

Planning Board's review and approval of the applicant's submissions under this Section 9.6-1.2.

9.6.1.3 Planning Board Action: Within sixty-six (66) days after the receipt of any submission pursuant to this Section 9.6.1, or such further time as may be agreed upon at the written request of the applicant, the Planning Board shall, by a majority thereof, make a determination as to whether or not the submission meets the requirements of Section 9. Written notice of any agreed upon extension of time shall be filed forthwith by the Planning Board with the Town Clerk. Prior to making such a determination, the Planning Board shall give notice of the time and place of public meeting at which it will consider such determination. Such notice shall be at the expense of the applicant and shall be made not less than five days prior to such meeting by publication in a newspaper of general circulation in Grafton. Upon making such a determination the Planning Board shall within twenty-one (21) days thereafter certify its determination in writing to the Town Clerk, the Inspector of Buildings and the submitting applicant. If the Planning Board determines that the submission does not meet such requirements, it shall in its justification thereof set forth the respects, specified in reasonable detail, in which the Planning Board deems the submission not to comply with such requirements. If the applicant shall supplement or modify the submission so as to comply and conform with the specifications so stated by the Planning Board, then the Planning Board shall certify to the Town Clerk, the Inspector of Buildings, and the submitting applicant its determination that the submission does meet the requirements of Section 9. Failure of the Planning Board to make a determination with respect to any submission pursuant to this Section 9.6-1, or to certify such determination to the Town Clerk, within the applicable periods as herein provided, shall be deemed to be an approval of the submission, and the Town Clerk shall forthwith issue a certificate to that effect. In the absence of certification of approval the applicant shall have standing as a person aggrieved pursuant to applicable provisions of the Grafton Zoning Bylaw and Massachusetts General Laws Chapter 4OA.

9.6.1.4 Duration of Approval: When a master plan submitted pursuant to Section 9.6.1.1 has been approved pursuant to Section 9.6.1.3, such master plan and the provisions of this Section 9 in effect at the time of submission thereof shall remain in effect and shall govern the development of the tract of land included in such master plan for the period of seven (7) years after the date of such approval.

9.6.2 Dimensional and Design Regulations

9.6.2.1 Lot Dimensions: Except with respect to the lands in the CDO District to-which the provisions of paragraph B of Section 9.2 are applicable, lots shall be required to comply with the following dimensional provisions:

9.6.2.1.A. Minimum lot area shall be one (1) acre and minimum lot frontage shall be one hundred (100) feet.

9.6.2.1.B. Minimum lot width shall be one hundred fifty (150) feet.

9.6.2.1.C. Minimum setbacks for lots shall be forty (40) feet for front yards and thirty five (35) feet for side and rear yards.

9.6.2.1.D. Within the area of a tract covered by a master plan submitted by an applicant, open space shall comprise at least twenty-five percent (25%) of the area of the tract covered by the master plan, and the Planning Board may approve varying percentages of open space on individual lots, preserving the overall open space of twenty-five percent (25%) of the area of the tract.

9.6.2.1.E. Within the area of a tract covered by a master plan submitted by an applicant, the ration of floor area of all existing and proposed buildings to the area of the tract (FAR) shall not exceed an average of 0.35, and the Planning Board may vary FARs on individual lots, preserving the average FAR of 0.35.

9.6.2.2 Height: No building shall exceed sixty (60) feet in height, except that spires, water tanks, communication towers, chimneys, exhaust stacks, flagpoles, mechanical penthouses and other structures normally built above the roof and not devoted to human occupancy may be erected to such heights as are necessary to accomplish the purpose they are normally intended to serve. The height of a building shall be the vertical distance measured from the mean finished grade of the ground adjoining the front of the building, as determined by the Inspector of Buildings, to the top of the structure of the highest occupied floor in the case of a flat roof, to the deck line of a mansard roof, and to the top of the plate of a gable, hip or gambrel roof. The Planning Board may, by a vote of at least four (4) members, each of whom is eligible to vote on the project, authorize deviation from strict compliance with the provision of this section in order to allow a maximum building height of up to **95** feet, allowing review and where such deviation is in keeping with the objectives of the zoning bylaw. (*NOTE: Preceding sentence added by* T.M. 10-18-1999)

9.6.2.3 Setback; Separation; Access: Except with respect to existing buildings and structures, setbacks, separation of buildings and accessibility of fire safety vehicles shall be provided as follows:

9.6.2.3.A. Setbacks:

9.6.2.3.A.1. from sideline of a public street or a way approved under the subdivision control law - 50 feet;

9.6.2.3.A.2. from CDO boundaries at the Grafton-Westborough town line and the Grafton-Shrewsbury town line - 0 feet;

9.6.2.3.A.3. from land of Consolidated Rail Corporation - 15 feet;

9.6.2.3.A.4. from the westerly boundary of land now of Tufts University at land now of the Commonwealth of Massachusetts - 50 feet;

9.6.2.3.A.5. from other CDO boundaries which are not adjacent to residentially used lands - 50 feet; and

9.6.2.3.A.6. from all other CDO boundaries - 200 feet, provided that the Planning Board may in appropriate circumstances reduce the setback to not less than 50 feet.

9.6.2.3.B. Building Separation: the minimum distance between all freestanding buildings shall be at least 20 feet, free of any obstruction which would interfere with the passage of a fire-safety vehicle.

9.6.2.3.C. Accessibility: Every building shall have adjacent thereto an area free of obstructions and accessible to and capable of supporting a fire safety vehicle.

9.6.2.4 Ground Coverage: Within the CDO District ground coverage by buildings and other structures shall, upon each application for a building permit, be measured either (a) with respect to the lot, if any, specified in the application for a building permit, or (b) in the absence of a lot pursuant to provisions of paragraph B in Section 9.2, with respect to a circle, the center of which is located at the center of the footprint of the proposed structure and the radius of which is one thousand (1000) feet. Within such lot or the portion of such circle lying in the CDO District the maximum coverage by existing and proposed buildings, structures, streets, paved parking areas, walks and other impervious materials shall not exceed sixty percent (60%).

9.6.2.5 Buffers/Landscaping: Landscape buffer zones shall be provided at the perimeter of the CDO District of minimum widths equal to the setbacks provided in paragraph A of Section 9.6.2.3. Landscaping shall be provided on the open space of each lot, as provided for in paragraph D of Section 9.6.2.1, and on at least thirty percent (30%) of the area of each circle provided for and defined in Section 9.6.2.4 within the CDO District. Landscaping shall consist of and may include trees, shrubs, flowers, grasses, crops and other agricultural vegetation, now or hereafter existing, wetlands, ponds and water ways, and where appropriate may include walls, fences and earthen berms. The design and layout of such landscaping shall take into account the natural characteristics of the property and its relationship to the uses of the property.

9.6.3 Ways/Parking/Loading/Drainage

9.6.3.1 Ways: The layout of streets and vehicular ways and pedestrian walkways shall be designed to meet the needs of circulation within and among the various uses in the CDO District, to coordinate with traffic patterns on existing public ways, and to provide for the safety and convenience of all users. Such layout and design shall comply with all applicable provisions of the Planning Board Rules and Regulations Governing the Subdivision of Land, except such as may be waived by the Planning Board upon request of an applicant.

9.6.3.2 Parking: Within the CDO District off-street parking shall be provided sufficient to serve the needs of the various uses, based upon the nature of the use and the number of persons occupying and using the facilities. To that end the minimum number of off-street parking spaces shall be determined as follows:

9.6.3.2.A. With respect to uses specified in paragraph (a) of Section 9.4, the educational institution conducting such uses shall provide parking sufficient for its faculty, staff, student body and visitors using the facilities within the CDO District, determined and certified as provided in paragraph (d) hereof, and shall require decals or permits for such parking.

The number of parking spaces provided shall be not less than the sum of the products of the number of persons in each of the categories specified below times the Parking Factor specified below for such category, to wit:

Category	**Parking Factor**
Faculty and Staff - full-time	1.0
Faculty and Staff - part-time	0.5
Students	0.8
Permitted Visitors	0.5

9.6.3.2.B. With respect to the research, development and manufacturing uses specified in paragraph (b) of Section 9.4, at the choice of the applicant, either (1) one and one half (1.5) spaces for each 1000 gross square feet of building floor area devoted to manufacturing uses and two (2) spaces for each 1000 gross square feet of building used for research and development uses; or (ii) one (1) space for each 2.0 persons included in the officers, staff and employees within the CDO District of each organization conducting such use, determined and certified as provided in paragraph (d) hereof, plus visitor spaces of one (1) additional space for each twenty-five (25) spaces so determined.

9.6.3.2.C. With respect to uses specified in paragraph (d) of Section 9.4 (T.M. 5-15-02):

i. For restaurants open to the public, one (1) space for each three (3) seats and one (1) space for each two (2) employees on the shift of greatest employment.

ii. For hotels, motels and other transient housing accommodations, one (1) space for each guest room or suite.

iii. For other uses specified in said paragraph (d), at least one (1) space for each 0 employees and visitors, determined and certified as provided in paragraph (d) hereof.

9.6.3.2.D. Each institution or organization within the CDO District utilizing population-based minimum parking requirements hereunder, or a management or landlord entity acting for several of the same, shall annually, within sixty days after September 1 in each year, certify in writing to the Planning Board the number of persons involved and the number of parking spaces required pursuant to the foregoing provisions

of this Section 9.6.3.2, and the number of parking spaces then actually in existence and serving such institutions and organizations. With respect to staff working on separate shifts, reasonable allocation thereof may be made between full-time and part-time staff. If and whenever such certification shall indicate a deficiency of parking spaces to meet the requirements of this Section 9.6.3.2, the certification shall be accompanied by a plan for correction thereof within the succeeding ten months, either by construction of Reserve Parking Spaces, if any have been provided pursuant to paragraph (f) below, or by submission to the Planning Board for approval of an amendment of the master plan.

9.6.3.2.E. Parking areas shall be located so as to serve the uses to which they are related, and may be designed to serve more than one use or facility; shall be located and laid out so as to provide turning radii, sight lines, and separation from through traffic, consistent with public safety; shall be paved or, if approved by the Planning Board, surfaced with other non-dusting material; and shall, unless otherwise approved by the Planning Board, be striped with spaces of at least 8 1/2 feet width and 19 feet length. Access drives serving parking areas shall be at least twenty-four (24) feet wide for two-way traffic and/or fourteen (14) feet wide for one-way traffic.

9.6.3.2.F. Upon submission of a master plan to the Planning Board the Board may, based upon satisfactory documentation of special circumstances, permit a portion of the parking spaces required to be provided pursuant to the foregoing provisions to be designated as Reserve Parking Spaces. Not more than thirty percent (30%) of the required spaces shall be so designated. Reserve Parking Spaces shall be shown as such on the master plan, and may be excluded from immediate construction. Reserve Parking Spaces in addition to the spaces required pursuant to the foregoing provisions may also be shown on a master plan and utilized for temporary extra parking needs at the time of a conference, convention or special event.

9.6.3.3 Loading: Within the CDO District buildings having functions which require delivery of materials in trucks of gross vehicle weight of 60,000 pounds or more shall have at least one loading area for each 75,000 square feet of net floor area for which such delivery is required. Buildings or portions of buildings having functions which require delivery of materials in small size trucks, in smaller quantities or on infrequent occasions shall be served by appropriate smaller loading areas or facilities which are adapted to the particular need and consistent with pedestrian and vehicular traffic and safety.

9.6.3.4 Drainage: Within the CDO District drainage of streets, ways, parking areas, and of runoff from roofs of buildings and other impervious surfaces and all structures and facilities therefore, shall comply with all applicable provisions of the Planning Board Rules and Regulations Governing the Subdivision of Land, except as such as may be waived by the Planning Board upon request of an applicant. The drainage system shall be a mixed closed and open system, designed to recharge runoff by draining into vegetated uplands in preference to discharge into surface waters and wetlands; shall include detention or retention facilities to minimize temporary or localized flooding; and shall include facilities to remove oil, grease, and other contaminants from storm water discharge.

9.6.4 Signs: Within the CDO District signs shall be allowed as follows:

9.6.4.1 At each public street entrance to the CDO District a sign shall be permitted to identify the development as a whole. No such sign shall exceed three hundred (300) square feet in size nor eight (8) feet in height, nor be located less than twenty (20) feet from the street line.

9.6.4.2 At an appropriate location within the CDO map, shall be permitted to identify organizations and enterprises. With the approval of the Planning Board additional directory signs may be permitted. No such sign shall exceed three hundred (300) square feet in size, nor twelve (12) feet in height, nor shall any lettering thereon exceed eight (8) inches in height. If such sign includes a locator map, at least two adjacent parking spaces shall be provided.

9.6.4.3 Each principal building shall be permitted to have one identifying sign designating the names and/or logos of the organizations or enterprises occupying the same. No such sign shall exceed three hundred (300) square feet in size, nor twelve (12) feet in height nor be pole-mounted, but may be located in front of the building or mounted thereon.

9.6.4.4 Traffic direction and control signs as required or authorized by state and municipal officials having jurisdiction with respect thereto are permitted. Temporary to identify construction, financing, sale, leasing, pending tenancy and the like, with respect to buildings, or the occurrence of a special event, a hazard or a restriction or limitation of access or use.

9.6.4.5 No signs shall be moving or flashing, but may be illuminated by non-flashing, non-blinking lights.

9.6.5 Regulations: In order to implement the provisions of this Section 9, the Planning Board may, pursuant to provisions of applicable law, adopt and promulgate regulations, consistent with the provisions hereof, further specifying and defining: (a) the maps, studies, engineering data, analysis and other information to be submitted pursuant to Section 9.6.1 as part of a master plan or an applicant submission in relation to a building permit, (b) design criteria and guidelines in addition to those set forth in Sections 9.5, 9.6.2, 9.6.3 and 9.6.4, and (c) procedures for review and action by the Planning Board, provided that no special permit or site plan approval in the nature thereof shall be required for any educational use or other use related thereto as set forth in Section 9.4. (T.M. 10-19-92)

SECTION 10 – FISHERVILLE SMART GROWTH OVERLAY DISTRICT (FSGOD)

10.1 Purpose

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

10.1.A Promote the public health, safety, and welfare by encouraging diversity of housing opportunities;

10.1.B Provide for a full range of housing choices for households of all incomes, ages, and sizes in order to meet the goal of preserving municipal character and diversity;

10.1.C Increase the production of a range of housing units to meet existing and anticipated housing needs;

10.1.D Provide a mechanism by which residential development can contribute directly to increasing the supply and diversity of housing;

10.1.E Establish requirements, standards, and guidelines, and ensure predictable, fair and cost-effective development review and permitting;

10.1.F Establish development standards to allow context-sensitive design and creative site planning;

10.1.G Enable the Town to receive Zoning Incentive Payments and/or Density Bonus Payments in accordance with G. L. Chapter 40R, 760 CMR 59.06, and additional Chapter 70 aid in accordance with G.L. Chapter 40S arising from the development of housing in the Fisherville Smart Growth Overlay District.

10.2 Definitions

For purposes of this Section, the following definitions shall apply. All capitalized terms shall be defined in accordance with the definitions established under the Enabling Laws or this Section 10.2. To the extent that there is any conflict between the definitions set forth is this Section 10.2 and the Enabling Laws, the terms of the Enabling Laws shall govern.

Affordable Homeownership Unit - an Affordable Housing unit required to be sold to an Eligible Household.

Affordable Housing - housing that is affordable to and occupied by Eligible Households.

Affordable Housing Restriction - a deed restriction of Affordable Housing meeting statutory requirements in G.L. c. 184, Section 31 and the requirements of Section 10.5 of this Bylaw.

Affordable Rental Unit - an Affordable Housing unit required to be rented to an Eligible Household.

As-of-right Project or Project - means a Multifamily Use development or a Mixed Use development allowed under Section 10.6 without recourse to a special permit, variance, zoning amendment, or other form of zoning relief.

Design Standards - The document entitled FSGOD Design Standards, submitted to DHCD by the Town of Grafton, dated March 21, 2007, as may be amended in conformance with the provisions of Chapter 40R. Such Design Standards shall be applicable to all Projects within the FSGOD that are subject to Plan Approval by the Plan Approval Authority.

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

Eligible Household - an individual or household whose annual income is less than 80 percent of the area-wide median income as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size, with income computed using HUD's rules for attribution of income to assets.

Enabling Laws - G.L. Chapter 40R and 760 CMR 59.00.

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

Multifamily Use - Dwelling containing four or more dwelling units.

Open Space - the part or parts of land within a Project which are reserved or restricted for permanent open space. This space shall exclude parking areas and stormwater detention areas, but include required setbacks and walkways. The Open Space shall be open and unobstructed to the sky; however; trees, planting, arbors, flagpoles, sculptures, fountains, swimming pools, atriums, outdoor recreational facilities, such items as streetscape elements (lights, planters, benches, etc.), outdoor areas devoted to dining, cafe or similar uses, and decorative surface treatments for sidewalks and other hard surfaces (such as pavers, cobblestones or concrete surface treatments designed to resemble pavers or cobblestones). and similar objects shall not be considered obstructions. No more than 50% of the total amount of required Open Space shall be "wetland" as defined by the requirements of G.L. c. 131, Section 40, and the Town's Wetland By-law.

Plan Approval- standards and criteria which a Project in the FSGOD must meet under the procedures established herein and in the Enabling Laws.

Plan Approval Authority - For purposes of reviewing Project applications and issuing decisions on development Projects within the FSGOD, the Plan Approval Authority (PAA), consistent

with G.L. Chapter 40R and 760 CMR 59.00, shall be the Planning Board. The PAA is authorized to approve a site plan to implement a Project.

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

Zoning By-law - the Zoning By-law of the Town.

10.3 Overlay District

10.3.A Establishment. The Fisherville Smart Growth Overlay District, hereinafter referred to as the FSGOD, is an overlay district having a land area of approximately 13.74 acres, being portions of Assessor's Map 115, Lots 2, 121, 122, that is superimposed over the underlying zoning district, as shown on the Zoning Map as set forth on the map entitled "Fisherville Smart Growth Overlay District," dated October 16, 2006. This map is hereby made a part of the Zoning By-law**, and shown on the map entitled "Town of Grafton – Zoning Map",** and is on file in the Office of the Town Clerk.

10.3.B Underlying Zoning. The FSGOD is an overlay district superimposed on all underlying zoning districts. Except as limited herein, the underlying zoning shall remain in full force and effect. Note: See next section

10.4 Applicability of FSGOD

In accordance with the provisions of G.L. Chapter 40R and 760 CMR 59.00, an Applicant for a Project located within the FSGOD may seek Plan Approval in accordance with the requirements of this Section 10. In such case, then notwithstanding anything to the contrary in this Zoning By-law, such Plan Approval shall not be subject to any other provisions of this Zoning By-law, including limitations upon the issuance of building permits for residential uses related to a rate of development or phased growth limitation or to a local moratorium on the issuance of such permits, or to building permit or dwelling unit limitations, including but not limited to any rate of development limitations provided in the Zoning By-law. When a building permit is issued for any Project approved in accordance with this Section 10, the provisions of the underlying district(s) shall no longer be applicable to the land shown on the site plan which was submitted pursuant to Section 10.7 for such Project.

10.5 Housing and Affordability

10.5.A Marketing Plan. Prior to granting Plan Approval for housing within the FSGOD, an Applicant for such approval must submit a narrative document and marketing plan that establishes that the proposed development of housing is appropriate for diverse populations, including households with children, other households, individuals, households including individuals with disabilities, and the elderly. These documents in combination, to be submitted with an application for Plan Approval pursuant to Section 10.7, below, shall

include details about construction related to the provision, within the Project, of units that are accessible to the disabled.

10.5.B Number of Affordable Housing Units. For all Projects where the Affordable Units proposed are Homeownership Units, not less than twenty percent (20%) of the total housing units constructed in a Project shall be Affordable Housing. For all Projects where the Affordable Units proposed are Rental Units not less than twenty five percent (25%) of total housing units in any building containing rental units shall be Affordable Housing; provided, however, that 20% of such units may be affordable where restricted to households earning less than 50% of area median income. For purposes of calculating the number of units of Affordable Housing required within a Project, any fractional unit of 0.5 or greater shall be deemed to constitute a whole unit.

10.5.C Requirements. Affordable Housing shall comply with the following requirements:

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

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

10.5.E Affordable Housing Restriction. Each unit of Affordable Housing shall be subject to an Affordable Housing Restriction which is recorded with the appropriate registry of deeds or district registry of the Land Court and which contains the following:

1. specification of the term of the affordable housing restriction which shall be the maximum period allowed by law but not less than ninety nine years;
2. the name and address of an administering agency with a designation of its power to monitor and enforce the affordable housing restriction;
3. a description of the Affordable Homeownership Unit, if any, by address and number of bedrooms; and a description of the overall quantity and number of bedrooms and number of bedroom types of Affordable Rental Units in a Project or portion of a Project which are rental. Such restriction shall apply individually to the specifically identified Affordable Homeownership Unit and shall apply to a percentage of rental units of a rental Project or the rental portion of a Project without specific unit identification
4. reference to a housing marketing and resident selection plan, to which the Affordable Housing is subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. The housing marketing and selection plan may provide for preferences in resident selection to the extent consistent with applicable law for the Affordable Housing Units; the plan shall designate the household size appropriate for a unit with respect to bedroom size and provide that the preference for such Unit shall be given to a household of the appropriate size;
5. a requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of Eligible Households compiled in accordance with the housing marketing and selection plan;
6. reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership will be set;
7. designation of the priority of the Affordable Housing Restriction over other mortgages and restrictions, provided that a first mortgage of a Homeownership Housing Unit to a commercial lender in an amount less than maximum resale price may have priority over the Affordable Housing Restriction if required by then current practice of commercial mortgage lender;
8. a requirement that only an Eligible Household may reside in Affordable Housing and that notice of any lease or sublease of any unit of Affordable Housing shall be given to the administering agency;
9. provision for effective monitoring and enforcement of the terms and provisions of the affordable housing restriction by the administering agency;
10. provision that the restriction on an Affordable Homeownership Unit shall run in favor of the administering agency and the Town, in a form approved by municipal counsel, and shall limit initial sale and resale to and occupancy by an Eligible Household;
11. provision that the restriction on Affordable Rental Units in a rental Project or rental portion of a Project shall run with the rental Project or rental portion of a Project and shall run in favor of the Administering Agency and the Town, in a form approved by municipal counsel, and shall limit rental and occupancy to an Eligible Household;
12. provision that the owner[s] or manager[s] of Affordable Rental Unit[s] shall file an annual report to the administering agency, in a form specified by that agency certifying compliance with the Affordability provisions of this Bylaw and containing such other information as may be reasonably requested in order to ensure affordability;

13. a requirement that residents in Affordable Housing provide such information as the administering agency may reasonably request in order to ensure affordability.

10.5.F Administering Agency. An administering agency which may be the Local Housing Authority, or other qualified housing entity (the "Administrating Agency") shall be designated by the PAA as the Administrating Agency for all Projects in the FSGOD In a case where the Administering Agency cannot adequately carry out its administrative duties, upon certification of this fact by the PAA or by DHCD, such duties shall devolve to and thereafter be administered by a qualified housing entity designated by the PAA or, in the absence of such timely designation, by an entity designated by the DHCD. In any event, such Administering Agency shall ensure the following, both prior to issuance of a Building Permit for a Project within the FSGOD, and on a continuing basis thereafter, as the case may be:

1. prices of Affordable Homeownership Units are properly computed; rental amounts of Affordable Rental Units are properly computed;
2. income eligibility of households applying for Affordable Housing is properly and reliably determined;
3. the housing marketing and resident selection plan conforms to all requirements and is properly administered;
4. sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given;
5. Affordable Housing Restrictions meeting the requirements of this section are recorded with the proper registry of deeds;

10.5.G Housing Marketing and Selection Plan. The housing marketing and selection plan shall make provision for payment by the Project applicant of reasonable costs to the administering agency to develop, advertise, and maintain the list of Eligible Households and to monitor and enforce compliance with affordability requirements, as set forth in 10.5.G.

10.5.H Phasing. For any Project that is approved and developed in phases, the proportion of Affordable Housing Units and the proportion of market rate units shall be consistent across all phases.

10.5.I Computation. Prior to the granting of any Plan Approval of a Project, the applicant must demonstrate, to the satisfaction of the Administering Agency, that the method by which such affordable rents or affordable purchase prices are computed shall be consistent with state or federal guidelines for affordability applicable to the Town.

10.5.J No Waiver. Notwithstanding anything to the contrary herein, the Affordability provisions in this Section 10.5 shall not be waived.

10.6 Permitted and Prohibited Uses

10.6.A Permitted Uses. The following uses are permitted as of right in the FSGOD:

1. **In all Subzones:**

   a. Parking, including surface, garage-under, and structured parking (e.g., parking garages);

   b. Open space and recreational uses;

   c. Accessory uses customarily incidental to any permitted uses;

   d. Municipal Uses.

2. **In Subzone A:**

   a. Multifamily Use or Mixed Use with a density of as set forth in Section 10.10.B;

   b. Restaurant, provided that such restaurant shall not be a fast-food or drive-through restaurant, and shall not exceed 15,000 square feet of gross floor area.

   c. retail establishment not to exceed 20,000 square feet of gross floor area;

   d. day care center;

   e. community or neighborhood center;

   f. personal or consumer service establishment;

   g. business, professional or general office;

   h. bank;

   i. health club.

3. **In Subzone B:**

   a. Mixed Use with a density as set forth in Section 10.10.B, with residential units over available commercial uses. No commercial use shall be allowed except where developed as a Mixed Use with residential use located in the same building.

   b. Multifamily Use with a density as set forth in Section 10.10.B;

   c. retail establishment not to exceed 40,000 square feet of gross floor area;

   d. restaurant, provided that such restaurant shall not be a drive-through restaurant, and shall not exceed 10,000 square feet of gross floor area;

   e. day care center;

   f. community or neighborhood center;

   g. personal or consumer service establishment;

   h. business, professional or general office;

   i. bank;

   j. health club;

k. Commercial use shall be required. No Certificate of Occupancy for any ten dwelling units shall be issued without the prior issuance of a Certificate of Occupancy for 10,000 gross square feet of nonresidential space.

10.6.B Prohibited Uses. All principal uses not expressly allowed are prohibited.

10.7 Application for Plan Approval

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

a. Overall building envelope areas;

b. Open space and natural resource areas;

c. General site improvements, groupings of buildings, and proposed land uses.

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

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

10.7.C Required Submittals. The application for Plan Approval shall be accompanied by the following plans and documents:

1. Properly executed application form, and (if applicable) all materials necessary for facilitating a public hearing on the application;

2. A filing fee of $250.00 plus $80.00 per dwelling unit to cover administrative costs.

3. List of any requested waivers from the requirements of this section 10.0, including a detailed explanation/justification of the reason for such request.

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

a. Name and address of the person or entity submitting the application;

b. Name and address of the owner of the subject property, if different;

c. Present use of the land and description and use of existing building thereon, if any;

d. Proposed use of the land;

e. Proposed use of existing buildings, if any;

f. Description and proposed use of the proposed building, if any;

g. Zoning District in which the parcel is located, including floodplain if applicable;

h. Locus Map (scale of 1"=1,000') and north arrow;

i. Title Block containing: name of the project; applicant; property owner; property address and Assessor's Map/Lot number; date (with revisions); name, address and phone number, and the signature and seal of the professional architect or engineer preparing the plan;

j. Wetlands, Ponds, Streams, or other water bodies, including all applicable buffer zones;

k. Ownership of all abutting land and approximate location of buildings, driveways, and parking areas thereon within a maximum distance of two hundred feet (200') of the property lines;

l. Existing and proposed topography at two-foot (2') elevation intervals;

m. All property lines of the subject property, and all setbacks of buildings and parking areas from said lines, and existing and proposed easements, if any;

n. Extent and type of all existing and proposed surfaces (pervious and impervious) on the property, including specific materials;

o. Lot coverage calculations showing percentage of buildings, percentage of pavement, and percentage of open space/landscaped areas;

p. Parking calculations for proposed use, including all existing use that will continue to exist on the property, if applicable;

q. Calculations of the volume of earth material to be removed or filled on the property, and delineation of the location of such activity;

r. Driveways and driveway openings/entrances;

s. Parking and loading spaces;

t. Service areas and all facilities for screening;

u. Landscaping;

v. Lighting;

w. Proposed signs (business, traffic, etc.);

x. Sewage, refuse and other waste disposal;

y. Stormwater management facilities (drainage);

z. All structures and buildings associated with the proposed and existing use(s) on the property;

aa. Exterior storage areas and fences;

bb. Utilities and their exterior appurtenances (e.g., fire connections);

cc. Provisions for dust and erosion control;

dd. Any existing vegetation;

ee. Any other details or information deemed necessary by the Planning Board due to the unique nature of a proposed use or the subject property;

5. A stormwater management hydrological study prepared in accordance with the Design Standards referenced in Section 10.2.

6. A report, if applicable, showing calculations of the volume of earth material to be removed from or delivered to the site, including a description of such removal or fill activity. Depending upon the volume of material to be removed or filled, the Planning Board may require the Applicant to submit additional information (if not submitted in the report) regarding, but not limited to, the following: the hours of fill/removal activity; proposed route of transporting materials to and from site; measures for dust and erosion control (both on- and off-site) for the activity.

7. Draft Housing Marketing and Selection Plan as required by 10.5. A.

8. Evidence that the Project complies with the cost and eligibility requirements of Section 10.5.C.

9. Project plans that demonstrate compliance with the requirements of Section 10.5.E

10. A form of Affordable Housing Restriction that satisfies the requirements of Section 10.5.F

11. Scaled architectural drawings showing all proposed development, including site plans, elevation drawings, and floor plans. Drawings should clearly and comprehensively illustrate all aspects of the project and detail conformance with the Design Standards, as may be amended, including:

12. (i) Building plans, including elevation drawings, floor plans, and roof plans, showing design for all new or rehabilitated buildings, including overall dimensions, building materials, colors of permanent exterior finishes (excluding paint color), location and configuration of doors and windows, and details of roofing, siding, ornament and trim, signage, mechanical equipment, and accessory buildings. For developments of multiple buildings, drawings should also show the relationship of individual buildings to each other within the development, as well as to abutting structures. All drawings shall be labeled with the property address and date; elevation drawings should note the compass direction (e.g., "north elevation"); floor plans should indicate a north arrow. Colored renderings, Power Point presentations, and/or 3-D animated renderings may also be provided.

(ii) Materials palette, showing exterior material choices for walls, trim, and windows (glass and framing).

All plans and elevations presented with the application shall remain a part of the records of the PAA.

10.8 Procedures

10.8.A Filing. An applicant for Plan Approval shall file the application and all required submittals with the Town Clerk and shall also file forthwith 20 copies of the application and

the other required submittals with the PAA including notice of the date of filing with the Town Clerk.

10.8.B Circulation to Other Boards. Upon receipt of the Application, the PAA shall immediately provide a copy of the application materials to the Board of Selectmen, Zoning Board of Appeals, Board of Health, Housing Authority, Planning Board, Conservation Commission, Fire Department, Police Department, Building Commissioner, Department of Public Works, Affordable Housing Trust, Sewer Department, South Grafton Water District, and other municipal officers, agencies or boards designated by the PAA for comment, and any such board, agency or officer shall provide any written comments within 60 days of its receipt of a copy of the plan and application for approval.

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

10.8.D Peer Review. In addition to the application fee, the applicant shall be required to pay for reasonable consulting fees to provide peer review of the Plan Approval application, pursuant to G.L. c. 40R, s. 11. This technical review fee shall be paid at the time of the application. The initial deposit shall be $10,000 and shall be subject to replenishment as needed. Such fees shall be held by the Town in a separate account and used only for expenses associated with the review of the application by outside consultants, including, but not limited to, attorneys, engineers, urban designers, housing consultants, planners, and others. Any surplus remaining after the completion of such review, including any interest accrued, shall be returned to the applicant. See Section 10.5.I.

10.9 Reserved

10.10 Dimensional and Density Requirements

10.10.A Dimensional Requirements. Notwithstanding anything to the contrary in the Zoning By-law, the dimensional requirements applicable in the FSGOD are as follows. All dimensional requirements shall be computed based upon the Project rather than building by building basis:

Minimum Lot Area: .....Not applicable
Minimum Lot Frontage:.....100 feet
Maximum Building Height:.....5 stories excluding parking facilities but not higher than 75 feet

Minimum Street and Lot Line Setback:.....50 feet
Maximum Open Space:.....10%
Total Project Coverage by Buildings:.....50%
Minimum Setback between Buildings.....15 feet

10.10.B Subzone Density Requirements. The following density shall be allowed as of right in the FSGOD:

Subzone A:.....maximum of 25 dwelling units per developable acre

Subzone B:.....maximum of 20 dwelling units per developable acre

10.11 Parking Requirements

10.11.A General. Notwithstanding anything to the contrary in this Zoning By-law, the parking requirements applicable in the FSGOD are as follows:

Residential Use: .....1.5 parking spaces per dwelling unit

Nonresidential Use:.....1 parking space per 260 sq. ft. of retail space

10.11.B Shared Parking. The use of shared parking to fulfill parking demands noted above that occur at different times of day is strongly encouraged. Minimum parking requirements above may be reduced by the PAA if the applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies (e.g. the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other approved studies).

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

1. the availability of surplus off 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 PAA.

10.12 Stormwater Management Standards

Stormwater management shall conform to the Department of Environmental Protection's Stormwater Management Policy.

10.13 Design Standards

10.13.A General. In order to ensure quality development within the FSGOD and to ensure design that respects the built and natural character of the Town, the Design Standards, approved by DHCD on April 27, 2007, a copy of which shall be filed with the Town Clerk, shall be applicable to all Projects subject to Plan Approval within the FSGOD. In addition to the standards set forth in this Bylaw, the physical character of Projects within the FSGOD shall comply with such standards, as may be amended in conformance with the requirements of Chapter 40R.

10.14 Decision

10.14.A Waivers. Except where expressly prohibited herein, upon the request of the Applicant the Plan Approval Authority may waive dimensional and other requirements of Section 10 , including the Design Standards, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the FSGOD, or if it finds that such waiver will allow the Project to achieve the density, affordability, mix of uses, and/or physical character allowable under this Section.

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

10.14.C Plan Approval. Plan Approval shall be granted where the PAA finds that:

1. the applicant has submitted the required fees and information as set forth herein; and
2. the Project and site plan meet the requirements and standards set forth this Section 10, or a waiver has been granted there from; and
3. extraordinary adverse potential impacts of the Project on nearby properties have been adequately mitigated by means of suitable conditions.

10.14.D Plan Disapproval. A site plan may be disapproved only where the PAA finds that:

1. the applicant has not submitted the required fees and information as set forth herein; or
2. the Project and site plan do not meet the requirements and standards set forth this Section 10 or the PAA Design Standards, or a waiver has not been granted therefrom; or
3. it is not possible to adequately mitigate significant adverse Project impacts on nearby properties by means of suitable conditions.

10.14.E Form of Decision. All decisions of the PAA shall be by majority vote of the members present and voting. The PAA shall issue to the applicant a copy of its decision containing the name and address of the owner, identifying the land affected, and the plans that were the subject of the decision, and certifying that a copy of the decision has been filed with the Town Clerk and that all plans referred to in the decision are on file with the PAA. If twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the Town Clerk shall so

certify on a copy of the decision. A copy of the decision shall be provided to the Director of Inspectional Services. A copy of the decision or application bearing such certification shall be recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the applicant.

10.15 Change in Plans After Approval by PAA

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

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

10.16 Enforcement; Appeal

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

10.17 Severability

If any provision of this Section 10 is found to be invalid by a court of competent jurisdiction, the remainder of Section 10 shall remain in full force. The invalidity of any provision of this Section 10 shall not affect the validity of the remainder of the Town’s Zoning By-Law.

(T.M. 5-14-07)

SECTION 11 – CHAPTER 43D PRIORITY DEVELOPMENT SITE OVERLAY DISTRICT (PDSOD)

11.1 Purpose

It is the purpose of this Section to further expedite permitting for Priority Development Sites, as adopted by Town Meeting pursuant to G.L. c. 43D, and presently identified as land situated at 150 Westborough Road (Assessor's Map 13, Parcel 100), **105 Westboro Road (Assessor's Map 12, Parcel 15),** and CenTech Park Lot 3 (Map 5, Lot 1E), and CenTech Park Lot 7 (Map 5, Lot 1H); and to provide appropriate systems for any proposed changes to a plan or facilities after the issuance of a special permit and/or site plan review and approval by the Planning Board when required by this Zoning By-Law or after the issuance of any other permit granted by an appropriate municipal agency. Other objectives of this Section are to:

a. Increase clean, diverse, and geographically focused commercial and industrial activities;
b. Strengthen Grafton's tax base;
c. Target appropriate development sites for commercial or industrial development planning;
d. Promote and increase the visibility of Grafton as a community open to assisting appropriate commercial and industrial developments;
e. Provide an efficient process for all municipal permitting;
f. Guaranty municipal permitting decisions on Priority Development Sites within 180 days of application; and
g. Encourage businesses that depend upon, protect, and add to the natural resources of the Town.

11.2 Definitions

For purposes of this Section, G.L. c. 43D, and regulations promulgated pursuant thereto, the following definitions shall apply. To the extent that there may be any conflict between the definitions set forth in this Section and Chapter 43D or regulations promulgated pursuant thereto, the terms of said Chapter 43D or such regulations shall govern.

Governing Body - The Board of Selectmen.

Interagency Permitting Board - The Board, as described in G.L. c 23A, §62, established to review and approve or deny municipal priority development site proposals and to grant and administer technical assistance grants.

Issuing Authority - Any local board, commission, department, or other municipal entity of Grafton that is responsible for issuing permits, granting approvals, or otherwise involved in land use development, including redevelopment of existing buildings and structures.

Permit - A permit, formal determination, order of conditions, license, certificate, authorization, registration, plan approval, zoning relief or other approval or determination with respect to the

use or development of land, buildings, or structures, required by any issuing authority including but not limited to those under statutory authorities contained in G.L. c. 40A, G.L. c. 41, §§81A to 81J, inclusive, and §§81X to 81GG, inclusive, G.L. c. 131, §§40 and 40A, G.L. c. 111, §§26 to 32, inclusive, G.L. c. 40C, G.L. c. 148, §§13 and 14, St. 1975, c. 772, or otherwise under state law or a Grafton by-law, and all associated regulations, by-laws and rules, but not including building permits or approvals pursuant to G.L. c. 41, §§81O to 81W, inclusive. "Permit" shall not include: the decision of an agency to dispose of property under its management or control; predevelopment reviews conducted by the municipal office of permit coordination or a technical review team; or permits granted by the Massachusetts Water Resources Authority.

Priority Development Site - A privately or publicly owned property that is: (1) located in a commercial or industrial underlying zoning district; (2) eligible under applicable zoning provisions, including special permits or other discretionary permits, for the development or redevelopment of a building of at least 50,000 square feet of gross floor area in new or existing buildings or structures; and (3) designated as a priority development site by the Interagency Permitting Board. Several parcels or projects may be included within a single priority development site. Wherever possible, priority development sites should be located adjacent to areas of existing development or in under utilized buildings or facilities, or close to appropriate transit services.

Secretary - The Secretary of the Executive Office of Economic Development.

Technical Review Team - An informal working group consisting of representatives of the various issuing authorities designated by the heads of the appropriate issuing authorities to review requests submitted under this Section. The technical review team shall not include members of the Town's Zoning Board of Appeal.

11.3 Overlay District

11.3.1 Establishment. The Chapter 43D Priority Development Site Overlay District, hereinafter referred to as the PDSOD, is an overlay district identified as land situated at 150 Westborough Road (Assessor's Map 13, Parcel 100), **and 105 Westboro Road (Assessor's Map 12, Parcel 15),** and CenTech Park Lot 3 (Map 5, Lot 1E), and CenTech Park Lot 7 (Map 5, Lot 1H), that is superimposed over the applicable underlying and other overlying zoning districts **and shown on the map entitled "Town of Grafton – Zoning Map".**

11.3.2 Underlying Zoning. The PDSOD constitutes an overlay district superimposed on all applicable underlying and other overlying zoning districts. Except as from time to time may be limited by amendment hereto, the underlying and other overlaying zoning, and all requirements and procedures pertaining thereto that are not inconsistent with the following, shall remain in full force and effect.

11.4 Applicability of PDSOD

In accordance with the provisions hereof and the provisions of G.L. c. 43D and 400 CMR 2.00 et seq., an applicant for a project located within the PDSOD may seek expedited review and

approval in accordance with the requirements of this Section 11. In such case, notwithstanding anything to the contrary contained elsewhere in this Zoning By-law or any other Town By-law or Regulation that pertains to time frames for action by any municipal board or commission, review will be undertaken and completed within the time frames set forth herein.

11.5 Applications and Completeness Review

The Board of Selectmen, as the Governing Body, as that term is used in G.L. c. 43D, shall provide any applicant for a project located within the PDSOD with a comprehensive packet of permit applications necessary for the PDSOD project. In order to identify applicable permits for any project, appropriate Town officials may conduct preliminary reviews or conferences with the applicant. Once the applicant has submitted an application packet, the Board of Selectmen shall have 20 business days from the date of submission of the application to determine completeness of the application packet. The Board shall timely notice the applicant by certified mail as to the completeness of the application packet. If the Board fails to give such notice to the applicant within 20 business days, the application shall be deemed complete. The 180-calendar-day review period described below shall commence the day after notice is mailed or at the expiration of the 20 business day period in cases where the Board of Selectmen fails to give such notice within said 20 business days.

Should the Board of Selectmen determine that an application packet is in complete, the Board shall timely notify the applicant in writing by certified mail with an explanation as to why the application packet is incomplete, and request the information necessary to complete the application. The resubmission of an application packet will begin a new 20-business-day completeness review period. Subsequent completeness decisions must be sent by certified mail and conform to the process outlined in the above.

11.6 Permitting Process and Extensions

The Board of Selectmen, in coordination with all issuing authorities of the Town, must complete the local permitting process within 180 calendar days after the certified notice of completeness is sent, or the 20-day-completeness review period has expired and the application is deemed to be complete. This period may be waived or extended for good cause upon written request of the applicant with the consent of the Board of Selectmen, or upon written request of the Board of Selectmen with the consent of the applicant.

The 180-calendar-day review period may be extended by the Board of Selectmen for a maximum period of 30 days, if a previously unidentified permit or review has been determined necessary within the first 150 calendar days of the process. When the Board of Selectmen determines that a previously unidentified permit is necessary, it shall send immediate notice of such additional requirements to the applicant by certified mail and send a copy of such notice to the Interagency Permitting Board. Where public notice and comment or hearing are required for the previously unidentified permit, the required action date shall be not later than 30 days from the later of the close of the hearing or comment period, which shall be scheduled to commence as quickly as publication allows.

The 180-calendar-day review period may also be extended when any Town Issuing Authority determines that (1) action by another federal, state, or municipal government agency not subject to this By-Law is required before the Issuing Authority may act; (2) pending judicial proceedings affect the ability of the Issuing Authority or applicant to proceed with the application; or (3) enforcement proceedings that could result in revocation of an existing permit for that facility or activity or denial of the application have been commenced. In those circumstances, the Issuing Authority shall provide written notification to the Secretary and the Interagency Permitting Board by certified mail. When the reason for the extension is no longer applicable, the Issuing Authority shall immediately notify the applicant, the Secretary, and the Interagency Permitting Board by certified mail, and shall complete its decision within the time period specified in this section, beginning the day after the notice to resume is issued by the Board of Selectmen. If the Board of Selectmen, in consultation with any Issuing Authority, determines that substantial modifications to the project since the application was determined to be complete pursuant to Section 11.5 render an Issuing Authority incapable of making a decision on an application, an extension of the 180-calendar-day review period may be granted by the Interagency Permitting Board for demonstrated good cause at the written request of the Issuing Authority. The Issuing Authority shall provide terms for the extension including the number of additional days requested. Within ten business days of receipt of the request, the Interagency Permitting Board, or its designee, shall respond to the Issuing Authority with an extension determination. If the applicant makes a substantial modification to a project for the purpose of public benefit, the Issuing Authority may request an extension from the Interagency Permitting Board, and if granted, shall make every reasonable effort to expedite the processing of that permit application.

11.7 Permit Modifications

All issuing authorities shall make every reasonable effort to review permit modification requests within as short a period as is feasible to maintain the integrity of the expedited permitting process. The applicable Issuing Authority shall inform an applicant within 20 business days of receipt of a request whether the modification is approved, denied, determined to be substantial, or requires additional information for the Issuing Authority to issue a decision. If additional information is required, the Issuing Authority shall inform an applicant by certified mail within 20 business days after receipt of the required additional information whether the modification is approved or denied or that further additional information is required by the Issuing Authority in order to render a decision.

11.8 Automatic Grant of Approval

Failure by any Issuing Authority to take final action on a permit within the 180-calendar-day review period, or properly extended review period, shall be considered a grant of the relief requested of that authority. In such case, within 14 days after the date of expiration of the time period, the applicant shall file an affidavit with the Town Clerk, attaching the application, setting forth the facts giving rise to the grant, and stating that notice of the grant has been mailed, by certified mail, to all parties to the proceedings as defined by 400 CMR Section 2.03, and all persons entitled to notice of hearing in connection with the application as defined by 400 CMR Section 2.03.

No Issuing Authority may use lack of time for review as a basis for denial of a permit if the applicant has provided a complete application and has met all other obligations in accordance with this Section.

Notwithstanding the aforesaid, an automatic grant of approval shall not occur:

a) when the Board of Selectmen has made a timely determination under Section 11.5 that the application packet is not complete and the applicant does not provide the requested information within 90 calendar days. In such case, the Board of Selectmen shall notify the Interagency Permitting Board of the discontinuance of the permit process;

b) when the Board of Selectmen, in consultation with an Issuing Authority, has determined that substantial modifications to the project since the application was determined to be complete pursuant of Section 11.5 render the issuing authority incapable of making a decision on an application, except if the Issuing Authority fails to render a decision on an application within the time period of an extension granted by the Interagency Permitting Board on account of a substantial modification to the project pursuant to Section 11.6 of this By-Law; or

c) when the Board of Selectmen has determined that a final application contains false or misleading information. In such event, the Board of Selectmen must submit a statement of findings to the Interagency Permitting Board by certified mail with a copy to the applicant by certified mail. Pursuant to 400 CMR 2.11(c), such a finding may be appealed to the Land Court on a motion of the applicant. Pending the Court's ruling, the 180-calendar-day review period shall be tolled. If the Court rules in favor of the applicant, the 180-calendar-day review period shall resume. If the Court rules in favor of the Town, the 180-calendar-day review process shall be waived.

11.9 Appeals

Appeals of any Issuing Authority decision or of an automatic grant of approval shall be filed within 20 calendar days after the last individual permitting decision has been rendered, or within 20 calendar days after the conclusion of the 180-day period, whichever is later. The 180-day period shall be increased by the number of days in any extension granted hereunder.

The applicant or any person aggrieved by a final decision of any Issuing Authority, or by the failure of that authority to take final action concerning the application within the time specified, whether or not previously a party to the proceeding, or any governmental officer, board, or agency, may appeal to the Division of Administrative Law Appeals by bringing an action within 20 calendar days after a written decision on the application was or should have been rendered. Appeals from decisions of multiple permitting authorities shall be filed simultaneously and shall be consolidated for purposes of hearing and decision. Pursuant to 400 CMR 2.13, this section shall not apply to appeals pursuant to G.L. c. 131, §§40 and 40A, which shall continue to be appealed in accordance with said G.L. c.131, G.L. c. 30A, and applicable regulations.

11.10 Permit Transfers and Renewals

Permits shall not transfer automatically to successors in title, unless the permit expressly allows such transfer without the approval of the appropriate Issuing Authority.

Issuing authorities may develop procedures for simplified permit renewals and annual reporting requirements. If such procedures are not developed, renewals of permits shall be governed by the procedures and timelines specified in G.L. c. 43D.

Permits issued pursuant hereto shall expire 5 years from the date of the expiration of the applicable appeal period unless exercised sooner. Where permits cover multiple buildings, commencement and continuation of construction of one building shall prevent expiration of all permits on that site. No permit issued hereunder shall be affected by changes in the law subsequent to the issuance of such permits. Additionally, nothing in this section shall limit the effectiveness G.L. c. c. 40A, §6.

11.11 Changes to Approved Permits

After the issuance of any permit for a project or land use in the PDSOD the appropriate permitting authority may approve, upon request, minor changes to an approved permit without receiving an application or conducting a public hearing provided such change is, in the opinion of the permitting authority, not substantially different than presented in the materials and information used in making the original decision. The permitting authorities reserve the right to solicit comments from other Town boards, departments and committees, as well as its consulting engineer, in making determinations regarding such change(s). The permitting authority may, upon its determination, require a modification of the original decision if it finds that the proposed changes are substantial in nature and of public concern, and substantially alter the plans and information used in making its Decision. The permitting authority, in considering such change(s), shall make specific findings justifying the granting or denying of any such request for minor modification. Any proposed change deemed substantial in nature shall require a modification of the original decision, and application for such modification and any public hearing shall be made pursuant to the permitting authorities' rules and regulations.

11.12 Severability

If any provision of this Section 11 is found to be invalid by a court of competent jurisdiction, the remainder of Section 11 shall remain in full force. The invalidity of any provision of this Section 11 shall not affect the validity of the remainder of the Town's Zoning By-Law.

SECTION 12 – VILLAGE MIXED USE DISTRICT (VMU)

12.1 Purpose

(a.) Promote development in South Grafton that encourages a mixed-use environment that is less automobile dependent and more pedestrian-friendly.

(b.) Encourage a diverse mix of business, commercial, office, residential, institutional and entertainment uses for workers, visitors, and residents.

(c.) Permit uses that promote conversion of existing buildings in a manner that maintains the visual character and architectural scale of existing development within the district.

(d.) Minimize visual and functional conflicts between residential and nonresidential uses within and abutting the district.

(e.) Promote pedestrian and bicycle circulation and safety.

(f.) Encourage work/live space.

12.2 Applicability and Administration

12.2.1 The Village Mixed Use (VMU) District is hereby established and consists of those areas shown on the Town of Grafton Zoning Map on file with the Town Clerk. The District boundaries are as indicated on the Map.

12.2.2 The site and design guideline criteria within this Section shall be applicable to all residential buildings with two or more units and non-residential developments within the district. This includes any new building construction; a change in building use (adaptive reuse of an existing building) or a significant alteration of the existing building facades; work which results in the increase of floor area through either an addition to the principal structure; addition of a new accessory structure, or significant change to an existing accessory structure; or any activity requiring a new curb cut.

12.2.3 The Planning Board shall be the permit granting authority for the Village Mixed Use District.

12.3 Definitions

Mixed Use Development - A development of two or more compatible land uses, such as residential, office, retail, recreational, and light industrial.

12.4 Permitted and Prohibited Uses

12.4.1 Allowed Uses

The following uses are allowed as of right in the VMU district:

a.) Mixed-use developments
b.) Multi-family dwelling up to 8 units per acre only in mixed-use development
c.) Community and/or neighborhood centers
d.) Retail up to 5,000 sq. ft.
e.) Personal and consumer services up to 5,000 sq. ft.
f.) Restaurants (no drive-up window)
g.) Medical/dental offices
h.) Offices
i.) Banks (no drive-up window)
j.) Bed and breakfast
k.) Indoor recreation

12.4.2 Allowed Uses by Special Permit

a.) Retail over 5,000 sq. ft., but no larger than 15,000 sq. ft.
b.) Personal and consumer services over 5,000 sq. ft., but no larger than 15,000 sq. ft.

12.4.3 Prohibited Uses

a.) Golf course
b.) Outdoor golf driving range or mini-golf
c.) Retail, personal/consumer services, banks, etc. with drive-up windows
d.) Nursing/convalescent homes

12.5 Restrictions

12.5.1 Location and Distribution of Uses. The ground floor of a commercial building or mixed use building (any combination of retail, office, and residential) shall be occupied by commercial uses only.

12.5.2 Maximum residential density shall be eight dwelling units per acre.

12.6 Intensity of Use

a.) Minimum lot size – 20,000 sq. ft.
b.) Minimum frontage – 100 ft.
c.) Minimum yards

(1.) Front – none
(2.) Side – 15 ft.
(3.) Rear – 15 ft.

d.) Maximum building coverage – 75%
e.) Maximum building height – 40 ft.

12.7 Parking

The following guidelines are included to ensure that new and renovated off-street parking areas are constructed in accordance with the district's desired design character, the provisions of this bylaw, and other town bylaws pertaining to parking.

12.7.1 a.) Parking lots for new construction shall be located to the side and rear of the lot unless such a location is not feasible. Parking is prohibited within the front yard. Parking lots that abut public rights of way or grade parking under the building shall be screened with one or a combination of the following:

(1.) A low wall made of concrete, masonry or other suitable material not exceeding a height of 3 feet.

(2.) Raised planters planted with a minimum of 80% evergreen shrubs not to exceed a total height of 6 feet (including planter).

(3.) Landscaping consisting of a mix of trees and shrubs provided that 80% of the shrub plantings are evergreen.

b.) Walls, fencing and architectural details shall complement the materials of adjacent architectural styles.

c.) Where walls are provided, planting areas shall be a minimum width of 4 feet and should be located adjacent to the public right of way.

d.) Where possible, parking areas shall be interconnected in a manner that allows the unobstructed flow of pedestrians between uses and parking areas.

e.) In large parking lots (20 or more spaces) provision for bicycle racks shall be provided in locations that are safely segregated from automobile traffic and parking.

12.7.2 **Shared parking.** Shared parking is the approved use of the same off-street parking spaces for two or more uses where peak parking demand of the different uses occurs at different times of the day, or, where various uses are visited without moving the automobile; and, where the division of parking spaces is a net decrease from the combined total of each use's individual off-street parking requirements, if required separately.

12.7.2.1 Requirements and Criteria. Shared parking arrangements are subject to review and approval by the Planning Board subject to the following requirements and criteria:

a.) Submission of a reciprocal agreement executed by the owners and operators of the different sources or uses ensuring the long-term joint use of such shared parking, and defining the terms upon which the parking is shared;

b.) If required by the Planning Board information concerning the following may be requested:

(1.) the hours of operation and parking demand for each use;

(2.) the hours of peak demand for parking;

(3.) a description of the character of the land use and the parking patterns of adjacent uses;

(4.) an estimate of the anticipated turnover in parking space use over a 24 hour period of time;

(5.) a site plan showing all proposed parking spaces, including the shared use spaces in the lot and the walking distance to the uses sharing the lot; and

(6.) any other information concerning parking deemed necessary by the Planning Board to render a decision.

c.) In the event that the conditions for shared parking change, or if the shared parking arrangement is discontinued, the applicant shall notify the Planning Board within 10 days. The Planning Board shall then require the applicant to meet the applicable parking requirements found in Section 4.2.2 Off-Street Parking Schedule

12.7.3 Decision. A determination shall be made by the Planning Board that the shared parking:

a.) is no more than 500 feet from each use sharing the parking facility;

b.) hours of operation and peak demand of the uses involved shall not conflict; and

c.) will provide an adequate number of spaces for the applicable uses.

12.7.4 Off-Street Parking Schedule

Multi-family dwelling:

a.) Studio and 1 bedroom – 1 space per unit
b.) 2 bedroom – 1.5 spaces per unit
c.) 3 or more bedrooms – 2 spaces per unit

12.8 Curb Cuts

Developments shall be designed in a manner that minimizes the number of curb cuts. To the extent feasible, access to businesses shall be provided through one of the following methods: (a) from an existing side or rear street thus avoiding the principal thoroughfare or (b) from a common driveway serving one or more adjacent properties.

The Planning Board may deny a curb cut if the proposed development is inconsistent with the following guidelines:

a.) Curb cuts shall be limited to one unless the Board feels that due to large parcel size an additional cut is justified.

b.) When access is available from a public side or rear street the Board may deny a curb cut from a primary street.

c.) Shared drives are encouraged between adjacent parcels when appropriate.

12.9 Performance Standards

12.9.1 Pedestrian and Bicycle Access

Provision for safe and convenient pedestrian access shall be incorporated into plans for new construction of buildings and parking areas and should be designed in concert with landscaping plans noted below. Site plans in the Village District should provide for continuity from sidewalks in public streets to all pedestrian entrances on the site, and walkability should be given primary importance over road speed and other access criteria. New construction should improve pedestrian access to buildings, sidewalks and parking areas and should be completed with consideration of pedestrian safety, handicapped access and visual quality. Where appropriate, applicants are encouraged to provide pedestrian and/or bicycle paths (or connection to the proposed bicycle rail trail) connecting the site with abutting areas in order to promote pedestrian and bicycle circulation and safety in the South Grafton. When parking is located in the rear, pedestrian access via a pedestrian-oriented alley or walkway through to the primary street is encouraged.

12.9.2 Landscaping

Landscaping shall be incorporated into new and redeveloped properties in such a way as to create visual relief and interest, provide shade for pedestrian areas and to screen parking and loading areas. Landscape plans shall be prepared by a registered landscape architect, although the Planning Board may, by an affirmative vote of at least 4 members (or 3 when less than 5 are eligible to vote on such application), one of whom may be the Associate Member when sitting in review of the application, authorize deviation from the requirement provided such deviation is not, in the opinion of the Board, contradictory or inconsistent with the intent and guidelines set forth in this Section. Landscape plans shall show the location, type, and size of all proposed plantings as well as enough of the surrounding context such that the Board may determine the plan's appropriateness.

12.9.2.1 Side Yard Treatment

a.) Where the distance between structures on adjacent lots is 10 feet or less the side yard shall be screened by a solid fence, wall or landscape treatment of evergreen plantings at a height not to exceed 3 feet.

b.) Where the distance between structures on adjacent lots is greater than 10 feet landscaping shall consist of a combination of materials sufficient to break up the view into the side yard but, for safety reasons, in no case should this planting be impermeable.

c.) Side yards may, in the alternative, be established as pedestrian walkways to access parking areas to the rear of the building. Such walkways shall be landscaped and lighted for safety.

12.9.2.2 Parking Areas

a.) Large parking areas shall be relieved by landscaped islands of a minimum of 8 feet in width, equal in depth to the depth of a typical parking space and located such that there is one island per 10 continuous spaces.

b.) Alternatively, at least 5% of the interior area of the lot shall be devoted to landscaping. Areas described in the above shall have at a minimum one shade tree with a minimum caliper of 2 ½ inches diameter breast height (DBH). Trees planted in such locations shall be planted in protected pervious areas which have a minimum dimension of 5 feet.

c.) Where lots abut public rights of way, shade trees with a minimum caliper of 2 ½ inches, shall be provided within a planting strip no less than 4 feet in width and at a rate of one tree per every 6 continuous spaces.

12.9.2.3 Trash and Service Areas

a.) All service, loading and trash storage areas viewable from a public right of way or from an adjacent residential area shall be screened by one or a combination of masonry, a wood screen, or evergreen plantings to reduce their visual impact.

b.) Loading and service areas shall not face any residential area unless no other location is possible. Loading areas shall be subject to screening requirements stated herein.

c.) Garage doors and loading spaces are prohibited on the front façade of any building unless no other location is feasible.

12.9.3 Design Regulations

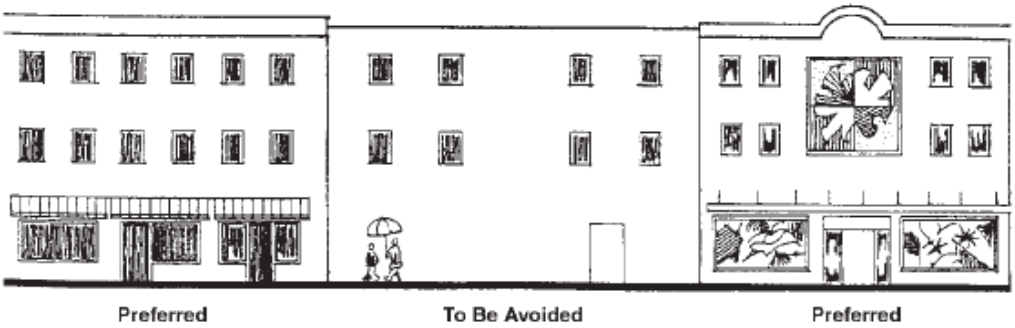
12.9.3.1 Orientation Buildings shall be oriented parallel to the front setback line to preserve a consistent façade line with the street. Primary building entrances should easily identified and be oriented to the street. The primary entry should be clearly visible from the public street which provides the building's main orientation.

12.9.3.2 Articulation New and redeveloped buildings should reinforce the character of the existing streetscape by creating visual interest and reinforcing pedestrian scale. The apparent bulk and large wall expanses of multi-story buildings as well as single story buildings of 15' height or more should be minimized by incorporating one or preferably a combination of the following:

a.) Windows
b.) Architectural Details
c.) Canopies
d.) Overhangs
e.) Indented Bays
f.) Change of Building Materials

The top of such buildings should display a distinct profile or outline incorporating such elements as a projecting parapet, cornice, upper level setback or pitched roofline. When immediately adjacent a building with such articulation, new and redeveloped buildings should provide a treatment that is respectful, such as providing a consistent cornice line where possible.

Large expanses of blank walls are prohibited for commercial and mixed use buildings. The ground floor facade along the primary street shall have continuous storefront windows, with the exception of necessary piers, columns, pilasters, etc.



Friendly retail façades

12.9.3.3 Transparency For commercial and mixed- use buildings, a minimum of 60% of the building façade oriented to the street must be comprised of clear windows that provide views to indoor retail space, dining space or product areas when applicable. Where parking occupies the ground floor the same solid to void ratio must be achieved utilizing techniques such as half-walls, grillwork, or landscaped trelliswork or their equal.

12.9.3.4 Doors and Entrances

a.) Buildings must have a primary entrance facing a public street or way and should be visually prominent.

b.) In buildings with multiple ground floor tenants entries should provide a coordinated design theme i.e. a common canopy, architectural projection or awning design.

12.9.3.5 Pedestrian Spaces and Comfort For the purpose of providing a pedestrian friendly environment in the Village District, new and redeveloped buildings should provide for outdoor seating areas, scaled to the size and demands of the proposed use, where feasible. For example, a large, multi-story project should provide a patio or small plaza area located near the front entry with multiple benches and landscaping. A mixed-use project with ground floor retail such as a restaurant may provide an area for outdoor dining which extends the indoor dining space for seasonal use. A ground floor use may provide a sidewalk bench where there is sufficient width.

Such pedestrian areas are best located when they take advantage of southern exposure and provide space that affords visual connectivity but is setback from major pedestrian flow and vehicular ways and is appropriate to the location.

Outdoor sales and display areas should be well organized and located such as not to impede pedestrian circulation if located on a public walk or way.

The following guidelines should be considered in the design and location of pedestrian spaces:

a.) Flexible design to allow for flexible use
b.) Buffering from major vehicular areas such as parking lots or main traffic ways
c.) Lighting for nighttime comfort and safety
d.) Appropriate street furnishing…i.e. benches, trash receptacles
e.) A focal element where appropriate such as a water feature, special landscape feature or public art installation
f.) Decorative paving and seasonal planting
g.) South facing locations
h.) Visual connectivity, especially to important views such as an historic structure
i.) Appropriately scaled to the development

12.9.3.6 Utilities Underground utilities for new and redeveloped building are required unless physically restricted or blocked by existing underground obstructions.

12.9.3.7 Lighting Site lighting, security lighting and architectural/landscape lighting should provide the user with illumination levels appropriate for the designed activity (i.e. parking, walking, outdoor dining) while meeting minimum requirements. Illumination levels should also be reasonably uniform throughout the site and strive to minimize glare. Provide adequate lighting levels in all pedestrian areas, including building entries, along walkways, parking areas, and other public areas. Provide the following in lighting plans:

a.) An overlapping pattern of light at a height of about 10-15 feet in lighted pedestrian areas and 20 – 24 feet in parking areas.

DO

DON'T

b.) Lighting at consistent lumens with a gradual transition to unlighted areas. Highly contrasting pools of light and dark can be temporarily blinding and should be avoided.

c.) In each lighted area, design lighting levels that will allow pedestrians to identify a face 15 yards away (generally, a minimum of 4 foot-candles). Adequate lighting reduces anonymity and gives pedestrians an opportunity to choose another route.

d.) Adequate lighting at all building entrances, exits and corridors between buildings, at least 4 foot candles during active use, especially where doors are recessed.

e.) Confine site lighting to the project site; use shields or other methods to eliminate glare on adjacent properties.

f.) Place light posts and standards so that they do not create hazards for pedestrians or vehicles.

g.) Indicate specific lighting levels in each lighted area.

<u>12.9.3.8 Quality of site furnishings</u> Provide for the following site plan elements:

a.) High-quality materials in site furnishings and features, such as durable and easily maintained walls and paving.

b.) Site features and furnishings that discourage vandalism. Furnishings that are easily removed or do not convey an image of care invite misuse.

c.) Safety materials, such as non-slip walkway surfaces.

<u>12.9.3.9 Signs</u>

a.) It is encouraged that signs that project from the building are to be designed in such a way that they are compatible with the nature of Village District (e.g. wooden "antique-style" signs).

b.) Sign materials in the Village District for hanging signs: Traditional-looking materials such as wood, brass, bronze, or others are encouraged, as they are most appropriate. Wooden signs should be constructed of dense wood that will accept paint readily.

12.9.3.10 Water Supply Performance Standards

a.) All stormwater runoff generated from development and land use conversion activities shall not discharge untreated stormwater runoff directly to a wetland, local water body, municipal drainage system, or abutting property, without adequate treatment.

b.) Annual groundwater recharge rates shall be maintained, by promoting infiltration and recharge through the use of structural and non-structural methods. At a minimum, annual recharge from the post development site shall equal the annual recharge from pre-development site conditions.

c.) The stormwater runoff volume to be recharged to groundwater should be determined using the methods prescribed in the latest version of the Massachusetts DEP Stormwater Management Manual. The recharge requirements shall apply to all activities within the jurisdiction of this by-law except as noted, and unless specifically waived by the Planning Board.

d.) All structural stormwater management facilities shall be selected and designed using the appropriate criteria from the most recent version of the Massachusetts DEP Stormwater Management Manual. For other structural stormwater controls not included in the Massachusetts Stormwater Management Manual, or for which pollutant removal rates have not been provided, the effectiveness and pollutant removal of the structural control must be documented through prior studies, literature reviews, or other means and receive approval from the Planning Board before being included in the design of a Stormwater Management system.

APPENDIX A: AMENDMENTS TO THE ZONING BYLAW

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		Adopted by Town Meeting	*Approved by Attorney General*
Change Chapter 808 to Chapter 40A throughout		10-28-1986	1-6-1987
1.3.3.5	**Insert** "Planning Board" in place of "Sp. Perm. Granting Auth."	10-28-1986	1-6-1987
1.5.5	**Delete** 1st sentence & insert...	10-28-1986	1-6-1987
1.5.7	**Delete** words in last sentence & **insert** ...	10-28-1986	1-6-1987
2	At end of Heavy Indus. Uses add...	10-28-1986	1-6-1987
2	**Delete** words under definition of Major Business, Office, etc. & insert ...	10-28-1986	1-6-1987
2	**Delete** words under Section B & insert ...	10-28-1986	1-6-1987
2.3	**Delete** definition of Street	10-28-1986	1-6-1987
3.2.3.1	Items 3 & 5, **delete** "under 5 acres" and insert ...	0-28-1986	1-6-1987
3.2.3.2	In heading of 3rd column, **insert** "Frontage and" Lot Width Feet	10-28-1986	1-6-1987
4.4.3.4	**Delete** item 2 and insert ...	10-28-1986	1-6-1987
6.3	After words "Chapter 131, Section 40 of the MGL" **insert** ...	10-28-1986	1-6-1987
6.5 & 6.6	**Delete** and renumber accordingly	10-28-1986	1-6-1987
3.2.3.2	Notes 3,4,5,6 & 7, **delete** words...	3-16-1987	8-17-1987
5.3.3.3(a)	**Delete** first 6 lines and insert...	3-16-1987	8-17-1987
1.5.1.1	**Add** new section on Fees	3-16-1987	8-17-1987
4.3.4	**Add** "O" to make it 50 year storm	3-16-1987	8-17-1987
1.3.4	**Add** a new sentence (as amended)	5-9-1988	9-7-1988
2.3	Signs - **Insert** new definition	5-9-1988	9-7-1988

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		Adopted by Town Meeting	*Approved by Attorney General*
4.4.2.2.7	**Amend** this section (as amended)	5-9-1988	9-7-1988
1.3.1.1	**Insert** new section & renumber	10-17-1988	2-14-1989
1.3.3.6	**Delete** "45" and replace w/"65" **Delete** "21" and replace w/"90"	10-17-1988	2-14-1989
1.3.3.7	**Delete** "sixty-six" and replace…	10-17-1988	2-14-1989
1.3.3.3	**Add** a sentence to end ...	10-17-1988	2-14-1989
1.3.3.5	**Delete** and replace...	10-17-1988	2-14-1989
1.5.1.1	**Delete** and replace...	10-17-1988	2-14-1989
2.1	**Delete** def. of structure and replace ...	10-17-1988	2-14-1989
3.4.3.3	**Add** a phrase in 2nd line ...	10-17-1988	2-14-1989
4.4.1 4.4.3.2	**Amend** section on signs...	10-17-1988	2-14-1989
5.1.1	I**nsert** new section ...	10-17-1988	2-14-1989
6.5.3	**Delete** "significant", change "a" to "an"	10-17-1988	2-14-1989
6.6.1	**Delete** the 2nd sentence	10-17-88	2-14-1989
2.1	**Insert** new definition "tool shed" and amend definition of private garage & home occupation	5-10-1989	8-29-1989
3.4.3.1	**Insert** "AGRI, OLI, CB & NB between "R-20" and "R-MF"	5-10-1989	8-29-1989
5.1.1	**Delete** this section and add new Section 8 Traffic Control	5-10-1989	8-29-1989
3.4.3.5	**Amend** by adding a new phrase to the end after "neighborhood"...	5-10-89	8-29-1989
3.1.4	**Amend** by adding to the end of second and third sentences...	5-10-89	8-29-1989

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		Adopted by Town Meeting	*Approved by Attorney General*
2	**Amend** definition of frontage	5-10-1989	8-29-1989
3.2.3.1	**Amend** for Public & semi-public uses	5-10-1989	8-29-1989
3.2.2.10	**Add** a new section	5-10-1989	8-29-1989
7	**Insert** new Section 7 Water Supply Protection Overlay District	5-10-1989	8-29-1989
1.5.1 etc.	**Amend** these sections to bring them into conformance with Section 7	5-10-1989	8-29-1989
2.1	**Add** new definition "Minimum Lot Area"	5-10-1989	8-29-1989
3.2.3.1	**Insert** a new column under Section 3.2.3.1, Use Regulation Schedule, Accessory Uses allowing an accessory apt. with a Special Permit in residential zones	10-16-1989	2-8-1990
1.5.1	**Amend** Section 1.5.1, del. & add.	5-14-1990	9-24-1990
1.5.1.2	**Add** Associate Member	5-14-1990	9-24-1990
4.2.5.2	Special Cases, including reserve parking	5-14-1990	9-24-1990
3.3.3.3	**Amend** Section, insert words "open decks" between words "for" and "bay windows"	5-13-1991	9-13-1991
4.2	Loading and unloading areas, off-street parking and access drives	5-13-1991	9-13-1991
2	Bed and Breakfast Homestays	5-13-1991	9-13-1991
	& attendant changes to Sections 3.2.3.1, 4.2.2, 4.4.3.1.4, & 7.4.b.9	5-13-1991	9-13-1991
3.2.2.5	Agricultural Uses	5-13-1991	9-13-1991
1.3.3.2	Site Plan Procedure	5-13-1991	9-13-1991

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5.3	**Delete** Section 5.3, "Cluster Development" and **replace** with a new Section 5.3, "Flexible Development" and make attendant changes to Sections 1.5.1, 3.2.3.1 5.1, 5.3.2.1 and 2	5-13-1991	9-13-1991
7	**Delete** 7.4.A.l.c "Mobile homes for human habitation"	10-21-1991	2-10-1992
7	**Delete** in Section 7.4.C.1 the phrase "as a primary activity" and replace it with the phrase "per solid waste regulations, 310 CMR 19.006"	10-21-1991	2-10-1992
7	In Section 7.4.C.1, **add** after the word "operations" and before the word "or", the phrase "landfilling of septage"	10-21-1991	2-10-1992
7	**Add** a new section 7.4.C.18: "18. The storage of animal manures unless covered or contained"	10-21-1991	12-10-1992
2	Definition of Professional Offices: **add** "licensed massage/ muscular therapists" to list in definition	5-11-1992	
3.2.3.1	Use Regulation Schedule, Public & Semi-pubic Uses 2. Day Care Centers	5-11-1992	
9	**Insert** a new Section 9 "Campus Development Overlay" and make attendant changes to Sections 2 & 3.	10-19-1992	
1.5.1.1	Raises the base fees $50.00 to cover publication of legal notice.	10-17-1994	2-21-1995
2.1	**Adds** definition "Principal Structure"	10-17-1994	2-21-1995
2.3	**Adds** definition "Portable Sign"	10-17-1994	2-21-1995

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3.2.3.1	**Changes** requirements for some Residential Uses	10-17-1994	2-21-1995
3.2.3.1	Under Use Regulation Schedule - PRINCIPAL USES - Communications, Transportation and Public Utility Use, **add** towers for commercial radio or television or other electronic transmission	10-17-1994	2-21-1995
4.2.2	**Change** Industrial and Warehouse Uses to "500 gross square feet"	10-17-1994	2-21-1995
7.4	**Delete** 7.4.C.11f, "Plastic molding extrusion, fabrication."	10-21-1996	12-4-1996
	Add "and subsection E-H below, due to the nature of these uses..."	10-21-1996	12-4-1996
	Add 7.4.D.8: "Light manufacturing…" 12-4-1996		10-21-1996
2.1	Definitions		
	Add: "Adult Entertainment Enterprises…"	10-20-1997	
	"Adult Retailers…"	10-20-1997	
	"Adult Dance Club…"	10-20-1997	
	"Adult Theater…"	10-20-1997	
3.2.3.1	Business Uses		
	Add: "Business Uses		
	20. Adult Entertainment…"	10-20-1997	
Add:			
Section 5.7	Adult Uses…	10-20-1997	
Section 5.8	Wireless Communications Facilities…	10-20-1997	
Section 1.5.8	Period of Validity…	5-11-1998	
Section 4.1.6	Work Within or Affecting Existing Road Or Right of Way	5-11-1998	
Section 1.5.5	Conditions for Granting, add "j"	10-18-1999	
Section 5.3	Major Residential Development" – use term throughout	10-18-1999	

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Section 5.3	Major Residential Development" – use term throughout	10-18-1999	
Section 5.3.4	Change make-up of interdisc. Team	10-18-1999	
Section 6.2	Flood Plain – update map references	10-18-1999	
Section 9.6.2.2	Allow increased height in CDO	10-18-1999	
Section 3.2.2.3	This Sub-section **DELETED**	5-16-2001	
Section 1.3.3.5	6th line – **replaced** "any" with "all"	5-15-2002 (Article 48)	9-16-2002
Section 1.5.4	Appeals – 2nd line, **replaced** "of" Board of Appeals with "or" Board of Appeals	5-15-2002 (Article 47)	9-16-2002
Section 1.5.5	**ADDED** "or the special permit will not be in the public interest,"	5-15-2002 (Article 46)	9-16-2002
Section 9.4.C	This sub-Section **ADDED**, previous Sections 9.4.C and 9.4.D re-numbered 9.4.D and 9.4.E respectively	5-15-2002 (Article 45)	9-16-2002
Section 5.8.4	**ADDED** sub-Section 5.8.4.h	10-23-2002 (Article 26)	12-30-2002
Section 1.3.3	**DELETED** existing sub-Sections 1.3.3.3 and 1.3.3.4 and replaced, and amended reference in sub-Section 1.3.3.5, 7th line	5-14-2003 (Article 35)	9-8-2003
Section 1.3.3	**ADDED** sub-Section 1.3.3.9	5-14-2003 (Article 36)	9-8-2003
Section 1.3.3	**ADDED** sub-Section 1.3.3.10	5-14-2003 (Article 39)	9-8-2003
Section 1.5.2	**Replace** "Board of Selectmen" with "Planning Board" regarding special Permit granting authority for signs.	10-20-2003 (Article 26)	1-13-2004
Section 2.1	**DELETED** existing definition of "frontage" and replaced with new definition.	10-20-2003 (Article 22)	1-13-2004
Section 4.4.3.4	**Replace** reference to Section 4.4.3.2.3 with Section 4.4.3.2.5.	10-20-2003 (Article 23)	1-13-2004

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Section 4.4	**DELETED** existing sub-section 4.4.3.2.2 And replace with new sub-section regarding wall signs or individual letter signs.	10-20-2003 (Article 25)	1-13-2004
Section 4.4	**ADDED** "Purpose" section - Signs	5-10-2004 (Article 47)	7-20-2004
Section 2.3	**DELETED** existing definition of "temporary sign" and replaced with new definition.	5-10-2004 (Article 48)	7-20-2004
Section 4.4.2.6	**ADDED** statement regarding exceptions for temporary and portable signs.	5-10-2004 (Article 49)	7-20-2004
Section 4.4.1.2.4	**DELETED** existing Section regarding political signs and replaced.	5-10-2004 (Article 50)	7-20-2004
Section 4.4.3.1.5	**ADDED** new sub-section regarding signs during construction of residential developments.	5-10-2004 (Article 51)	7-20-2004
Section 4.4	**DELETED** existing Section 4.4.3.4 and Replaced with new Section (4.4.4) Regarding "Special Cases/Relief" for signs.	5-10-2004 (Article 52)	7-20-2004
Section 4.4.5	**ADDED** new subsection regarding severability	5-10-2004 (Article 53)	7-20-2004
Section 5.3.9	**DELETED** last sentence and replaced with new wording regarding reasons for disapproving applications for Major Residential Development.	5-10-2004 (Article 54)	7-20-2004
Section 5.3.11.c	**DELETED** existing Section and replaced with new Section regarding configuration/ design of common land in Flex developments	5-10-2004 (Article 55)	7-20-2004
Section 5.9	**ADDED** new subsection regarding common driveways, and: ADDED definition to Section 2.1; ADDED to list of Accessory Uses in Section 3.2.3.1; and ADDED reference under Special Permit granting authorities (Section 1.5.1)	10-18-2004 (Article 38)	1-25-2005
Section 3.2.3.1	**ADDED** to Use Regulation Schedule, Accessory Uses, 12 - Golf Course Clubhouse	05-09-2005 (Article 46)	6-30-2005

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Section 1.5.1.1	**DELETED** sentence stating application fees include legal ad fee and replaced with new wording to require the legal ad fee in addition to the application fee.	05-08-2006 (Article 50)	8-9-2006
Section 3.1.1	**ADDED** to Zoning Districts Fisherville Smart Growth Overlay District- **FSGOD**	05-14-2007 (Article 31)	8-8-2007
Section 3.1.5.12	**ADDED** to District Intents & Purposes. 3.1.5.12 Fisherville Smart Growth Overlay District (FSGOD): See Section 10.1	05-14-2007 (Article 31)	8-8-2007
Section 3.2.3.2	**ADDED** to the Intensity of Use Schedule Fisherville Smart Growth Overlay FSGOD - As Governed in Section 10.	05-14-2007 (Article 31)	8-8-2007
Section 10	**ADDED** New Overlay District Section SECTION 10: FISHERVILLE SMART GROWTH OVERLAY DISTRICT (FSGOD)	05-14-2007 (Article 31)	8-8-2007
Section 3.2.3.1	**ADDED** new subsection 10 – Public water uses be permitted by special permit under all zoning districts	05-14-2007 (Article 52)	8-8-2007
Sections 1,2,3,4,5 & 7	Various technical amendments and minor substantive changes.	05-12-08 (Article 47)	9-18-2008
Section 3.1.1	**ADDED** to Zoning Districts Chapter 43D Priority Development Overlay District (PDSOD)	05-12-08 (Article 46)	9-18-2008
Section 3.1.5.13	**ADDED** to District Intents & Purposes Chapter 43D Priority Development Overlay Overlay District (PDSOD) See Section 11.1	05-12-08 (Article 46)	9-18-2008
Section 3.2.3.2	**ADDED** to the Intensity of Use Schedule Chapter 43D Priority Development Overlay District (PDSOD As governed in Section 11	05-12-08	9-18-2008
Section 11	**ADDED** new Overlay District Section SECTION 11 – CHAPTER 43D PRIORITY DEVELOPMENT OVERLAY DISTRICT (PDSOD)	05-12-08 (Article 46)	9-18-2008

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Section 3.4.2.4	**DELETED** language in Section 3.4.2.4 and replaced it with new language regarding non-conforming single and two family structures	05-11-09 (Article 42)	12/10/2009
Section 3.1.2	**DELETED** language referring to zoning map dated 1986 with language referring to the "Town of Grafton – Zoning Map"	05-11-09 (Article 43)	12/10/2009
Section 7.4.C.17	**ADDED** new section regarding the use of perchlorate products in the Aquifer Protection District	05-11-09 (Article 45)	12/10/2009
Section 2.1	**ADDED** new language under the definition of "Professional Office" to include "licensed by the appropriate boards/commissions of the Commonwealth of Massachusetts"	10-19-09 (Article 24)	2/1/2010
Section 3.2.3.1	**DELETED** from the "Use Regulation Schedule" under Recreational Uses: line item "4. Massage Parlors". Remaining line items renumbered to reflect deleted item.	10-19-09 (Article 24)	2/1/2010
Section 6.2	**DELETED** language and **REPLACED** it with language required by the Federal Emergency Management Agency (FEMA)	10-09-11 (Article 48)	6/16/2011
Section 6.3	**DELETED** language and **REPLACED** it with language required by the Federal Emergency Management Agency (FEMA)	10-09-11 (Article 48)	6/16/2011
Section 2.1	**ADDED** Definition – "Backyard Chickens"	05-14-12 (Article 49)	6/25/12
Section 3.2.3.1	**ADDED** to the Intensity of Use Schedule - Accessory Uses - #13 – Backyard Chickens	05-14-12 (Article 49)	6/25/12
Section 2	**ADDED** Definition – "Alternative Energy"	10-15-12 (Article 30)	12/5/2012
Section 2	**ADDED** Definition – "Renewable Energy"	10-15-12 (Article 30)	12/5/2012
Section 2	**ADDED** Definition – "Mixed Use Development"	10-15-12 (Article 29)	12/5/2012

APPENDIX A: AMENDMENTS TO THE ZONING BYLAW

* This listing is intended to provide general guidance only. *

		Adopted by Town Meeting	*Approved by Attorney General*
Section 2	**ADDED** Definitions – "Automated Variable Message Sign", "Changeable Electronic Variable Message Sign", "Electric Sign", "Erected", "Variable" Message Sign".	10-15-12 (Article 29)	12/5/2012
Section 3.1.5.14	**ADDED** – Village Mixed Use District (VMU)	10-15-12 (Article 29)	12/5/2012
Section 3.2.3.1	**ADDED** to Use Regulation Schedule new district - Village Mixed Use	10-15-12 (Article 29)	12/5/2012
Section 4.4.3.2	**ADDED** - Business & Village Mixed Use Districts (NB, CB and VMU)	10-15-12 (Article 29)	12/5/2012
Sect.4.4.3.2.12	**ADDED** – Signs within the Village Mixed Use District may be illuminated only from external sources, and only white lights shall be used for Illumination.	10-15-12 (Article 29)	12/5/2012
Section 4.4.1.1	**ADDED** - #8 under Permits Required	10-15-12 (Article 29)	12/5/2012
Section 4.4.2.1	**DELETED** – Moving Signs & **REPLACED** with new Section 4.4.2.1 Illumination with new language	10-15-12 (Article 29)	12/5/2012
Section 4.4.2.2	**RENAMED** to Billboards with new language	10-15-12 (Article 29)	12/5/2012
Section 4.4.2.3	**RENAMED** to Temporary Signs with new language	10-15-12 (Article 29)	12/5/2012
Section 4.4.2.4	**RENUMBERED** from Section 4.4.2. with new language **ADDED**	10-15-12 (Article 29)	12/5/2012
Section 4.4.2.5	**RENUMBERED** from Section 4.4.2.2 with new language **ADDED**	10-15-12 (Article 29)	12/5/2012
Section 4.4.2.6	**RENUMBERED** from Section 4.4.2.3	10-15-12 (Article 29)	12/5/2012
Section 4.4.2.7	**RENUMBERED** from Section 4.4.2.4	10-15-12 (Article 29)	12/5/2012
Section 9.4.B	**DELETED** Section & **REPLACED** with new Section 9.4.B(i)	10-15-12 (Article 30)	12/5/2012

APPENDIX A: AMENDMENTS TO THE ZONING BYLAW

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		Adopted by Town Meeting	*Approved by Attorney General*
Section 9.4.E	**DELETED** language & **REPLACED** with new language Section 9.4.E	10-15-12 (Article 30)	12/5/2012
Section 12	**ADDED** – new Village Mixed Use Section SECTION 12 – VILLAGE MIXED USE DISTRICT (VMU)	10-15-12 (Article 29)	12/5/2012
Section 2	**ADDED** language – Section 2.1 - Definitions: Frontage: If a lot has frontage on more than one street, frontage on only one street shall be used to satisfy the minimum lot frontage requirement. Principal vehicular access to the principal use of the lot shall be through frontage that satisfied the minimum lot frontage requirements.	10-14-13 (Article 21)	11/13/13
Section 3.3.3.4	ADDED language: or the minimum setback, whichever is less,	10-14-13 (Article 20)	11/13/13
Section 3.3.3.4	ADDED language: or as permitted through, the issuance of a special permit for a common driveway pursuant to Section 5.9	10-20-14 (Article 22)	01/29/15
Section 2.3	AMEND to read (new language in bold, deletions in ~~strike through~~)	10-20-14 (Article 23)	01/29/15

Nonprofit Event Temporary Sign: A temporary sign used exclusively to advertise an event sponsored by a nonprofit organization.

Sign: Any **combination of** words, lettering, parts of letters, **colors**, figures, numerals, phrases, sentences, emblems devices, designs, **images**, trade names or trademarks whether ~~stationary or portable~~ **rigid, movable, portable, or flexible**, illuminated or not, by which any thing, advertisement, identification or message, is made known, such as are used to designate or locate an individual, firm, association, corporation, profession, business, commodity, product or process, which are visible from a public or private way, or right of way and used to attract attention.

Temporary Sign: Any sign ~~intended~~ to be displayed for a limited period of time for the sole purpose of advertising, announcing or promotion a charitable, religious or civic event such as, but not limited to, fundraisers and public elections. Temporary signs shall also include any sign erected by a federal, state, or local government entity to protect public safety and warn against hazardous or dangerous conditions such as, but not limited to, contagious diseases or condemned property.

APPENDIX A: AMENDMENTS TO THE ZONING BYLAW

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		Adopted by Town Meeting	***Approved by Attorney General***
Section 4.4	Signs: reorganizing existing By-Law language, correcting internal consistencies and adding clarifying language relating to size, location, and calculation of area.	10-20-14 (Article 24)	01/29/15
Section 9.6.2.2	AMEND Campus Development Overlay District – Height: Replace 75 feet with 95 feet	3-7-15 (Article 2)	06/22/15
Section 3.2.3.1	AMEND Use Regulation Table – Principal Uses: Recreational Uses #6: replace references in zones A, R40, R20, RMF, NB, CB, I OLK, VMU and FP to a P.	5-11-15 (Article 36)	09/08/15
Section 3.1.2	AMEND by making the following changes New language in **BOLD**, deletions in ~~strike through~~:	5-11-15 (Article 37)	09/08/15

3.1.2 Zoning Map

The boundaries of the districts, other than the Flood Plain **Districts**, ~~the Water Supply Overlay, the Campus Development Overlay, the Fisherville Smart Growth Overlay District and the Chapter 43D Priority Development Overlay District~~ are defined and bounded on the map entitled "Town of Grafton – Zoning Map", on file with the Town Clerk. That map and all explanatory matter thereon are hereby made a part of this By Law, together with any amendments, as adopted by vote of Town Meeting. The boundaries of the Flood Plain **Districts** are~~:~~ defined in Section 6.2**.**~~, the boundaries of the Water Supply Overlay as defined in Section 7.3, the boundaries of the Campus Development Overlay as defined in Section 9.1, the boundaries of the Fisherville Smart Growth Overlay District are as defined in Section 10.3.A, and the boundaries of the Chapter 43D Priority Development Overlay District are as defined in Section 11.1.~~

Section 4.4.4.4	AMEND by adding "height, installation of signs pursuant to Section 4.4.2.5.9,"	5-11-15 (Article 38)	09/08/15
Section 5.6	AMEND by adding "or other similar uses pursuant with M.G.L. c40A Sec.3,"	5-11-15 (Article 36)	09/08/15
Section 7.3	AMEND by deleting "Water Supply Protection Overlay District, Town of Grafton" and replacing with "Town of Grafton - Zoning Map,"	5-11-15 (Article 37)	09/08/15

APPENDIX A: AMENDMENTS TO THE ZONING BYLAW

* This listing is intended to provide general guidance only. *

		Adopted by Town Meeting	*Approved by Attorney General*
Section 7.4.C.10.	AMEND by deleting ", biological, biomedical, Biotechnological, and bacteriological"	5-11-15 (Article 41)	09/08/15
Section 7.4.D	**INSERT** new section "7.4.D.9 -Uses identified in Section 9.4 Permitted Uses (Campus Development Overlay District) shall be permitted as a Special Permit within the WSPOD."	5-11-15 (Article 41)	09/08/15
Section 9.1	AMEND by adding "as shown on a map entitled "Town of Grafton – Zoning Map,"	5-11-15 (Article 37)	09/08/15
Section 10.3.A	AMEND by adding "as shown on the map entitled "Town of Grafton – Zoning Map," and deleting "and is".	5-11-15 (Article 37)	09/08/15
Section 11.1	AMEND by adding "and 105 Westboro Road (Assessor's Map 12, Parcel 15),"	5-11-15 (Article 40)	09/08/15
Section 11.3.1	AMEND by adding "and 105 Westboro Road (Assessor's Map 12, Parcel 15),"	5-11-15 (Article 40)	09/08/15
Section 11.3.1	AMEND by deleting "A map delineating the PDSOD, as is on file in the Office of the Town Clerk, is herby made a part of the Zoning By-law," and adding "and shown on the map entitled "Town of Grafton – Zoning Map."	5-11-15 (Article 37)	09/08/15
Section 4.4.2.5.	AMEND by adding "bicyclists, or pedestrians"	10/19/15 (Article 24)	02/17/16
Section 4.4.2.5.	AMEND by deleting "to" and replace with "must". Strike the last period of the section and INSERT new language" within the Intersection Sight Distance triangle as defined by the American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, AASHTO, Washington, DC, 2004.	10/19/15 (Article 24)	02/17/16

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APPENDIX B: TOWN MEETING ACTION

- **Accepted** at Annual Town Meeting
  May 12, 1986
  *(**Approved** by Attorney General)*
  August 4, 1986

- **Amended** at Special Town Meeting
  October 28, 1986
  *(**Approved** by Attorney General)*
  January 6, 1987

- **Amended** at Special Town Meeting
  March 16, 1987
  (***Approved** by Attorney General)*
  August 17, 1987

- **Amended** at Annual Town Meeting
  May 11, 1987
  *(**Approved** by Attorney General)*
  October 2, 1987

- **Amended** at Special Town Meeting
  December 14, 1987
  *(**Approved** by Attorney General)*
  February 3, 1988

- **Amended** at Annual Town Meeting
  May 9, 1988
  (Approved by Attorney General)
  September 7, 1988

- **Amended** at Semi-Annual Town Meeting
  October 19, 1988
  *(**Approved** by Attorney General)*
  February 14, 1989

- **Amended** at Spring Town Meeting
  May 8, 1989
  *(**Approved** by Attorney General)*
  August 19, 1989

- **Amended** at Fall Town Meeting
  October 16, 1989
  *(**Approved** by Attorney General)*
  February 8, 1990

- **Amended** at Spring Town Meeting
  May 14, 1990
  *(**Approved** by Attorney General)*
  September 24, 1990

- **Amended** at Spring Town Meeting
  May 13, 1991
  *(**Approved** by Attorney General)*
  September 13, 1991

- **Amended** at Fall Town Meeting
  October 21, 1991
  *(**Approved** by Attorney General)*
  February 10, 1992

- **Amended** at Spring Town Meeting
  May 11, 1992
  *(**Approved** by Attorney General)*

- **Amended** at Fall Town Meeting
  October 19, 1992
  *(**Approved** by Attorney General)*

- **Amended** at Spring Town Meeting
  May 9, 1994
  *(**Approved** by Attorney General)*

- **Amended** at Fall Town Meeting
  October 17, 1994
  *(**Approved** by Attorney General)*
  February 21, 1995

- **Amended** at Fall Town Meeting
  October 21, 1996
  *(**Approved** by Attorney General)*
  December 4, 1996

- **Amended** at Fall Town Meeting
  October 21, 1997
  *(**Approved** by Attorney General)*
  January 12, 1998

- **Amended** at Spring Town Meeting
  May 13, 1998
  *(**Approved** by Attorney General)*

- **Amended** at Fall Town Meeting
  October 18, 1999
  *(**Approved** by Attorney General)*

- **Amended** at Spring Town Meeting
  May 16, 2001
  *(**Approved** by Attorney General)*

APPENDIX B: TOWN MEETING ACTION

- **Amended** at Spring Town Meeting May 15, 2002
  *(**Approved** by Attorney General) September 16, 2002*
- **Amended** at Fall Town Meeting October 23, 2002
  *(**Approved** by Attorney General) December 30, 2002*
- **Amended** at Spring Town Meeting May 14, 2003
  *(**Approved** by Attorney General) September 8, 2003*
- **Amended** at Fall Town Meeting October 20, 2003
  *(**Approved** by Attorney General) January 13, 2004*
- **Amended** at Spring Town Meeting May 10, 2004
  *(**Approved** by Attorney General) July 20, 2004*
- **Amended** at Fall Town Meeting October 18, 2004
  *(**Approved** by Attorney General) January 25, 2005*
- **Amended** at Spring Town Meeting May 9, 2005
  *(**Approved** by Attorney General) June 30, 2005*
- **Amended** at Spring Town Meeting May 8, 2006
  *(**Approved** by Attorney General) August 9, 2006*
- **Amended** at Spring Town Meeting May 14, 2007
  *(**Approved** by Attorney General) August 8, 2007*
- **Amended** at Spring Town Meeting May 12, 2008
  *(**Approved** by Attorney General) September 18, 2008*
- **Amended** at Spring Town Meeting May 11, 2009
  *(**Approved** by Attorney General) June 16, 2011*
- **Amended** at Spring Town Meeting May 11, 2009
  *(**Approved** by Attorney General) June 16, 2011*
- **Amended** at Spring Town Meeting May 14, 2012
  *(**Approved** by Attorney General) June 25, 2012*
- **Amended** at Fall Town Meeting October 15, 2012
  *(**Approved** by Attorney General) December 5, 2012*
- **Amended** at Fall Town Meeting October 13, 2013
  *(**Approved** by Attorney General) November 13, 2013)*
- **Amended** at Fall Town Meeting October 20, 2014
  *(**Approved** by Attorney General) January 29, 2015*
- **Amended** at Special Town Meeting March 7, 2015
  *(**Approved** by Attorney General) June 19, 2015)*
- **Amended** at Spring Town Meeting May 11, 2015
  *(**Approved** by Attorney General) September 8, 2015*
- **Amended** at Fall Town Meeting October 19, 2015
  *(**Approved** by Attorney General) February 17, 2016*