

# Grafton Zoning Bylaw Section 5.12: Proposed Changes

## February 9, 2023

This update is proposed for the purpose of creating a Mill Redevelopment Overlay Zoning District under Section Five - Special Regulations.

Proposed changes include:

- Adding a Section 5.12 under Section 5 Special Regulations that includes language for Purpose and Intent, Definitions, Applicability, Conditions, and Variance Required;
- Adding the following uses under Section 2 Definitions, Section 2.1: Uses and Structures: Incubator or Innovation Center, Makerspace, and Light Industrial;
- Replacing the Definition for “Heavy Industrial Uses” with “Heavy Industrial” under Section 2.1: Uses and Structures;
- Adding asterisks to Section 3.1: Zoning Districts to indicate the Overlay applies to all residential and mixed-use districts;
- Updating the Use Table Regulations to include Incubator and Innovation Center under “Business Uses”, with specific regulations for up to and over 5,000 sq. ft. of floor area per establishment; and
- Updating the Use Table Regulations to include Makerspace, Light Industrial, and Heavy Industrial under “Industrial and Warehouse Uses.”

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### Section Headings

**SECTION 5 – SPECIAL REGULATIONS..... ERROR! BOOKMARK NOT DEFINED.**

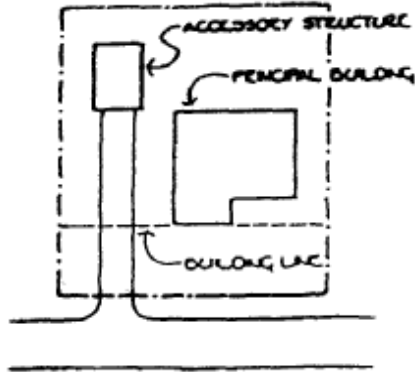
5.1 General .....	<b>Error! Bookmark not defined.</b>
5.2 Multi-Family Dwellings.....	<b>Error! Bookmark not defined.</b>
5.3 Major Residential Development .....	<b>Error! Bookmark not defined.</b>
5.4 Incentive Provisions in Business, Office, & Industrial Districts.....	<b>Error! Bookmark not defined.</b>
5.5 Wind Energy Conversion System.....	<b>Error! Bookmark not defined.</b>
5.6 Riding Stables or Academies or Trails or Boarding Stables ...	<b>Error! Bookmark not defined.</b>
5.7 Adult Uses .....	<b>Error! Bookmark not defined.</b>
5.8 Wireless Communications Facilities .....	<b>Error! Bookmark not defined.</b>
5.9 Common Driveway .....	<b>Error! Bookmark not defined.</b>
5.10 Medical Marijuana and Marijuana Establishments .....	<b>Error! Bookmark not defined.</b>
5.11 Temporary Moratorium on Recreational Marijuana Establishments.....	<b>Error! Bookmark not defined.</b>
5.12 Mill Redevelopment Overlay Zoning .....	<b>30</b>

### 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.

**Artist Live/Work/Gallery:** The use of all or a portion of a structure for living and work by residents engaged in the creation, manufacturing or assemblage of commercial graphic arts; fine arts, including but not limited to painting, printmaking, ceramics, sculpting; performing and visual arts including but not limited to dance, photography, music composition, and filmmaking production and pre- and postproduction activities (but not to include Adult Entertainment). Sales of resident-created works are allowed on premises. (T.M. 5/9/16)

**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.

**Brew Pub:** Restaurants, licensed under the relevant state and federal statutes, to produce and sell beer and/or ale at the location and whose primary business is the sale and preparation of food to be consumed on the premises. Malt beverages including beer, ales and hard ciders produced on the premises may be sold to other establishments but shall not to exceed 25 percent of the establishment's production capacity. (T.M. 5/9/16)

**Brewery:** A facility, licensed under the relevant state and federal statutes, for the large scale production and packaging of malt, wine, or hard cider beverages for distribution retail or wholesale, which may include a tap room where beverages produced on the premises may be sold and consumed. (T.M. 5/9/16)

**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.

**Contractor's Yard:** Premises used by a contractor or subcontractor for storage of equipment and supplies, materials, and parking of wheeled equipment. (T.M. 5/9/16)

**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) except as permitted through the issuance of a flexible development Special Permit pursuant to Section 5.3 or the issuance of a Special Permit for a common driveway pursuant to Section 5.9. (T.M. 5/9/16)

**Lot, Corner:** A lot at the point of intersection of and abutting on two or more intersecting streets, the angle of intersection of the street lot line, or in the case of a curved street extended lot lines, being not more than 135 degrees. Corner lots shall not have rear lot lines except as defined as "Yard, Rear – Corner Lot." (T.M. 5/9/16)

**Yard, Rear - Corner Lot:** A corner lot with four property lines will have two front yards, two side yards and no rear yard. A corner lot with more than four property lines will have one or more rear yards along the interior property line(s) between the two required side yards,. The depth of the rear yard(s) shall comply with the provisions of the zoning district in which the property is located. (T.M. 5/9/16)

**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 dyeing 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~~

Heavy Industrial: a use engaged in the basic processing and manufacturing of materials or finished products or parts, storage & warehousing, sales, and distribution of such products or parts. May include screened outdoor storage of materials and includes uses that do not meet the light manufacturing criteria set forth above. These uses have the potential to produce noise, vibrations, smoke, dust, and odor.

**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.

**Incubator or Innovation Center:** A flexible office building designed to accelerate the growth of entrepreneurial endeavors by providing an array of business, medical, technology & research support resources, and services that may include flexible physical space, access to capital, common services, and computer networking connections.

**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.

**Large Family Child Care Home:** An accessory use to a dwelling, allowing more than six children in care, as defined in M.G.L. c. 15D, section 1A, provided that said dwelling and provider have received a license from the Department of Early Education and Care to provide family day care, as defined by M.G.L. c. 15D. (T.M. 5/9/16)

**Light Industrial:** fabrication, assembly, processing, finishing work or packaging from previously prepared materials, of finished products or parts, and incidental storage, sales, and distribution of such products that produce no airborne emissions, objectionable noise, glare, odor, vibrations, smoke, or dust associated with the industrial operation. Outdoor storage of raw materials and products is permitted with proper screening.

**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.

Makerspace: Collaborative incubator workspace for making, learning, and exploring a variety of artistic, industrial, or light industrial activities such as machining, plasma cutting, sandblasting, ventilated painting, forging, casting, ceramics, and various other industrial processes. Such workspace may include a variety of low-tech and high-tech tools and equipment including but not limited to 3D printers, laser cutters, CNC machines, soldering irons, blacksmith equipment, and woodworking machinery. Makerspaces may include training and educational activities, including training related to vehicle repair, and may also include live-work spaces.

**Microbrewery:** A facility, licensed under the relevant state and federal statutes, for the production and packaging of malt, wine, or hard cider beverages for distribution retail or wholesale, on or off the premise, with a capacity of not more than fifteen thousand (15,000) barrels, (a barrel being equivalent to thirty one (31) gallons per year) and which may include a tap room where beverages produced on the premises may be sold and consumed. May include other uses such as a restaurant, including outdoor dining if otherwise permitted in the zoning district. (T.M. 5/9/16)

**Micro-cidery:** A facility, licensed under the relevant state and federal statutes, for the production and packaging of hard cider beverages for distribution retail or wholesale, on or off the premise, with a capacity of not more than fifteen thousand (15,000) barrels, (a barrel being equivalent to thirty one (31) gallons per year) and which may include a tap room where beverages produced on the premises may be sold and consumed. May include other uses such as a restaurant, including outdoor dining if otherwise permitted in the zoning district. See Microbrewery in Section 3.2.3.1 Use Regulation Table. (T.M. 5/9/16)

**Micro-winery:** A facility, licensed under the relevant state and federal statutes, for the production and packaging of wine beverages for distribution retail or wholesale, on or off the premise, with a capacity of not more than fifteen thousand (15,000) barrels, (a barrel being equivalent to thirty one (31) gallons per



year) and which may include a tap room where beverages produced on the premises may be sold and consumed. May include other uses such as a restaurant, including outdoor dining if otherwise permitted in the zoning district. See Microbrewery in Section 3.2.3.1 Use Regulation Table. (T.M. 5/9/16)

**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.

**Nanobrewery:** Also considered a craft brewery, a facility, licensed under the relevant state and federal statutes, for the small scale production of malt, wine, or hard cider beverages primarily for on premises consumption and sale with limited distribution to retail or wholesale, with a capacity of not more than six thousand (6,000) barrels, (a barrel being equivalent to thirty one (31) gallons per year) and which may include accessory preparation and sale of food for on premises consumption. (T.M. 5/9/16)

**Nano-cidery:** Also considered a craft cidery, a facility, licensed under the relevant state and federal statutes, for the small scale production of hard cider beverages primarily for on premises consumption and sale with limited distribution to retail or wholesale, with a capacity of not more than six thousand (6,000) barrels, (a barrel being equivalent to thirty one (31) gallons per year) and which may include accessory preparation and sale of food for on premises consumption. See Nanobrewery in Section 3.2.3.1 Use Regulation Table. (T.M. 5/9/16)

**Nano-winery:** Also considered a craft brewery, a facility, licensed under the relevant state and federal statutes, for the small scale production of wine beverages primarily for on premises consumption and sale with limited distribution to retail or wholesale, with a capacity of not more than six thousand (6,000) barrels, (a barrel being equivalent to thirty one (31) gallons per year) and which may include accessory preparation and sale of food for on premises consumption. See Nanobrewery in Section 3.2.3.1 Use Regulation Table. (T.M. 5/9/16)

**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.

**Zoning Districts**

**3.1 Zoning Districts**

**3.1.1 Establishment**

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

<b>TITLE</b>	<b>SHORT NAME</b>
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 and Neighborhood Mixed Use District .....	VMU*
North Grafton Transit Village Overlay District.....	NGTVOD

\*Part of the Mill Redevelopment Overlay Zoning District.

**Use Table**

Industrial and Warehouse Uses	A	R40	R20	RMF	NB	CB	I	OLI	VMU-SG	VMU-WS	VMU-TV	VMU-GW	FP	WSPO
1. Heavy Industrial: Manufacturing establishments including assembly, fabrication, processing and reprocessing of materials, excepting that	N	N	N	N	N	N	S	N	S	S	S	S	S	*

tanneries, meat packing and pet food plants and slaughterhouses are prohibited. Also prohibited are establishments that treat and/or process hazardous waste materials															
2. <b>The following</b> 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	N	N	N	S	*	
3. Lumber and building material establishments	N	N	N	N	N	S	P	S	N	N	N	N	S	*	
4. Automobile and/or truck repair garages	N	N	N	N	N	S	P	S	N	N	N	N	S	N	
5. Scrap metal and other materials storage yards including scrap automobiles and trucks	N	N	N	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	N	N	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	N	N	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	N	N	N	*	
9. Contractor's Yard (T.M. 5/9/16)	N	N	N	N	N	S	S	S	N	N	N	N	-	---	
<b>10. Makerspaces</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>S</b>	<b>S</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>S</b>	<b>*</b>	

Business Uses	A	R40	R20	RMF	NB	CB	I	OLI	VMU-SG	VMU-WS	VMU-TV	VMU-GW	FP	WSPO
21. Mixed Use	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N
22. Registered Marijuana Dispensary (RMD) (T.M. 5/9/16)	N	N	N	N	N	N	S	S	N	N	N	N	----	---
23. Off- Site Medical Marijuana Dispensary (OMMD) (T.M. 5/9/16)	N	N	N	N	N	S	S	S	N	N	N	N	----	---
24. Brewery (T.M. 5/9/16)	N	N	N	N	N	N	S	S	N	N	N	N	----	---

25. Microbrewery (T.M. 5/9/16)	N	N	N	N	N	S	S	S	S	S	S	S	----	---
26. Nanobrewery (T.M. 5/9/16)	N	N	N	N	S	P	P	P	P	P	P	P	----	---
27. Brewpub (T.M. 5/9/16)	N	N	N	S	S	P	P	P	P	P	P	P	----	---
28. Craft Marijuana Cultivator Cooperative	N	N	N	N	N	N	S	S	N	N	N	N	-	-
29. Independent Testing Laboratory	N	N	N	N	N	N	S	S	N	N	N	N	-	-
30. Marijuana Cultivator	N	N	N	N	N	N	S	S	N	N	N	N	-	-
31. Marijuana Product Manufacturer	N	N	N	N	N	N	S	S	N	N	N	N	-	-
32. Marijuana Retailer	N	N	N	N	N	N	S	S	N	N	N	N	-	-
33. Marijuana Microbusiness	N	N	N	N	N	N	S	S	N	N	N	N	-	---
34. Marijuana Research Facility	N	N	N	N	N	N	S	S	N	N	N	N	-	---
35. Marijuana Standards Testing Laboratory	N	N	N	N	N	N	S	S	N	N	N	N	-	---
36. Marijuana Transporter	N	N	N	N	N	N	S	S	N	N	N	N	-	---
37. Incubator or Innovation Center up to 5000 sq. ft. of floor area per establishment	N	N	N	N	Y	Y	S	Y	Y	Y	Y	Y	S	---
38. Incubator or Innovation Center over 5000 sq. ft. of floor area per establishment	N	N	N	N	S	P	S	P	S	S	S	S	S	---

## Section 5.12 Addition

### Section 5.12 – Mill Redevelopment Overlay Zoning

#### Section 5.12.1 Purpose and Intent

5.12.1.a The purpose of this provision shall be to promote the preservation of significant historic buildings and neighborhood landmarks, thereby enhancing the community's appearance and extending our common architectural legacy for future generations. This provision shall be intended to enable such buildings to be adapted to new use requirements while exerting strict control over the preservation of all exterior features. This provision is designed to encourage the adaptive reuse of such buildings where such reuse would more effectively promote, preserve, and enhance the architectural character of the surrounding neighborhood than would the redevelopment of the site following the demolition of these landmark structures.

#### 5.12.2 Definitions

For the purpose of this bylaw, the following definitions shall apply:

**Heavy Industrial:** A use engaged in the basic processing and manufacturing of materials or finished products or parts, storage & warehousing, sales, and distribution of such products or parts. May include screened outdoor

storage of materials and includes uses that do not meet the light manufacturing criteria set forth above. These uses have the potential to produce noise, vibrations, smoke, dust, and odor.

Incubator or Innovation Center: A flexible office building designed to accelerate the growth of entrepreneurial endeavors by providing an array of business, medical, technology & research support resources, and services that may include flexible physical space, access to capital, common services, and computer networking connections.

Light Industrial: Fabrication, assembly, processing, finishing work or packaging from previously prepared materials, of finished products or parts, and incidental storage, sales, and distribution of such products that produce no airborne emissions, objectionable noise, glare, odor, vibrations, smoke, or dust associated with the industrial operation. Outdoor storage of raw materials and products is permitted with proper screening.

Makerspace: Collaborative incubator workspace for making, learning, and exploring a variety of artistic, industrial, or light industrial activities such as machining, plasma cutting, sandblasting, ventilated painting, forging, casting, ceramics, and various other industrial processes. Such workspace may include a variety of low-tech and high-tech tools and equipment including but not limited to 3D printers, laser cutters, CNC machines, soldering irons, blacksmith equipment, and woodworking machinery. Makerspaces may include training and educational activities, including training related to vehicle repair, and may also include live-work spaces.

### 5.12.3 Applicability

In all residential and mixed-use districts, any existing structure 5,000 sq ft or greater, constructed more than sixty (60) years ago and that was either:

- A. historically part of a mill complex; or,
- B. used for religious or educational purposes (including churches, convents, schools, rectories, and parish halls or centers); or,
- C. used as a fire station,

may, together with the original attached accessory structures, be altered to contain two (2) or more dwelling units by a Special Permit granted by the Planning Board provided the requirements are met in 5.12.4.

### 5.12.4 Conditions

5.12.4.1 In NB, CB, OLI, I, and VMU Districts, any large existing residential structure may, together with the original attached accessory structures, be altered to contain two (2) or more dwelling units provided any required special use permits are obtained and the following requirements are met:

1. In the R-MF, R-20, and R-40 districts, a minimum lot area of 7,000 square feet per dwelling unit must be provided.
2. Where the lot does not provide sufficient area to accommodate parking in line with the underlying zoning, parking may be provided on another lot located within 400 feet of the primary entrance to the structure by Special Permit. Any off-site parking area must be owned by the same party or parties as

the lot with the building being converted. All parking areas must conform to all applicable landscaping, screening, dimensional, and other requirements established herein.

3. The exterior design of the structure is not substantially altered.
4. The minimum floor areas shall be five hundred (500) square feet for studio units, six hundred (600) square feet for one-bedroom units, seven hundred-fifty (750) square feet for two-bedroom units, and one thousand (1000) square feet for units with three or more bedrooms.
5. Unit square footage is measured from the inside face of the units' bounding walls and includes usable storage space, stairwells, and hallways inside the unit, as well as space occupied by interior walls within the unit. Fifty percent of the area under sloped ceilings with greater than 5'-0" clearance and less than 7'-6" clearance should be included in the unit square footage when considering the above guidelines.
6. The original building area is not increased by more than ten (10) percent of its gross floor area. Additions and alterations made to comply with the requirements of the Americans with Disabilities (ADA) Act are not subject to this limit.
7. Usable open space requirements are met.
8. Existing buildings being converted under the terms of this section are not subject to the minimum setbacks, maximum building height, or the maximum number of stories requirements listed in the underlying zoning. Additions or alterations to the existing structures are subject to the height and setback requirements of the underlying zone.
9. Existing buildings on existing lots that are deficient in frontage may be converted under the terms of this section without a variance, but existing lots that meet or exceed the minimum required frontage may not be subdivided in such a manner as to leave the existing building on a lot that lacks the minimum required frontage.
10. If any of the thresholds outlined in the Site Plan Review requirements are met and the project is not subject to the exemptions provided under the Site Plan Review requirements, Site Plan Review and approval by the Planning Board must be obtained along with the required Special Permit.
11. The Planning Board may grant a Special Permit to waive the minimum lot area per dwelling unit and/or usable open space requirements if the proposed project complies with all other requirements of this conditions section, does not require any variances, and the Board finds that adequate public recreational opportunities exist in the neighborhood to serve the residents of the project and the proposed project will not detract from the health, safety, and welfare of the occupants and owners of surrounding properties.

#### 5.12.5 Variance Required:

If a conversion is proposed, and the conditions set forth above cannot be met, a variance is required from the



Zoning Board of Appeals. Such a variance shall be in addition to and must be advertised separately from any Special Permits otherwise required.