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, 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 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.

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)	S	N	N	N	N	N	S	S	N	S	---
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 must be stabilized with vegetation, landscaping, or plant materials excepting only cuts through the ten (10) feet stabilized border for walkways and entrances and exits.

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.