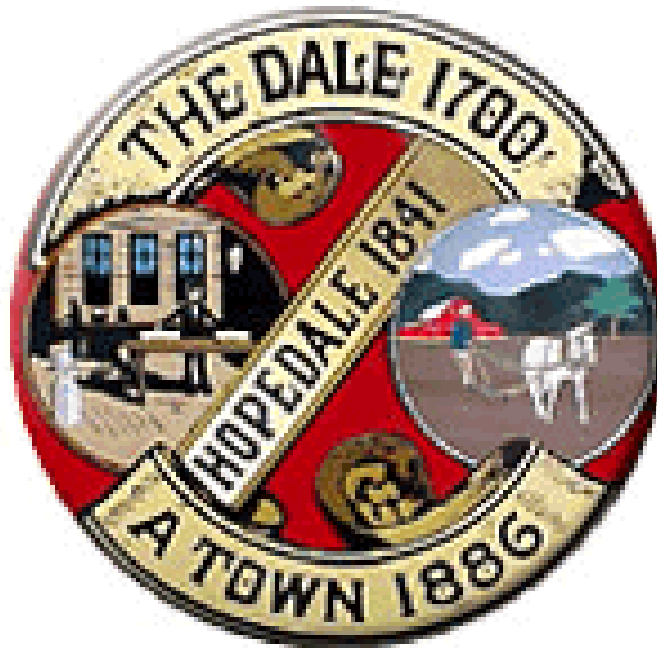


TOWN OF HOPEDALE MASSACHUSETTS



Official Publication

ZONING BY-LAWS

*Planning Board
Town of Hopedale*

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The Zoning By-laws of the Town of Hopedale, Massachusetts are published in accordance with the provisions of Section 32, Chapter 40 of the General Laws of Massachusetts.

The Zoning By-laws contained herein supersede all existing By-laws of the Town of Hopedale.

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Posted By: Town Clerk Mortimer C. Dennett
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Approved By: Attorney General Scott Harshbarger
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SECTION 1: PURPOSE

This By-Law is adopted for the following purposes:

- to lessen congestion in the streets;
- to conserve the public health;
- to secure safety from fire, flood, panic and other dangers;
- to provide adequate light and air;
- to prevent overcrowding of land;
- to avoid undue concentration of population;
- to encourage housing for persons of all income levels;
- to facilitate the adequate provision of transportation, clean water, storm water drainage, sanitary sewerage, 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 of Hopedale, including consideration of the most recent Master Plan adopted by the Planning Board;
- and to preserve and increase amenities by the promulgation of regulations to fulfill such purposes.

SECTION 2: DEFINITIONS

For the purpose of this By-Law, the following definitions shall contain: words used in the present tense include the future; words in the plural number include the singular number; and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- 2.1 ACCESSORY APARTMENT:** 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.
- 2.2 ACCESSORY STRUCTURE:** A structure subordinate to the principal building on the same lot and serving a purpose customarily incidental to the use of the principal building including such structures as tool sheds, garages, swimming pools, whether in or above ground, and other recreational facilities. The term "accessory structure" shall not include barns or guest houses and other structures designed for human occupancy, whether or not attached to the principal building.
- 2.3 ACCESSORY USE:** The use of land customarily incident to and located on the same lot with the principal use of land or a building.
- 2.4 AERONAUTICAL STRUCTURE:** Any building or structure used in conjunction with an airport or runway or landing strip.
- 2.5 APPLICANT:** An owner, or his agent or representative who applies, petitions or appeals for a decision from any agent or board referred to herein.
- 2.6 AUTOMOTIVE REPAIR SHOP:** Any premises used for performing such major automotive works as:
- (a) spray painting;
 - (b) reupholstering;
 - (c) body, fender, clutch, transmission, differential axle, spring and frame repairs;
 - (d) major overhauling of engines; and
 - (e) complete recapping or retreading of tires.

An automotive repair shop also may perform the functions permitted of an automotive service station. No more than four (4) unregistered motor vehicles may be stored on the property and all must be kept within an enclosed, secured area.

- 2.7 AUTOMOTIVE SERVICE STATION:** Any premises used for supplying gasoline and oil tires, accessories, and services for automobiles, including the making of minor repairs, directly to the motorist consumer. With the exception of major overhauling of engines, an automobile service station shall not perform such repairs associated with an automotive shop.
- 2.8 BUILDING HEIGHT:** The vertical distance as measured from the average finished grade along the front foundation of a building to its intersection with an imaginary plane passing through the highest point of the roof of the building and parallel to the ground floor of the building.
- 2.9 BED AND BREAKFAST INN:** A dwelling in which overnight accommodations of not more than five (5) rooms are provided to tourists for compensation. The only meal to be provided shall be breakfast, and it shall only be served to guests taking lodging in the facility.
- 2.10 BUILDING LINE:** An imaginary line drawn parallel to the frontage of the lot from one boundary side line to the opposite boundary side line. This line shall be drawn at the point of the building nearest the frontage of the lot.
- 2.11 CAMPER OR UTILITY TRAILER:** Any vehicle designated for human occupancy or for the transportation of cargo which does not conform to the definition of a mobile home and which is less than twenty-five (25) feet in length.
- 2.12 COMMERCIAL LANDFILL:** A landfill operation as defined in the Regulations of the Mass. Department of Public Health (per Chapter 111, Section 150A of the General Laws, as amended), and operated with a profit-making objective. Landfill is a method for disposing of compacted solid wastes in a manner certain not to endanger public health or public safety, and which will neither harbor rodents, flies, and other vermin, nor generate fires, smoke or other odors.
- 2.13 COMMON LAND:** Deed restricted or Town-owned spaces of land within the site of a Townhouse Development designed and intended for the recreational use and enjoyment of the residents of the Development and containing only such structures and improvements as are appropriate to the enjoyment of the common land. The minimum amount of land to be set aside for common land to be determined by the tables in Sections 13 (TABLE OF REGULATIONS) and 15 (TOWNHOUSE DEVELOPMENTS).
- 2.14 DAY CARE:**

- 2.14(a) DAY CARE CENTER:** Any facility as defined in 102 CMR 7.02 which is operated on a regular basis whether known as a day nursery, nursery school, kindergarten, preschool or known under any other name which receives school children, not of common parentage, under seven (7) years of age, or under sixteen (16) years of age if such children have special needs, for nonresidential care during part or all of the day separate from their parents(s). A day care center provides for more than six (6) children and must be licensed by the Office of Children under state regulations (102 CMR 7.00). See also Family Day Care Home.
- 2.14(b) FAMILY DAY CARE HOME:** As defined in 102 CMR 8.02 any private residence which on a regular basis, receives for temporary custody and care during part or all of the day, children under seven (7) years of age or children under sixteen (16) years of age if such children have special needs; provided however, in either case, that the total number of children under sixteen (16) in a family day care home shall not exceed six (6), including participating children living in the residence. Family day care home shall not mean a private residence used for an arrangement among neighbors or relatives, or the occasional care of children with or without compensation.
- 2.15 DOG OR CAT KENNEL:** A pack or collection of more than three (3) dogs or a pride of more than three (3) cats, three (3) months or over, owned, or kept by a person on single premises for any purpose.
- 2.16 DWELLING UNIT:** One or more rooms which are arranged, designed or used as living quarters for one family only and which include individual bathrooms and complete permanently installed kitchen facilities.
- 2.17 DWELLING:** Any building containing one or more "dwelling units". The term "dwelling unit" shall not include hotels, motels, rooming or nursing homes, trailers, or mobile homes,
- 2.18 ESSENTIAL SERVICES:** Provisions for water, sewer, gas and electric systems; provisions for fire protection including hydrants, fire alarm boxes, transmission lines for the same: provisions for traffic control including signs and lights; provisions for the disposal of storm water and removal of snow and ice; provisions for protection including lighting and fences; provisions for public health including the disposal and removal of garbage and refuse.
- 2.19 EXPANSION:** The physical enlargement of a structure in any direction above ground level.

- 2.20 FAMILY:** One or more persons occupying a dwelling unit and living as a single, non-profit housekeeping unit, providing that unless all members are related by blood or marriage no such family shall contain over five (5) persons.
- 2.21 FUR FARM:** A place for keeping fur-bearing animals for commercial purposes.
- 2.22 GOLF COURSE:** An area of at least thirty (30) acres, including customary accessory buildings, where tee to hole distance average is not less than eighty (80) yards.
- 2.23 GROSS LOT AREA:** The total acreage contained within the boundaries of a given parcel of land.
- 2.23(a) HISTORIC MULTIPLE FAMILY DEVELOPMENT:** A parcel or parcels of land containing existing structure or structures which were originally constructed forty (40) or more years ago, which are to be converted, reconditioned or built upon, but in no event shall additions exceed twenty (20) percent of existing structures in area and no additions to be made to the footprint (existing foundation) of said structure or structures. Said parcels to be developed under single ownership within a Historic Multiple Family District, and to be subject to the Site Plan Approval provisions of the Zoning By-Laws of the Town of Hopedale, Sections 15.5 through 15.12 (TOWNHOUSE DEVELOPMENTS) inclusively.
- 2.24 HOTEL:** A building in which lodging is offered for compensation in more than ten rooms not containing cooking facilities and to which a common lobby provides access.
- 2.25 JUNKYARD:** An outdoor space used primarily for the storage, exchange or sale of discarded or salvaged materials including two (2) or more motor vehicles not in running condition and not being restored to operation, but not including the purchase or storage of used furniture and household equipment and used or salvaged materials as part of manufacturing operations.
- 2.26 LOT:** A single tract of land held in common ownership throughout and defined by measurements and bounds in a deed or conveyance or by lot lines shown on a duly recorded map.
- 2.27 LOT AREA:** Area within a lot.

- 2.28 LOT DEPTH:** The average horizontal distance between the front and rear lot lines.
- 2.29 LOT FRONTAGE:** A street which provides the required lot frontage for a building. When a lot is bounded by more than one street, any one of them, but only one, may be designated as the frontage street by the owner, provided that the street meet the frontage requirements and that the principal permitted building on the lot is numbered on such frontage street. However, in the case of a lot bounded by two streets forming an interior angle of more than 135°, their combined frontage between lot lines may be used to satisfy the lot frontage requirements.
- 2.30 LOT LINE, REAR:** A line separating a lot from other lots or from land in a different ownership, being the boundary of a lot which is opposite or approximately opposite the street frontage
- 2.31 MOBILE HOMES:** A unit built on a chassis and containing complete electrical, plumbing and sanitary facilities, and designed to be installed on a foundation for permanent living quarters.
- 2.32 MOBILE HOME PARK:** Any lot or tract of land upon which three (3) or more mobile homes occupied for dwelling purposes are located, including any building, structures, fixtures and equipment used in connection with mobile homes, and licensed in accordance with the General Laws and any amendments thereto.
- 2.33 MOTEL:** An establishment designed primarily for transient automobile travelers, offering lodging for compensation in four or more dwelling units with access to each dwelling unit or group of dwelling units directly from the outside.
- 2.34 MULTI-FAMILY DWELLING:** A dwelling containing three (3) or more dwelling units.
- 2.35 NET LOT AREA:** The total acreage contained within the boundaries of a given parcel of land after subtracting building coverage, roads, walks, service areas and parking areas.
- 2.36 NON-CONFORMING USE OR STRUCTURE:** Any lawful use or structure or accessory use or structure existing at the time of the enactment or subsequent amendment of this By-Law, and not in conformance to the regulations of this By-Law.
- 2.37 NON-PROFIT ORGANIZATION:** An entity having a current I.R.S. federal determination letter substantiating its tax exempt status.

- 2.38 OPEN SPACE:** All unoccupied space maintained in its natural state, or landscaped, or maintained with grass or other plants free of all structures, paved areas, parking areas, debris or any other artificial improvements, changes, additions or accumulations, and shall not be used for the harboring of any livestock or household pets.
- 2.39 PARKING SPACE:** An area in a building or on a lot available for parking one (1) motor vehicle, exclusive of passage-ways and driveways appurtenant thereto and with free access.
- 2.40 PERFORMANCE RESIDENTIAL DEVELOPMENT:** A performance based mixed use residential development that is permitted by the granting of a special permit by the Planning Board through Site Plan Review as set forth in Section 16 (PERFORMANCE RESIDENTIAL DEVELOPMENT).
- 2.41 PIGGERY:** Any premises used for keeping three (3) or more pigs over six (6) months old.
- 2.42 PRINCIPAL FLOOR LEVEL:** The first floor that contains the primary living quarters.
- 2.43 HOME OCCUPATION:** A business, profession, occupation or trade conducted for gain or support and located within a dwelling unit or detached accessory building which use is clearly subordinate to the use of the premises for dwelling purposes and does not change the essential residential character or appearance of the premises. Home occupations shall conform to the provisions of Section 6.1 (HOME OCCUPATIONS) of this Zoning By-Law.
- 2.44 RESIDENT MANAGER:** An individual under contract responsible for the maintenance, cleanliness and order of a building and its premise, which represent his primary place of residence. A certified copy of such contract shall be filed with the Town Clerk.
- 2.45 RETAIL STORE:** A business selling commodities directly to the ultimate customer.
- 2.46 SCREENING:** A device or materials used to conceal or shield one element of a development from other elements or from adjacent or contiguous development. Screening techniques include fences, walls, hedges, berms or other features.

2.47 SIGN: Any writing, pictorial representation, emblem, or other figure of similar character, which:

- (a) is a structure or any part thereof, or is attached to, printed on or in any other manner represented on a building, and
- (b) is used to announce, direct attention to, or advertise, and
- (c) is visible from outside a building.

A sign shall include writing, representation or other figures of similar character within only when illuminated and located in a window.

2.48 STANDING SIGN: Any exterior sign that is not attached to a building.

2.49 STREET: Any public way laid out for vehicle traffic or any private way laid out or used as a public route for such traffic.

2.50 STRUCTURE: Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground, but not including accessory structures. The term "structure" shall include the terms "building" and "dwelling".

2.51 STRUCTURE TEMPORARY: A structure intended for limited duration, not to exceed two (2) months. Such structures may only be erected in rear yards and shall be set back at least fifteen (15) feet from any lot line. A building permit is required to erect such a structure. This definition shall not apply to temporary structures used for agricultural purposes.

2.52 TOWNHOUSE: A one family dwelling in a row of at least two (2) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls.

2.53 TOWNHOUSE DEVELOPMENT: A parcel of land containing in area not less than twenty-five (25) acres to be developed under single ownership of a landowner under the provisions of this By-Law as set forth in Sections 13 (TABLE OF REGULATIONS) and 15 (TOWNHOUSE DEVELOPMENTS) for the construction of Townhouse Dwellings.

2.54 TOWNHOUSE DWELLING: A building containing two, three or four townhouse dwelling units characterized by individual ownership of each

residential dwelling unit by means of a condominium or cooperative form of ownership and by collective ownership of all common areas and facilities.

- 2.54(a) TRAILER:** A vehicle or object mounted on wheels and having no motive power of its own which is designed to be drawn or towed by a motor vehicle.
- 2.55 USE:** The function or service normally conducted within a structure or on a parcel of land.
- 2.56 VETERINARY HOSPITAL:** A hospital licensed to treat diseases and injuries of animals.
- 2.57 ZOO OR WILD ANIMAL FARM:** A collection of living animals other than domesticated pets for the purpose of display.

SECTION 3: ESTABLISHMENT AND LOCATIONS OF DISTRICTS

3.1 TYPES OF DISTRICTS: Pursuant to the purpose of this By-Law, the Town of Hopedale is divided into the following types of districts, each with regulations and restrictions uniform for each class or kind of buildings, structures or land, and for each class or kind of use throughout the districts:

Residential A	RA
Residential A-1	RA-1
Residential A-2	RA-2
Residential C	RB
Residential Performance 1	RP-1
Residential C	RC
Historic Multiple Family	HMF
General Business	GB,GB-A
Commercial	C
Industrial	I
Light Industry	LI
Recreational	REC
Town Land	T
Cemetery	CEM
Groundwater Protection	

3.2 LOCATION OF DISTRICTS: These districts are located and bounded as shown on a map entitled "Zoning Map of the Town of Hopedale, Mass.", dated December 1, 1993, as may be amended, and on file in the office of the Town Clerk.

3.3 INTERPRETATION OF DISTRICT BOUNDARIES:

- 3.3(a)** Where a right-of-way, street, railroad, or water course is shown on the map as a district boundary, the center line thereof shall be the boundary line.
- 3.3(b)** Where a district boundary is shown approximately parallel to a street, it shall be deemed parallel to the exterior street line and at such distance therefrom as indicated on the Zoning Map.
- 3.3(c)** Where district boundary lines specifically follow property lines as indicated on the Zoning Map, the location of such lines shall be deemed to be established in accordance with property lines as they existed at the time such boundary lines were adopted.

- 3.3(d)** Where a district boundary line divides a lot, the regulations relating to the less restricted portion of such lot may extend not more than thirty (30) feet into the more restricted portion, provided the lot has frontage in the less restricted district.
- 3.3(e)** Wherever any dispute arises on district boundaries as to the exact location of a district boundary line, the location of such line shall be determined by the Planning Board.

SECTION 4: NON-CONFORMING USES AND STRUCTURES

This Zoning By-Law and any amendments thereto shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing on such By-Law required by M.G.L. Chapter 40A, Section 5, but shall apply to any change or substantial extension of such use, to a building or special permit issued after the first notice of said public hearing, to any reconstruction, extension or structural change of such structure, and to any alteration of a structure begun after the first notice of said public hearing to provide for its use for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent except where alteration, reconstruction, extension or structural change of a single or two-family residential structure, does not increase the nonconforming nature of said structure. This Section shall not apply to billboards, signs and other advertising devices subject to the provisions of Sections 29 through 33, inclusive, of M.G.L. Chapter 93, and to M.G.L. Chapter 93D.

- 4.1 EXTENSIONS AND ALTERATIONS OF ONE, TWO AND THREE FAMILY DWELLINGS:** A nonconforming one, two or three family dwelling may be extended or altered as a matter of right within the existing footprint and height of the structure or within a height and setback which conform with the dimensional requirements of this By-Law upon a determination that such extension or alteration does not increase the nonconforming nature of the structure. An extension or alteration of a one, two or three family dwelling which increases the nonconforming nature of the structure may be permitted by grant of a special permit of the Board of Appeals upon a finding by the Board that the proposed extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood.
- 4.2 OTHER EXTENSIONS AND ALTERATIONS:** By special permit of the Board of Appeals, nonconforming uses and structures other than one, two and three family dwellings may be altered or extended to a size or area up to fifty (50) percent greater than its size or area existing at the time of adoption of this by-law upon a finding by the Board that the proposed extension or alteration shall not be substantially more detrimental than the existing nonconforming use or structure to the neighborhood.
- 4.3 RESTORATION:** No nonconforming structure, damaged by fire or other cause to the extent of more than seventy-five (75) percent of its assessed value, shall be repaired, rebuilt or used except in conforming with this by-law.

4.4 **ABANDONMENT:** A nonconforming use or structure that is abandoned or not used for a period of two (2) years shall not be reestablished and any future use shall conform to the regulations of this by-law.

4.5 **CHANGE OF USE:** By special permit of the Board of Appeals a nonconforming use if in the judgment of the Board of Appeals the proposed use is no more detrimental or offensive to the neighborhood than the existing non-conforming use.

In determining sections 4.2 and 4.5 the judgment of the Board of Appeals shall include, but need not be limited to, requiring the proposed change of use or expansion to conform with the following conditions:

4.5(a) The proposed change of use or expansion shall not be a source of offensive noise, smell, or sight;

4.5(b) The proposed change of use or expansion shall not present a safety or health hazard to the neighborhood;

4.5(c) The proposed change of use or expansion shall not substantially reduce the value of any property with the neighborhood;

4.5(d) An expanded use or structure shall conform with the dimensional and intensity requirements of the district in which it is located as prescribed by Section 13 and Section 8 of this by-law,

4.6 **ADDITIONAL RESTRICTIONS OR CONDITIONS:** In granting a special permit the Board of Appeals may impose any additional restrictions or conditions on the new or expanded nonconforming use or structure to insure that the use shall be no more detrimental or offensive to the neighborhood than the existing use or structure.

4.7 The protections afforded nonconforming lots in single and common ownership for single and two family residential use, as specified in M.G.L. c. 40A § 6 paragraph 4, the protections afforded land shown on definitive subdivision plans as specified in M.G.L. c. 40A §6 paragraph 5, and the protections afforded the use of land shown on plans submitted in accordance with §81-P of M.G.L. c. 41 as specified in said §6 paragraph 6 are incorporated in this by-law by reference.

4.8 **ANY EARTH REMOVAL ACTIVITY IN OPERATION** on any parcel of land may continue subject to the provisions of Paragraph 9.8 under Section 9 prescribing Earth Removal Restrictions.

SECTION 5: DELETED

SECTION 6: ACCESSORY STRUCTURES

No accessory structure as defined in Section 2 (DEFINITIONS) of this by-law shall be located within the required front yard area, nor shall such structure be located in any side yard area or rear yard nearer to the lot line than ten (10) feet.

6.1 HOME OCCUPATIONS:

A home occupation is an accessory use that shall be clearly subordinate to the existing residential use of the property. Home occupations are permitted in all residential districts and shall meet the general standards and the specific standards related to the use as set forth below.

6.1(a) General Standards that Apply to All Home Occupations:

- (1)** A home occupation must be conducted within a dwelling, which is the bona fide residence of the principal practitioner or in an accessory building thereto which is normally associated with a residential use. The home occupation shall be carried on wholly indoors.
- (2)** The maximum amount of floor area devoted to the home occupation shall not be more than twenty-five (25) percent of the floor area of the principal residential structure or four hundred (400) square feet, whichever is less.
- (3)** In no way shall the exterior appearance of the principal residential structure be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character by the use of colors, material, construction lighting, show windows or advertising visible outside the premises to attract customers or clients.
- (4)** One (1) sign is permitted per home occupation in conformance with Section 7.1(b) (SIGN AND LIGHT REGULATIONS).
- (5)** All commercial vehicles shall be parked on-lot and must be parked in a garage or an enclosed structure.

- (6) Off-street parking spaces are not permitted in the front yards. A ten (10) foot wide driveway, which provides access to parking areas in the side or rear of the property, may be located in the front yard. All off-street parking areas must be located at least ten (10) feet from any property line. Off-street parking lots with three (3) or more spaces shall be buffered from abutting residences by a dense screen of evergreens, hedge material or similar plantings. Alternately, a four (4) to five (5) foot high fence may be erected which provides a visual screen.
- (7) There shall be no exterior storage of materials or refuse resulting from the operation of the home occupation.
- (8) No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, odors, dust or electrical interference detectable to the normal senses off the lot. No equipment or process shall be used which creates visible or audible interferences in any radio or television receivers off the premises.
- (9) Home occupations shall not include the following:
 - animal hospitals,
 - commercial kennels,
 - funeral parlors or undertaking establishments,
 - antique shops,
 - automobile repair,
 - restaurants,
 - rooming-boarding houses,
 - dancing schools,
 - tea rooms and
 - other business and trades which are customarily not found as an incidental use in a dwelling.

Questions of applicability or interpretation shall be submitted to the Building Commissioner.

- (10) A zoning permit (See Section 10.2; ADMINISTRATION) shall be required for all new accessory home occupations, changes in home occupations or expansions of home occupations.

- (11) Home occupations may include the selling of products, the major portion of which are raised or produced on the premises. This shall not permit the reselling of goods purchased or obtained elsewhere.

6.1(b) Specific Use Standards: The following shall apply to specific types of home occupations.

- (1) **Professional Office:** A professional office is a service oriented business use conducted within an enclosed area specifically designed for the functional needs of the use, wherein the professional services of the practitioner is the salable commodity offered to the client. Professional offices include, but are not limited to the following facilities:

- salesman,
- architect,
- engineer,
- stockbroker,
- dentist,
- doctor,
- psychiatrist,
- insurance agent,
- lawyer,
- real estate agent or
- accountant

No more than two (2) persons, other than resident members of the immediate family, may be employed.

- (2) **Personal Service:** A service business including, but not limited to barbers, beauticians or photographers.

- (i) Beauty parlors and barber shops may be permitted as a special permit use by the Board of Appeals.
- (ii) No more than one (1) person, other than resident members of the immediate family, may be employed.
- (iii) This use may be permitted only in detached dwellings.

- (3) **Instructional Service:** An instructional service is a home occupation in which the practitioner provides the client with special instruction in a specific area of study,
- (i) Instructional services involving a maximum of four (4) students at a time are permitted.
 - (ii) Instructional services involving musical instruments are only permitted in detached dwellings.
 - (iii) No persons shall be employed other than resident members or the immediate family
- (4) **Home Crafts:** Home crafts are business activities whereby the commodity for sale is completely manufactured on the site and may be sold by the resident craftsman. Home crafts may include, but are not limited to the following: artists, sculptors, dressmakers, seamstresses, and tailors; and include such activities as model making, rug weaving, lapidary work and furniture making.
- (i) Home crafts are permitted only in detached dwellings and detached accessory buildings on the same lot.
 - (ii) No more than one (1) person other than resident members of the immediate family may be employed.
- (5) **Trades Business:** The use of a residence as a base of operation for the business, but not including the conduct of any phase of the trade on the property. Trades included in this home occupation include, but are not limited to:
- electricians,
 - plumbers,
 - carpenters,
 - masons,
 - painters,
 - roofers
- and similar occupations.

- (i) Trades businesses may be permitted as a special permit use by the Board of Appeals.
 - (ii) No more than one (1) business vehicle may be parked on the property including non-commercial trucks and vans with loading capacities not exceeding three-quarter (0.75) ton.
 - (iii) The area of the office, storage of materials and equipment (excluding vehicles) shall not exceed the limitations of subsection 6.1 (a)(2) above under general standards.
 - (iv) No assembling, manufacturing, processing or retail sales shall be conducted on the property.
 - (v) No persons shall be employed other than resident members of the immediate family.
- (6) **Repair Services and Other Home Occupations:** A repair shop for appliances, lawn mowers, watches, bicycles, locks, small business machines and other goods but not including automobile, truck and motorcycle repairs, and other home occupations not specified above.
- (i) A repair service or other home occupation not specified previously may be permitted as a special permit use by the Board of Appeals.
 - (ii) All repairs shall be conducted within an enclosed building.
 - (iii) No additional people other than resident members of the immediate family may be employed.
 - (iv) There shall be no exterior storage of materials or refuse resulting from the operation of the home occupation.

6.2 **BED AND BREAKFAST INNS:**

- 6.2(a) Bed and breakfast inns are permitted as an accessory use to a single-family dwelling. The dwelling shall be the primary residence of the owner or manager.

- 6.2(b)** No exterior alterations shall be made to the building other than those required to ensure the safety of the structure or to provide improved accessibility for the handicapped.
- 6.2(c)** Parking shall be provided at the rate of one (1) space per guest room in addition to that required for the principal residential use.
- 6.2(d)** The applicant shall submit a plan showing the location, wording, dimensions, and construction materials of any proposed signs. If the building is located in an historic district or is on a local, state, or national inventory of historic structures, this plan shall be forwarded to the Historical Commission, which shall have thirty-five (35) days to submit their comments to the Board of Appeals. The Board may waive other applicable sign provisions of this by-law if necessary to provide adequate notice to tourists of the use and location of the facility.

6.3 **ACCESSORY APARTMENTS:** One (1) accessory apartment may be permitted by special permit of the Board of Appeals in all residential districts subject to the following conditions:

- 6.3(a)** The owner(s) of the dwelling in which the accessory apartment is located shall occupy one of the dwelling units.
- 6.3(b)** Either the occupants of both units shall be related by blood, adoption, or marriage, or one of the units shall be occupied by an individual hired to provide medical assistance, custodial care, or child care to one or more individuals in the other unit. When the dwelling is sold, or when the need for such care ceases, the dwelling shall revert to single family use, and the accessory apartment may not be reoccupied unless a new special permit is obtained from the Board of Appeals.
- 6.3(c)** The design of the accessory apartment shall be such that the appearance of the building remains that of a one-family residence. Any new entrances or additions shall be located on the side or rear of the building and shall not increase the floor area of the dwelling by more than ten percent (10%). Additions shall not be permitted on any lot not conforming to the minimum lot size or yard setback requirements of the district where the building is located, nor shall any new nonconformance be created by any additions.

- 6.3(d)** The accessory apartment shall be clearly secondary in nature to the principal dwelling, and it shall not exceed six hundred (600) square feet in area.
- 6.3(e)** The one accessory apartment permitted per dwelling may be created in an attached or detached garage existing on the date of adoption of this by-law.
- 6.3(f)** If the lot is not connected to public sewer, prior to obtaining a building permit, the Board of Health shall certify that the septic system is in compliance with Title 5 of the State Environmental Code and the Board of Health's regulations.
- 6.3(g)** There shall be no more than one (1) bedroom in an accessory apartment.
- 6.3(h)** The Board of Appeals may require more stringent or other appropriate conditions in order to protect the public health and safety and the single family character of the neighborhood. The Board may allow deviation from the above conditions where necessary to install features that facilitate use by disabled persons.

6.4 TEMPORARY TRAILER STORAGE: The placement of a trailer for the purpose of storing goods accessory to a lawful business shall comply with the following additional requirements:

- 6.4(a)** A temporary permit shall be obtained from the Building Commissioner prior to the placement of the trailer on the lot. The permit may be granted for a period of time no longer than six (6) months, renewable for one additional six (6) month period. A reasonable fee may be charged to assist in the issuing of and monitoring of compliance with this permit.
- 6.4(b)** The application shall indicate the location on the lot where the trailer will be placed, the goods and materials to be stored, and the manner in which it will be installed. The Building Commissioner shall require such conditions as are necessary to protect the public health and safety, prevent a nuisance, and not detract from the aesthetic character of the Town. All pertinent provisions of this Zoning By-Law shall be complied with.
- 6.4(c)** The trailer must be removed upon the expiration of the permit.

- 6.4(d) No more than one (1) trailer may be placed on the lot.
- 6.4(e) Any violations of this by-law or conditions of the permit shall be subject to the enforcement provisions of this by-law.

6.5 **RESIDENTIAL DRIVEWAYS:** Before the issuance of a final occupancy permit for a single-family dwelling, the Building Commissioner shall determine that the driveway is in compliance with the specifications for curb cuts and driveways issued by the Road Commissioners. In addition, the following standards shall apply:

- 6.5(a) The driveway is paved within the lot for a distance of at least ten (10) feet from the front lot line.
- 6.5(b) Driveways shall be at least ten (10) feet wide, but not greater than twenty (20) feet wide, and have a curb return at the roadway of between five (5) and fifteen (15) feet in radius.
- 6.5(c) The driveway opening shall be located at least thirty (30) feet from the point of curve of an intersection measured along the front lot line.
- 6.5(d) Driveway placement must be such that an exiting vehicle has an unobstructed sight distance according to the following schedule:

Highway Design Speed MPH	Sight Distance FEET
30	200
35	225
40	275
45	325
50	350

If the highway design speed is unknown the posted speed limit may be substituted. Sight distance shall be measured along the street onto which the driveway exits.

SECTION 7: SIGN AND LIGHT REGULATIONS

With the exception of municipal or governmental signs and lights, no signs or lights shall be erected, installed or maintained except in accordance with the provisions of this Section.

7.1 SIGNS FOR RESIDENTIAL DISTRICTS:

- 7.1(a)** For each family living in a dwelling, not more than two (2) signs, neither of which has an area of more than one (1) square foot, bearing the name of the family or designation of the dwelling or both, shall be permitted.
- 7.1(b)** For a home occupation, one of the two signs allowed under the above paragraph may have an area of up to two (2) square feet designating the use or occupant of the home occupation.
- 7.1(c) TEMPORARY UNLIGHTED REAL ESTATE SIGNS** not over six (6) square feet in total area advertising the sale or rental of the premises on which they are located shall be permitted for a period not to exceed six (6) months. No real estate agent or business enterprise shall exhibit more than one said sign on the premise.
- 7.1(d) TEMPORARY UNLIGHTED REAL ESTATE SIGNS** not more than thirty-six (36) square feet in total area and not more than nine (9) feet in any dimension erected and maintained on subdivisions on land as defined in General Laws Chapter 41 Section 81K and amendments thereto to advertise solely the selling of land or buildings in said subdivision shall be permitted for a period not to exceed six (6) months but not more than one (1) sign shall face the same street.

7.2 SIGNS IN COMMERCIAL, GENERAL BUSINESS, LIGHT INDUSTRY AND INDUSTRIAL DISTRICTS:

- 7.2(a) NUMBER:** There shall be no more than one (1) principal exterior sign for each store.
- 7.2(b) LOCATION:** Any permitted sign shall be securely affixed to one (1) of the walls of a building and shall be parallel with and not project more than twelve (12) inches from the face of such wall and shall not project beyond the face of such wall.

7.2(c) SIZE: The face of a principal exterior sign shall not be more than two (2) feet overall in height in a commercial district, and four (4) feet in a General Business and Industrial district. A sign on the exterior wall of the first floor of a building may extend across the full width of the storefront, unless the store occupies the entire first floor of a detached building in which case the sign may extend across not more than three-fourths ($\frac{3}{4}$) of the width of the front wall. The width of signs of stores occupying other than the first floor of a building or other than the front wall of a building shall not exceed three (3) feet.

7.3 SPECIAL SIGNS FOR ALL DISTRICTS:

Notwithstanding any other provisions of this section, the Board of Appeals may permit additional signs of any size or in any location upon determination that the architecture of the building, the location of the building, the location of the building with reference to the street or the nature of the use being made of the store is such that an additional sign or a sign of a larger maximum size is necessary to permit adequate identification of the building or its occupants. In granting such permission, the Board of Appeals shall specify the size and location of the sign or signs and impose such other terms and restrictions as it may deem appropriate to conform with the purpose of this by-law.

7.3(a) Signs endorsing candidates or issues for public elections shall be displayed no earlier than thirty (30) days prior to a voting day and shall be removed within five (5) days after a voting day. Such signs shall not exceed twelve (12) square feet in area. A maximum of two (2) signs per lot is allowed.

7.4 STANDING SIGNS:

Standing signs are prohibited, except as follows:

7.4(a) Notwithstanding any other provisions of this section, the Board of Appeals may permit standing signs enumerating the occupants of the premises upon a determination that the architecture of the building or the location of the building with reference to the street is such that a standing sign is necessary to permit adequate identification of the building or its occupants. In granting such permission the Board of Appeals shall specify the size, type and location of the sign and impose such other terms and restrictions as it may deem appropriate to conform with the purpose of this by-law. In any instance, such sign shall not exceed the following dimensional restrictions.

7.4(b) RESIDENTIAL DISTRICTS: The total area of a permitted standing sign shall not exceed four (4) square feet nor shall any one dimension of such sign exceed three (3) feet, nor shall the top of the sign stand more than five (5) feet above the ground; nor shall the base of the sign be erected within ten (10) feet of any lot line.

7.4(c) COMMERCIAL DISTRICTS: The total area of a permitted standing sign shall not exceed twenty (20) square feet; nor shall any dimension of such sign exceed six (6) feet. The total height from the ground of such sign shall be determined by the Board of Appeals so as not to endanger the safety of pedestrians or motorists and as so to maximize its aesthetic potential. The base of such sign shall not be erected within fifteen (15) feet of any lot line.

7.4(d) GENERAL BUSINESS, LIGHT INDUSTRY, AND INDUSTRIAL DISTRICTS: The total area of a permitted standing sign shall not exceed forty (40) square feet nor shall any dimension exceed eight (8) feet. The total height from the ground of such sign shall be determined by the Board of Appeals so as not to endanger the safety of pedestrians or motorists and so as to maximize its aesthetic potential. The base of such sign shall not be erected within twenty (20) feet of any lot line.

7.5 DURING THE CONSTRUCTION OF A BUILDING, a standing sign may be erected on the premises to identify the building, the owner, the contractors, the architects, and the engineers, but such sign shall not exceed twelve (12) square feet or six (6) feet in any one dimension in a residential district or twenty-four (24) square feet or ten (10) feet in any one dimension in all other districts. Such sign shall be removed promptly after the completion of the building.

7.6 AUTOMOTIVE SERVICE STATIONS AND REPAIR SHOPS:

Automotive service stations and repair shops may, if they elect to do so, divide the one exterior sign affixed to the front wall of the building to which they are entitled, as hereinabove provided, into separate signs affixed to and parallel to such walls and indicating separate operations or departments of the business, provided, however, that the total of the widths of the separate signs shall not exceed the maximum width permitted under this by-law for a single exterior sign on such wall. In addition, one (1) sign, standing or otherwise, indicating the company whose gasoline is being sold may be erected of such type, in such location, and in such manner as the Board of Appeals may permit. The standard type of gasoline pump, bearing thereon in usual size and form, the name of type of gasoline and price thereof, shall not be deemed to be in violation of this by-law.

7.7 MOVING AND ILLUMINATED SIGNS:

Moving, rotating, pulsating and flashing signs are prohibited. No sign may be illuminated between 12 midnight and 8 A.M., except such signs as the Board of Appeals may authorize to be illuminated at other hours, if the Board finds that the nature of the use of the premises is such that such illumination should be permitted in the public interest. These provisions shall apply not only to exterior signs, but also to interior signs that are designed to be placed so as to shine through windows or doors of the building.

7.8 MAINTENANCE:

Signs shall be maintained so as to be structurally sound and well finished. If in the judgment of the Building Commissioner any sign falls below proper standards of safety and upkeep, he may order the owner or displayer of such sign to replace, rebuild, or refinish the sign.

7.9 PERMITS:

No sign shall be erected on the exterior of any building or on any land unless and until an application for erection of such sign has been filed with the Building Commissioner, with such information and drawings as he may require, and a permit for the erection of the sign has been issued by the Building Commissioner.

7.9(a) Signs permitted in residential areas, except those which by the terms of this by-law are permitted only with specific permission from the Board of Appeals.

7.9(b) One (1) temporary, unlighted real estate sign in a Commercial or Industrial district, of not over six (6) square feet in total area advertising sale or rental of the premises on which it is located.

7.10 PROTECTION OF FIRST AMENDMENT RIGHTS:

Any sign authorized, with or without a permit, under this Section may, in lieu of any specified copy, contain any otherwise lawful, non-commercial message that does not direct attention to a business or to a service or commodity for sale.

7.11 LIGHTS:

No floodlight or other light illuminating a premise, regardless of the purpose for which it is installed or maintained, shall be placed so as to shine directly onto adjoining property or be a source of nuisance to the neighborhood in which it is located.

SECTION 8: OFF-STREET PARKING AREA REQUIREMENTS

Any use, established or expanded following the adoption of this by-law, must provide adequate off-street parking area for parking demands created by such use. This parking area shall be either on the same premises as the use it serves, or within one hundred and twenty-five (125) feet on a separate parcel. Such parking area may be jointly used with other premises but may not include a municipal parking area. The following minimums must be met unless reduced by special permit from the Zoning Board of Appeals, upon determination that special circumstances exist so that a lesser requirement shall be adequate for all parking needs created by the proposed expanded use.

TABLE OF REQUIREMENTS

Use	Parking Spaces Required per Unit of Measurement
RESIDENTIAL	
Single-Family	2 for each dwelling
Two-Family	3 for each dwelling
Motel, Hotel	1 for each sleeping room
OFFICES, BANKS, STORES	1 for every 200 square feet of area
RESTAURANTS, THEATERS, PLACES OF ASSEMBLY	1 for each 1.3 seats or thirty-five (35) percent of capacity in persons, whichever is larger
INDUSTRIAL	1 for each 1.2 employees on largest shift
HOSPITAL, NURSING HOMES AND OTHER HEALTH INSTITUTIONS	1 for every 2 employees on largest shift
BOWLING	1 for each lane
STORES IN GB DISTRICT	1 for every 1000 square feet of area
STORES IN GB-A DISTRICT	1 for every 1000 square feet of area, if more than 2 lots are combined, parking regulations will be the same as the Commercial District.

OTHERS

by Special permit from the Board of Appeals

- 8.1 Minimum Dimensions of Parking Spaces:** The minimum dimensions of parking spaces shall be as follows:
- 8.1(a)** Space width shall be at least nine (9) feet.
 - 8.1(b)** Space depth shall be at least nineteen (19) feet for all angle and 90° parking and twenty-two (22) feet for parallel parking.
 - 8.1(c)** During site plan review, the Planning Board may allow up to forty (40) percent of the required parking spaces to be set aside for compact cars, for those uses which have little turnover and are typically occupied all day or overnight, such as for offices or apartments. Each compact space shall not be less than eight (8) feet in width and sixteen (16) feet in depth. Such spaces shall be clearly marked on the lot through the use of signage or pavement markings.
- 8.2** The above defined parking facilities shall be occupied only by passenger cars and commercial vehicles not exceeding seven and one-half (7½) feet in width and eighteen (18) feet in length. Vehicles exceeding these dimensions shall require appropriately sized parking facilities.
- 8.3** All open off-street parking areas for more than four (4) cars located within or adjacent to a residential district or use shall be screened from all adjoining lots residentially used or zoned by either a strip four (4) feet wide planted with shrubs or trees that may be expected to form a year-round dense screen, or a solid wall or fence between five (5) and seven (7) feet high.
- 8.4** No off-street parking area shall be maintained within ten (10) feet of a street line, and if serving a use not allowed in a Residential, or Recreational district, not within twelve (12) feet of said district bounds.
- 8.5** All open off-street parking areas for more than four (4) cars located in all districts, shall provide a planting strip from the street line to the parking lot line. Landscape design for the planting strip shall be approved by the Planning Board.

- 8.6** **Landscaping:** All parking areas shall be properly screened and landscaped to protect adjacent property from undesirable effects of parking lots and to preserve the appearance and character of the surrounding neighborhoods.
- 8.6(a)** A landscaped buffer strip at least fifteen (15) feet wide, continuous except for approved driveways, shall be provided adjacent to public ways to visually separate parking and other uses from the road. The buffer strip shall be planted with grass, low shrubs, and shade trees with a minimum two (2) inch caliper, with one tree planted for every fifty (50) feet of road frontage.
- 8.6(b)** Along other property lines, there shall be provided a landscaped strip at least five (5) feet in width, planted with grass, low shrubs, and shade trees with a minimum two (2) inch diameter caliper with one tree planted for every fifty (50) feet of perimeter length.
- 8.6(c)** For parking lots containing twenty-five (25) or more spaces, a minimum of five (5) percent of the interior of the lot shall be maintained with landscaping. The total amount of landscaping shall be separated into smaller areas to break up the expanse of pavement.
- 8.7** Parking lots and access driveways must be surfaced with asphalt, concrete, or similar hard surface materials. All parking spaces shall be suitably marked by painted lines or other appropriate markings. The surface shall be graded and drained in such a manner that there will be no free flow of water onto adjacent properties or the street right-of-way.
- 8.8** Parking lots shall be designed to permit each motor vehicle to proceed to and from all unoccupied spaces without requiring the moving of any other parked vehicle. Spaces shall be designed to prevent motor vehicles from backing onto a public street in order to leave the lot.
- 8.9** Exposed storage areas, dumpsters, machinery, service areas, truck loading areas, utility buildings, and other unsightly uses shall be screened from view from neighboring properties and streets through the use of walls or fences complemented with landscaping.
- 8.10** The requirements of the Americans with Disabilities Act and the regulations of the state's Architectural Access Board regarding accessible parking spaces for disabled individuals shall be complied with. The Building Commissioner shall be consulted regarding number, location, design, and signage of accessible spaces.

8.11 Loading Regulations: For all non-residential uses involving the distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, turning, loading and unloading services in order to avoid interference with public use of streets.

8.11(a) Location: All loading and delivery facilities shall be located either at the side or rear of buildings they are designed to serve, but not closer than ten (10) feet from a public right-of-way and five (5) feet from any other lot line or twenty-five (25) feet from a lot line adjacent to a property in residential use.

8.11(b) Minimum Dimensions: Each required space shall be at least twelve (12) feet in width, fifty (50) feet in length and have a vertical clearance of at least fourteen (14) feet.

8.11(c) Required Loading Spaces: Loading spaces shall be provided according to the requirements below:

Gross Floor Area (square feet)	Number of Berths
5,000 - 50,000	1
50,001-100,000	2
100,001-200,000	3
Each additional 200,000	1

SECTION 9: EARTH REMOVAL RESTRICTIONS

- 9.1** Except when incidental to and in conjunction with the construction of a building or structure or other activity authorized by this by-law, not more than ten (10) cubic yards of sod, loam, soil, clay, sand or stone (hereinafter collectively called "earth"), whether in separate form or mixed with other materials, but not including earth which has been imported, processed and subsequently exported, shall be removed from the lot for sale, for commercial or industrial use or for use elsewhere than on such lot, unless permissions be obtained from the Board of Selectmen or Board of Appeals as the case may be.
- 9.1(a) Removal of Topsoil:** All topsoil displaced during an earth removal operation shall be stockpiled on the site until termination of the operation.
- 9.2 THE BOARD OF SELECTMEN,** without a public hearing, may issue a zoning permit for the removal of earth from a site for the following purposes:
- 9.2(a)** when incidental to landscaping or similar activities for which building or zoning permits are not required;
- 9.2(b)** when such earth is not needed in connection with the construction of a private road; and
- 9.2(c)** where necessary as part of farm, garden or nursery activities.
- 9.3 IN ALL OTHER INSTANCES OF EARTH REMOVAL,** except as hereafter specifically stated, a special permit must be obtained from the Board of Appeals after a public hearing. The Board may permit such removal only if it finds that such removal will not be contrary to the best interest of the Town. In determining the Town's interest, the Board shall consider any of the following factors which can be reasonably assumed to result from earth removal operations to be contrary to such interests:
- 9.3(a)** danger to the public health or safety;
- 9.3(b)** noise, dust or other effect observable at the lot lines in amounts seriously objectionable or detrimental to the normal use of adjacent property;
- 9.3(c)** transportation of earth on ways giving access to the land in question which will cause traffic congestion or hazards;

9.3(d) a change in topography and cover which will permanently deform the land in such a manner as to substantially impair its usefulness for other purposes following the termination of earth removal operations.

9.4 **THE BOARD OF APPEALS**, in granting a permit hereunder shall impose reasonable conditions designed to protect the safety of residents in the vicinity of the operation and the Town. Such conditions shall include but not be limited to:

9.4(a) type and location of temporary structures;

9.4(b) hours of operation;

9.4(c) routes for transporting the material through the town;

9.4(d) the duration of the earth removal operation;

9.4(e) the area and depth of excavation, steepness of slopes excavated and provisions for temporary and permanent drainage;

9.4(f) distance of excavation to street and lot lines;

9.4(g) disposition of boulders and tree stumps;

9.4(h) the re-establishment of ground levels and grades and the grading of slopes and replacement of loam over the area of removal; and

9.4(i) the replanting of the area of removal.

A permit granted by the Board of Appeals for the removal of earth shall be issued for a period of not more than two (2) years and shall automatically expire upon the completion of the earth removal operation for which it was granted or at such other time as may be specified in such permit.

A permit may be renewed by the Board, if the Board finds that all conditions specified therein have been complied with and that the work has been carried on continuously and in good faith.

9.5 REFERENCE TO PLANNING BOARD:

Within ten (10) days after receipt of the application for a permit for earth material removal, the Board of Appeals shall transmit a copy thereof to the Planning Board, which may, at its discretion, investigate the case and report in writing its recommendations to the Board of Appeals. The Board of Appeals shall not take final action on such application until it has received a report thereon from the Planning Board or until the Planning Board has allowed thirty (30) days to elapse after receipt of such application without submission of a report.

9.6 SECURITY:

Where the duration of the permit exceeds one (1) month, the Board of Appeals shall require a bond or other security of not less than seventy-five hundred (7,500) dollars per acre, to ensure compliance with its conditions of authorization under this by-law, unless, in a particular case, it specifically finds that such security is not warranted and so states in its decision, giving the reasons for its finding. Where the duration of the permit is one (1) month or less, the Board of Appeals may, at its discretion, require such security as hereinabove set forth for all permits.

9.7 APPLICATION PROCEDURE :

Any person wishing to undertake removal operation requiring a special permit from the Board of Appeals shall file a formal application with the Board and the Town Clerk which shall include the following specific information and supporting documentation:

- 9.7(a)** The location of the proposed excavation;
- 9.7(b)** The legal name and address of the owner of the property involved;
- 9.7(c)** The legal name and address of the petitioner, which address shall be used by the Board for all correspondence hereunder;
- 9.7(d)** Names and addresses of all abutting property owners, including those across any streets;
- 9.7(e)** A detailed plan of the land involved, acceptable to the Board, showing the entire parcel of land based on a perimeter survey and showing existing topography by five (5) foot contours within one hundred (100) feet of and including, the site of the proposed excavation, or to the property line. This contour plan shall show locations of a sufficient number of test borings made to determine the average depth of topsoil before excavation.

9.7(f) A detailed plan of land involved, acceptable to the Board, showing five (5) foot contours of the site as of the completion of the excavation project, all drawn at a scale acceptable to the Board. The plan shall further show the maximum depth that the applicant intends to extract from the land, the manner and depth in which he shall replace the soil, and the type of reseeding or replanting he proposes to use.

9.8 EXISTING OPERATIONS:

Any earth removal activity in operation on the effective date of this by-law shall be allowed to continue in operation without a permit until the activity is abandoned. Said activity, including the buildings, structures and uses involved therein, or incidental thereto, may be increased, enlarged, altered, remodeled, restored and extended onto other parcels adjacent thereto which are held in common ownership on the effective date of this by-law, subject to the dimensional and intensity regulations of this by-law set forth in Sections 11 (USE DIMENSIONAL AND INTENSITY REGULATIONS) and 13 (TABLE OF REGULATIONS). Any existing earth removal activity that is hereafter abandoned shall, if the land is to remain vacant or unimproved for a period of more than twelve (12) consecutive months, be restored to a reasonable grade and adequately replanted.

SECTION 10: ADMINISTRATION

10.1 ENFORCEMENT:

This by-law shall be enforced by the Board of Selectmen. No use shall be established and no structure or accessory structure shall be erected, externally altered or changed in use in the Town of Hopedale without a zoning permit from the Building Commissioner. When a proposed use, structure or accessory structure does not conform with this by-law, the Building Commissioner shall not issue a zoning permit and when a proposed use, structure or accessory structure does conform with this by-law, the Building Commissioner shall automatically grant such permit.

10.1(a) The Board of Selectmen shall appoint a Zoning Inspector for a two (2) year term. The Zoning Inspector shall have, among others, the following duties and responsibilities:

10.1(b) to review any application for a zoning permit to determine the conformance of such application with the provisions of this by-law and to submit in writing to the Building Commissioner his recommendations.

10.1(c) he shall, when directed by the Building Commissioner, inspect any use, structure or accessory structure within the Town of Hopedale to determine the conformance of such use, structure, or accessory structure with this by-law.

10.1(d) to report any violation of the provisions of this by-law to the Building Commissioner.

10.2 **APPLICATION FOR ZONING PERMITS SHALL**, unless required otherwise, be accompanied by three (3) prints of a plan of the lot showing the dimensions of the lot and the location and size of any existing or proposed building and showing streets and ways adjacent to the lot. Where such applications shall require a public hearing by the Board of Appeals, the applicant shall be responsible for the cost.

10.3 BOARD OF APPEALS:

There shall be a Board of Appeals consisting of five (5) members appointed by the Board of Selectmen for a term of three (3) years in such a way that the term of one or two regular members shall expire each year. The Board of Selectmen shall also appoint two (2) alternate members of the Board of Appeals for a term of two (2) years in such a way that the term of one (1) alternate member shall expire each year.

In the absence of a regular member, the Chairman of the Board of Appeals shall designate an alternate member to substitute for the absent member.

10.4 POWERS OF THE BOARD OF APPEALS:

The Board of Appeals shall have the following powers:

10.4(a) Appeals: To hear and decide appeals taken by any person aggrieved by reason of his or her inability to obtain a permit or enforcement action from any administrative official under the provisions of M.G.L. Chapter 40A, by the Central Massachusetts Regional Placing Commission, or by any person, including an officer or Board of the Town of Hopedale or of an adjoining town who is, aggrieved by an order or decision of the Building Commissioner or any other administrative official, in violation of any provision of Chapter 40A or of this by-law.

10.4(b) Variances: To hear and decide petitions for variances, but not including variances for use, from the terms of this by-law. The Board of Appeals may issue a variance for a particular parcel of land or structure thereon only upon finding that owing to circumstances relating to 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, 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.

- (1) The Board of Appeals may impose conditions, safeguards and limitations of both time and use, including the continued existence of any particular structure, but excluding any condition based upon the continued ownership of the land or structure to which the variance pertains.
- (2) If the rights authorized by a variance are not exercised within one (1) year of the date of the granting of the variance, such rights shall lapse. However, the Board upon written application by the grantee of such variance may extend the time period for the exercise of such rights for a period not to exceed six (6) months. The application for extension shall be filed with the Board prior to the expiration of the one (1) year period. If the Board does not grant the extension within thirty (30) days, and upon the

expiration of the original one (1) year period, such rights may be reestablished only after notice and a new hearing pursuant to this section.

10.4(c) Special Permits: To hear and decide applications for Special Permits.

10.4(d) Authority of the Board: In exercising its powers, the Board may make orders or decisions, reverse or affirm in whole or in part, or modify any order or decision, and to that end shall have all the powers of the officer from whose decision an appeal is taken, and may issue or direct the issuance of a permit.

10.5 APPEALS AND VARIANCES:

10.5(a) Submission Requirements for Variances: All petitions for variances shall be submitted in writing to the Town Clerk with an original and ten (10) copies. The Town Clerk shall forthwith transmit one (1) copy to both the Planning Board and Building Commissioner, and six (6) copies to the Board of Appeals.

10.5(b) Submission Requirements for Appeals: Appeals to the Board of Appeals shall be taken within thirty (30) days from the date of the order or decision which is being appealed. The petitioner shall file a notice of appeal with the Town Clerk specifying the grounds for the appeal, and a copy of the notice, including the date and time of filing certified by the Town Clerk, shall be filed forthwith by the petitioner with Board and with the officer or board whose order or decision is being appealed. Such officer or board shall forthwith transmit to the Board of Appeals all documents and papers constituting the record of the case in which the appeal is taken.

10.5(c) Notices and Public Hearings: The Board of Appeals shall hold a public hearing on any appeal or petition for a variance transmitted to the Board by the Town Clerk within sixty-five (65) days of the transmittal of the appeal or petition to the Board. Notice of such hearing shall be given by publication in a newspaper of general circulation in the Town once in each of two (2) successive weeks; the first publication to be not less than fourteen (14) days before the day of the hearing and also by posting such notice in a conspicuous place in the Town Hall for a period of not less than fourteen (14) days before the day of the hearing. Notice to Parties in Interest or specific boards or other agencies shall be sent by mail, postage prepaid. "Parties in Interest" as used in this section shall mean the petitioner or appellant, abutters, owners of land directly opposite on

any public or private street or way and owners of land within three hundred (300) feet of the property line as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another, city or town, and the Planning Board of every abutting city or town. The required publications and notices shall contain the name of the petitioner, a description of the area or premises, street address or other adequate identification of the location of the area or premises which is the subject of the petition, the date, time and place of the public hearing, the subject matter of the hearing, and the nature of the action or relief desired.

10.5(d) Voting: A vote of at least four (4) members of the Board of Appeals shall be necessary to reverse any order or decision of any administrative official or to grant a variance. The decision of the Board shall be made within one hundred (100) days of the date of the filing of an appeal or petition. This required time limit for a public hearing or decision may be extended by written agreement between the petitioner and the Board. A copy of this agreement shall be filed with the Town Clerk. Failure of the Board to act within one hundred (100) days, or extended time, if applicable, shall be deemed to be grant of the appeal or petition sought, subject to an applicable judicial appeal.

10.5(e) Filing of Decision: The Board of Appeals shall keep a detailed record of its proceedings, the votes of its members, and the reason for its decision, copies of all of which shall be filed with the Town Clerk within fourteen (14) days. The Board shall mail notice of the decision to the petitioner or appellant, to the Parties in Interest as defined in Section 10.5(c), and to every person present at the public hearing who requested such a notice.

10.6 SPECIAL PERMITS:

10.6(a) Submission Requirements: Each application for a special permit shall be filed by the applicant 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 Special Permit Granting Authority (SPGA). All applications shall comply with the rules adopted by the SPGA relative to the procedures for submission and approval of special permits.

10.6(b) Notices, Public Hearings and Votes: The SPGA shall hold a public hearing within sixty-five (65) days after the filing of an application with the Board. Notice of this hearing shall be given by publication and posting and by mailing to all Parties in Interest according to the

procedures specified in Section 10.5(c). The Board shall act within ninety (90) days following this hearing. Failure by the Board to take final action on a special permit application within ninety (90) days following the close of the public hearing shall be deemed to be a grant of the special permit; the required time limits for a public hearing and decision may be extended by written agreement between the applicant and Board. A copy of such agreement shall be filed with the Town Clerk. Granting of a special permit shall require a favorable vote of at least four (4) members of the Board of Appeals or four (4) members of the Planning Board, as the case may be.

10.6(c) Lapse of Special Permit: The rights authorized by a special permit shall lapse two (2) years from the date of the grant of the special permit if a substantial use has not 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.

10.6(d) Special Permit Criteria: The SPGA may not grant a special permit unless all of the requirements of this by-law are met, and unless the SPGA concludes, based on the information submitted at the public hearing, that all of the following criteria are met:

- (1) The use will not have detrimental effects which outweigh its benefits to the neighborhood, Town or zoning district in which it is located;
- (2) The use is consistent, insofar as practicable, with the Town's Master Plan officially adopted by the Planning Board;
- (3) The use will not materially endanger or be hazardous to the public health and safety;
- (4) Sufficient off-street parking exists or will be provided to serve the use;
- (5) The use can be adequately served by municipal water and sewer systems and other necessary utilities, or the SPGA is satisfied that the proposed alternatives will comply with all applicable regulations; proposed septic systems shall comply with Title 5 of the State Environmental Code or more stringent regulations adopted by the Board of Health;

- (6) The use will not result in a substantial increase of volume or rate of surface water runoff to neighboring properties and streets;
- (7) The use will not result in contamination of the ground water supply, a well, stream, pond, watercourse or wetland;
- (8) The use will not create undue traffic congestion or unduly impair pedestrian safety.

10.6(e) Special Permit Conditions: The SPGA may impose conditions, safeguards and limitations on time and use as may be appropriate for the protection of the neighborhood, the Town, and the natural environment. These conditions may include, but are not limited to:

- setbacks greater than the minimum required by this by-law;
- screening and buffering from adjacent property;
- limitations on the size, method and time of operation;
- regulation of the number and location of driveways or other traffic features;
- off-street parking and loading; or
- other special features beyond the minimum required by this by-law. Such conditions shall be imposed in writing on the special permit. The applicant may be required to post a bond or other security in an amount satisfactory to the SPGA for compliance with said conditions.

10.6(f) Filing the Decision: The SPGA shall file the decision with the Town Clerk within ninety (90) days following the close of the public hearing and shall follow the notification procedures in Section 10.5(e).

10.7 INVALIDITY:

The invalidity of any paragraph or provisions of this by-law shall not serve to invalidate the other paragraphs or provisions thereof. If any paragraph, or provision, is determined to be invalid, the most restrictive use or provision that would be valid or is valid shall apply.

10.8 PENALTIES:

Any person who violates any provision of this by-law after notification to such effect from the Board of Selectmen shall be punished by a fine of not more than \$25.00 for each offense. Each day that such offense continues shall constitute a separate offense.

10.9 FEES:

The Board of Appeals, Planning Board, and Board of Selectmen may adopt, and from time to time amend, following a public hearing, a fee schedule for the permits, applications, petitions, etc. referred to in this by-law. Fees shall be paid upon submission of a signed application for the specific permit or relief requested.

SECTION 11: USE DIMENSIONAL AND INTENSITY REGULATIONS

11.1 Except for as provided in Sections 4 (NON-CONFORMING USES AND STRUCTURES) of this by-law, no building or structure shall be constructed, and no building, structure or land, or part thereof shall be used for any purpose or in any manner other than for one or more of the uses hereinafter designated as permitted, in the district in which such, building structure or land is located, or designated as permissible by such special permit in said district and so authorized.

In the following table, the letters "Y", "Y*", "N", "SP" and SP* shall indicate the following:

- Y** a use permitted by a zoning permit from the Building Commissioner upon compliance with all the applicable provisions of this by-law
- Y*** a use permitted by a zoning permit from the Building Commissioner after completing Site Plan Review by the Planning Board
- N** a prohibited use
- SP** a use permitted only by special permit from the Board of Appeals after a public hearing
- SP*** a use permitted only by special permit through, a Site Plan Review by the Planning Board, the special permit granting authority, after a public hearing

Key for **districts** on the Use Regulation Schedule:

- | | |
|---|----------------------------------|
| RA Residential A | C Commercial |
| RA-1 Residential A-1 | GB General Business |
| RA-2 Residential A-2 | I Industrial |
| RB Residential B | LI Light Industry |
| RP-1 Residential Performance-1 | REC Recreational |
| RC Residential C | T Town Land |
| HMF Historic Multiple Family | CEM Cemetery |
| GB-AGeneral Business | |

Use key: Y → Permitted, Y* → Use permitted after Site Plan Review by Planning Board, N → Prohibited,
 SP → Special Permit, SP* → Special Permit Only (Planning Board is special permit granting Authority)

11.2 Residential

USE	District														
	RA	RA-1	RA-2	RB	RC	HMF	RP-1	GB	GB-A	C	I	LI	REC	T	CEM
Single-family dwelling	Y	Y	Y	Y	N	SP	Y	N	Y	N	N	N	N	N	N
Two-family dwelling	SP	SP	SP	N	N	SP	N	N	Y	N	N	N	N	N	N
Townhouse dwelling	N	N	N	N	Y	SP	N	N	N	N	N	N	N	N	N
Multi-Family Dwelling	N	N	N	N	N	SP	N	N	N	N	N	N	N	N	N
Outside parking of commercial vehicles	N	N	N	N	N	SP	N	Y	Y	Y	Y	Y	N	N	N
Outside parking of emergency vehicles	SP	N	N	SP	N	SP	SP	Y	Y	Y	Y	Y	N	Y	N
Private garage for storage of more than 3 vehicles or 1 truck	SP	N	N	SP	N	N	SP	Y	Y	Y	Y	Y	N	Y	N
Bed and Breakfast Inn	SP	SP	SP	SP	N	N	SP	N	SP	SP	N	N	N	N	N
Performance Residential Development (See Section 16)	N	N	N	N	N	N	SP*	N	N	N	N	N	N	N	N

Use key: Y → Permitted, Y* → Use permitted after Site Plan Review by Planning Board, N → Prohibited,
 SP → Special Permit, SP* → Special Permit Only (Planning Board is special permit granting Authority)

11.3 Commercial

USE	District														
	RA	RA-1	RA-2	RB	RC	HMF	RP-1	GB	GB-A	C	I	LI	REC T	CEM	
Indoor eating places; drugstores; self-service laundromats, retail stores selling food or alcohol not intended for consumption on the premises, smoking supplies, periodicals, books, stationary, toys, hardware, electrical appliances, furniture, floor covering, household appliances, sports equipment, art and craft supplies, shoes and clothing; service businesses including banks, barber, hairdressing and beautician shops, shoe or clothing repair shops, laundry and dry cleaning establishments and electrical appliance repair shops, business and professional offices	N	N	N	N	N	SP	N	SP	Y	Y	SP	N	N	N	N
Any combination of the above category for which the total floor space exceeds 3,750 sq. ft., for GB-A, 5,000 sq.ft	N	N	N	N	N	SP	N	SP	SP	SP	SP	N	N	N	N
Business, professional and general offices	N	N	N	N	N	N	N	SP	Y	Y	Y	N	N	N	N
Hotel, motel, or outdoor eating places	N	N	N	N	N	N	N	SP	SP	SP	N	N	N	N	N

Use key: Y → Permitted, Y* → Use permitted after Site Plan Review by Planning Board, N → Prohibited,
 SP → Special Permit, SP* → Special Permit Only (Planning Board is special permit granting Authority)

11.3 Commercial (Cont'd)

USE	District														
	RA	RA-1	RA-2	RB	RC	HMF	RP-1	GB	GB-A	C	I	LI	REC	T	CEM
Automotive service station	N	N	N	N	N	N	N	SP	Y	Y	SP	SP	N	N	N
Automotive repair shop, new or used car or marine craft sales establishment, commercial car wash facilities	N	N	N	N	N	N	N	SP	SP	SP	Y	SP	N	N	N
Establishment for sale of farm and other heavy and vehicles	N	N	N	N	N	N	N	SP	SP	SP	Y	Y	N	N	N
Light manufacturing including metal stamping, assembling, precision machine shops; and laboratories engaged in research, experimental and testing activities	N	N	N	N	N	N	N	SP	Y	Y	Y	Y	N	N	N
Mortuaries, Funeral	N	N	N	N	N	N	N	SP	Y	Y	N	N	N	N	N
Establishment for the sale and storage of building equipment, or supplies, not considered to be hardware, warehouses	N	N	N	N	N	N	N	SP	Y	Y	Y	N	N	N	N
All forms of commercial use not specifically mentioned above	N	N	N	N	N	N	N	SP	SP	SP	SP	N	N	N	N

Use key: Y → Permitted, Y* → Use permitted after Site Plan Review by Planning Board, N → Prohibited,
 SP → Special Permit, SP* → Special Permit Only (Planning Board is special permit granting Authority)

11.4 Industrial

USE	District *										C	I	LI	REC T	CEM	
	RA	RA-1	RA-2	RB	RC	HMF	RP-1	GB	GB-A							
Textile and paper mills; iron, steel and metal foundries; concrete manufacturing and washed sand and gravel plants; sale and storage of concrete products, sand, gravel and loam, borrow and clay fill	N	N	N	N	N	N	N	N	N	N	N	Y	N	N	N	N
Bio-technology research and manufacturing	N	N	N	N	N	N	N	N	N	N	N	SP	SP	N	N	N
Warehouses	N	N	N	N	N	N	N	N	SP	Y	Y	Y	Y	N	N	N
All forms of manufacturing, storage and assembly not specifically mentioned above	N	N	N	N	N	N	N	N	N	N	N	SP	N	N	N	N

Use key: Y → Permitted, Y* → Use permitted after Site Plan Review by Planning Board, N → Prohibited,
 SP → Special Permit, SP* → Special Permit Only (Planning Board is special permit granting Authority)

11.5 Institutional and Public

USE	District														
	RA	RA-1	RA-2	RB	RC	HMF	RP-1	GB	GB-A	C	I	LI	REC	T	CEM
Church, rectory, and parish house or structure for religious use ; or school which is sectarian, denominational, public or non-profit.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Non-religious, sectarian or denominational school which is profit making. Non-profit library, museum art gallery.	SP	Y	Y	SP	N	N	SP	Y	Y	Y	SP	Y	N	N	N
Day Care Center	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Family day care home	Y	Y	Y	Y	N	Y	N	N	N	N	SP	N	N	N	N
Park, structure, or area dedicated to municipal community or governmental use or service.	Y	Y	Y	Y	N	SP	Y	Y	Y	Y	Y	Y	Y	Y	N
Hospital or nursing home	SP	SP	SP	SP	N	N	SP	SP	SP	Y	N	N	N	N	N
Dog or cat kennel or veterinary Hospital	N	N	N	N	N	N	N	SP	SP	Y	N	N	N	N	N
All forms of institutional and public Uses not mentioned above.	SP	SP	SP	SP	N	N	SP	SP	SP	SP	N	N	N	N	N

Use key: Y → Permitted, Y* → Use permitted after Site Plan Review by Planning Board, N → Prohibited,
 SP → Special Permit, SP* → Special Permit Only (Planning Board is special permit granting Authority)

11.6 Agricultural, Livestock and Fowl

USE	District													
	RA	RA-1	RA-2	RB	RC	HMF	RP-1	GB	GB-A	C	I	LI	REC T	CEM
Commercial farm, orchard, nursery or truck garden and building and structures associated therewith	N	N	N	SP	N	N	SP	SP	SP	SP	N	N	N	N
Raising, boarding or breeding of livestock and fowl for family use and buildings and structures associated therewith	SP	SP	SP	SP	N	N	SP	N	N	N	N	N	N	N
Commercial raising, boarding, breeding or keeping of livestock and fowl and buildings and structures associated therewith	N	N	N	N	N	N	N	SP	SP	SP	N	N	N	N

Use key: Y → Permitted, Y* → Use permitted after Site Plan Review by Planning Board, N → Prohibited,
 SP → Special Permit, SP* → Special Permit Only (Planning Board is special permit granting Authority)

11.7 Recreational

USE	District														
	RA	RA-1	RA-2	RB	RC	HMF	RP-1	GB	GB-A	C	I	LI	REC	T	CEM
Municipal or non-profit parks, grounds and facilities for recreation	Y	Y	Y	Y	N	SP	Y	Y	Y	Y	Y	Y	Y	Y	N
Indoor places of commercial amusement	N	N	N	N	N	N	N	SP	SP	SP	SP	N	N	N	N
Outdoor places of commercial amusement	N	N	N	N	N	N	N	SP	SP	SP	SP	N	SP	N	N
Golf courses	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	N
Historical sites	Y	Y	Y	Y	N	SP	Y	Y	Y	Y	Y	Y	Y	Y	Y
Cemetery and operations associated therewith	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y

SECTION 12: PROHIBITED USES

Except where lawfully in existence at the time of the adoption of this by-law, the following uses shall be prohibited in all districts;

- 12.1** airports, heliports, runways or landing fields;
- 12.2** apartments on the second or third floor of commercial or industrial establishments;
- 12.3** trailers used as permanent living or business quarters in excess of thirty (30) days;
- 12.4** commercial racetracks;
- 12.5** fur farms;
- 12.6** junkyards;
- 12.7** outdoor drive-in theaters;
- 12.8** piggeries;
- 12.9** zoos and wild animal farms;
- 12.10** mobile home parks or trailer camps;
- 12.11** commercial landfill and dumps; provided that this prohibition is not intended to render moot any present case pending in the Superior Court, appealing the decision of the Zoning Board of Appeals with regard to a sanitary landfill.

SECTION 13: TABLE OF REGULATIONS

Any building or structure, but not including an accessory structure, erected in any district shall be located on a lot having not less than the minimum requirements set forth in the table below and the location of such structure on the lot and the height of such structure shall also conform with the requirements established by this table. **Regulations for Residential Performance Developments within RP-1 are contained in Section 16.**

Section 13 Table of Regulations

USE	District												
	RA	*RA-1	RA-2	RB	RP-1	RC	GB	C	I	LI	HMF	GB-A	
Minimum lot area (except RC / sq. ft.)	----	----	----	----	----	25 acres	----	30,000	40,000	40,000	----	5,000	
Minimum lot area (RES / sq. ft.)	15,000	20,000	4,000	40,000	40,000	11,000*	15,000	40,000	----	----	50,000	----	
Minimum lot frontage (ft.)	125'	100'	40'	150'	150'	100'	100'	150'	150'	100'	400'	50'	
Minimum front yard (ft.)	20'(H)	40'(H)	10'(H)	65'(F)	65'(F)	100'(RCA)	55'	65'(F)	65'(F)	65'(F)		55'(F)	
Minimum side yard (ft.)	10'(B)	10'(B)	10'(E)	15'(B)	15'(B)	60'(RCA)	15'	15'(E)	15'(E)	15'(I)		25'	
Minimum rear yard ft.)	30'(B)	25'(B)	30'(D)	35'(B)	35'(B)	60'(RCA)	15'	30'(D)	30'(D)	30'(I)		25'	
Minimum distance between buildings	----	----	----	----	----	30'(RCA)	----	----	----	----	----	----	
Building Line	125'	125'	40'	150'	150'	----	----	150'(G)	----	----	----	----	
Minimum Open Space (%)	60%	70%	40%	75%	75%	75%	50%	40%	50%	50%	20%	30%	
Maximum building height (ft.)	38'(A)	38'(A)	38'(A)	38'(A)	38'(A)	32'	45'	45'(A)	60'(A)	60'(A)	60'	45'	
Performance Regulations Controlling Residential Performance Developments	----	----	----	----	See Sec. 16	----	----	----	----	----	----	----	

13.1(a) Height limitations shall not apply to chimneys, towers, ventilators, skylights, tanks and silos provided such structures are not used for living purposes.

13.1(b) Accessory structures, when located in rear yards shall be placed at least ten (10) feet from the rear and side lot lines except as provided in 13.1(g).

13.1(c) When a side yard or rear yard borders on a street, the minimum distance between the street and any type of structure or accessory structure shall be as follows:

Residential A Districts	- 25 feet
Residential B Districts	- 30 feet
Residential Performance 1 Districts	- 30 feet
General Business, General Business A	- 25 feet
Commercial Districts	- 25 feet
Industrial Districts	- 25 feet
Historic, Multiple Family District	- -----

13.1(d) Fifty (50) feet when adjacent to a Residential District

13.1(e) Twenty-five (25) feet when adjacent to a Residential District

13.1(f) This sixty-five (65) feet is measured from the center line of the street but in no case shall be less than thirty-five (35) feet from the boundary of said street.

13.1(g) Residential building in a commercial district.

13.1(h) The front yard setback shall be measured from the front property line of the lot.

13.1(i) One hundred (100) feet when adjacent to a residential district or property in residential use.

- 13.1.1 RA-1** This table of intensity shall apply in this district provided there exists in the judgment of the Planning Board a minimum of 20,000 square feet of additional open space for each lot in any proposed subdivision within this district so distributed that in the judgment of the Planning Board the proposed subdivision fulfills the intent and purpose of this section of the by-law which is to provide the benefits of open space to the residents of the subdivision. The Planning Board shall require that said open space be reserved in perpetuity by the developer. If the Planning Board does not so determine as aforesaid, then all lots in this RA-1 District shall be subject to all of the dimensional requirements of the RB District.
- 13.1.2 RC** Minimum residential lot area requirements within the Residential – RC Zoning District shall be computed per dwelling unit
- 13.1.3 RCA** All front, side and rear yard requirements applicable to the Residential RC Zoning District shall pertain only insofar as relevant to public rights of way and adjacent, contiguous parcels of property held in ownership separate and distinct from that of the Townhouse development. Within such Townhouse development, no such requirements shall pertain.
- 13.1.4 RCB** Insofar as pertinent to distance between primary residential buildings, garages, accessory buildings and patios shall be allowed within the area of minimum distance between such primary residential buildings.

13.2 ELEVATION OF HOUSE BELOW STREET

- 13.2(a)** No residential structure shall be built on any lot whose principal floor level on the side nearest the street is below the elevation of the street, except in compliance with the following conditions;
- 13.2(b)** For each foot difference between the street level and the principal floor level the structure shall be set back a minimum of sixty-five (65) feet from the center line of the street up to a maximum of four (4) feet difference in elevation beyond which point the structure shall be set back twenty (20) feet for each additional foot difference in elevation.
- 13.2(c)** The finish grade of the lot at the front wall shall not be more than five (5) feet below the principal floor level and shall slope from the front wall of the structure at least one (1) foot for a distance of ten (10) feet.

13.2(d) For structures set back more than one hundred and twenty (120) feet, these regulations shall not apply.

13.3 ALTERNATIVE FRONT YARD SETBACK

In lieu of the minimum front yard specified in the Table of Regulations, in a Residential district any building may be setback from the front property line a distance equal to the average of the setbacks of all existing buildings within three hundred (300) feet in either direction on the same side of the same street.

SECTION 14: FLOOD PLAIN DISTRICT

14.1 PURPOSE:

The purposes of the Flood Plain District are to protect public health, safety, and general welfare, to protect human life and property from the hazards of periodic flooding, to preserve and maintain the ground water table and water recharge areas within the flood plain.

14.2 DISTRICT:

The general boundaries of the Flood Plain District are shown on the Hopedale Flood Insurance Rate Map (FIRM), dated July 19, 1982, as Zones A, A 1-30 to indicate the one hundred (100) year flood plain. The exact boundaries of the District are defined by the one hundred (100) year water surface elevations shown on the FIRM and further defined by the Flood Profiles contained in the Flood Insurance Study, dated July 19, 1982. The floodway boundaries are delineated on the Hopedale Flood Boundary and Floodway Map (FBFM), dated July 19, 1982 and further defined by the Floodway Data Tables contained in the Flood Insurance Study are incorporated herein by reference and are on file with the Town Clerk, Planning Board, and Building Commissioner.

14.3 USE REGULATIONS:

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

14.3(a) Permitted Uses: There shall be allowed the following uses, which create a minimal risk of damage due to flooding and will not constitute obstructions to flood flow, provided that they are permitted in the underlying district and that they do not require structures, fill, or storage of materials or equipment.

- (1) Agricultural uses such as farming, grazing, truck farming and horticulture;
- (2) Forestry and nursery uses:

- (3) Outdoor recreational uses, including fishing, boating and play areas
- (4) Conservation of water, plants and wildlife;
- (5) Wildlife management areas, foot, bicycle and horse paths;
- (6) Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises;
- (7) Buildings lawfully existing prior to the adoption of these provisions.

14.3(b) Special Permits: No structure or building shall be erected, constructed, substantially improved,, or otherwise created or moved and no earth or other materials dumped, filled, excavated, or transferred, unless a special permit is granted by the Planning Board.

Within ten (10) days of receipt of an application for a special permit the Board shall transmit one copy of the development plan to the Building Commissioner. Final action shall, not be taken until reports have been received from the above Boards or until thirty-five (35) days after the transmittal of the development plan to the Boards, whichever occurs first.

The Planning Board may issue a special permit if the application complies with the following provisions:

- (1) The proposed use shall comply in all respects with the provisions of the underlying district;
- (2) In the floodway prohibit all encroachments, including fill, new construction, substantial improvement to existing structures, and other development, the applicant shall provide certification by a registered professional engineer demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the one hundred (100) year flood;
- (3) The Planning Board may specify such additional requirements and conditions as it finds necessary to protect the health, safety, and welfare of the public.

14.3(c) 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 (The Wetlands Protection Act) and with the following:

- (1) Flood Resistant Construction Regulations of the State Building Code, 780 CMR 2102.0;
- (2) Wetlands Protection Regulations, 310 CMR 10.00;
- (3) Inland Wetlands Restriction Regulations, 302 CMR 4.00 and
- (4) Standard Requirements for the Siting, Construction, Inspection, Upgrade and Expansion of On-Site Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage, (310 CMR 15.00 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.

14.4 SUBDIVISION STANDARDS FOR THE FLOOD PLAIN DISTRICT:

All subdivision proposals and other proposed new developments shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If any pan of a subdivision proposal or other new development is located within the Flood Plain District established under the Zoning By-Laws it shall be reviewed to assure that:

- 14.4(a)** the proposal is designated so as to minimize the risk of damage due to flooding;
- 14.4(b)** all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed so as to minimize or eliminate risk damage due to flooding;
- 14.4(c)** adequate drainage systems are provided in order to reduce exposure to flood hazards;
- 14.4(d)** base flood elevation data (the level of the 100 year flood) is provided for all proposals for development within the Flood Plain District.

14.5 HEALTH REGULATION PERTAINING TO THE FLOOD PLAIN DISTRICT:

The Board of Health, in reviewing all proposed water and sewer facilities to be located in the Flood Plain District established under the Zoning By-Law, shall require that:

- 14.5(a)** New and replacement water supply systems be designed to minimize or eliminate infiltration of flood waters into the systems; and
- 14.5(b)** New and replacement sanitary sewage systems be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.

14.6 CONSERVATION COMMISSION DUTIES:

- 14.6(a)** Notify, in riverine situations, adjacent communities and the Massachusetts Division of Water Resources, the State Coordinating Agency, prior to any alteration or relocation of a watercourse where an order of conditions has been issued, and submit copies of such notification to the Federal Insurance Administration.
- 14.6(b)** Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

SECTION 15: TOWNHOUSE DEVELOPMENTS

15.1 TOWNHOUSE DEVELOPMENTS:

A townhouse development may be constructed in any zone designated as Residential C (RC) on a parcel of land held in one ownership having a minimum gross lot area of not less than twenty-five (25) acres of land, provided a site plan is approved by the Planning Board under the provisions of this Section.

15.2 TOWNHOUSE DWELLING UNITS:

The maximum number of Townhouse Dwelling Units to be constructed in a development shall be determined by using the tables set forth in this Section entitled "Dimensions of Intensity".

15.3 COMMON LAND:

Common land shall be distributed as to provide immediate access from all sections, of the development to the extent reasonable and practical, and its visibility shall be maximized from all residential areas. All common land shall have suitable access to a way and have separate pedestrian or bikeways access apart from the roadways to interconnect all significant areas of the development. A fraction of the common land, not to exceed twenty-five (25) percent may be assigned by the Board to specific areas when in the judgment of the Board such assignment is necessary to protect the interests of the Town. If the common land is not taken in title by the Town, the Town shall require that suitable enforceable restrictions protecting common land from construction or development are signed by the landowner, recorded in the Registry at his expense, and incorporated by the Planning Board in the approved site plan.

15.4 SITE PLAN APPROVAL:

No building permits shall be issued under this section unless the Planning Board has approved the site plan for the townhouse development.

15.5 APPLICATION FOR APPROVAL:

Application for approval of a site plan shall be made to the Hopedale Planning Board on forms supplied by it and in accordance with its then current rules and regulations governing the same, including the payment of fees and notice requirements.

15.6 CONTENTS OF SITE PLAN:

The site plan shall be prepared by a registered engineer and/or architect, or both. Drawings and data relative to streets, ways, water, sewer, drainage, utilities, building placement, grades and contours and other physical attributes of the development, its connection with public ways, entrances and exits, lighting, and in general sufficient information for the Board to engage in the review process set forth in the following section shall be provided on said site plan. Plans shall be schematic and to scale and should be fully dimensioned. Contours will be at two (2) feet intervals. It should show, or there may be attached thereto, separate sheets of information relative to the provision of essential services as defined in this by-law.

The site plan should also be accompanied by drawings relative to the buildings showing at least one (1) front, back, and both side elevations of each different building. Such building plans shall be schematic and to scale and should be fully dimensioned.

Upon submission of the application and plans, copies of which shall be deposited with the Town Clerk, the Board shall set a date, not later than thirty (30) day after submittal, for a public hearing relative to the application and plans, at which hearing the Board shall review the plans.

15.7 SITE PLAN REVIEW:

The Board shall review the site plan with reference to the general scheme of the development, the provision of essential services, the installation of walks, ways, pipes, conduits, buildings, finish and rough gradings and similar items. The particular details of the construction of the project, including the method, manner and means of construction and similar items terms of his building permit which is to be issued by him under the rules and regulations pertaining to construction in the Town of Hopedale.

In approving or disapproving a site plan, the Board shall, as a minimum, take into consideration the following matters:

15.7(a) Parking: Compliance with the off-street and parking requirements of this By-Law, except that the minimum parking space requirements shall be two for each dwelling unit.

15.7(b) Compliance with By-Law: Compliance with other provisions of this By-Law, except those that are superseded by this section or are, in the opinion of the Board, obviously contrary to the intent of this section and should not apply.

- 15.7(c) Preservation of Landscape:** The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.
- 15.7(d) Relation of Buildings to Environment:** Proposed development shall be related harmoniously to the terrain and to the use, scale and proportions of existing and proposed buildings in the vicinity that have functional or visual relationship to the proposed buildings.
- 15.7(e) Inter-relationship of Buildings:** The proposed buildings shall be related harmoniously to each other with adequate light, air, circulation, privacy and separation between the buildings.
- 15.7(f) Open Space:** All open space shall be so designated as to add to the visual amenities of the vicinity by maximizing its visibility for persons passing the site or overlooking it from nearby properties.
- 15.7(g) Circulation:** With respect to vehicular and pedestrian circulation, including entrances, ramps, walkways, drives, and parking, special attention shall be given to location and number of access points, to the public streets (especially in relation to existing traffic controls) width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, and arrangement of parking areas that are safe and convenient and, insofar as practical, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.
- 15.7(h) Surface Water Drainage:** Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Storm water shall be removed from all roofs, canopies and paved areas and carried away in an underground drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not unnecessarily create undue puddling in the paved areas.
- 15.7(i) Sewage and Sanitary Services:** Proposed methods of sanitary sewage disposal and solid waste disposal from all buildings shall be indicated.
- 15.7(j) Distribution of Common Land:** Common land shall be indicated and distributed in a reasonable manner.

The Board shall approve or disapprove the site plan within ninety (90) days after submittal. If the Board fails to act or make a decision within such period of time, ninety (90) days, the plan shall be deemed approved.

If the Board disapproves a site plan, it shall notify the applicant in writing, setting forth in detail its specific reasons for disapproval. The applicant may resubmit the plan to the Board and if the Board finds that the reasons for its disapproval have been corrected by the applicant, it shall approve the site plan. The Board and the applicant may negotiate a suitable agreement in writing to extend the time periods.

Any applicant whose site plan has been disapproved, may within one (1) year thereafter petition the Board to re-open the hearing, and the Board may grant a re-hearing if it finds that the applicant in good faith wishes to revise its, original disapproved plan so as to satisfactorily resolve the conditions which led to the previous disapproval of the site plan by the Board. Such re-hearing shall be on said terms of notice and publication at the applicant's expense as the Board may determine. It shall be a public hearing.

- 15.8 APPROVED SITE PLAN:** The approved site plan shall state: Approved Site Plan of (Name of Project), Hopedale, Planning Board, Date and lines for signatures of Board members. It shall be kept in the files of the Planning Board and available for public inspection upon request.

Any restrictive covenants shall be recorded at the Registry of Deeds at the applicant's expense.

If the plan is approved by failure of the Board to act within said ninety (90) day period, there shall be endorsed thereon the following statement: "Approved by failure of the Board to act within 90 days of submittal", date and a line for signature by the Town Clerk.

- 15.9 CONTINUED MEETING:** The Board, with the agreement of the applicant on record, may continue any site plan hearing to a date certain for the purpose of making changes to drawings, securing more information or other good and sufficient reasons. No public advertisement shall be required for a continued hearing whose continuance date was set during the course of a public hearing on the same subject.

- 15.10 BUILDING PERMITS:** For all uses set forth in this by-law under this section and Section 11.5 (USE DIMENSIONAL AND INTENSITY REGULATIONS; Institutional and Public) requiring site plan approval by the Planning Board, or any other section requiring a Special Permit from the Zoning Board of Appeals, no building permit or occupancy permit shall be issued by the Building Inspector until such site plan has been approved.

15.11 OTHER PERMITS: The granting of site plan approval under this or any other section does not eliminate the necessity of an applicant securing required permits from other Town boards having jurisdiction over the project.

15.12 REVISIONS AND CHANGES IN SITE PLAN: The Building Commissioner is authorized either, while issuing the building permits or during the course of construction to allow revisions and changes in the approved site plan to compensate for conditions that arise out of the studies made for detailed construction plans for conditions that occur during actual construction. The Building Commissioner may, allow such changes and revisions that are in his judgment necessary or appropriate under the conditions and circumstances. Without specific limitation, these changes may involve such matters as relocation of buildings, utility lines, ways, parking areas, etc. However, the Commissioner shall not have the authority to allow changes in the Dimensions of Intensity Table. This is reserved for the Zoning Board of Appeals. The purpose of this section is to allow the developer, with the approval of the Building Commissioner, the flexibility required by practical necessity of coping with on-the-job construction problems caused by actual site work and detailed construction drawings.

At the conclusion of the project, the developer shall furnish the Planning Board with an "as built" site plan showing any allowed changes.

The Building Commissioner is the enforcing officer of this section.

SECTION 16: PERFORMANCE RESIDENTIAL DEVELOPMENT PROVISIONS

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ARTICLE I. TITLE AND PURPOSE

DIVISION 1000.0 Title.

This section of the Zoning By-Laws of the Town of Hopedale shall be known as and may be referred to as the "Hopedale Performance Residential Development By-Law."

Division 1001.0 Purpose.

The purpose of Section 16 is the implementation of performance criteria to a mixed use residential district to promote the health, safety, and general welfare of the present and future inhabitants of Hopedale; in accordance with the provisions of Chapter 808, Acts 1975, of the Commonwealth of Massachusetts and any amendments thereof.

ARTICLE II. JURISDICTION

Application for approval of a Performance Residential Development site plan shall be made to the Hopedale Planning Board in accordance with its then current rules and regulations governing the same, including the payment of fees and notice requirements.

ARTICLE III. CONCEPTUAL AND TECHNICAL ASPECTS OF PERFORMANCE BASED RESIDENTIAL BY-LAW.

Conceptual Aspects of Performance Zoning.

Performance zoning specifies density in absolute terms - maximum livings area per net site acre. It is a density value that may be a replication of existing densities of neighborhoods that surround areas of new development or values that the town and/or the Planning Board feel are appropriate.

The performance by-law controls and regulates how the development interacts with site variables such as topography, drainage, vegetation, vistas, existing infrastructure and access and may further reduce the density allowed on the site.

Technical Aspects of Performance Zoning.

Housing.

Performance zoning permits each of the housing types described in Division 5103.0 as of right in a performance residential district provided specific standards for each of: the three dwelling types are met. These housing types occur in areas called residential rings or portions thereof. The areas shall be arranged in order of consecutively decreasing density.

The Standards.

The performance approach to zoning regulates development mainly on the basis of four variables.

Maximum density standards.

Maximum density standards are values measured in square feet of living area per site acre. District density standards control overall site density and residential ring density standards regulate local densities within the site. Maximum density standards are reflective of the existing neighborhood densities or represent a value determined by the Town's planning studies.

Percentage distribution of living area in residential rings.

These percentages are determined by conducting demographic and market studies. They shall fall within the by-law defined range; however, deviations may be allowed through Planning Board approval. These values contribute to the establishment of the mix of residential unit types. (See Division 5301.0).

Impervious surface.

Maximum impervious surface percentage, an important measure of land use intensity, is the maximum amount of a site that is occupied by surfaces that do not absorb rain.

Pervious surface area.

That portion of the site that does not impede the absorption of rainwater. It consists of two categories; restricted open space and outdoor living space. The proportion of these two spaces to one another determines the degree of protection afforded natural resources or features and sets the character of the area.

Site Capacity and Land Use Intensity.

Performance zoning protects the environment by specifying developmental limits on a resource-by-resource basis. Performance zoning is based on the use of maximum density standards which apply only to buildable land. The intensity of use on any piece of buildable land is controlled by the maximum density standards and the distribution of residential unit types on the site.

Carrying capacity is an ecological term which defines the composition of a community of living things that can achieve a balance in a given environment.

The size capacity calculation of performance zoning uses the concept of restricted open space to insure protection of the natural environment in a dependable and consistent fashion. The performance approach takes a larger than lot-by-lot perspective in regulating environmental degradation. It protects resources by requiring a site capacity rather than a lot capacity analysis of developmental constraints.

Bufferyards.

The purpose of bufferyards in performance zoning is to provide barriers against visual and sonic impacts.

The bufferyard shall be flexible. Within each class of bufferyard, a developer may choose from several options including height, width, and density of vegetation.

Transportation.

The transportation division of this performance by-law imposes screen width standards which vary depending on the type of street involved and the intensity of use located on the street. Residential street width is affected by three variables:

Traffic volume - The fewer the number of vehicles, the narrower the road may be. Fewer cars meet or pass each other.

Design speed - At low speeds, drivers have more time to react to traffic situations. Thus, roads may be narrower as design speeds decline.

Parking - When a residential street is to serve the overflow of off-street parking areas, at least one extra lane of roadway width is required.

ARTICLE IV. DEFINITIONS

DIVISION 4000.0 Purpose.

It is the purpose of this, article to define words, terms, and phrases contained within Section 16 of the Hopedale Zoning By-Laws. Those words, terms, and phrases of Section 2 (DEFINITIONS) of the Hopedale Zoning By-Laws not used herein, may be applied to Section 16.

DIVISION 4100.0 Abbreviations.

The abbreviations herein are intended to have the following meanings as applied to Section 16:

- ac.** Acre.
- ADT** Average daily traffic.
- CRL** Common recreation land area.
- d.u.** Dwelling unit.
- N/A** Not applicable.

- OLS** Outdoor living space.
- rms.** Rooms.
- ROS** Restricted open space.
- RP-1** Residential Performance District 1.
- RP-2** Residential Performance District 2.

DIVISION 4200.0 Definitions

When used in Section 16, the following terms shall have the meanings herein ascribed to them.

Acre. Forty-three thousand, five hundred and sixty (43,560) square feet.

Average daily traffic. The number of vehicles specified as the average traffic using a stretch of road during a twenty-four (24) hour period, either as specified by the Massachusetts Department of Transportation or a count provided by a competent professional; or the number of vehicles specified as the average traffic generated by a land use as enumerated by Division 5710.0.

Bufferyard. A unit of land, together with a specified type and amount of planting thereon, and any structures which may be required between land uses to eliminate or minimize conflicts between them.

Caliper. A measurement of the size of a tree equal to the diameter of its trunk measured four and one-half (4½) feet above natural grade.

Collector road or street. A roadway so designated by Division 5702.0 (B).

Common recreation land area. Recreation area that will serve all three residential ring areas of a performance residential development.

Community center. See Division 5103.0.

Cottage dwelling. Units only allowed within the middle residential ring. They represent moderately affordable units whose characteristics are delineated in Divisions 5201.0 and 5301.0.

Definitive Site Plan Review Package. Refers to all maps, plans, reports, and supporting data required by a definitive site plan review (See Division 7006.0).

Density standards. Values that are by-law specified and represent the maximum use density for the overall site and each residential ring (Div. 5201.0). The standards are neighborhood compatible and represent values that respond to social values characterizing Hopedale.

Design deviation. An alternative to the standards otherwise required by Section 16 providing greater design flexibility for residential development. The Planning Board shall specify certain requirements as a precondition for the use of the deviation (See Div. 5301.1).

District. A classification of land use. Within Section 16, RP-1 and RP-2 are districts.

Drainage. The removal of surface water or ground water from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development and includes the means necessary for water supply preservation or prevention or alleviation of flooding.

Drainageway. Minor watercourses which are defined either by soil type or the presence of intermittent or perennial streams. The following areas are drainageways:

- (1) Areas characterized by soils falling within the hydrologic soil groups as delineated in the Northeastern Massachusetts Interim Soil Survey Report by the Soil Conservation Service;
- (2) The land, except where areas are designated as floodplain, on either side of and within fifty (50) feet of the centerline of any intermittent or perennial streams mapped during a field survey.

Estate dwellings. Units only allowed within the outer residential rings. They represent luxury units whose characteristics are delineated in Divisions 5201.0 and 5301.0.

Gross site area. The area contained within the boundary lines of the site.

Height of dwelling unit. The vertical distance as measured from the average finished ground elevation of the dwelling unit to the highest point on such unit.

Impervious surface. A man-made surface or structure (parking area and roadway of continuous concrete or asphalt, building, etc.) which prevents the absorption of water by the natural surface of the site.

Impervious surface area, maximum. That area derived by multiplying the area of residential ring by its maximum impervious surface percentage allowed by Section 16.

Impervious surface percentage per residential ring, maximum. The maximum allowed percentage of impervious space per ring (maximum impervious surface area allowed for a residential ring divided by its respective ring area). It is an indirect measure of the intensity of land use.

Land use intensity class. A measure of the magnitude and impact of a land use on the environment and neighboring land uses. A residential land use is divided into three classes: village units, cottage dwellings, and estate dwellings.

Living area. The interior space of a habitable unit inclusive of closets, storage areas, bathrooms, and kitchen work areas.

Net living area for the site. The maximum allowed living area for the site that is assignable to dwelling units. Adjusted net site area multiplied by the density standard for the district the site is located in (See Div. 5301.0)

Net site area. Gross site area minus wetland protection land (See Division 5301.0).

Net site area, adjusted. Net site area plus an incremental increase in area based on conditionally allowed wetland encroachment (see second note in Division 5301.0) minus Common Recreation Land (see Division 5301.0).

Office, professional. See Division 5103.0

Office, residential. See Division 5103.0.

Outdoor living space. That portion of the pervious land area of the site, as required by Division 5201.0, which may be used for active recreation it owner. It has none of the constraints of restricted open space (Div. 5601.0)

Perimeter clearance line. A separation standard that specifies the minimum distance a unit or cluster of units may be located from the site perimeter boundary.

Pervious surface. Land surfaces that are not covered with buildings and impervious man-made surfaces which provide an impenetrable barrier to water.

Prairie. An area of land that is level or slightly undulating that is characterized by coarse grasses and few trees.

Preliminary Site Plan Review Package. Refers to all maps, plans, reports and supporting data required by a preliminary site plan review (See Div. 7003.0)

Residential ring. An area or areas of land within a site that shall meet the performance standards of Division 5201.0 and intensity of use requirements of Divisions 5301.0 and 5301.1. There are three areas called residential rings or portions thereof, the center with the highest density, the middle, and outer with the lowest density. The areas of these rings calculated in Division 5301.0 shall be arranged in order of consecutively decreasing density.

Residential street. A roadway so defined by Division 5702.0 (A).

Restricted open space. That designated land not occupied by buildings, roads, road rights-of-way or parking areas. It shall, remain in its natural undeveloped state (See Division 5601.0).

Rooms. Enclosed spaces within a dwelling unit exclusive of bathrooms, kitchen work areas, closets or other small service rooms of less than sixty-eight (68) square feet

Savanna. An area of land characterized by coarse grasses and scattered trees, grading into either open prairies or woodlands.

Slopes, shallow. Land area where the inclination of the land's surface from the horizontal is less than twelve (12) percent.

Slopes, moderate. Land area where the inclination of the land's surface from the horizontal is between twelve (12) and twenty-eight (28) percent.

Slopes, steep. An area where the inclination of the land's surface from the horizontal is greater than twenty-eight (28) percent.

Village unit. Units only allowed within the center residential ring. They represent the most affordable units whose characteristics are delineated in Divisions 5201.0 and 5301.0.

Wetland Protection Area. Areas protected from development that are delineated by 310 CMR 10.00 et seq as promulgated by the Mass. DEQE under M.G.L. c. 131, s. 40 and additionally by the soils and hydrology of the site.

Woodland. An area of plant material covering one-half (0.5) acre or more and consisting of thirty (30) percent or more canopy trees having an eight (8) inch or greater caliper, or any grove consisting of eight (8) or more trees having ten (10) inch or greater caliper.

Woodland, mature. An area of plant material covering one-half (0.5) acre or more consisting of thirty (30) percent or more canopy trees having a sixteen (16) inch or greater caliper, or any grove consisting of eight (8) or more trees having eighteen (18) inch or greater caliper.

Woodland, young. An area of plant material covering one-half (0.5) acre or more and consisting of seventy (70) percent or more canopy trees having a two and one-half (2.5) inch caliper or greater, or a tree plantation for conservation purposes where seventy (70) percent or more of the trees have a two and one-half (2.5) inch caliper.

ARTICLE V. REGULATIONS

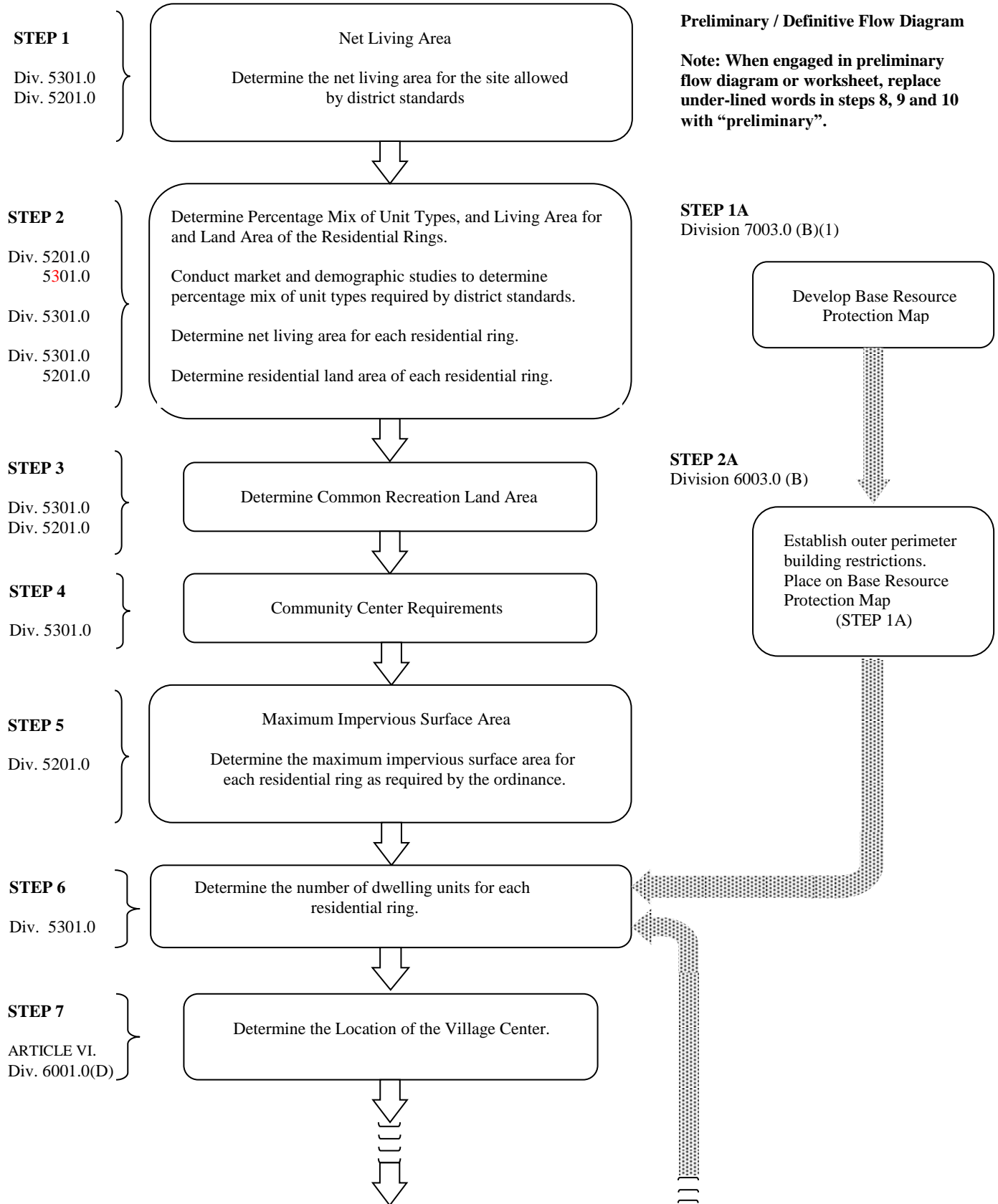
DIVISION 5000.0 Introduction.

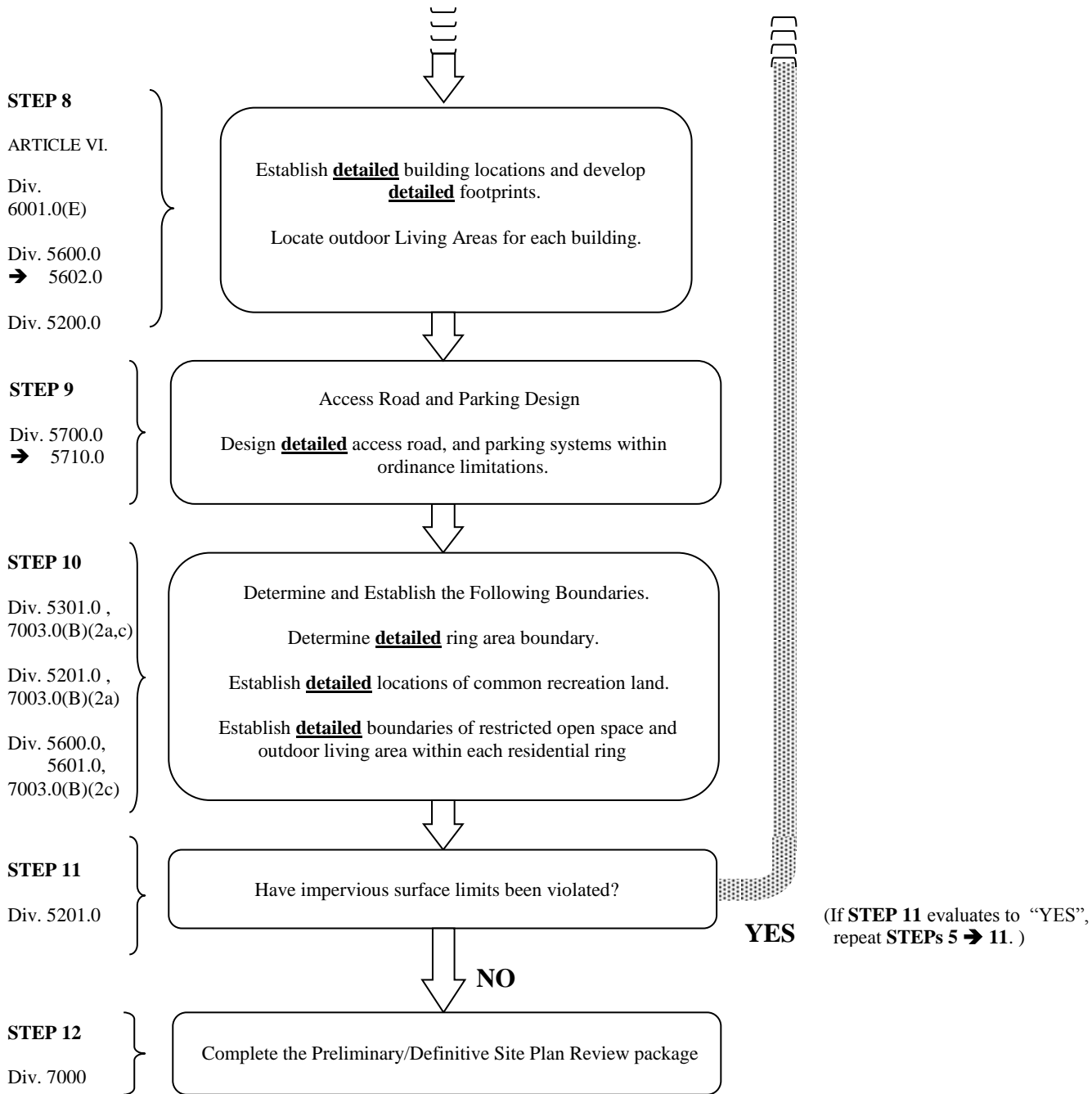
The format of the regulations in Section 16, and particularly in this article, differs somewhat from that of traditional zoning by-laws because performance zoning requires that consideration be given to site characteristics and the range of impacts the use may have.

Division 5001.0 Flow Diagrams and Worksheets.

The following flow diagram, with its respective worksheet are necessary elements in the application of performance zoning methodology. For each step in the flow diagram, the appropriate division number(s) to be referred to during design development and review are located next, to that step. The design team will be required to verify compliance with Section 16 by satisfactorily completing all steps in the definitive flow diagram, and enter the results in the worksheet which shall be included in the Definitive Site Plan Review Package. However, the verification of preliminary compliance through the preliminary flow diagram becomes necessary only if the applicant requests a Preliminary Site Plan Review.

Division 5001.1 Preliminary /Definitive Flow Diagram and Worksheet





PRELIMINARY / DEFINITIVE FLOW DIAGRAM WORKSHEET

Step 1. DETERMINE NET LIVING AREA.

Net Site Area = Total Site Area - Wetland Protection Area

$$= \text{_____ ac.} - \text{_____ ac.} = \text{_____ ac.}$$

Adjusted Net Site Area = Net Site Area + Wetland Protection Allowance - Common Recreation Land (step 3 A.)

$$= \text{_____ ac.} + \text{_____ ac.} - \text{_____ ac.} = \text{_____ ac.}$$

Net Living Area (sq. ft.) = [Adjusted Net Site Area (acres)] x [District Density Standard (sq. ft. / acre)]

$$\text{Net Living Area (sq. ft.)} = \text{_____} \times \text{_____} = \text{_____ sq. ft.}$$

Step 2.

DETERMINE PERCENTAGE MIX OF UNIT TYPES.

Center Residential Ring Percentage = _____ %

Middle Residential Ring Percentage = _____ %

Outer Residential Ring Percentage = _____ %

DETERMINE NET LIVING AREA OF EACH RESIDENTIAL RING.

[Residential Ring Percentage] x [Net Living Area of Site (sq. ft.)]

Center Ring: _____ x _____ = _____ sq. ft.

Middle Ring: _____ x _____ = _____ sq. ft.

Outer Ring: _____ x _____ = _____ sq. ft.

DETERMINE REQUIRED LAND AREA OF EACH RESIDENTIAL RING.

area of center ring = [Net Living Area of Center] ÷ [Center Density Std.]
(acres) (sq. ft.) (sq. ft. / acre)
= _____ ÷ _____ = _____

area of middle ring = [Net Living Area of Middle] ÷ [Middle Density Std.]
(acres) (sq. ft.) (sq. ft. / acre)
= _____ ÷ _____ = _____

area of outer ring = [Net Living Area of Outer] ÷ [Outer Density Std.]
(acres) (sq. ft.) (sq. ft. / acre)
= _____ ÷ _____ = _____

Step 3. DETERMINE COMMON RECREATION LAND & COMMUNITY CENTER REQUIREMENTS.

A.

$$\begin{aligned} \text{Common Recreation Land}_1 &= [\text{CRL \%}] \times [\text{Net Site Area}] \\ (\text{acres}) & \qquad \qquad \qquad (\text{acres}) \\ &= \underline{\hspace{2cm}} \times \underline{\hspace{2cm}} \text{ ac.} = \underline{\hspace{2cm}} \text{ acres} \end{aligned}$$

B.

$$\begin{aligned} \text{Common Recreation Land}_2 &= [\text{Adjusted Net Site Area}] - [\text{Total Land Area of} \\ (\text{acres}) & \qquad \qquad \qquad \qquad \qquad \qquad \qquad \qquad \text{All Residential Rings}] \\ &= \underline{\hspace{2cm}} \text{ ac.} - \underline{\hspace{2cm}} \text{ ac.} = \underline{\hspace{2cm}} \text{ acres} \end{aligned}$$

$$\begin{aligned} \text{Total Common Recreation Land} &= [\text{Step 3.A}] \div [\text{Step 3.B}] \\ (\text{acres}) & \\ &= \underline{\hspace{2cm}} \text{ ac.} \div \underline{\hspace{2cm}} \text{ ac.} = \underline{\hspace{2cm}} \text{ acres} \end{aligned}$$

Step 4. DETERMINE COMMUNITY CENTER LIMITS (special permit use).

$$\begin{aligned} \text{Max. Community Center Area} &= 10 \% \times \text{Net Living Area for Center Ring} \\ (\text{sq. ft.}) & \qquad \qquad \qquad (\text{sq. ft.}) \\ &= [0.10] \times \underline{\hspace{2cm}} \text{ sq. ft.} = \underline{\hspace{2cm}} \text{ sq. ft.} \end{aligned}$$

$$\begin{aligned} \text{Max. Storage Area} &= 15 \% \times \text{Community Center Area} \\ (\text{sq. ft.}) & \qquad \qquad \qquad (\text{sq. ft.}) \\ &= [0.15] \times \underline{\hspace{2cm}} \text{ sq. ft.} = \underline{\hspace{2cm}} \text{ sq. ft.} \end{aligned}$$

Step 5. DETERMINE MAXIMUM IMPERVIOUS' SURFACE AREA FOR EACH RESIDENTIAL RING.

$$\begin{aligned} \text{Max. Impervious Surface Area} &= \text{Land Area of Ring} \times [\text{Max. \%}] \\ (\text{Residential Ring}) (\text{acres}) & \qquad \qquad \qquad (\text{acres}) \end{aligned}$$

$$\begin{aligned} \text{Center Residential Ring:} & \underline{\hspace{2cm}} \text{ ac.} \times [0.35] = \underline{\hspace{2cm}} \text{ ac.} \\ \text{Middle Residential Ring:} & \underline{\hspace{2cm}} \text{ ac.} \times [0.26] = \underline{\hspace{2cm}} \text{ ac.} \\ \text{Outer Residential Ring :} & \underline{\hspace{2cm}} \text{ ac.} \times [0.20] = \underline{\hspace{2cm}} \text{ ac.} \end{aligned}$$

Step 6. DETERMINE NUMBER OF DWELLING UNITS FOR EACH RESIDENTIAL RING.

Village Units	(center ring)	=	_____
Cottage Dwellings	(middle ring)	=	_____
Estate Dwellings	(outer ring)	=	_____

Step 7. Determine location of the village center.

Step 8. Establish **detailed** building locations and develop **detailed** footprints.

Locate Outdoor Living Area for each building according to the performance limitations of Div. 5201.0.

Step 9. Develop **detailed** access road and parking design.

Step 10. a. Determine **detailed** ring area boundary locations to insure local (ring) densities are within limits.

b. Establish **detailed** locations of Common Recreation Land.

c. Establish **detailed** Restricted Open Space and Outdoor Living Area boundaries within each residential ring.

Step 11. Have impervious surface limits been exceeded?

Step 12. Complete Preliminary / Definitive Site Plan Review package.

DIVISION 5100.0 Use Regulations.

Divisions 5101.0 through 5105.0 specify which uses are permitted in the “RP-1” and “RP-2” zoning districts and define the use categories available to these residential districts.

Division 5101.0 Uses Permitted by Right, Uses Permitted with Special Permits and Uses not Permitted

Except as otherwise provided by law or in Section 16, no building, structure or land shall be used or occupied except in the zoning district indicated and for the purposes permitted in this division. The general use categories specified by Division 5102.0 are defined in Divisions 5103.0 through 5105.0.

Division 5102.0 Table of Permitted Uses.

Y = A use permitted by a zoning permit from the Building Commissioner upon compliance with all applicable provisions of Section 16.

N = A prohibited use.

SP = A use permitted only by the issuance of a special use permit granted by the Planning Board, after a public hearing.

RESIDENTIAL USES	DISTRICT		
	“RP-1” and “RP-2” Residential Rings		
	Center	Middle	Outer
Village Unit	Y	N	N
Cottage Dwelling	N	Y	N
Estate Dwelling	N	N	Y
Residential office	Y	Y	Y
Professional office	SP	SP	SP
Community Center	SP	N	N
INSTITUTIONAL USES	////////////////	////////////////	////////////////
Non-profit library, museum, art gallery	SP	SP	N

Division 5103.0 Residential Uses.

Residential Performance Dwellings. Uses consisting of three (3) dwelling categories:

1. Village Units
2. Cottage Dwellings
3. Estate Units

Ownership forms may be fee simple, cooperative, or condominium.

Residential Offices. The use of a dwelling maintained by a person residing on the premises used for an activity conducted elsewhere.

Professional offices or Studios. The use of a dwelling by a professional person, resident therein. The granting of a special permit for this use shall not allow the use to occupy more than thirty-five (35) percent of the total floor area of the dwelling. All signs shall comply with the Section 7.1 (SIGNS FOR RESIDENTIAL DISTRICTS) of the Zoning By-Laws of Hopedale.

Community Center. An activity or recreation center for the Performance Residential Development that may also provide vendor services to the local residents.

Division 5104.0 Institutional and Public Uses.

Nonprofit libraries, museums and art galleries

Division 5105.0 Accessory Uses.

- A. Authorization.** Accessory structures and uses are permitted in any “RP” zoning district in connection with any lawful principal use within such district. Any question of whether a particular use is permitted as an accessory use by the provisions of this division shall be determined by the zoning officer pursuant to his or her authority.
- B. Use Limitations.** In addition to complying with all other regulations, no accessory use shall be permitted, unless together with the principal or structure, the land use intensity class criteria are not exceeded.

DIVISION 5200.0 Performance Standards.

The standards of Division 5201.0 are minimum standards unless otherwise noted, and shall apply to each district and use therein. All standards must be met. Whenever a standard contained in the Division 5201.0 is different from another performance standard articulated in this article, the strictest standard shall always govern.

Division 5201.0 Table of District Performance Standards

ZONING DISTRICT Res. Ring	Total Size Area Min.	% Distribution of living area in res. rings	Maximum Density Standards (sq. ft. / ac.)	Impervious Surface % Maximum	OLS % of pervious surface area	ROS % of pervious surface area	CRL % of pervious surface area
“RP-1“	7 acres	N/A	3000.0	N/A	N/A	N/A	35%
Center	N/A	15% to 35%	5656.9	35%	5% to 13%	87% to 95%	N/A
Middle	N/A	26% to 51%	4010.0	26%	10% to 20%	80% to 90%	N/A
Outer	N/A	26% to 51%	2297.0	20%	15% to 25%	75% to 85%	N/A
“RP-2”	10 acres	N/A	2100.0	N/A	N/A	N/A	25%
Center	N/A	15% to 35%	4611.9	35%	5% to 13%	87% to 95%	N/A
Middle	N/A	26% to 51%	3400.0	26%	10% to 20%	80% to 90%	N/A
Outer	N/A	26% to 51%	1484.0	20%	15% to 25%	75% to 85%	N/A

- ROS** = **R**estricted **O**pen **S**pace
- OLS** = **O**utdoor **L**iving **S**pace
- CRL** = **C**ommon **R**ecreation **L**and **A**rea

DIVISION 5300.0 Land Use Intensity Categories and Bufferyards.

The “RP-1” and “RP-2” districts each contain three (3) intensity of use categories; Center Residential Ring containing small dwellings; Middle Residential Ring containing medium sized dwellings; and Outer Residential Ring containing large dwellings. Intensity of use is the amount of square feet of living area per acre for the use. In order to minimize any impacts that neighboring uses might have on one another, Section 16 requires that bufferyards be provided between uses according to their categories.

Intensity of use may further be reduced depending upon additional natural resource site constraints. (Division 5400.0 → 5506.0), pervious space requirements (Divisions 5200, 5201.0 and 5600.0 → 5602.0), and the implementation of the Detailed Design regulations (Article VI).

Division 5301.0 Land Use Intensity Determination.

Demographic and market studies conducted to determine the appropriate percentages of the Net Living Area that will be assigned to each of the residential ring areas provided that these percentages fall within the limits set forth in the District Performance Standards (Division 5201.0).

Net Living Area for the Site.

$$\text{Net Site Area} = [(\text{Total Site Area}) - (\text{Wetland Protection Area})]$$

$$\text{Common Recreation Land}_1 = [\text{Common Recreation Land \%}] \times [\text{Net Site Area}]$$

(Div.5201.0)

$$\text{Adjusted Net Site Area (acres)} =$$
$$[\text{Net Site Area}] \div [\text{Wetland Protection Allowance}] - \text{Common Recreation Land}$$

(See following note)

$$\text{Net Living Area (Site)} = [\text{Adjusted Net Site Area}] \times [\text{Density Standard (District)}]$$

(sq. ft.) (acres) (sq. ft. / acre)

Note: Net Site Area may be increased by a maximum of twenty-five (25) percent of the Wetland Protection Area, provided the applicant shows that the proposed additional use area will not harm or cause the pollution of the Wetland Protection Area and it shall then be known as Adjusted Net Site Area. In no case shall the acreage within the Wetland Protection Area used in the calculation of net living areas exceed the acreage of the site outside this protection area.

Net Living Area for Each Residential Ring.

The Net Living Area for each residential ring shall be determined as follows:

$$\text{Net Living Area for Center Ring (sq. ft.)} =$$
$$[\text{Net Living Area for the site (sq. ft.)}] \times$$
$$[\% \text{ of living area for Center Ring (expressed as decimal)}]$$

$$\text{Net Living Area for Middle Ring (sq. ft.)} =$$
$$[\text{Net Living Area for the site (sq. ft.)}] \times$$
$$[\% \text{ of living area for Middle Ring (expressed as decimal)}]$$

$$\text{Net Living Area for Outer Ring (sq. ft.)} =$$
$$[\text{Net Living Area for the site (sq. ft.)}] \times$$
$$[\% \text{ of living area for Outer Ring (expressed as decimal)}]$$

Land Area of Each Residential Ring.

The area of each ring in acres is obtained by dividing the Net Living Area for each residential ring by its respective ring Density Standard (Div. 5201.0).

$$\text{Area of Center residential ring (acres)} = \frac{[\text{Net Living Area for Center ring (sq. ft.)}]}{[\text{Density Standard for the Center ring}]}$$

$$\text{Area of Middle residential ring (acres)} = \frac{[\text{Net Living Area for Middle ring (sq. ft.)}]}{[\text{Density Standard for the Middle ring}]}$$

$$\text{Area of Outer residential ring (acres)} = \frac{[\text{Net Living Area for Outer ring (sq. ft.)}]}{[\text{Density Standard for the Outer ring}]}$$

Determination of Land Area for Common Recreation Area.

Total Common Recreation Area Land to be provided for a Performance Residential Development is the sum of the following two parts:

$$\text{Common Recreation Land}_1 \text{ (acres)} = [\text{CRL \%}] \times [\text{Net Site Area (acres)}]$$

$$\text{Common Recreation Land}_2 \text{ (acres)} = [\text{Adjusted Net Site Area (acres)}] - [\text{Total land area of all 3 residential rings (acres)}]$$

Number of Units.

Determine the number of units for the site by completing the following steps:

- A. Determine the Net Living Area (sq. ft.) of each residential ring
- B. Determine the market-driven living area (sq. ft.) required of each dwelling type
- C. The square footage of each dwelling type from step (B) shall be constrained by the following room number limits:
 - 4. Village Units (Center Residential ring) – one to three rooms
 - 5. Cottage Dwellings (Middle Residential ring) – two to five rooms

6. Estate Dwellings (Outer Residential ring) – four or more rooms

Bathrooms, kitchen work areas and utility closets or service rooms are not counted as rooms; however, breakfast nooks and eating areas ancillary to the kitchen shall be counted as rooms.

- D. Having established the total living area (sq. ft.) available for each residential ring and the range of sizes (sq. ft.) for each dwelling type, the total number of each type of dwelling unit can be determined.
- E. The Planning Board may, after analyzing the fiscal impact study (Div. 5400.0), require the development team to revise the percentage of living area assigned to each of the residential rings or modify the number of units for each ring to provide a more appropriate fiscal impact to Hopedale.

Community Center.

Having established the living area of the center residential ring along with its area, one can develop through the application of the formulas below, the maximum allowable size for the community center and enclosed storage area.

$$\text{Community Center Area (sq. ft.)} = 10\% \times \text{Net Living Area Center ring (sq. ft.)}$$

(Community Center shall not be less than 300 sq. ft.)

$$15\% \times \text{Community Center Area} = \text{Enclosed Storage Area}$$

(Enclosed Storage Area shall not be greater than 425 sq. ft.)

Elderly Housing Provision.

When in its judgement, the public welfare and convenience will be served, the Planning Board on approving a definitive site plan for a Performance Residential Development, may require as a condition the following:

Up to twenty-five (25) percent of the living area for the center residential ring be assigned to elderly living units.

Of the stipulated elderly units, at least fifteen (15) percent shall be designed barrier-free. Fractional units shall be rounded up to the nearest whole unit.

Division 5301.1 Land Use Intensity: Deviations.

- A. A maximum of twenty-five (25) percent of the Wetland Protection Area may be added to the NSA (Net Site Area) in calculating the MNLA (Maximum Net Living Area) and the NLA (Net Living Area) provided the applicant shows that the proposed additional uses will not harm or cause pollution of the areas within the

Wetland Protection Area. In no case shall the acreage within the Wetland Protection Area exceed the acreage outside the Wetland Protection Area.

- B.** The applicant may request Planning Board approval to deviate from the by-law specified percentage distribution of living area for the residential rings. This request must include impact studies (Div. 7006.0 (L)) to allow the Planning Board to ascertain the acceptability of the new percentage.

Division 5302.0 Location of Bufferyards.

The location and need for bufferyards can be replaced by existing topography, existing vegetation, and architectural facades. In principle there shall be natural landscape between each estate, each cottage and cottage cluster. In order for the village cluster to become a real and possibly visual center to the whole site, it should be married to the natural landscape formations.

Where the natural landscape formations and natural vegetation, woodland, etc., is weak or missing, additional plantings or the assignment of the following bufferyards may be necessary. However it must be stressed that with proper sizing it is the natural boundaries set by the landscape that should become the bufferyards.

Bufferyards shall be located on the outer perimeter of the Residential Performance District site, and all residential ring boundaries, extending to the lot or parcel boundary line. Bufferyards shall not be located on any portion of an existing or dedicated public or private street or right of way.

Division 5303.0 Determination of Bufferyard Requirements.

- A.** To determine the type of bufferyard required between two adjacent parcels or between a parcel and a street, the following procedure shall be followed:
 - 7. Identify the land use category and sub-category by referring to Divisions 5103.0 and 5105.0.
 - 8. Identify the use category of the land use(s) adjacent to the proposed use.
 - 9. Classify any street adjacent to the proposed use by referring to Division 5702.0.
 - 10. Determine the bufferyard required on each boundary (or segment thereof) of the subject parcel by referring to Division 5304.0.
- B.** Existing plant material and / or land located on the preexisting (first developed) land use which meets the requirements of Section 16 may be counted as contributing to

the total bufferyard required between it and the second (adjacent) land use to develop.

Division 5304.0 Table of Bufferyard Requirements.

The letter designations contained in this table refer to the bufferyard requirements and standards contained in Division 5305.0.

Proposed Land Use Intensity Class	Adjacent Existing Land Use Intensity Class				
	RP(O)	RP(M)	RP(C)	RB	RA
RP(O)	A	C	E	=	E
RP(M)	C	B	C	D	B
RP(C)	E	C	=	F	D

“=” → No bufferyard required.

Land Use Across Street from Collector

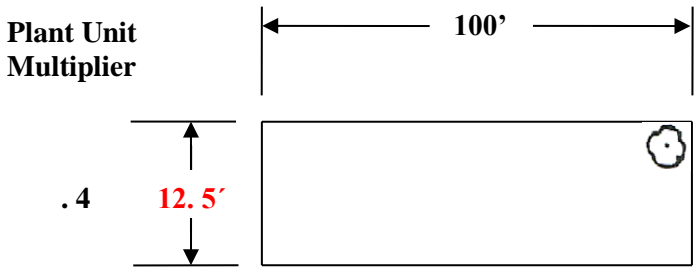
	Nonresidential	Vacant	Residential	Residential Sz.
RP(O)	B	S ₁	S ₁	S ₁
RP(M)	S ₂	S ₁	S ₁	S ₁
RP(C)	S ₁	B	S ₂	S ₂

Division 5305.0 Bufferyard Requirements.





- A. The following illustrations graphically indicate the specifications of each bufferyard. Bufferyard requirements are stated in terms of the width of the bufferyard and the number of plant units required per one hundred (100) linear feet of bufferyard. The requirements of a bufferyard may be satisfied by any of the options thereof illustrated. The plant unit multiplier is a factor by which the basic number of plant materials required for a given bufferyard is determined given a change in the width of that yard. The type and quantity of plant materials required by each bufferyard and each bufferyard option, are specified in this division. Divisions 5800.0 through 5804.0 specify species and size of plant materials. Only those plant materials identified in these divisions shall satisfy the requirements of this by-law
- B. Each illustration depicts the total bufferyard located between two uses.

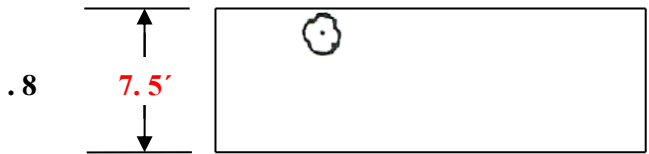
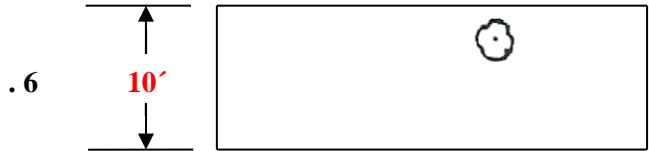
- C.** Whenever a wall, fence or berm is required within a bufferyard, these are shown as “structures required” in the following illustrations (see Bufferyard E and F), wherein their respective specifications are also shown. All required structures shall be the responsibility of the higher intensity of use.
- D.** The following plant material substitutions shall satisfy the requirements of this section.
11. In bufferyards A, B, C, D, E, F, S1 and S2, evergreen canopy or evergreen understory trees may be substituted as follows:
 - a.** In the case of deciduous canopy trees, up to a maximum of fifty (50) percent of the total number of deciduous canopy trees otherwise required.
 - b.** In the case of deciduous understory, without limitation.
 12. In all bufferyards, evergreen or conifer shrubs may be substituted for deciduous shrubs without limitation.
- E.** If the development on the adjoining use is existing, planned, or deed restricted for solar access, understory trees may be substituted for canopy trees where canopy trees would destroy solar access.
- F.** Any existing plant material which otherwise satisfies the requirements of this section may be counted toward satisfying all such requirements.
- G.** The exact placement of required plants and structures shall be the decision of each user.
- H.** All bufferyard areas shall be seeded with lawn or reestablished with characteristic ground cover unless ground cover is already established.

BUFFERYARD DIAGRAMS:

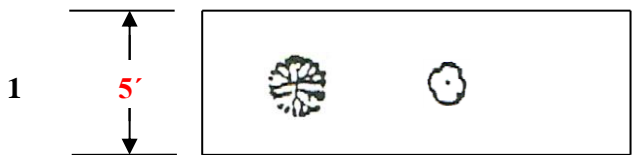


REQUIRED PLANT UNITS / 100'

- .5 Canopy Trees 
- 1 Understory Trees 
- Shrubs 
- Evergreen/Conifers 

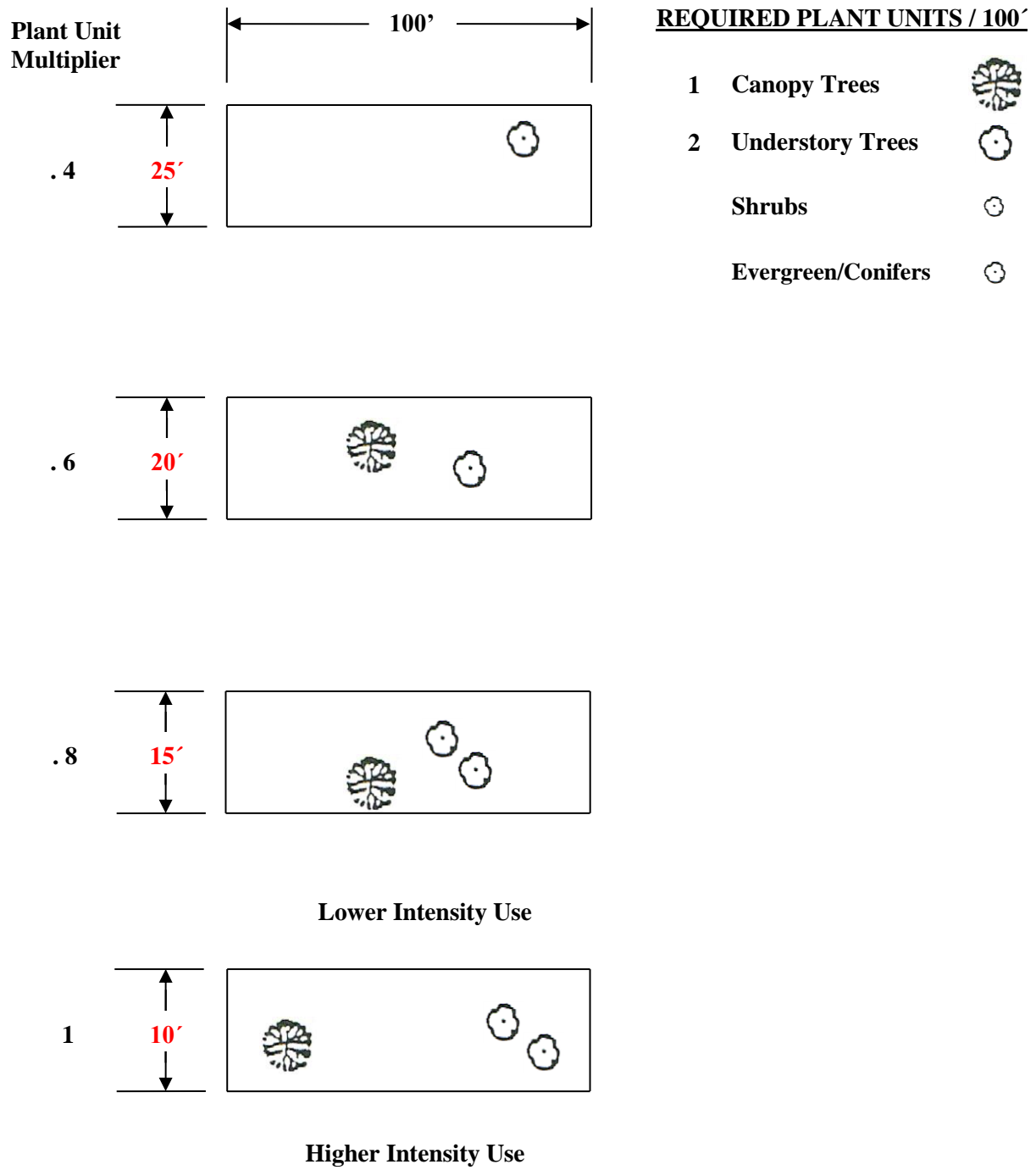


Lower Intensity Use

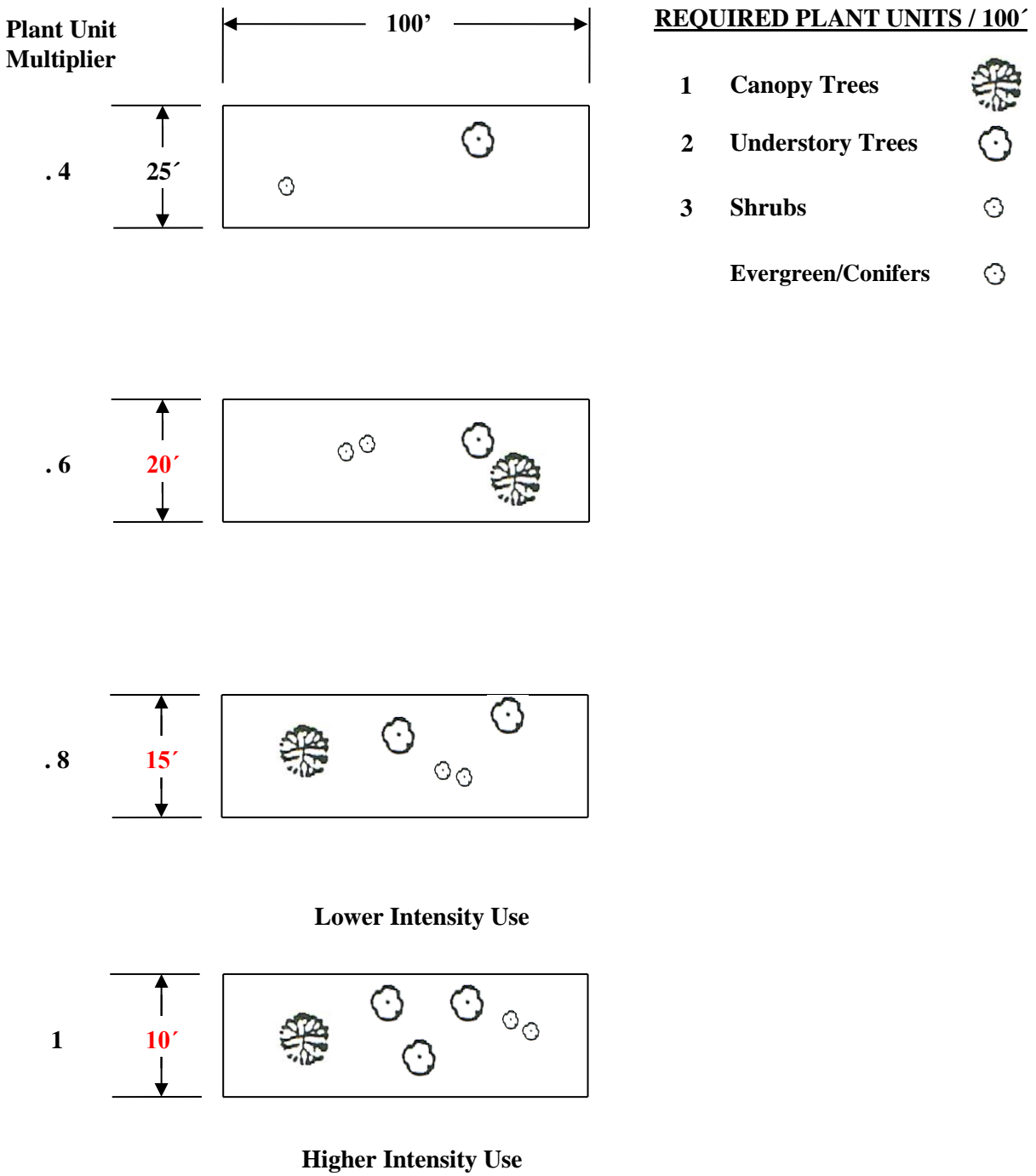


Higher Intensity Use

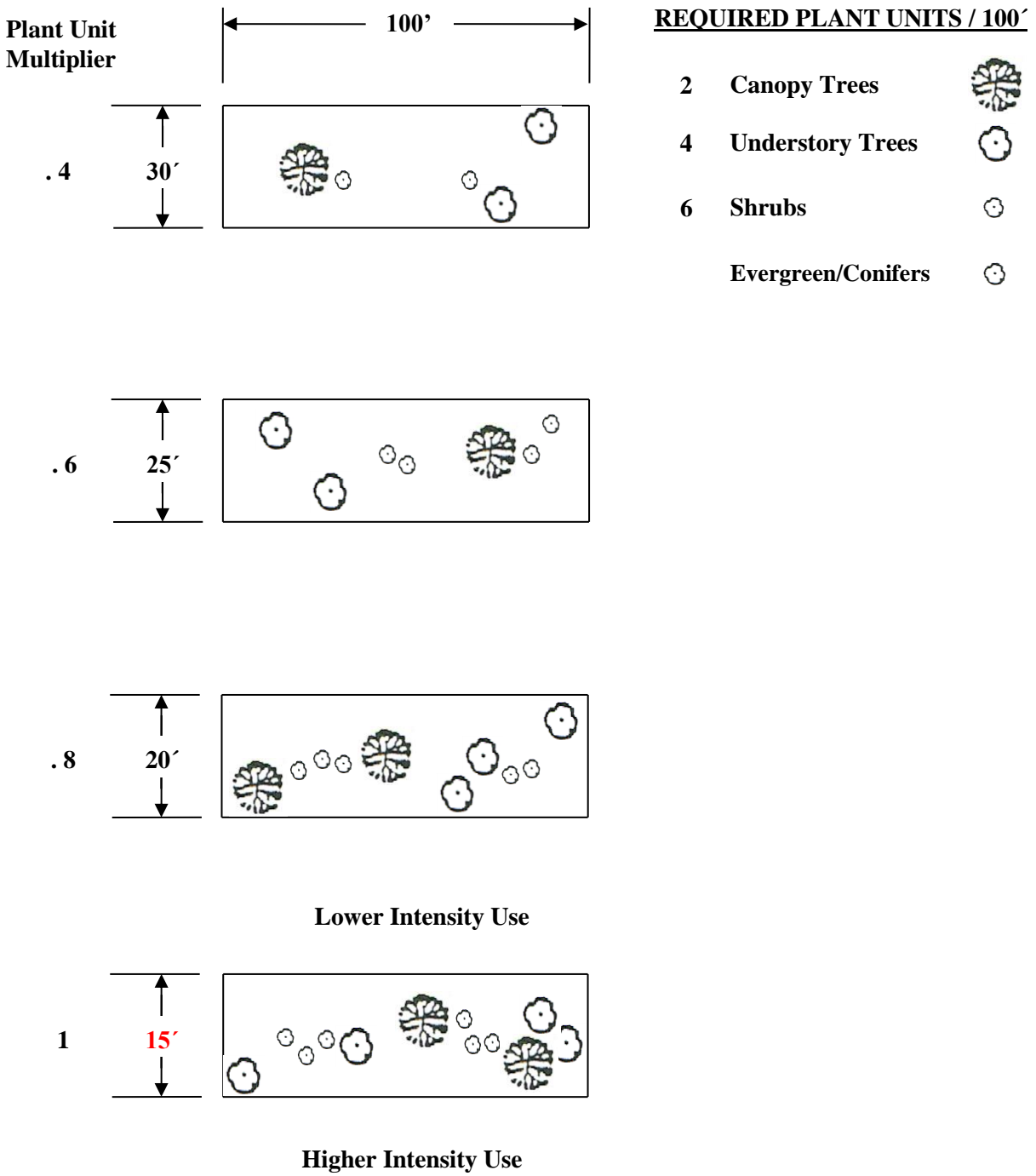
BUFFERYARD A



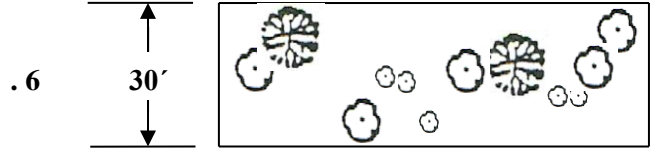
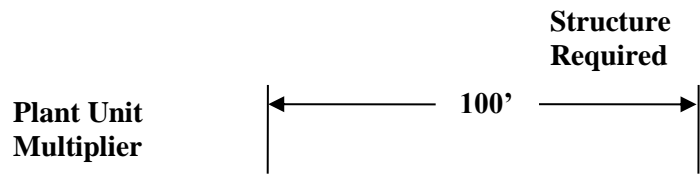
BUFFERYARD B



BUFFERYARD C




BUFFERYARD D



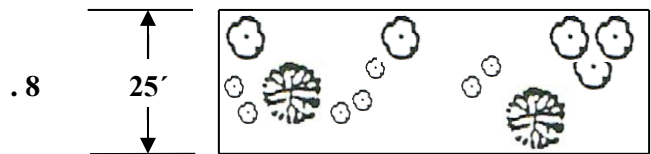
REQUIRED PLANT UNITS / 100'

3 Canopy Trees 

6 Understory Trees 

9 Shrubs 

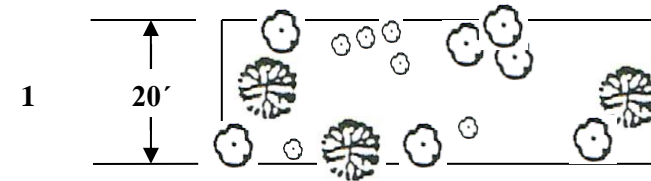
Evergreen/Conifers 



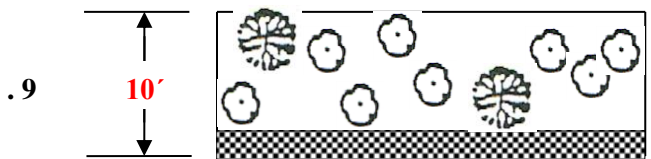
F₁ Ornamental Metal Fence, 5'

F₂ Welded Wire Fence, 5' High
Vines or Climbing Plants

F₃ Masonry Walls, 6' High



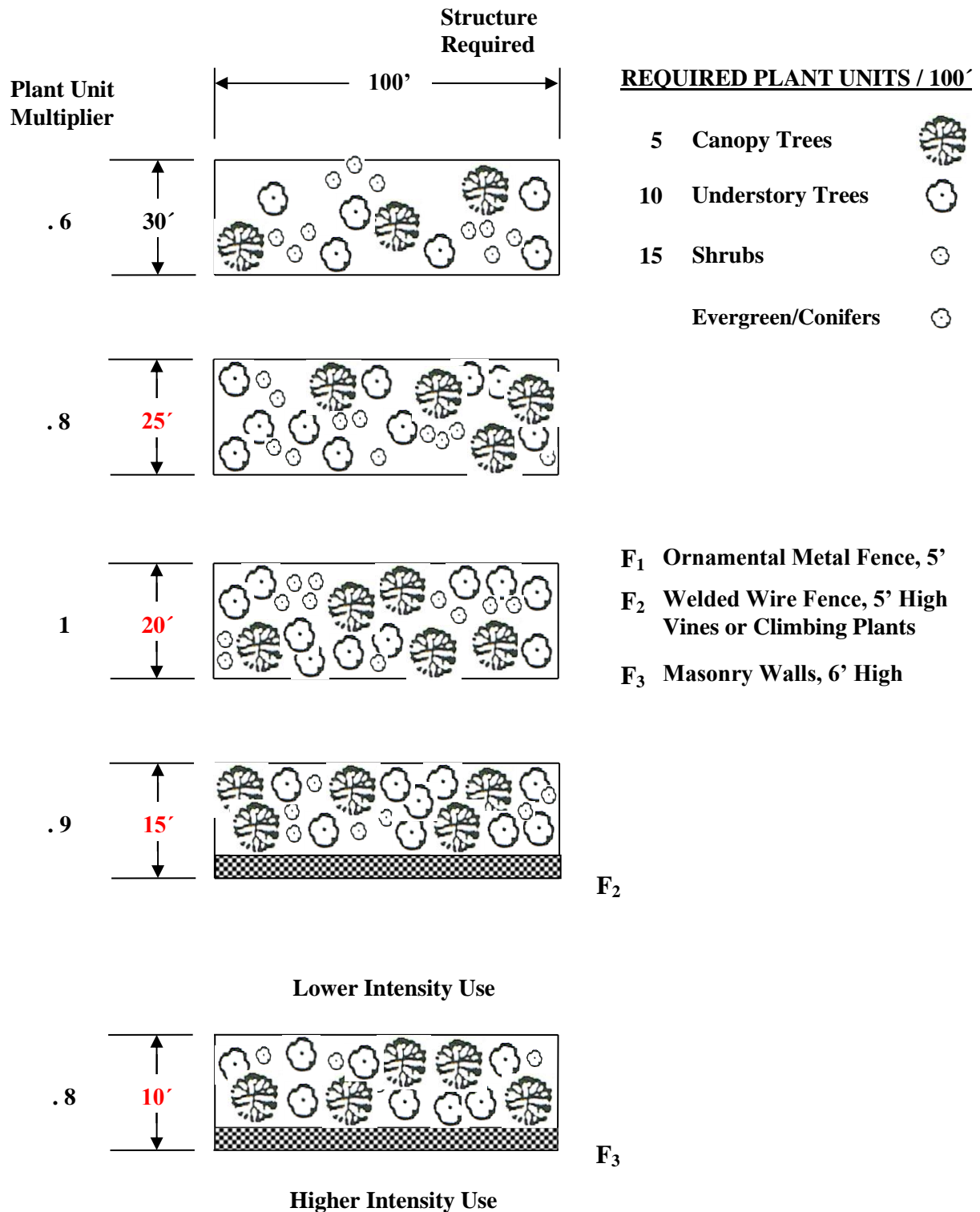
Lower Intensity Use



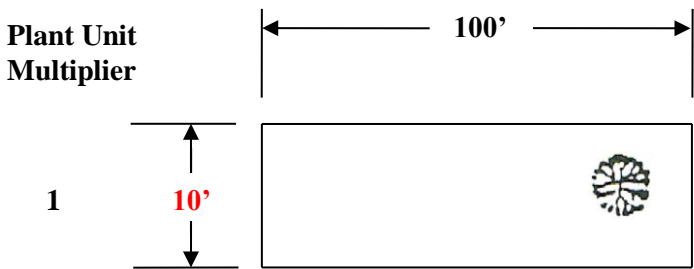
F₁

Higher Intensity Use





BUFFERYARD E



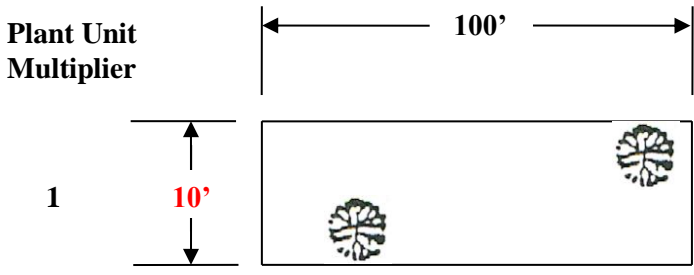
BUFFERYARD F







REQUIRED PLANT UNITS / 100'

- 1 Canopy Trees 
- Understory Trees 
- Shrubs 
- Evergreen/Conifers 

BUFFERYARD S₁



REQUIRED PLANT UNITS / 100'

- 2 Canopy Trees 
- Understory Trees 
- Shrubs 
- Evergreen/Conifers 

BUFFERYARD S₂

Division 5306.0 Parking Area Landscape Requirements.

Parking areas shall consist of clusters containing no more than five (5) contiguous parking stalls. Clusters of more than three (3) contiguous parking stalls shall require an architectural screen or plantings that will form a year-round dense screen.

DIVISION 5400.0 Site Capacity Determination: Purpose.

This division identifies the natural resources of concern and the proportion of the area encompassing the resource classed as resource protection land which must be left in restricted open space. The externalities to the site - existing infrastructure capacities and the town's ability to support development pressures - may influence the developer's choice of unit mix and how the project should evolve. A fiscal impact study (as defined by the HUD publication, The Fiscal Impact Guidebook-Estimating Local Costs and Revenues of Land Development) and a traffic impact study shall be performed by the developer at the preliminary and definitive review levels.

Division 5401.0 The Mapping of Resource Protection and Special Natural Features Land.

For each site the following calculations and requirements ascribed to the Base Resource Protection Map shall be performed and plotted. All resource protection, land and topography protection land shall become restricted open space.

Resource Protection and Special Natural Features Land

Resource/natural feature	Protection %	x	Acres of land in resource	=	Resource protection land
Wetlands	100%	x	_____	=	_____
Drainage Ways	50%	x	_____	=	_____
Mature Woodlands	85%	x	_____	=	_____
Woodlands	70%	x	_____	=	_____
Young Woodlands	50%	x	_____	=	_____
<u>TOTAL LAND IN RESOURCE</u>			=		*****
<u>TOTAL RESOURCE PROTECTION LAND</u>				=	_____

Division 5402.0 The Mapping of Topography Protection Land.

That portion of the site topography that is topography protection shall not be regraded and/or stripped of vegetation. Topography protection land shall become restricted open space.

Site Topography Protection Calculations

Degree of steepness (percent of slope)	Slope protection percentage	x	sq. ft. of natural feature	=	Topography protection land
Shallow slope (less than 11%)	65%	x	_____	=	_____
Moderate slope (12% to 28%)	78%	x	_____	=	_____
Steep slope (greater than 28%)	85%	x	_____	=	_____

DIVISION 5500.0 Natural Resource or Natural Limitation Performance Standards.

- A.** The natural resource limitation performance standards developed herein shall be utilized in the mapping of these natural limitations. All development shall be preceded by the identification and mapping of these environment features.
- B.** Site alteration, regarding, filling and clearing or planting vegetation prior to submission of the plans for development shall be a violation of Section 16. Reference in this division to “restricted open space” is intended to mean the term as it is defined in Article IV and explained by Division 5601.

Division 5501.0 Mature Woodlands; Woodlands; Young Woodlands.

- A.** No more than 15% of any mature woodland may be cleared or developed. The remaining 85% shall be maintained as permanent restricted open space. No more than 30% of any woodland may be cleared or developed. The remaining 70% shall be maintained as permanent restricted open space. No more than 50% of any young woodland shall be cleared. The remaining 50% shall be maintained as permanent restricted open space.
- B. Replacement of woodland credit.** In the case of the mature woodlands and/or woodlands, the developer may clear or develop more than the area otherwise permitted to be disturbed by this division, provided that the total mature woodland or woodlands area disturbed shall not be increased by more than 50% of the area otherwise permitted to be disturbed. No more than twenty-two and one-half (22½%)

of mature woodlands may be disturbed. No more than forty-five percent (45%) of woodlands may be disturbed. In addition:

13. The developer shall designate a new woodland area on a part of the site not forested.
14. The new woodland area shall consist of one and two tenths (1.2) times the surface acreage of the woodland area additionally disturbed pursuant to Division 5501.0 (B).
15. Only plant materials listed in Division 5801.0 under "woodland" shall be counted as meeting the requirements for replanted woodland pursuant to this subsection. The number and size of plants required is specified in Divisions 5800.0 and 5803.0.

Division 5502.0 Wetlands.

All wetlands and the degree to which they may be encroached upon shall be governed by 310 CMR 10.00 et seq as promulgated by Mass. D.E.Q.E. under M.G.L. c. 131, s. 40, and additionally by the soils and hydrology of the site. Wetlands minus areas of encroachment shall remain as permanently restricted open space.

Division 5503.0 Drainageways.

- A. No more than fifty percent (50%) of such areas shall be developed.
- B. The remaining fifty percent (50%) shall remain as permanent restricted open space. Regrading, stripping of vegetation, or filling is permitted in these areas, provided that:
 16. The time of concentration of stormwater flows remains unchanged or is lengthened;
 17. Storm-water and groundwater storage capacities are unchanged or increased;
 18. Natural vegetation is installed (see Division 5801.0);
 19. The resultant new drainageway has less velocity than preexisted or reduces streambank erosion through the provision of erosion control

measures, undertaken and contained in Division 5506.0;

20. The amount of regrading, stripping of vegetation' and filling is limited, additionally by Division 5402.0 (Topography Protection Regulations).

Division 5504.0 Stormwater Runoff.

- A. Detention.** Each development shall provide for on-site or off-site detention of excess stormwater runoff resulting from that development. For the purpose of this article, "excess stormwater runoff" shall include all increases in stormwater.
- B. Limitation On stormwater runoff.** No development shall cause downstream property owners, water courses, channels, or conduits to receive stormwater runoff from proposed developments at a higher peak flow rate than would have resulted from same storm event, occurring over the site of the proposed development with the land in its natural undeveloped condition.
- C. Storage capacity.** All stormwater storage facilities shall be designed with sufficient capacity to accommodate all runoff caused by the development in excess of the runoff which would have resulted from the site if left in its natural, undeveloped condition. The storage capacity of all the storage facilities shall be sufficient to store one hundred and fifteen percent (115%) of the excess flow, in each watershed, which would result from the 100-year storm of 24 hour duration.
- D. Design regulations.** All detention facilities and improvements required by this division shall comply with the following regulations:
 21. **Storage volumes.** Storage may be provided by wet or dry bottom basins or reservoirs or rooftop storage facilities.
 22. **Maximum depth.** The maximum planned depth of stormwater stored shall not exceed five (5) feet unless natural ground conditions lend themselves to greater depths.
 23. **Outlet control structures.** Outlet control structures shall be designed as simply as possible and shall operate automatically. They will be designed to limit discharges into

existing or planned downstream channels or conduits so as not to exceed the existing flow of the site in its natural condition.

24. **Spillway.** Emergency overflow facilities shall be provided unless inflow is controlled to divert flows when the basin is at capacity.

25. **Dry bottom basin.** For basins designed without permanent pools:

- a. **Interior drainage.** Provisions must be made to facilitate interior drainage, to include the provision of natural grades to outlet structures, longitudinal and transverse grades to perimeter drainage facilities, or the installation of subsurface drains.
- b. **Multipurpose features.** These may be designed to serve secondary purposes for passive recreation, open space, or other types of uses which will not be adversely affected by occasional or intermittent flooding.
- c. **Cleaning.** The basins shall be designed for periodic cleaning and removal of sediments, which shall be removed from the site or otherwise disposed of in an appropriate manner.

26. **Wet basins.** For basins designed with permanent pools:

- d. **Depth for fish.** If fish are used to help keep the basin clean, at least one-quarter (0.25) of the area of the permanent pool must have a minimum depth of ten (10) feet.
- e. **Facilities for emptying.** For emergency purposes, cleaning, or shoreline maintenance, facilities shall be provided or plans prepared for the use of auxiliary equipment to permit emptying and drainage.
- f. **Pollution abatement.** Natural or mechanical aeration facilities may be required when the quality of the influent and detention time would result in a lowering of dissolved oxygen content in the basin.
- g. **Cleaning.** The basins shall be designed to include sediment traps in all inlets. Sediment traps shall be designed to permit periodic cleaning and maintenance. A basin maintenance plan shall be developed to insure that the design depths of the basin will remain over time.

27. **Detention storage.** All or a portion of the detention storage may also be provided in underground detention facilities.

E. Maintenance of facilities. The developer shall be responsible for the maintenance of all improvements until such time as complete ownership of a developed parcel containing aforementioned improvements is relinquished by the developer. The developer shall not, however, transfer these improvements for the purpose of maintenance until he has complied with the above and until he has received final approval for its construction. Thereafter, all detention improvements shall be maintained in perpetuity and cannot be developed for any other use which would limit or cause to limit the use for detention.

F. Inspection of facilities. The developer's engineer shall be required to inspect all drainage facilities under construction and certify their compliance with approved plans. When facilities are not constructed according to approved plans, the Building Inspector has the explicit authority to compel compliance and require correction of any situations which are not according to the approved plans.

Division 5505.0 Soil Suitability for On-Site Disposal.

On-site septic system disposal shall meet the standards imposed by the Hopedale Health Board and governing State Agencies.

Division 5506.0 Soil Erosion and Sedimentation Control.

A. A soil erosion and sedimentation control plan shall be required as part of the definitive site plan review package whenever a development will involve clearing, grading, transporting, or other earth-disturbing practices that conform to any one of the following:

28. Excavation, fill, or any combination thereof will exceed five hundred (500) cubic yards.
29. Fill will exceed three (3) feet in vertical depth at its deepest point as measured from the natural ground surface.
30. Excavation will exceed four (4) feet in vertical depth at its deepest point as measured from the natural ground surface.
31. Excavation, fill or any combination thereof will exceed an area of four thousand (4,000) square feet.

32. Plant and/or tree cover is to be removed from an area exceeding four thousand (4,000) square feet.

Whenever any land located in a stream, stream channel, or body of water is disturbed, a soil erosion and sedimentation control plan shall be provided.

B. Definitions. For the purposes of this section:

Soil erosion – shall mean any removal and /or loss of soil by the action of water, ice, or wind. Erosion includes both the detachment and transport of soil particles.

Sedimentation – shall mean the settling out of the soil particles which are transported by water or wind.

Erodable slope – shall mean all slopes with inclines in excess of four (4) percent.

Large flat surface area (unpaved) – shall mean an area which is flat or whose slope is less than four (4) percent and which consists of more than one thousand (1,000) square feet of exposed soil.

C. All measures necessary to minimize soil erosion and to control sedimentation in the disturbed land area shall be provided. Specifically: minimize velocities of water runoff, maximize protection of disturbed areas from stormwater runoff, and retain sedimentation within the development site as early as possible following disturbances. A list of major problem areas for erosion and sedimentation control follows. For each one, the purpose(s) of requiring control is described.

33. **Erodable slopes:** prevent detachment and transportation of soil particles from slope.
34. **Streams, streambeds, streambanks: bodies of water, pond shorelines:** prevent detachment and transportation of soil particles.
35. **Drainageways:** prevent detachment and transportation of soil particles (which would otherwise deposit in streams, bodies of water, or wetlands); promote deposit of sediment loads (traversing the areas) before these reach bodies of water.
36. **Land adjacent to streams, ponds, and wetlands:** prevent detachment and transportation of soil particles.

37. **Enclosed drainage structure:** prevent sedimentation in structure, erosion at the outfall of system, and deposit of sediment loads within system or beyond it.
38. **Large flat surface areas (unpaved):** prevent detachment of soil particles and their off-site transportation.
39. **Impervious surfaces:** prevent the detachment and transportation of soil particles (in response to an increase in the rate and / or volume of runoff of the site or its concentration caused by impervious surfaces).
40. **Borrow or stockpile areas:** divert runoff from the face of slopes which are exposed in the excavation process; convey runoff in stabilized channels to stable disposal points; leave borrow areas and stockpile in stable condition.
41. **Adjacent properties:** prevent their erosion and / or being deposited with sediment.

D. It is suggested that The Massachusetts Conservation Guide, Volume I - Erosion and Sediment Control in Site Development, be used to comply with this division, provided that the zoning officer specifically determines that it complies with Division 5506.0.

DIVISION 5600.0 Pervious Space.

Pervious space is that land within a residential ring excluding all impervious land areas. It is the portion of the land which has the ability to directly recharge the local ground water. For the purpose of Section 16, there are two (2) forms of pervious space: restricted open space (ROS) and outdoor living space (OLS). The sum of the ROS percentage and the OLS percentage must equal one hundred (100) percent.

Division 5601.0 Restricted Open Space (ROS).

A. Land which is required by Section 16 to remain as restricted open space may be used for passive recreation, resource protection, amenity and other purposes specified in this division. Restricted open-space land shall not be occupied by buildings, roads, road rights-of-way or parking areas.

B. All restricted open space required by Section 16 following requirements:

42. A restricted open space plan shall be submitted as a part of the application for a zoning certificate (see Article IX). This plan shall designate and indicate the boundaries of all restricted open-space areas required by Section 16. The plan shall:
 - a. Designate areas to be reserved as restricted open space. The specific design of restricted open-space areas shall be sensitive to the physical and design characteristics of the site.
 - b. Specify the manner in which the restricted open space shall be perpetuated, maintained, and administered.
43. Land designated as restricted open space shall be maintained as restricted open space and may not be separately sold, subdivided, or developed except as provided below.
44. The types of restricted open space which may be provided to satisfy the requirements of Section 16 together with the maintenance required for each type are as follows:
 - c. Natural areas are areas, of undisturbed vegetation or areas replanted with vegetation after construction. Woodlands, woodland swamps, and wetlands are specific types of natural areas (see Divisions 5800.0 through 5802.0 for detailed specifications). Maintenance is limited to removal of litter, dead tree and plant materials, and brush. Natural watercourses are to be maintained as free flowing and devoid of debris.
 - d. Greenways are linear green belts linking residential areas with other restricted open-space areas. These greenways may contain bicycle paths and footpaths. Connecting greenways between residences and passive recreation areas are encouraged. Maintenance is limited to a minimum removal and avoidance of hazards, nuisances, or unhealthy conditions.

Division 5602.0 Outdoor Living Space (OLS).

That pervious space contiguous to the living units not subject to the use limitations of restricted open space.

DIVISION 5700.0 Transportation and Access Standards.

All roads both vehicular and pedestrian, to be developed within the Performance Residential District shall be private. For developments expected to have significant

impact on existing transportation networks, a transportation impact analysis is required by Division 5710.0. This analysis may result in the developer being required to provide specified highway improvements as a precondition to that development's being permitted. Division 5709.0 imposes regulations addressing access for emergency vehicles.

Division 5701.0 Road classification.

Residential streets are divided into subcategories for which standards are prescribed. Collectors are defined to allow for the proper interfacing of residential streets with non-residential streets.

Division 5702.0 Street Types.

A. Residential streets.

45. Description and function of residential streets.

There are four (4) different classes of residential streets created and regulated by this by-law. Even within each class, different standards are applicable depending upon whether the streets are one-way or two-way. The classes are:

Lane — a residential street or cul-de-sac which serves a minimum of seven (7) dwelling units or has an average daily traffic of fewer than fifty-seven (57) vehicles.

Court — a residential street which serves fewer than twenty (20) dwelling units or has an average daily traffic of fewer than one hundred and sixty-one (161) vehicles (whichever is less). Its design speed is ten (10) miles per hour. Courts may be cul-de-sacs, loops, or small cross streets.

Ways — a way is a residential street which serves twenty-one (21) to fifty (50) dwelling units or has an average daily, traffic of between, one hundred and sixty- two (162) and four hundred and three (403) vehicles, (whichever is less) . The design speed for a way is ten (10) miles per hour. Ways may be cul-de-sacs, loops or minor cross streets. They do not function as collector roads.

Minor streets — a minor street serves to collect traffic from courts, ways or lanes. A minor street serves, from fifty-one (51) to one hundred and fifteen (115) dwelling units, or has an average daily traffic volume ranging from four hundred and eleven (411) to nine hundred and twenty-six (926) vehicles (whichever is less).

46. Rules for determining number of dwelling units served by residential streets.

The following rules and procedures shall determine the number of dwelling units served by a street. This number shall then be used to determine the residential street subtype and, therefore, the standards which shall be applied.

- a. The standards in Division 5704.0 apply to street segments. A street segment is the length of a street between intersections or between points which defines a change in street configuration (e.g. the length of a street which is one-way is a segment separate from the part of the same street which is two-way).
- b. The number of dwelling units served by a street segment includes all units having frontage on that street segment and all units which have frontage on other segments of that street or other streets which contribute to the traffic volume of that segment.
- c. When more than one route of access is available to a dwelling unit, the unit shall be counted as served by the street segment most likely to provide the access point for that unit.

B. Collector roads.

Collector roads connect residential streets to the highway system's arterial roads or provide access to nonresidential uses. Because uncongested traffic flow is necessary for their effective functioning, residential uses are prohibited access to collector roads. Collector roads are classified into two types as follows:

Minor collector - a minor collector has a maximum design speed of thirty (30) miles per hour and is designed to provide a level of service D for a maximum average number of three thousand one hundred ninety-nine (3,199) vehicle trips per day. A minor collector is a local collector street, which may be commercial, or industrial in character and on which parking may be permitted. A minor collector also includes any street serving more than one hundred and sixty (160) dwelling units.

Collector - this road cannot permit on-street parking. It may carry some nonlocal traffic. Average daily traffic is between three thousand two hundred (3,200) and seven thousand (7,000) vehicles. The design speed is thirty-five (35) miles per hour at level of service D.

Division 5703.0 Roadway Access.

No use shall be permitted to take direct access to a street or road except as delineated below.

- A. Residential streets.** All residential uses may take a direct access to residential streets.

B. Collector streets. No single individual residential dwelling established pursuant to this by-law shall be permitted direct access to collector streets. Residential uses gain access to collector roads via residential streets. However, residential uses may have direct access to collector streets, provided that the following special criteria are met:

47. Minor collectors. All uses with seventy-five (75) feet or more of frontage on a minor collector may take a direct access to minor collectors. No use shall be permitted to take direct access to a minor collector at any point which is within fifty (50) feet of any intersection.

48. Collectors. All uses with one hundred and fifty (150) feet or more of frontage on a collector may take direct access to collectors. No use shall be permitted to take direct access to a collector at any point which is within one hundred and twenty (120) feet of any intersection.

Division 5704.0 Road Design Standards.

A. The following Table (A) specifies minimum pavement width, right of way width, and vertical alignment for residential streets based on the number of dwelling units served by the road and the average daily traffic it experiences. These values are based on pavement edge treatments other than standard curb and gutter. Where site conditions do not permit adequate drainage and the roadway base will be adversely affected, curbs and gutters may be necessary. The designer then will utilize Table (B) which requires increased pavement widths to accommodate vehicles in a more restrictive environment. Also notice that in Table (A) the elimination of standard curb and gutter allows a reduced longitudinal roadway gradient. In such practice, the roadway crown assures lateral drainage to roadside swales which can effectively provide runoff detention storage and sub-base drainage.

d.u. = dwelling units

A.D.T = average daily traffic

Example:

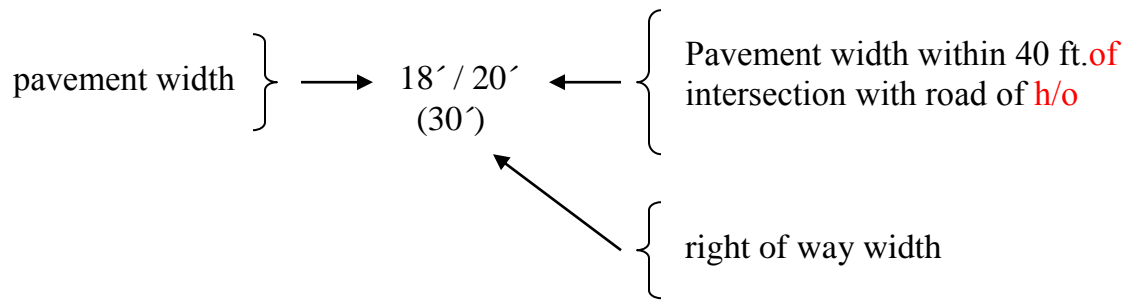


Table A. Road design standards (without curbs)

No. of d	7	7 - 20	21 - 50	51 - 115
A.D.T.	57	58 – 161	162 – 403	404 - 926
Road Type	Lane	Court	Way	Minor Street
Maximum Speed	7 mph	10 mph	10 mph	15 mph
Minimum Grade	0.25%	0.25%	0.25%	0.25%
Maximum Grade	15%	12.5%	10.5%	9%
One-Way Road	12' / 14' (25')	14' / 14.5' (25')	14.5' / 15' (25')	15' / 18' (25')
Two-Way Road	17' / 18' (30')	18' / 20' (30')	20' / 26' (36')	26' / 30' (40')

Table B. Road design standards (with curbs)

No. of d.u.	7	7 - 20	21 - 50	51 - 115
A.D.T.	57	58 – 161	162 – 403	404 - 926

Road Type	Lane	Court	Way	Minor Street
Maximum Speed	7 mph	10 mph	10 mph	15 mph
Minimum Grade	0.75%	0.75%	0.75%	0.75%
Maximum Grade	15%	12.5%	10.5%	9%
One-Way Road	14' / 16' (25')	16' / 17.5' (25')	17.5' / 19' (25')	19' / 21' (25')
Two-Way Road	19' / 20' (30')	20' / 22' (30')	22' / 28' (36')	28' / 32' (40')

- B.** Radius and duration of curve shall be determined by the road width and ability to service emergency vehicles.
- C.** The lighting of traveled ways shall be provided to insure the safety of both the pedestrians and motor vehicle operators while controlling the potential nuisance factor to the residents.

Division 5705.0 Road Construction Standards.

Construction Principles – Pavement designs should be appropriate for the specific traffic load, subgrade soil, surface drainage, ground water, and climatic conditions existing at the pavement’s location.

- A.** The thickness of a pavement should be a function of both the assured load supporting value of the earth subgrade beneath the pavement and the wheel load distribution characteristics of the pavement materials.
- B.** Where the developer utilizes standard paving techniques, he shall refer to Section V a. and b. of The Subdivision Control Laws of Hopedale. Where pervious paving techniques are used, the developer shall adhere to the manufacturer’s specifications and sound engineering practice.

Division 5706.0 Road Location Determinants.

Roads shall be designed to converge traffic flows as convenient access points with regard for their existing capacities in a safe and efficient manner.

Division 5707.0 Pedestrian Way Design and Construction Standards

Pedestrian ways shall provide convenient access within the development and to public ways. Pedestrian and vehicular ways shall be separated by a minimum of ten (10) feet. All pedestrian ways shall have an approved pervious surface.

Division 5708.0 Parking Requirements.

On-street parking shall be prohibited on any residential street whose capacity is less than that of a minor street (Table A and B). Parking spaces and areas shall properly relate to dwelling unit entrances to assure convenient and safe access. Parking requirements are as follows:

Village Unit.	1.5 spaces for each unit
Cottage Dwelling.	1.8 spaces for each unit
Estate Dwelling.	2.0 spaces for each unit

Note — Fractional spaces shall be rounded up to a whole value.

Division 5709.0 Emergency Transportation Access Standards.

Purpose. The purpose of this division is to facilitate rapid and effective access for emergency service vehicles.

A. All roadways shall be designed to service the turning requirements of Hopedale’s fire apparatus. It may, however, become necessary or desirable to augment these roads with fire lanes.

B. Fire Lane Standards. A fire lane shall comply with the following standards:

- 49. The fire lane shall provide clear, unobstructed access for vehicles at all times.
- 50. Signs prohibiting parking or standing of motor vehicles shall be required.
- 51. Fire lane width shall be determined by degree of curvature of the lane and the turning radius of the vehicle.
- 52. The fire lane shall be of an approved pervious surface.

DIVISION 5710.0 Transportation. Impact Report.

A. Purpose. The transportation impact report identifies roadway and traffic problems which may result from a particular development. Subsequent offsite improvements

or reduction in development intensity may be required to insure safe ingress and egress of the development.

B. Applicability. A transportation impact report shall be required in the following cases:

53. Any development which proposes to take access to any collector or arterial road.
54. Any development which proposes to have more than twenty-five (25) dwelling units.
55. Any use which, according to the table contained in Division 5710.0(C)(3) or according to a qualified traffic engineer, will generate in excess of one hundred (100) trips per day.

C. Contents of transportation impact report.

56. General site description. A detailed description of the highway network within one-half (0.5) mile of the site, the anticipated stages of construction, and the anticipated completion date of the proposed land development shall be provided. This description which may be in the form of a map, shall contain the following items:

- a. All major intersections,
- b. All proposed and existing ingress and egress locations,
- c. All existing roadway widths and right-of-ways,
- d. All existing traffic signals and traffic control devices.

57. Description of existing traffic conditions.

A twenty-four (24) hour traffic count shall be conducted for a period of five (5) weekdays (Monday – Friday) on all roadways which have direct access to a proposed development site. The existing average daily traffic volume and highest average peak hour volume for any weekday hour between 3PM and 6PM shall be recorded.

58. Transportation impact of the development.

A report shall detail the nature and extent of the trip generation expected to result from the proposed development based on the following table or from figures from a qualified traffic engineer.

Table of Average Trip Generation Rate by Land Use Category

Use	Intensity of Use Category	Trip Generation Rates	(Trip Origins and Destinations) per Dwelling Unit (d.u.))
		Average 24-Hour Weekday Total	Highest Average Weekday Hour between 3 Pm and 6 PM
Residential	Village Unit	6.25 / d.u.	0.62 / d.u.
	Cottage Unit	6.25 / d.u.	0.62 / d.u.
	Estate Dwelling	5.40 / d.u.	0.40 / d.u.
	Single Family	8.05 / d.u.	0.81 / d.u.

59. **Determination of roadway service level.**
Utilizing the data and procedures contained in the Highway Capacity Manual, Special Report 87, published by the Highway Research Board, the following calculations shall be accomplished:

- e. Calculate service volumes.
- f. Calculate whether the roadway is currently operating the at required level of service.

60. **Determination of intersection service level.**

- g. Calculate intersection capacity at appropriate levels of service.
- h. Determine capacity of intersections within three-tenths (0.3) mile of proposed site at appropriate levels of service.

61. Analysis of transportation impact for all roads fronting on a proposed site and all intersections within three-tenths (0.3) mile of the site.

D. Corrective Measures. The developer and Planning Board shall negotiate proper implementation of offsite improvements or levels of development intensity to produce acceptable roadway and intersection service levels.

DIVISION 5800.0 Plant Material Specifications.

A. Introduction. The matrix in Division 5801.0 shall be used to determine which plant materials may be used to satisfy the requirements of this by-law under specified conditions. These plant types correspond to the Plant types specified by the divisions of Section 16, which require planting.

Only those plant materials identified by an asterisk (*) in the matrix may be counted as satisfying the particular planting requirement and soil. In the case of planting to establish woodlands, pursuant to Division 5803.0, the mix of “faster” and “slower” growing plant materials specified in that division shall be provided by selection from among the materials designated as such in the matrix.

B. Definitions. For the purpose of Divisions 5800.0 through 5803.0, the following definitions apply:

Hydric soils – consist of Birdsall, Freetown, Ridgebury, Scarborough, Swansea, Walpole and Whitman.

Mesic soils – consist of Agawam, Canton, Chatfield-Hollis-Rock outcrop complex, Deerfield, Montauk, Ninigret, Scituate, Sudbury, and Woodbridge.

Xeric soils – consist of Chatfield-Hollis-Rock outcrop complex, Hinckley, Hollis, Merrimac, and Windsor.

C. Minimum plant size. Unless otherwise specifically indicated elsewhere in Section 16, all plant materials shall meet the following minimum size standards:

PLANT MATERIAL TYPE	MINIMUM SIZE
Canopy tree	
Single stem	2½” caliper
Multi-stem	10 ft. (height)
Understory tree	1½” caliper
Evergreen tree.....	5 ft. (length)
Shrub	
Deciduous	24” (height)
Evergreen	18” (height)

Division 5801.0 Plant Material Matrix.

<u>Canopy Trees</u>	SOIL TYPE			PLANT FUNCTION		Restricted OPEN SPACE			GROWTH RATE	
	Hydric	Mesic	Xeric	Bufferyard Landscaping	Off-Site Parking Landscaping	Prairie	Savanna	Woodlands	Faster	Slower
Scientific Name Common Name										
Acer negundo, Boxelder	*	*		*			*		*	
Acer platanoides, Norway Maple		*		*	*			*		*
Acer rubrum, Red Maple	*	*		*			*	*	*	
Acer saccharinum, Silver Maple	*	*	*	*	*		*		*	
Acer saccharum, Sugar Maple		*	*	*	*		*	*		*
Aesculus Carnea Rubicunda, Pink Horsechestnut		*	*	*	*			*		*
Aesculus hippocastamon, Common Horsechestnut		*		*						*
Ailanthus altissima, Tree of Heaven	*	*	*	*					*	
Betula Lutea, Yellow Birch		*		*						*
Betula papyrifera, Paper Birch		*		*						
Carya cordiformis, Bitternut Hickory		*		*				*		*
Carya ovata, Shagbark Hickory		*	*	*			*	*		*

<u>Canopy Trees</u> Scientific Name Common Name	SOIL TYPE			PLANT FUNCTION		Restricted OPEN SPACE			GROWTH RATE	
	Hydric	Mesic	Xeric	Bufferyard Landscaping	Off-Site Parking Landscaping	Prairie	Savanna	Woodlands	Faster	Slower
Catalpa speciosa, Northern Catalpa		*	*	*	*			*		*
Celtis Occidentalis, Common Hackberry	*	*		*	*			*	*	*
Fagus grandifolia, American Beech		*		*				*		*
Fraxinus Americana, White Ash		*	*	*	*			*		*
Fraxinus pennsylvanica, Green Ash	*	*	*	*	*		*	*	*	
Fraxinus Quadrangulata, Blue ash		*		*						*
Ginkgo biloba, Ginkgo Tree		*	*	*	*					*
Gleditsia triacanthos, Common Honeylocust	*	*	*	*	*		*	*	*	*
Gleditsia triocanthus inernis, Thornless Honeylocust	*	*	*	*	*				*	*
Gymnocladus dioicus, Kentucky Coffeetree		*		*	*			*		*
Juglans Cinerea, Butternut		*		*				*		*
Juglans nigra, Black Walnut	*	*		*	*		*	*	*	*
Phellodendron Amurense, Amur Corktree		*	*	*	*					*

<u>Canopy Trees</u>	SOIL TYPE			PLANT FUNCTION		Restricted OPEN SPACE			GROWTH RATE		
	Scientific Name	Hydric	Mesic	Xeric	Bufferyard Landscaping	Off-Site Parking Landscaping	Prairie	Savanna	Woodlands	Faster	Slower
Common Name											
Platanus occidentalis, Sycamore Tree			*		*			*		*	*
Populus Alba, White Poplar		*	*		*			*		*	
Populus deltoids, Cottonwood		*	*		*			*		*	
Populus Grandidentata, Bigtoothed Aspen		*	*		*			*		*	
Populus Tremuloides, Quaking Aspen		*	*		*	*		*		*	
Prunus serotina, Black Cherry			*	*	*			*	*	*	
Quercus acutissima, Sawtooth Oak			*	*	*			*			
Quercus alba, White Oak			*	*	*			*	*		*
Quercus bicolor, Swamp White Oak		*	*		*	*		*	*		*
Quercus borealis, Northern Red Oak			*		*			*	*		*
Quercus coccinea, Scarlet Oak			*		*						*
Quercus imbricaria, Shingle Oak			*	*	*	*		*			*
Quercus macrocarpa, Bur Oak			*	*	*	*	*	*	*		*
Quercus muhlenbergii, Chinquapin Oak			*	*	*			*			*

<u>Canopy Trees</u>	SOIL TYPE			PLANT FUNCTION		Restricted OPEN SPACE			GROWTH RATE		
	Scientific Name	Hydric	Mesic	Xeric	Bufferyard Landscaping	Off-Site Parking Landscaping	Prairie	Savanna	Woodlands	Faster	Slower
Common Name											
Quercus palustris, Pin Oak			*		*			*			*
Quercus robur, English Oak			*	*	*	*		*			*
Quercus velutina, Black Oak			*	*	*	*		*			*
Salix Amygdaloides, Peach-leaved Willow		*	*		*	*		*		*	
Salix Negra, Black Willow		*	*		*			*		*	
Salix Niobe, Weeping Willow		*	*		*	*		*		*	
Tilia Americana, American Linden		*	*	*	*	*	*	*			*
Tilia cordata, Littleleaf Linden			*		*	*		*			*
Tilia Euchlora, Redmond Linden			*		*	*		*			*
Tilia platyphyllos, Bigleaf Linden			*	*	*	*		*			*
Ulmus Americana, American Elm		*	*	*	*	*		*		*	
Ulmus parvifolia, Chinese Elm			*		*	*				*	
Ulmus pumila, Siberian Elm			*		*	*				*	

<u>Evergreens</u>	SOIL TYPE			PLANT FUNCTION		Restricted OPEN SPACE			GROWTH RATE			
	Scientific Name	Common Name	Hydric	Mesic	Xeric	Bufferyard Landscaping	Off-Site Parking Landscaping	Prairie	Savanna	Woodlands	Faster	Slower
Abies Balsamea,	Balsam Fir			*		*				*		*
Abies Concolor,	White Fir			*		*				*		*
Juniperus Chinensis,	Chinese Juniper			*	*	*	*			*		*
Juniperus Virginiana,	Eastern Red Cedar			*	*	*	*		*	*		*
Larix Laracina,	American Larch		*	*		*				*		*
Larix,	European Larch			*		*				*		*
Picea Abies,	Norway Spruce			*		*	*			*		*
Picea Glauca Alba,	White Spruce			*		*	*			*		*
Picea Glauca Densata,	Blackhill Spruce			*		*	*			*		*
Picea Pungens,	Blue Spruce			*		*	*			*		*
Pinus Banksiana,	Jack Pine			*	*	*	*			*		*
Pinus Cembra,	Swiss Stone Pine			*	*	*	*			*		*
Pinus Nigra,	Austrian Pine			*	*	*	*			*		*

<u>Evergreens</u> Scientific Name Common Name	SOIL TYPE			PLANT FUNCTION		Restricted OPEN SPACE			GROWTH RATE	
	Hydric	Mesic	Xeric	Bufferyard Landscaping	Off-Site Parking Landscaping	Prairie	Savanna	Woodlands	Faster	Slower
Pinus Pungens, Table Mountain Pine		*		*	*					*
Pinus Resinosa, Red Pine		*	*	*	*			*		*
Pinus Strobus, White Pine		*		*				*		*
Pinus Sylvestris, Scotch Pine		*	*	*	*			*		*
Pinus Thunbergii, Japanese Black Pine		*	*	*						*
Pseudotsuga Taxifolia, Douglas Fir		*		*	*			*		*
Thuja occidentalis, American Arborvitae		*		*						*
Tsuga canadensis, Canadian Hemlock		*	*	*				*		*

<u>Understory Small Trees</u>	SOIL TYPE			PLANT FUNCTION		Restricted OPEN SPACE			GROWTH RATE		
	Scientific Name	Hydric	Mesic	Xeric	Bufferyard Landscaping	Off-Site Parking Landscaping	Prairie	Savanna	Woodlands	Faster	Slower
Common Name											
Acer campestre, Hedge Maple			*		*	*					*
Acer ginnala, Amur Maple			*		*	*					*
Acer griseum, Paperbark Maple			*		*	*					*
Aesculus glabra, Ohio Buckeye			*		*						
Alnus glutinosa, European Black Alder		*	*		*	*		*		*	
Alnus rugosa, American Alder		*	*		*			*		*	
Amelanchier canadensis, Thicket Serviceberry			*		*			*		*	
Amelanchier laevis, Allegheny Serviceberry			*		*			*		*	
Amelanchier sanguinea, Roundleaf Serviceberry			*		*			*		*	
Amelanchier stolonifera, Running Serviceberry			*		*			*		*	
Betula lenta, Sweet Birch			*		*			*		*	
Betula nigra, River Birch		*	*		*	*		*		*	*
Betula populifolia, Gray Birch			*		*						*

<u>Understory Small Trees</u>	SOIL TYPE			PLANT FUNCTION		Restricted OPEN SPACE			GROWTH RATE		
	Scientific Name	Hydric	Mesic	Xeric	Bufferyard Landscaping	Off-Site Parking Landscaping	Prairie	Savanna	Woodlands	Faster	Slower
Common Name											
Carpinus caroliniana, American Hornbeam		*	*		*			*			*
Cercidiphyllum japonicum, Karsuratree		*			*	*					*
Chionanthus virginicus, Fringe Tree		*			*						*
Cornus alternifolia, Pagoda Dogwood		*	*		*	*		*			*
Cornus mas, Cornelaincherry Dogwood		*			*	*					*
Crataegus crusgallii, Cockspur Hawthorn		*	*		*	*		*	*		*
Crataegus mollis, Down Hawthorne		*	*		*	*		*	*		*
Crataegus phaenopyrum, Washington Hawthorn		*	*		*	*		*	*		*
Crataegus punctata, Dotted Hawthorn		*	*		*	*		*			*
Crataegus viridis, Winter King Hawthorn		*	*		*	*					*
Eleagnus angustifolia, Russian Olive		*			*	*					*
Eleagnus umbellata, Autumn Olive		*			*	*					*
Euonymus atropurpureus, Eastern Wahoo		*	*		*			*			*

<u>Understory Small Trees</u>	SOIL TYPE			PLANT FUNCTION		Restricted OPEN SPACE			GROWTH RATE	
	Hydric	Mesic	Xeric	Bufferyard Landscaping	Off-Site Parking Landscaping	Prairie	Savanna	Woodlands	Faster	Slower
Scientific Name Common Name										
Lindera benzoin, Spice Bush		*		*	*					*
Maclura pomifera, Osage Orange Tree		*	*	*	*					*
Magnolia soulangiana, Saucer Magnolia		*		*						*
Malus spieces, Crabapple		*	*	*	*		*	*	*	*
Morus alba, White Mulberry		*	*	*	*		*	*	*	
Ostrya virginiana, Ironwood, Hop Hornbeam		*	*	*	*			*		*
Prunus americana, American Plum		*	*	*				*	*	
Prunus padus, European Bird Cherry		*	*	*	*					*
Pyrus communis, Common Pear		*	*	*	*			*		*
Salix interior, Sandbar Willow	*	*		*			*	*	*	
Syringa japonica, Japanese Tree Lilac		*		*	*					*

<u>Shrubs</u>	SOIL TYPE			PLANT FUNCTION		Restricted OPEN SPACE			GROWTH RATE		
	Scientific Name	Hydric	Mesic	Xeric	Bufferyard Landscaping	Off-Site Parking Landscaping	Prairie	Savanna	Woodlands	Faster	Slower
Common Name											
Amorpha fruticosa, Indigo Bush		*	*	*			*				
Aronia arbutifolia, Red Chokeberry		*	*		*	*					
Aronia melanocarpa, Black Chokeberry		*	*		*	*					
Berberis thunbergii, Japanese Barberry			*		*	*					
Calycanthus floridus, Carolina Allspice			*		*	*					
Caragana arborescens, Siberian Peashrub			*		*	*					
Caragana Frutex, Russian Peashrub			*		*	*					
Ceanothus americanus, New Jersey Tea			*		*	*					
Celastrus scandens, American Bittersweet		*	*	*	*						
Cephalanthus occidentalis, Buttonbush		*	*		*						
Chaenomelea japonica, Japanese Flowering Quince			*		*	*					
Chaenomeles lagenaria, Common Flowering Quince			*		*	*					

Shrubs	SOIL TYPE			PLANT FUNCTION		Restricted OPEN SPACE			GROWTH RATE			
	Scientific Name	Common Name	Hydric	Mesic	Xeric	Bufferyard Landscaping	Off-Site Parking Landscaping	Prairie	Savanna	Woodlands	Faster	Slower
<i>Cornus amomum</i> , Silky Dogwood			*	*		*	*					
<i>Cornus baileyi</i> , Bailey's Dogwood			*	*		*	*					
<i>Cornus racemosa</i> , Gray Dogwood			*	*	*	*	*					
<i>Cornus sanguinea</i> , Bloodtwig Dogwood			*	*		*	*					
<i>Cornus stolonifera</i> , Redosier Dogwood			*	*	*	*	*					
<i>Corylus Americana</i> , American Hazelnut				*	*	*	*					
<i>Cotinus coggygria</i> , Smokebush				*		*	*					
<i>Cotoneaster acutifolia</i> , Peking Cotoneaster				*		*	*					
<i>Cotoneaster multiflora</i> , Multiflora Cotoneaster				*		*	*					
<i>Deutzia gracilis</i> , Slender Deutzia				*		*	*					
<i>Euonymus alatus</i> , Burning Bush				*	*	*	*					
<i>Forsythia intermedia</i> , Border Forsythia				*		*	*					
<i>Forsythia ovata</i> , Early Forsythia				*		*	*					

Shrubs	SOIL TYPE			PLANT FUNCTION		Restricted OPEN SPACE			GROWTH RATE			
	Scientific Name	Common Name	Hydric	Mesic	Xeric	Bufferyard Landscaping	Off-Site Parking Landscaping	Prairie	Savanna	Woodlands	Faster	Slower
Forsythia suspensa,	Weeping Forsythia		*			*	*					
Hamamelis vernalis,	Early Witchhazel		*			*	*					
Hamamelis virginiana,	Common Witchhazel		*	*		*	*					
Hippophae rhamnoides,	Common Seabuckthorn		*			*	*					
Hydrangea A. grandiflora,	A.G. Hydrangea		*			*		*				
Hydrangea P. grandiflora,	P.G. Hydrangea		*			*	*					
Hypericum kalmianum,	Kalm's St. John's Wort		*	*		*	*					
Hypericum prolificum ,	Shrubby St. John's Wort		*	*		*	*					
Ligustrum Amurense,	Amur or Cheyenne Privet		*	*	*	*						
Ligustrum O. regeiiianum,	Regel's Privet		*	*		*						
Ligustrum vulgare,	Common Privet		*	*		*						
Lonicera tatarica,	Tatarian Honeysuckle		*	*		*	*					
Lonicera,	Clavy's Dwarf Honeysuckle		*	*		*	*					

Shrubs	SOIL TYPE			PLANT FUNCTION		Restricted OPEN SPACE			GROWTH RATE			
	Scientific Name	Common Name	Hydric	Mesic	Xeric	Bufferyard Landscaping	Off-Site Parking Landscaping	Prairie	Savanna	Woodlands	Faster	Slower
Lycium Chinese,	Chinese Wolfberry			*		*	*					
Myrica pensylvanica,	Northern Bayberry			*	*	*	*					
Philadelphus coronarius,	Sweet Mock-Orange			*		*	*					
Physocarpus opulifolius,	Ninebark			*		*	*					
Polygonum aubertii,	Fleeceflower			*	*	*	*					
Potentilla fruticosa,	Bush Cinquefoil			*	*	*	*					
Prunus glandulosa,	Flowering Almond			*		*	*					
Prunus triioba,	Double Flowering Plum			*		*						
Prunus virginiana,	Chokecherry			*	*	*	*					
Ptelea trifoliata,	Hoptree			*		*						
Rhamnus frangula,	Buckthorn			*	*	*	*					
Rhodotypos scandens,	Black Jetbead			*	*	*	*					
Rhus aromatica,	Fragrant Sumac			*	*	*	*	*				

Shrubs	SOIL TYPE			PLANT FUNCTION		Restricted OPEN SPACE			GROWTH RATE			
	Scientific Name	Common Name	Hydric	Mesic	Xeric	Bufferyard Landscaping	Off-Site Parking Landscaping	Prairie	Savanna	Woodlands	Faster	Slower
Rhus copallina latifolia,	Shining Sumac	*	*	*	*	*						
Rhus glabra,	Smooth Sumac	*	*	*	*	*		*				
Rhus typhina,	Staghorn Sumac	*	*	*	*	*		*				
Ribes alpinum,	Alpine Currant	*	*	*	*	*						
Ribes americanum,	American Black Currant	*	*	*	*	*						
Ribes cynosbati,	Pasture Gooseberry	*	*	*	*	*						
Ribes missouriense,	Missouri Gooseberry	*	*	*	*	*						
Ribes odoratum,	Clove Currant	*	*	*	*	*						
Rosa arkansana,	Arkansas Rose	*	*	*	*	*						
Rosa palustris,	Swamp Rose	*	*		*	*						
Rosa setigera,	Prairie Rose	*	*	*	*	*		*				
Rosa virginiana,	Virginia Rose	*	*	*	*	*						
Rubus allegheniensis,	Blackberry	*	*	*	*	*						

Shrubs	SOIL TYPE			PLANT FUNCTION		Restricted OPEN SPACE			GROWTH RATE		
	Scientific Name	Hydric	Mesic	Xeric	Bufferyard Landscaping	Off-Site Parking Landscaping	Prairie	Savanna	Woodlands	Faster	Slower
Common Name											
Rubus idaeus, Raspberry	*	*	*	*	*						
Rubus strigosus, Blackberry	*	*	*	*	*						
Sambucus canadensis, American Elderberry	*	*	*	*	*						
Shepherdia Canadensis, Buffaloberry			*		*	*					
Spiraea chamaedryfolia, Germander Spirea	*	*	*	*	*	*					
Spiraea prunifolia, True Bridleweath Spirea	*	*	*	*	*	*					
Spiraea thunbergii, Thunberg Spirea	*	*	*	*	*	*					
Spiraea x bumalda, Bumalda Spirea	*	*	*	*	*	*					
Spiraea x vanhouttei, Vanhoutte Spirea	*	*	*	*	*	*					
Staphylea trifolia, Bladdernut	*	*	*	*	*	*					
Stephandra incisa, Cutleaf Stephanandra	*	*	*	*	*	*					
Symphoricarpos alba, Snowberry	*	*	*	*	*	*					
Symphoricarpos orbiculatus, Indian Currant	*	*	*	*	*	*					

Shrubs	SOIL TYPE			PLANT FUNCTION		Restricted OPEN SPACE			GROWTH RATE		
	Scientific Name	Hydric	Mesic	Xeric	Bufferyard Landscaping	Off-Site Parking Landscaping	Prairie	Savanna	Woodlands	Faster	Slower
Common Name											
Syringa villosa, Late Lilac	*	*	*	*	*						
Syringa vulgaris, Common Lilac	*	*	*	*	*						
Syringa x chinensis, Chinese Lilac	*	*	*	*	*						
Viburnum acerifolium, Mapleleaf Viburnum				*	*						
Viburnum burkwoodii, Burkwood Viburnum		*	*	*	*						
Viburnum carlesii, Korean Spicebush		*	*	*	*						
Viburnum cassinoides, Witherod		*	*	*	*						
Viburnum dentatum, Arrowwood	*	*	*	*	*						
Viburnum lantana, Wayfaringtree		*	*	*	*						
Viburnum lentago, Nannyberry	*	*	*	*	*						
Viburnum opulus, European Cranberrybush	*	*	*	*	*						
Viburnum prunifolium, Blackhaw Viburnum		*	*	*	*						
Viburnum rhytidophyllum, Leatherleaf Viburnum	*	*	*	*	*						

<u>Shrubs</u>	SOIL TYPE			PLANT FUNCTION		Restricted OPEN SPACE			GROWTH RATE	
	Hydric	Mesic	Xeric	Bufferyard Landscaping	Off-Site Parking Landscaping	Prairie	Savanna	Woodlands	Faster	Slower
Scientific Name										
Common Name										
Viburnum sieboldii, Siebold Viburnum		*	*	*						
Viburnum trilobum, American Highbush Cranberry	*	*	*	*	*					
Zanthoxylum americanum, Prickly Ash		*	*	*						

Evergreen Shrubs	SOIL TYPE			PLANT FUNCTION		Restricted OPEN SPACE			GROWTH RATE	
	Hydric	Mesic	Xeric	Bufferyard Landscaping	OFF-Site Parking Landscaping	Prairie	Savanna	Woodlands	Faster	Slower
Scientific Name										
Common Name										
Juniperus Chinensis SPP, Junipers		*	*	*	*					*
Pinus mugo mughus, Mugho Pine		*	*	*						*
Taxus cuspidata, Spreading Yew		*		*				*		*
Taxus cuspidata, Upright Yew		*		*						*

<u>Ground Cover</u> Scientific Name, Common Name	SOIL TYPE			Restricted OPEN SPACE			GROWTH RATE	
	Hydric	Mesic	Xeric	Prairie	Savanna	Woodlands	Faster	Slower
Polygonum sp, Smartweed	*	*	*	*	*	*		
Amorpha canescens, Leadplant	*	*	*	*	*			
Camassia scilloides, Wild Hyacinth	*	*	*	*	*			
Comandra richardsiana, Bastard Toad Flax	*	*	*	*	*			
Euphorbia corollata, Flowering Spurge	*	*	*	*	*			
Lespedeza capitata, Bush Clover	*	*	*	*	*			
Lithospermum canescens, Golden Gromwell	*	*	*	*	*			
Ratibida pinnata, Gray-Headed Coneflower	*	*	*	*	*			
Rudbeckia hirta, Black-Eyed Susan	*	*	*	*	*			
Solidago rigida, Stiff Goldenrod	*	*	*	*	*			
Solidago speciosa, Showy Goldenrod	*	*	*	*	*			
Sporobolus heterolepis, Prairie Droopseed	*	*	*	*	*			
Tradescantia ohimensis, Ohio (Common) Spiderwort	*	*	*	*	*			
Amphicarpa bracteata, Hog Peanut	*	*	*		*	*		
Circaea lutetiana, Enchanter's Nightshade	*	*	*		*	*		
Circaea quadrisulcata, Enchanter's Nightshade	*	*	*		*	*		
Cryptotaenia Canadensis, Honewort	*	*	*		*	*		
Geum canadense, White Avens	*	*	*		*	*		
Monarda fistulosa, Wild Bergamot	*	*	*		*	*		
Parthenocissus vitacea, Grape woodbine	*	*	*		*	*		
Polypodium Species, Ferns	*	*	*		*	*		

<u>Ground Cover</u> Scientific Name, Common Name	SOIL TYPE			Restricted OPEN SPACE			GROWTH RATE	
	Hydric	Mesic	Xeric	Prairie	Savanna	Woodlands	Faster	Slower
Rhus radicans, Poison Ivy	*	*	*		*	*		
Smilacina stellata, Starry False Solomon Seal	*	*	*		*	*		
Smilax herbacea, Carrion Flower	*	*	*		*	*		
Smilax Rotundifolia, Green Briar	*	*	*		*	*		
Viola cucullata, Marsh Blue Violet	*	*	*		*	*		
Vitis riparia, Riverbank Grape	*	*	*		*	*		
Allium canadense, Wild Garlic	*	*		*	*	*		
Castilleja coccinea, Indian Paint Brush	*	*		*	*	*		
Cirsium muticum, Swamp Thistle	*	*		*	*	*		
Fragaria virginiana, Wild Strawberry	*	*		*	*	*		
Geranium maculatum, Wild Geranium	*	*		*	*	*		
Solidago gigantea, Late Goldenrod	*	*		*	*	*		
Asclepias purpurascens, Purple Milkweed	*	*		*	*			
Asclepias syriaca, Common Milkweed	*	*		*	*			
Aster novae-angliae, New England Aster	*	*		*	*			
Baptisia leucantha, White Wild Indigo	*	*		*	*			
Blephilia ciliate, Downy Wood Mint	*	*		*	*			
Cacalia tuberosa, Tuberous Indian Plantain	*	*		*	*			
Caltha palustris, Marsh Marigold	*	*		*	*			
Cicuta maculate, Spotted Cowbane	*	*		*	*			
Cypripedium candidum, White Lady Slipper	*	*		*	*			
Desmodium canadense, Showy Tick Trefoil	*	*		*	*			
Dryopteris thelypteris, Marsh Fern	*	*		*	*			

<u>Ground Cover</u> Scientific Name, Common Name	SOIL TYPE			Restricted OPEN SPACE			GROWTH RATE	
	Hydric	Mesic	Xeric	Prairie	Savanna	Woodlands	Faster	Slower
Gentiana andrewsii, Bottle Gentian	*	*		*	*			
Gentiana crinita, Fringed Gentian	*	*		*	*			
Habenaria flava, Orchid	*	*		*	*			
Habenaria leucophaea, White Fringed Orchid	*	*		*	*			
Helianthus grosseserratus, Sawtooth Sunflower	*	*		*	*			
Hypericum punctatum, Spotted St. Johnswort	*	*		*	*			
Lactuca Canadensis, Canada Wild Lettuce	*	*		*	*			
Lathyrus palustris, Marsh Pea	*	*		*	*			
Liatris pycnostachya, Prairie Blazing Star	*	*		*	*			
Liatris spicata, Wingstemmed Wild Pea	*	*		*	*			
Lobelia siphilitica, Great Blue Lobelia	*	*		*	*			
Lythrium alatum, Winged Loosestrife	*	*		*	*			
Mirabilis nyctaginea, Heart-Leaf Four-O'clock	*	*		*	*			
Napaea dioica, Glade Mallow	*	*		*	*			
Oenothera pilosella, Prairie Sundrops	*	*		*	*			
Oxybaphus nyctaginea, Heart-Leaf Four-O'clock	*	*		*	*			
Oxypolis rigidior, Stiff Cowbane	*	*		*	*			
Phlox glaberrima, Smooth Phlox	*	*		*	*			
Phlox pilosa, Downy Phlox	*	*		*	*			
Polytaenia nuttallii, Nuttall's Prairie Parsley	*	*		*	*			
Prenanthes crepidinea, Nodding Rattlesnake Root	*	*		*	*			
Prenanthes racemosa, Smooth Rattlesnake Root	*	*		*	*			
Pycnanthemum virginianum, Virginia Mountain Mint	*	*		*	*			
Sagittaria latifolia, Arrowhead (Duck potato)	*	*		*	*			
Salix humilis, Prairie Willow	*	*		*	*			

<u>Ground Cover</u> Scientific Name, Common Name	SOIL TYPE			Restricted OPEN SPACE			GROWTH RATE	
	Hydric	Mesic	Xeric	Prairie	Savanna	Woodlands	Faster	Slower
Saxifraga pennsylvanica, Swamp Saxifrage	*	*		*	*			
Solidago graminifolia, Narrowleaf Goldenrod	*	*		*	*			
Spiranthes ochroleuca, Yellow Nodding Ladies Tresses	*	*		*	*			
Spirea alba, Meadowsweet	*	*		*	*			
Thalictrum dasycarpum, Purple Meadow Rue	*	*		*	*			
Vernonia fasciculate, Ironweed	*	*		*	*			
Viola americana, American Vetch	*	*		*	*			
Zizia aurea, Golden Alexanders	*	*		*	*			
Asclepias sullivantii, Sullivans Milkweed	*	*			*	*		
Bidens frondosa, Beggar Ticks	*	*			*	*		
Blephilia hirsute, Hairy Wood Mint	*	*			*	*		
Arisaema dracontium, Green Dragon	*	*				*		
Heuchera richardsonii, Alumroot	*	*				*		
Spiranthes cernua, Nodding Ladies Tresses	*	*				*		
Calopogon pulchellus, Grass Pink	*			*	*	*		
Filipendula rubra, Queen of the Prairie	*			*	*	*		
Iris virginica-shrevei, Wild Blue Flag Iris	*			*	*	*		
Lilium superbum, Turk's Cap Lily	*			*	*	*		
Anemone Canadensis, Canada Anemone	*			*	*			
Apocynum cannabinum, Indian Dogbane (Hemp)	*			*	*			
Cacalia atriplicifolia, Pale Indian Plantain	*			*	*			
Cacalia suaveolens, Sweet Scented Indian Plantain	*			*	*			

<u>Ground Cover</u> Scientific Name, Common Name	SOIL TYPE			Restricted OPEN SPACE			GROWTH RATE	
	Hydric	Mesic	Xeric	Prairie	Savanna	Woodlands	Faster	Slower
Galium tinctorium, Dye Bedstraw	*			*	*			
Gerardia aspera, Rough False Foxglove	*			*	*			
Gerardia maritime, Pink Gerardia	*			*	*			
Habenaria lacera, Green Fringed Orchid	*			*	*			
Helenium autumnale, Common Sneezeweed	*			*	*			
Heliopsis helianthoides, Ox-eye Sunflower	*			*	*			
Houstonia caerulea, Bluet (Innocence)	*			*	*			
Liparis loeselii, Yellow Twayblade	*			*	*			
Lobelia cardinalis, Cardinal Flower	*			*	*			
Lobelia spicata, Pale Spike Lobelia	*			*	*			
Nymphaea tuberosa, White Water Lily	*			*	*			
Oenothera perennis, Perennial Sundrops	*			*	*			
Pedicularis lanceolata, Swamp Lousewort	*			*	*			
Potamogeton crispus, Crisp Pondweed	*			*	*			
Silphium perfoliatum, Cup Plant	*			*	*			
Silphium laciniatum, Compass Plant	*			*	*			
Solidago ohioensis, Ohio Goldenrod	*			*	*			
Thelypteris palustris, Northern Marsh Fern	*			*	*			
Tofieldia glutinosa, False Asphodel	*			*	*			
Apios Americana, Ground Nut	*				*	*		
Chelone glabra, Turtlehead	*				*	*		
Cinna arundinacea, Sweet Woodreed	*				*	*		
Dracocephalum formosius, Moldavian Dragonhead	*				*	*		
Pilea pumila, Clear Weed	*				*	*		

<u>Ground Cover</u> Scientific Name, Common Name	SOIL TYPE			Restricted OPEN SPACE			GROWTH RATE	
	Hydric	Mesic	Xeric	Prairie	Savanna	Woodlands	Faster	Slower
Rudbeckia laciniata, Green Headed Coneflower	*				*	*		
Rumex altissimus, Pale Dock	*				*	*		
Salix longifolia, Sandbar Willow	*				*	*		
Scutellaria lateriflora, Mad Dog Skullcap	*				*	*		
Stachys hispida, Rough Hedge-Nettle	*				*	*		
Teucrium canadense, Wood Sage	*				*	*		
Anemone cylindrical, Thimbleweed		*	*	*	*			
Anemone quinquefolia, Wood Anemone		*	*	*	*			
Anemone virginiana, Tall Anemone		*	*	*	*			
Anemonella thalictroides, Rue Anemone		*	*	*	*			
Antennaria neglecta, Pussytoes (Cat's Foot)		*	*	*	*			
Apocynum androsaemifolium, Spreading Dogbane		*	*	*	*			
Artemisia caudate, Wild Wormwood		*	*	*	*			
Artemisia frigida, Fringed Sagebrush		*	*	*	*			
Artemisia ludoviciana, White Sage		*	*	*	*			
Artemisia serrata, Sawtooth Wormwood		*	*	*	*			
Artemisia stelleriana, Beach Wormwood		*	*	*	*			
Asclepias tuberosa, Butterfly Weed		*	*	*	*			
Asclepias verticillata, Whorled Milkweed		*	*	*	*			
Aster azureus, Sky Blue (Azure) Aster		*	*	*	*			
Aster ericoides, Heath Aster		*	*	*	*			
Aster laevis, Smooth Aster		*	*	*	*			
Aster linariifolius, Stiff Aster		*	*	*	*			
Aster oblongifolius, Eastern Aromatic Aster		*	*	*	*			

<u>Ground Cover</u> Scientific Name, Common Name	SOIL TYPE			Restricted OPEN SPACE			GROWTH RATE	
	Hydric	Mesic	Xeric	Prairie	Savanna	Woodlands	Faster	Slower
Aster pilosus, White Old Field Aster		*	*	*	*			
Aster ptarmicoides, Upland White Aster		*	*	*	*			
Aster sericeus, Western Silvery Aster		*	*	*	*			
Aster simplex, White Field Aster		*	*	*	*			
Astragalus crassicarpos, Ground Plum		*	*	*	*			
Cassia fasciculata, Partridge Pea (Sensitive Plant)		*	*	*	*			
Cirsium altissimum, Tall Thistle		*	*	*	*			
Cirsium hillii, Hill's Thistle		*	*	*	*			
Cirsium undulatum, Wavyleaf Thistle		*	*	*	*			
Coreopsis palmate, Prairie Coreopsis		*	*	*	*			
Delphinium virescens, Prairie Larkspur		*	*	*	*			
Erigeron strigosus, Daisy Fleabane		*	*	*	*			
Gentian quinquefolia, Stiff Gentian		*	*	*	*			
Hackelia virginiana, Stickseed Boraginaceae		*	*	*	*			
Hedeoma. Hispida, Rough Pennyroyal		*	*	*	*			
Helianthus occidentalis, Naked Stemmed *unflower		*	*	*	*			
Helianthus strumosus, Pale-leaved Woodland Sunflower		*	*	*	*			
Lactuca ludoviciana, Biannual (Wild) Lettuce		*	*	*	*			
Liatris punctata, Dotted (Dwarf) Blazing Star		*	*	*	*			
Linum sulcatum, Grooved Flax		*	*	*	*			
Lithospermum latifolium, American Stoneseed		*	*	*	*			
Microseris cuspidate, Prairie Dandelion		*	*	*	*			
Oenothera biennis, Common Evening Primrose		*	*	*	*			
Orobanche fasciculate, Clustered Broomrape		*	*	*	*			
Parthenium integrifolium, Wild Quinine		*	*	*	*			

<u>Ground Cover</u> Scientific Name, Common Name	SOIL TYPE			Restricted OPEN SPACE			GROWTH RATE	
	Hydric	Mesic	Xeric	Prairie	Savanna	Woodlands	Faster	Slower
Petalostemum candidum, White Prairie Clover		*	*	*	*			
Petalostemum purpureum, Purple Prairie Clover		*	*	*	*			
Physalis lanceifolia, Lance-leafed Ground Cherry		*	*	*	*			
Physalis virginiana, Virginia Ground Cherry		*	*	*	*			
Plantago rugelii, Blackseed Plantain		*	*	*	*			
Polygala senega, Seneca Snakeroot		*	*	*	*			
Potentilla arguta, Prairie Cinquefoil		*	*	*	*			
Prenanthes aspera, Rough Rattlesnake Root		*	*	*	*			
Ranunculus rhomboideus, Prairie Buttercup		*	*	*	*			
Scutellaria leonardii, Small Skullcap		*	*	*	*			
Solidago altissima, Tall Goldenrod		*	*	*	*			
Solidago Canadensis, Canada Goldenrod		*	*	*	*			
Solidago nemoralis, Common Goldenrod		*	*	*	*			
Sporobolus asper, Longleaf Dropseed		*	*	*	*			
Verbena hastate, Blue Vervain		*	*	*	*			
Viola pedata, Birdsfoot Violet		*	*	*	*			
Viola pedatifida, Larkspur Violet		*	*	*	*			
Arisaema triphyllum, Jack-In-The-Pulpit		*	*			*		
Sanguinaria canadensis, Bloodroot		*	*			*		
Trillium gleasoni, Trillium		*	*			*		
Triosteum perfoliatum, Feverwort		*	*			*		
Convolvulus sepium, Wild Morning Glory		*		*	*	*		
Krigia biflora, Two-Flowered Cynthia		*		*	*	*		

<u>Ground Cover</u> Scientific Name, Common Name	SOIL TYPE			Restricted OPEN SPACE			GROWTH RATE	
	Hydric	Mesic	Xeric	Prairie	Savanna	Woodlands	Faster	Slower
Phlox divaricata, Blue Phlox		*		*	*	*		
Tephrosia virginiana, Goat's Rue (Hoary Pea)		*		*	*	*		
Astragalus Canadensis, Canada Milk Vetch		*		*	*			
Baptisia leucophaea, Cream Wild Indigo		*		*	*			
Ceanothus americanus, New Jersey Tea		*		*	*			
Ceratophyllum demersum, Hornwort		*		*	*			
Echinacea pallida, Pale Purple Coneflower		*		*	*			
Eryngium yuccifolium, Rattlesnake Master		*		*	*			
Eupatorium altissimum, Tall Boneset		*		*	*			
Eupatorium maculatum, Joe-Pye-Weed		*		*	*			
Gaura biennis, Biennial Gaura		*		*	*			
Gentian saponaria, Soapwort Gentian		*		*	*			
Gentiana puberula, Downy Gentian		*		*	*			
Hypericum canadense, Canadian St. Johnswort		*		*	*			
Hypericum mutilum, Dwarf St. Johnswort		*		*	*			
Lathyrus venosus, Veiny Pea		*		*	*			
Lespedeza hirta, Hairy Bush-clover		*		*	*			
Liatris ligulistylis, Rocky Mountain Blazingstar		*		*	*			
Lilium philadelphicum, Wild Lily		*		*	*			
Penstemon digitalis, Foxglove, Beardtongue		*		*	*			
Psoralea esculenta, Prairie Turnip		*		*	*			
Silphium integrifolium, Rosinweed		*		*	*			
Solidago juncea, Early Goldenrod		*		*	*			
Vicia angustifolia, Narrowleaf Vetch		*		*	*			

<u>Ground Cover</u> Scientific Name, Common Name	SOIL TYPE			Restricted OPEN SPACE			GROWTH RATE	
	Hydric	Mesic	Xeric	Prairie	Savanna	Woodlands	Faster	Slower
Zizia aurea, Ovalleaf Golden Alexanders		*		*	*			
Zizia aurea, Heart-leaved Meadow Parsnip		*		*	*			
Oxalis violacea, Violet Wood Sorrel		*			*	*		
Pedicularis canadensis, Lousewort		*			*	*		
Polygala senega, Seneca Snakeroot		*			*	*		
Polygonatum pubescens, Hairy Solomon's Seal		*			*	*		
Rudbeckia submentosa, Sweet Coneflower		*			*	*		
Taenidia integerrima, Yellow Pimpernel		*			*	*		
Dioscorea villosa, Wild Yam		*				*		
Hepatica triloba, Three Inbed Hepatica		*				*		
Anemone patens, Pasque Flower			*	*	*			
Arabis lyrata, Lyre-leaved Rock Cress			*	*	*			
Castilleja sessiliflora, Downy Yellow Painted-Cup			*	*	*			
Desmodium nudiflorum, Naked-flowered Tick Trefoil			*	*	*			
Geum triflorum, Prairie Smoke			*	*	*			
Helianthemum Bicknell, Rockrose			*	*	*			
Hieracium longipilum, Hairy (Long-Haired) Hawkweed			*	*	*			
Liatris cylindracea, Cylindrical (Ontario) Blazing Star			*	*	*			
Oenothera rhombipetala, Sand Primrose			*	*	*			
Physalis heterophylla, Clammy Ground Cherry			*	*	*			
Physalis longifolia, Longleaf Ground Cherry			*	*	*			
Potentilla simplex, Common Cinquefoil			*	*	*			
Verbena stricta, Hoary Vervain			*	*	*			

<u>Ground Cover</u> Scientific Name, Common Name	SOIL TYPE			Restricted OPEN SPACE			GROWTH RATE	
	Hydric	Mesic	Xeric	Prairie	Savanna	Woodlands	Faster	Slower
Arenaria stricta, Rock Sandwort			*		*	*		
Asclepias ovalifolia, Oval Leaf Milkweed			*		*	*		
Coreopsis lanceolata, Lanceleaf Coreopsis			*		*	*		
Cynoglossum virginianum, Wild Comfrey			*		*	*		
Desmodium cuspidatum, Largebract Tick Trefoil			*		*	*		
Euphorbia corollata, Flowering Spurge			*		*	*		
Festuca obtuse, Nodding Fescue			*		*	*		
Lonicera dioica, Twining Honeysuckle			*		*	*		
Lupinus perennis, Wild (Sundial) Lupine			*		*	*		
Cypripedium pubescens, Yellow Lady Slipper			*			*		
Pyrola elliptica, Shinleaf			*			*		

Ground Cover: Grass / Grass Like Scientific Name, Common Name	SOIL TYPE			Restricted OPEN SPACE			GROWTH RATE	
	Hydric	Mesic	Xeric	Prairie	Savanna	Woodlands	Faster	Slower
Andropogon gerardii, Big Bluestem	*	*	*	*	*			
Carex meadii, Mead's Sedge	*	*	*	*	*			
Bromus latiglumis, Earlyleaf Brome		*		*	*	*		
Carex alopecoides, Sedge	*	*		*	*	*		
Carex amphibole, Eastern Narrowleaf Sedge	*	*		*	*	*		
Carex aquatilis, Water Sedge	*	*		*	*	*		
Carex bromoides, Bromelike Sedge	*	*		*	*	*		
Carex cephalophora, Oval-leaf Sedge	*	*		*	*	*		
Carex crinita, Fringed Sedge	*	*		*	*	*		
Carex cristatella, Crested Sedge	*	*		*	*	*		
Carex debilis, White Edge Sedge	*	*		*	*	*		
Carex gracillima, Graceful Sedge	*	*		*	*	*		
Carex grisea, Eastern Narrowleaved Sedge	*	*		*	*	*		
Carex molesta, Troublesome Sedge	*	*		*	*	*		
Carex projecta, Necklace Sedge	*	*		*	*	*		
Carex rosea, Sunrise Sedge	*	*		*	*	*		
Carex sparganioides, Sedge	*	*		*	*	*		
Carex stipata, Saw-beak Sedge	*	*		*	*	*		
Carex suberecta, Prairie Straw Sedge	*	*		*	*	*		
Carex tuckermani, Tuckerman's Sedge	*	*		*	*	*		
Elymus Canadensis, Nodding Wild Rye	*	*		*	*	*		
Equisetum avense, Common Horsetail	*	*		*	*	*		
Equisetum laevigatum, Kansas Horsetail	*	*		*	*	*		

Ground Cover: Grass / Grass Like Scientific Name, Common Name	SOIL TYPE			Restricted OPEN SPACE			GROWTH RATE	
	Hydric	Mesic	Xeric	Prairie	Savanna	Woodlands	Faster	Slower
Koeleria cristata, Junegrass	*	*		*	*	*		
Muhlenbergia frondosa, Wirestem Muhly	*	*		*	*	*		
Panicum leibergii, Prairie Panic Grass	*	*		*	*	*		
Sorghastrum nutans, Indian Grass	*	*		*	*	*		
Spartina pectinata, Prairie Cord Grass	*	*		*	*	*		
Typha latifolia, Broad-leaved Cattail	*	*		*	*	*		
Carex bebbi, Bebb's Sedge				*	*	*		
Carex grayi, Gray's Sedge				*	*	*		
Carex lupulina, Hop Sedge				*	*	*		
Carex muskingumensis, Palm Sedge				*	*	*		
Carex normalis, Greater Straw Sedge				*	*	*		
Carex retrorsa, Knotsheath Sedge				*	*	*		
Carex tribuloides, Blunt Broom Sedge				*	*	*		
Carex typhina, Cattail Sedge				*	*	*		
Carex vesicaria, Blister / Bladder Sedge				*	*	*		
Carex vulpinoidea, Fox Sedge				*	*	*		
Hierochloe odorata, Sweet Grass				*	*	*		
Hypoxis hirsute, Yellow Star Grass				*	*	*		
Andropogon scoparius, Little Bluestem		*	*	*	*	*		
Bromus purgans, Woodland Brome		*	*	*	*	*		
Carex bicknelii, Prairie Sedge		*	*	*	*	*		
Carex jamesii, James' Sedge		*	*	*	*	*		
Carex pennsylvanica, Pennsylvania Sedge		*	*	*	*	*		

Ground Cover: Grass / Grass Like Scientific Name, Common Name	SOIL TYPE			Restricted OPEN SPACE			GROWTH RATE	
	Hydric	Mesic	Xeric	Prairie	Savanna	Woodlands	Faster	Slower
Elymus villosus, Hairy Wildrye		*	*	*	*	*		
Muhlenbergia cuspidate, Plains Muhly		*	*	*	*	*		
Muhlenbergia racemosa, Marsh Muhly		*	*	*	*	*		
Panicum latifolium, Panic Grass		*	*	*	*	*		
Panicum oligoanthes, Scribner's Panic Grass		*	*	*	*	*		
Panicum perlongum, Elongate Panic Grass		*	*	*	*	*		
Panicum virgatum, Switch Grass		*	*	*	*	*		
Sisyrinchium campestre, Blue-eyed Grass		*	*	*	*	*		
Stipa spartea, Porcupine Grass		*	*	*	*	*		
Panicum capillare, Witch Grass		*		*	*	*		
Scirpus americanus, Three Square Bulrush		*		*	*	*		
Sisyrinchium albidum, White Blue-eyed Grass		*		*	*	*		
Sisyrinchium angustifolium, Blue-Eyed Grass		*		*	*	*		
Carex foenea, Dryspike Sedge			*	*	*	*		
Danthonia spicata, Wild Oat Grass			*	*	*	*		
Eragrostis spectabilis, Purple Love Grass			*	*	*	*		

Division 5802.0 Existing Plant Material.

Existing healthy plant material may be counted as contributing to the total plant material required by Section 16 except in the case of the establishment of new woodlands.

Whenever an existing area meets the definition of woodland, it shall satisfy any planting required by this by-law regardless of the mix of plant materials otherwise required by Division 5305.0, provided that the understory trees and shrubs constitute at least seventy percent (70%) of the individual trees and shrubs present. If the understory trees and shrubs constitute less than seventy percent (70%) of the trees and shrubs present, additional plant material shall be installed in order to meet the requirements otherwise imposed by Division 5303.0 through 5306.0 and 5800.0 through 5803.0.

Division 5803.0 Establishment and Maintenance of Woodlands.

A. The establishment of a woodland for the purposes of Division 5501.0 shall conform to the following standards:

- 62. The minimum area shall be one (1.0) acre.
- 63. No area of woodland shall be less than fifty (50) feet wide.
- 64. The following plant material shall be provided per acre of woodland established. Fractional requirements shall be rounded up.

PLANT MATERIALS REQUIRED PER ACRE	MINIMUM SIZE PLANT MATERIAL
5 slower growing canopy trees.....	4" caliper
10 canopy trees	2.5" caliper
20 faster growing canopy trees	1" caliper
30 slower growing canopy trees.....	5' height
10 understory trees	1" caliper
100 shrubs.....	3' height

- 65. All existing healthy trees shall be preserved to the maximum extent possible.
- 66. All areas of a newly established woodland shall be seeded as lawn unless ground cover as

depicted in the plant matrix (Division 5801.0) naturally exists or has already been established.

- B.** With regards to the maintenance of newly established woodland areas, additional plants established by natural succession shall be retained. Dead trees shall be removed where they adjoin roads or buildings. Debris and litter shall be cleaned on an annual or semiannual basis. Damage to fifteen percent (15%) or more of the stand due to disease, wind or fire shall require the replacement of all such damaged trees.

Division 5804.0 Establishment of Prairies and Savannas.

Establishment. The establishment of a prairie or savanna for the purpose of Divisions 5600.0 through 5602.0 (pervious open space) shall conform to the following standards:

- A. Plant material.** Plant materials for prairies and savannas shall be selected from Division 5801.0 (plant material matrix).
- B. Minimum size.** No area of prairie or savanna shall be less than forty (40) feet wide.
- C. Ground preparation.** All areas to be established as prairie or savannas shall be tilled to a shallow depth within twenty-four (24) hours prior to seeding. When less than forty-one percent (41%) of the area to be established as a prairie consists of vegetated area, a minimum of four (4) inches of topsoil shall be required. This topsoil shall be scarified to a minimum depth of two (2) inches prior to seeding. All installed topsoil shall be final-graded prior to seeding.
- D. Ground cover -- seeding.**

- 67. Seeding shall consist of a minimum of three (3) different types of ground cover. The ground cover types are: forbs, grass and grass-like species, and cover grass (see Division 5801.0). No one type of plant material shall comprise more than forty-five percent (45%) of the total prairie or savanna ground cover materials planted. Cover grasses shall comprise no more than six (6) percent, and no less than three (3) percent of the total ground cover planting. Cover grasses shall be annual grass species.

68. All seed mixtures shall have at least forty (40) to sixty (60) live seeds per square foot.
69. Seeds shall be sown at a rate greater than twenty (20) pounds per acre.
70. Seeds shall be raked into the soil.
71. Seeded areas, shall be rolled with an appropriate sized roller.

DIVISION 5900.0 Utilities: General.

All utilities shall be placed underground. The minimum easement width shall be ten (10) feet. Care shall be taken to avoid excessive clearing and maintain control of grading, while remaining within the limitations of natural resource encroachment.

Division 5900.1 Construction.

All utilities shall be constructed according to the applicable requirements of the appropriate board or department, and specifically meet the standards in Section V. H. 1 through 5 in the Rules and Regulations Governing the Subdivision of Land in Hopedale.

Division 5901.0 Building Setback-Requirements.

Buildings shall be set back twenty (20) feet from all utility easements except those providing direct service. Setbacks from natural gas transmission lines shall be fifty (50) feet.

Division 5902.0 Sanitary Sewage.

The regulations of the Board of Health and, where otherwise applicable, the State Sanitary Code shall apply to all on-site disposal systems. There shall be a maximum threshold value for the number of units allowed for the site that shall be determined through the use of the appropriate Soil Conservation Service Bulletins and sound engineering practice.

Division 5903.0 Other Utilities.

The design and construction regulations of the public utilities or governmental agencies charged with the provision and/or maintenance of a utility shall be applicable.

Division 5904.0 Utilities Impact Report.

This report shall contain an analysis of the provisions for gas, electricity, telephone, mail service, water supply, sewage disposal, and refuse storage and collection.

The probable impact from utility needs shall be determined and shall include:

- (1) The estimated daily and peak hour volume of public water demand;
- (2) Evaluation of the estimated impact of water demands upon existing service facilities in relation to defined sewage disposal and public water capabilities;
- (3) Description of proposed sewage treatment facility or disposal system including type and design capacity.

ARTICLE VI. DETAILED DESIGN REGULATIONS.

DIVISION 6000.0 Purpose.

The purpose of Division 6001.0 is to propose a method for the implementation of a system of design "patterns" to insure the success of the residential development as a living entity. Detailed regulations contained in Division 6002.0 and 6003.0 include bulk, height, and layout limitations that apply to specific land uses within a Performance Residential Development.

It is recommended that The Timeless Way of Building and A Pattern Language, written by Christopher Alexander (Oxford University Press) be consulted in guaranteeing that the detailed design concerns (Div. 6001.0) be properly implemented. Unlike the restrictive nature of so many architectural guidelines which tend to make good design impossible, these two books will provide limitless opportunities for good design.

Division 6001.0 Design Patterns.

A. In order to establish a sense of community it is important to develop a positive space which is useable, and binds the site together as a community. To link up the various areas within the site to make build and natural centers real centers, in short to make the population within the site more of a real community, it will be necessary to satisfy the following needs:

- 72. Central Walk.** This is a special walk, a kind of rural promenade where everyone gathers and can sit in the sun. Such a walk must be beautiful in itself, generous in scale, and cross the center of the development allowing footpaths from other parts of the site to intercept it.

- 73. Reflective and Special Locations.** In every site, there is some spot or some feature that represents its essence and should be preserved. It could be a meadow, or a high point, or a ridge, or a special grove of trees, or many other things. It does not necessarily coincide with any other presently preserved natural resource area. Such a special place should not be built on, but it should distinctly be understood as a special place to use, in line with its character. See pattern Holy Ground in The Pattern Language.
- 74. Community Activities.** Common recreation land (Div.5301.0) which can provide outdoor /recreation opportunities for all three residential rings within a performance residential development, should be located adjacent to the "central walk".

B. The coherence of the houses as they sit on the land and the formation of good positive space.

In order to guarantee a pleasant distribution of houses it is necessary to provide for good positive space. This is not dependent on numeric values like density, but rather, on the qualitative character of the space between houses and the way they are oriented in regard to slopes and space. Outdoor living space should be oriented toward the sun and face down slope.

C. Architecture and Positiveness of Space.

Architecture shall have suitable form to generate positive space. The Pattern Language should be consulted to insure that the shapes of houses, the variety of footprints, volumes, roofs, and exterior masses should enhance the positiveness of space.

D. Village Center Location.

The cluster of village units that make up the center residential ring area, the "village", should be integral with the natural center of the site. It should be a location that is the topographic, emotional, and "felt" center of nature's landscape.

The village center, which is to be the most densely built up area on the site, should generally not be located on the most striking topographic feature or landscape

formation, but rather, at some area that has a distinct and complimentary relation to these formations.

E. Estate and Cottage Dwelling Locations.

The “estates” or large homes shall be located in the outer residential ring or in the perimeter belts or areas of land, where in principle they can be located rather far apart, or in the context of undisturbed landscape. There can be no more than two (2) to a cluster.

The cottage or midsize homes should be tucked away into the landscape. The most appropriate locations are represented by pockets within the landscape. There shall be no more than three (3) to a cluster.

F. Road Location.

During the design process, houses and buildings should be located first and then roads are nestled into the landscape in such a way as to maintain the beauty of the relation which the houses have with the land. All roads should snuggle into the landscape, follow contour, avoid trees, and be as narrow as allowed.

Division 6002.0 Building Height.

New dwelling units within the “RP-1” and “RP-2” district shall not exceed thirty-eight (38) feet in height.

Division 6002.1 Exceptions to Height Limitations.

Height limitations shall not apply to chimneys, towers, ventilators, skylights, tanks, and silos provided such structures are not used for living purposes.

Division 6003.0 Building Configuration Location and Cluster Limits.

A. Configuration. Units within all residential rings shall conform to the following design elements.

- 75. All units shall have at least two (2) points of ingress and egress.
- 76. All units having entry points on the ground level shall have those points contiguous to uninterrupted outdoor living space (OLS).

77. All rooms within units, as defined in Section 16, shall have at least two (2) different sides that natural light can enter.

B. Location Limitations.

The minimum separation of buildings from perimeter boundaries of the site shall be thirty-five (35) feet.

C. Cluster Limitations.

78. Village Units (center residential ring) – no limit,
79. Cottage Dwellings (middle residential ring) – 1 to 3.
80. Estate Dwellings (outer residential ring) – 1 to 2.

ARTICLE VII. SITE PLAN REVIEW.

DIVISION 7000.0 Purpose.

Site Plan Reviews allow the Planning Board, the special permit granting authority, to insure that the design and layout of the Performance Residential Development conform to all by-law standards. It may be accomplished in two steps; the preliminary site plan review and the definitive site plan review. The preliminary review is voluntary and the definitive review is mandatory.

Division 7001.0 Preliminary Site Plan Review: Procedure.

- A.** An applicant for a preliminary site plan review article shall file with the Planning Board five (5) copies of a Site Plan Review Package. The base resource protection map with design overlay maps shall be prepared by an engineer, architect, or landscape architect.

- B.** The preliminary design flow diagram and worksheet (Division 5001.1) provides a step by step guide for the evaluation of the design proposal. The Preliminary Site Plan Package filing shall occur ten (10) days prior to a regular Planning Board meeting. The Planning Board shall, upon receipt of the submission, forward it to the appropriate boards and departments for their review. The Planning Board shall schedule at least two (2) meetings with the applicant during the review period. The preliminary design flow diagram (Division 5001.1) provides a step by step guide for the evaluation of the proposal. Within thirty-five (35) days of its receipt, the Planning Board shall provide recommendations if necessary, to insure the proposal's compliance with all the requirements of the Residential Performance Zoning By-Law.

Division 7002.0 Preliminary Submission Standards: Plans and Reports.

Plans and maps shall be at a scale of 1" = 40' or such other scale as the board may accept to show details clearly and adequately. Sheet sizes shall preferably not exceed 24" x 36". If multiple sheets are used, they shall be accompanied by an index sheet showing the entire residential performance development. The profile plan shall have a horizontal scale of 1" = 40' and vertical scale 1" = 4'. All elevations shall refer to U.S.C. & G.S. datum, mean sea level. Reports and supporting data shall be submitted in a spiral bound or three-ring loose-leaf format on 8½" x 11" paper.

Division 7003.0 Preliminary Site Plan Review Package: Contents.

A. Preliminary Design Flow Diagram Worksheet (Div. 5001.1).

B. Base Resource Protection Maps with Design Overlay Maps.

81. Base map. The base map shall contain the following:

- a. Site property line
- b. Abutters to site from most recent tax information
- c. All resource protection and special natural features (Div. 5400.0 through 5503.0)

82. Three base maps shall be overlain with the following mapped information:

- d. **Map A –**
 - Residential ring boundaries (Div. 5301.0)
 - Outdoor Living Space, (OLS) (Div. 5602.0)
 - Common Recreation Land Area, (CRL) (Div. 5301.0)
 - Site topography shall be depicted at 2 ft. contours
 - Schematic building design and layout (Article VI)
 - Schematic road and parking design (Div. 5700.0)
- e. **Map B –**
 - Schematic building design and layout (Article VI)
 - Schematic road and parking design (Div. 5700.0)
 - Schematic utility layout (Div. 5900.0)
 - Site topography (2 ft. contours)
 - Preliminary drainage design (Div. 5504.0)
- f. **Map C –**
 - Residential ring boundaries (Div. 5301.0)
 - Restricted Open Space, (ROS) (Div. 5601.0)
 - Preliminary bufferyard design (Div. 5302.0 - 5306.0)

- C. Road profile plan.** Existing profiles on the exterior lines and proposed profile on the centerline of proposed roadways shall be depicted at a horizontal scale of 1" = 40' and a vertical scale of 1" = 4'. All elevations shall refer to the U.S.C. & G.S. datum, mean sea level.
- D. Fiscal Impact Report** (Div. 5400.0) - A preliminary, fiscal impact study shall be completed according to the guidelines set forth in the HUD publication; The Fiscal Impact Guidebook – Estimating Local Costs and Revenues of Land Development. This study may aid in establishing a unit mix producing a favorable impact to the Town.
- E. Traffic Impact Report** (Div. 5710.0) – A Preliminary traffic impact study shall be completed, to aid the development team in implementing the most efficient circulation pattern.

Division 7004.0 Definitive Site Plan Review: Procedure.

- A.** An applicant for a definitive site plan review shall file with the Planning Board seven (7) copies of the Preliminary Site Plan Package that has been updated to reflect all preliminary review corrections and additions listed in Division 7006.0. The definitive design flow diagram and worksheet provides a step by step guide to the evaluation of the design proposal.
- B.** The Planning Board shall inform the Town Clerk immediately upon receipt of the Definitive Site Review Package, and within five (5) days thereafter, transmit to the Conservation Commission, Public Safety Departments, Finance Committee, Sewer and Water Departments, and Health Boards, copies of the Definitive Site Plan Review Package. The boards and departments receiving these copies shall have up to forty (40) days to make recommendations to the Planning Board.
- C.** The Planning Board shall hold a public hearing within sixty-five (65) days of an application and shall take final action within ninety (90) days from the time of hearing, as provided in M.G.L.Ch. 40a, s. 9 and 11. The ninety (90) day time period may be voluntarily extended upon agreement of the Board and the applicant.

Such final action shall consist of either:

- 83. A written finding and determination that the proposed project will constitute a suitable development and will not result in detriment to the neighborhood, Town, and environment or

84. A written denial of the application stating the specific reasons for such denial.

In the event the Board fails to act within ninety (90) days of the hearing and there is no voluntary extension, the plan shall be deemed approved, and shall be endorsed with the following: “Approved by failure of the Board to act within ninety (90) days of hearing”, the date, and a line for the Town Clerk’s signature.

Approval may be made subject to conditions, modifications and restrictions as the Planning Board may deem, necessary; and any construction, reconstruction, alteration or addition shall be carried on only in conformity to such conditions, modifications, or restrictions and in conformity with the **site plan package**.

The approved site plan shall contain: “Approved Site Plan of (name of project)”, date, and lines for the signatures of the members. A copy shall be maintained in the Planning Board files and available for public inspection upon request. In the event of disapproval, the Planning Board shall revoke its disapproval and approve a plan which, as amended, conforms to Section 16 or recommendations. However, no building permit shall be issued until the plan, signed by the appropriate numbers of members of the Planning Board, shall be recorded with the Registry of Deeds.

All restricted covenants and deeds shall be recorded at the Registry of Deeds at the applicant’s expense.

The Planning Board shall file with the Town Clerk a letter signed by its secretary stating the action taken upon any application for a definitive site plan review filed with the Board and with the Town Clerk.

If the project receives a final unfavorable action, the developer shall not submit substantially the same proposal for two (2) years, except as provided under M.G.L. ch. 40a, s. 16.

Site plan approvals granted under this division shall lapse within two (2) years, excluding time required to pursue or await the determination of an appeal, from the grant thereof, if a substantial use has not sooner commenced or if construction has not begun. The Planning Board may grant an extension if the delay has been caused by the need to seek other permits.

No construction or reconstruction, except as shown on the recorded plan shall occur without a further submission of plans to the Planning Board; and a notation to this affect shall appear upon the recorded plan and upon covenants and deeds to any property within the Residential Performance Development.

Division 7005.0 Definitive Submission Standards: Plans and Reports.

Submission standards shall be the same as those required by Division 7002.0.

Division 7006.0 Definitive Site Plan Review Package: Contents.

The contents shall contain a submittal of the Preliminary Site Plan Review Package that has been updated to reflect the recommendations of the Planning Board. If a filing of the Preliminary Site Plan Review Package was not conducted, the development team shall prepare aforesaid package. The Preliminary Site Plan Review Package shall further contain the following modifications and inclusions;

A. Developer Information.

85. Ownership.

The applicant shall have a property interest in the site which shall consist of a fee simple title, or an option to acquire a fee simple title within a specified time period, or a substantial interest in a joint venture agreement, real estate investment trust or other real estate syndication which has or can obtain a fee simple title, or a marketable title subject to certain restraints which will not substantially restrict its development within a reasonable time or shall show a copy of a purchase and sales agreement.

86. Existing Mortgages, Liens, and Judgements.

All mortgages including purchase money mortgages, all easements restricting land use, all liens, all judgements which affect the site; and a proposed method of notifying, where necessary, all affected parties of the intention to submit a development application for a Residential Performance Development shall be identified.

B. Definitive Flow Diagram Worksheet. Values shall be updated to reflect definitive design implementation.

C. Preliminary site topography [Div. 7003.0 (B)(2)(a,b)] shall be depicted at two (2) foot contours except, within thirty (30) feet of all roadway and parking area sidelines where topography shall be depicted at one (1) foot intervals, and except within forty (40) feet of all proposed structures where topography shall be depicted at one-half (1/2) foot intervals. If needed, include Sedimentation Control Plan (Division 5506.0).

- D.** Schematic building design and layout and schematic road and parking design [Div. 7003.0 (B)(2)(a, b)] shall be finalized and shall be depicted in a detailed manner. All building designs shall include fully dimensioned floor plans and elevations.
- E.** Preliminary drainage design and calculations [Div. 7003.0 (B) (2) (b)] shall be finalized and if said design contains elements of both open and closed systems, their interrelationships shall be fully documented.
- F.** The schematic utility layout [Div. 7003.0 (B)(2)(b)] shall be upgraded to reflect all detailed design and layout elements.
- G.** The residential ring boundaries [Div. 7003.0 (B)(2)(a, c)] shall be adjusted, if necessary to reflect the detailed design of Restricted Open Space, Outdoor Living Space and Common Recreation Land Area, and any other detailed design features, while maintaining compliance with Div. 5301.0.
- H.** To reflect any design changes in upgrading from preliminary to definitive state, the bufferyards shall be upgraded for continued compliance with Div. 5302.0 through Div. 5306.0, and shall include a fully enumerated planting schedule.
- I.** Road profiles [Div. 7003.0 (C)] shall be updated to reflect detailed design of roadways.
- J.** A property line plan shall be prepared showing site boundaries and the interior ownership boundaries as they relate to building and roadway locations.
- K.** Utilities Impact Report [Div. 5904.0] – A utilities impact report shall be completed so that the development team and the Town may better understand the load on its infrastructure.
- L.** All reports [Div. 7003.0 (D, E)] shall be updated to provide for any changes in composition and balance of the Performance Residential Development. If the project will take place over more than one (1) year, the developer shall supply development and improvement schedules. This report shall contain the following information:
 - 87. The construction of improvements within the site and their interface with Town infrastructure;
 - 88. The number of dwelling units to be constructed each year and their estimated values.

ARTICLE VIII. SPECIAL PERMIT USES.

DIVISION 8000.0 Purpose.

Special permit uses are those uses which have some special impact or uniqueness such that their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location.

Division 8001.0 Procedure.

An application for a special use permit shall be submitted to the Planning Board simultaneously with the Definitive Site Plan Review Package and shall be subject to all of the notification, submittal, and public hearing requirements, and time restraints of the Definitive Site Plan Review (Div. 7004.0).

The Planning Board shall either approve or disapprove the application and shall establish the specific conditions under which the application is approved. The application shall be denied if the Planning Board finds either that the application and record fail to establish compliance with the standards of this by-law, or if the proposed use, developed in the proposed manner and at the proposed location, will be inconsistent with the standards of the by-law.

In the event a special use permit is approved or approved subject to conditions the applicant shall, in writing within ten (10) days following such decision, acknowledge such approval and unconditionally accept and agree to all conditions imposed. The Zoning Inspector shall then take action to process the zoning permit application for the development to which the special use permit applies.

DIVISION 8100.0 General Use Standards.

No application for a special use permit shall be approved unless the Planning Board shall specifically find the use appropriate in the location for which it is proposed. This finding shall be based on the following:

- A.** The proposed use shall be in harmony with the general purpose, goals, objectives, and standards of this by-law.
- B.** There shall be a community need for the proposed use at the proposed location; in the light of existing and proposed uses of a similar nature in the area and of the need to provide or maintain a proper mix of uses within Hopedale.
- C.** The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public rights-of-way, or other matters

affecting the public health, safety and general welfare, either as they now exist or as they may in the future.

DIVISION 8200.0 Amendments to Permits for Special, Permit Uses.

Following the issuance of a special use permit pursuant to the provisions in this by-law, such permit may be amended, varied or altered only pursuant to the standards and procedures established by this article for its original approval.

ARTICLE IX. ADMINISTRATION AND ENFORCEMENT.

DIVISION 9000.0 Administration and Enforcement.

The administration and enforcement of this performance residential by-law shall occur within the framework of Section 10 of the Hopedale Zoning By-Laws, with the inclusion of Division 9001.0 through 9003.0.

Division 9001.0 Site Plan Review.

- A.** A site plan review shall be required as a precondition to the issuance of a zoning permit for a residential performance development.
- B.** The Planning Board, as the special permit granting authority, shall review all site plans subject to the procedure, standards, and limitations set forth herein, and review or disapprove said plan. No performance development shall be entitled to a zoning permit until and unless the Planning Board has approved said site plan. The Preliminary Site Plan Review is voluntary; however, as the complexity of the development increases, so does the need for a preliminary review.

Following the Preliminary Review, the Planning Board shall consult with the developer and detail unacceptable and required, but absent, elements.

A Definitive Site Plan Review Package shall be submitted to the Hopedale Planning Board in accordance with the procedures in Division 7004.0. Said site plan shall be inclusive of all plans and reports required by Division 7005.0 and 7006.0.

The fee required of the developers for definitive site plan review of performance residential developments shall be based on the intensity of the use developed on the site. A certified check for \$500.00 plus four (4) cents per square foot of living area on the site, plus an inflation factor judged by the Board to reasonable. That portion unused by the Planning Board Consultant shall be returned to the applicant.

Division 9002.0 Progressive Record Drawings.

Record drawings shall be submitted at the following critical junctures of the construction of a Performance Residential Development:

- Installation of roadway subgrade,
- Before utilities and storm drainage systems are covered,
- Before placement of roadway surface,
- After the location building foundations forms.

A final record drawing shall be compiled to show the actual as built status of the development including any changes authorized by the Board. These drawings shall be prepared and certified by the developer's engineer through the utilization of the appropriate maps in Division 7003.0 (B), and filed with the Planning Board.

Division 9003.0 Interpretations.

- A. Purpose** – To provide a simple and expeditious method for clarifying ambiguities and overcoming the rigidities and limitations inherent with ordinance constraints in the text of this by-law, the zoning map which it incorporates, and the rules and regulations adopted pursuant to it.
- B. Authority** – The Planning Board and zoning inspector, subject to the procedures, standards and limitations set forth in this division and in Section 10 in the Zoning By-Laws of Hopedale, render interpretations of any provision of this by-law or any rule or regulation issued pursuant to it.
- C. Procedure.**
- 1. Written request for non-use interpretation.** No fee shall be required in connection with any such request. Each request shall set forth the specific provision or provisions to be interpreted, the facts of the specific situation giving rise to the request for an interpretation, and the precise interpretation claimed by the applicant to be correct. Before rendering any interpretation, the Planning Board shall receive such further facts and information as are, in its judgement, necessary to a meaningful interpretation of the provision in question.

2. **Non-use interpretation.** Upon the receipt of a written request for a non-use interpretation the Planning Board shall render an interpretation within the time mutually agreeable to the Board and applicant.
 3. **Application for use interpretation.** Applications for a use interpretation shall be submitted to the Building Commissioner and shall in all instances contain at least the following information and documentation:
 - a. The applicant's name, address, and interest in the subject property.
 - b. The owner's name and address, if different from the applicant's, and the owners signed consent to the filing of the application.
 - c. The zoning classification and present use of the subject property.
 - d. A complete description of the proposed use.
 - e. Documents, statements, and other evidence demonstrating that the proposed use will comply with all the use limitations established for the district in which it is proposed to be located.
 4. **Use interpretation.** Upon receipt of the application the Building Commissioner will forward it to the Zoning Inspector, who, while under his direction, shall mail a copy of the interpretation to the applicant. This mailing shall occur within thirty (30) days of the Building Commissioners receipt of the application. The Zoning Inspector shall state the specific reasons and analysis on which such interpretation is based. The failure of the Zoning Inspector to render an interpretation within such time, or such longer period time as may be agreed to by the applicant, shall be deemed to be a rejection of the applicant's proposed interpretation
 5. **Appeal.** Appeals on interpretations rendered by the Zoning Inspector pursuant to this division may be taken to the Zoning Board of Appeals as provided by this article.
- D.** The following conditions shall govern the Zoning Inspector on use interpretations, and the Zoning Board of Appeals on appeals from the Zoning Inspector, in issuing use interpretations:
1. No use interpretation shall allow the establishment of any use which was previously considered and rejected by the Board of Appeals.

2. No interpretation shall permit any use in a particular district unless such use is substantially similar to other uses permitted in such district.
 3. Any use permitted pursuant to this division shall fully comply with all requirements and standards imposed by this by-law.
- E. Effect of a favorable use interpretation.** No use interpretation finding a particular use to be permitted or conditionally permitted in a specific district shall authorize the establishment of such use or the development, construction, reconstruction, or alteration, but shall merely authorize the preparation, filing, and processing of applications for any permits and approvals which may be required by the codes and by-laws of Hopedale or other governmental agencies having jurisdiction. These permits include, but are not limited to, zoning permits, special use permits, building permits, and occupancy permits.
- F. Limitations on favorable use interpretations.** No use interpretation finding a particular use to be permitted or conditionally permitted in a specified district shall be valid for a period longer than one (1) year from the date of issue unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion, or a certificate of occupancy is obtained and a use commenced within that period.
- G. Appeals on the ruling of the Zoning Inspector.**
1. Any appeals on the ruling of the Zoning Inspector concerning use interpretations shall be filed with the Zoning Inspector within thirty (30) days after the date of the Zoning Inspector's decision thereon.
 2. All appeals shall be made in writing and shall conform to rules and regulations adopted by the Hopedale Zoning Board of Appeals.
 3. All appeals and applications shall refer to the specific provisions of this by-law involved.

Division 9004.0 Stop Order.

A stop order shall be issued for any violation of the provisions of this By-Law in construction in deviation from approved plans; subsequent action contrary to the stated activities and uses permitted by approved plans; failure to maintain special relationships within the development; or inadequate or insufficient construction of improvements.

- A. Notice.** A Stop Order shall be issued by the Building Inspector and delivered to the owner of any property or his agent. Delivery shall be construed to include mailing of such Order to said owner and posting on the property. Copies of such Order shall be maintained by the Town.
- B. Contents.** The Stop Order shall be in writing and shall state the nature of the violation and condition under which work or use may continue. A time limit, not to exceed five (5) days, shall be permitted to allow for the necessary correction of the violation.
- C. Unlawful Continuance.** Any person who shall continue in violation of the Stop Order shall be in violation of this By-Law and shall be subject to Section 10.5 Penalties of the Hopedale Zoning By-Laws.
- D. Failure to Issue.** The failure of the Town to obtain a Stop Order for any reason whatsoever shall not be interpreted as an estoppel against the Town from pursuing any other legal remedy permitted under law.

SECTION 17: GROUND WATER PROTECTION DISTRICT

17.1 PURPOSE OF DISTRICT:

The purpose of this Groundwater Protection District is:

- 17.1(a)** to promote the health, safety, and general welfare of the community by ensuring an adequate quality and quantity of drinking water for the residents, institutions, and business of the Town of Hopedale.
- 17.1(b)** to preserve and protect existing and potential sources of drinking water supplies;
- 17.1(c)** to conserve the natural resources the Town and
- 17.1(d)** to prevent temporary and permanent contamination of the environment

17.2 SCOPE OF AUTHORITY:

The Groundwater Protection District is an overlay district superimposed on the zoning districts. This overlay district shall apply to all new construction reconstruction, or expansion of existing buildings and new or expanded uses. Applicable activities or uses in one portion of the underlying zoning districts which fall within the Groundwater Protection District must additionally comply with the requirements of this district. Uses that are prohibited in the underlying zoning districts shall not be permitted in the Groundwater Protection District.

17.3 DEFINITIONS: For the purpose of this section, the following words and phrases shall have the following meanings:

Aquifer: Geologic formation composed of rock, sand, or gravel that contains significant amounts of potentially recoverable water.

Groundwater Protection District: The zoning districts defined to overlay other zoning districts in the Town of Hopedale. The Groundwater Protection District may include specifically designated recharge areas.

Impervious Surface: Material or structure on, above, or below the ground that does not allow precipitation or surface water to penetrate directly into the soil.

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

Recharge Areas: Areas that collect precipitation or surface water and carry it to aquifers. Recharge areas may include areas designated as Zone I, Zone II or Zone III.

Toxic or Hazardous Materials: Any substance or mixture of physical, chemical, or infectious characteristics posing a significant, actual, or potential hazard to water supplies or other hazards to human health if such substance or mixture were discharged to land or water of the Town of Hopedale. Toxic or hazardous materials include, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalis, and all substances defined as Toxic or Hazardous under the Massachusetts General Laws (MGL) Chapter 21C and 21E and 310 CMR 30.00, and also include such products as solvents and thinners in quantities greater than normal household use, and Ch XXIII, section 1 & 2, Town of Hopedale Town By-Laws.

17.4 ESTABLISHMENT AND DELINEATION OF GROUNDWATER

PROTECTION DISTRICT: For the purpose of this district, there are hereby established within the Town certain groundwater protection areas, consisting of aquifers or recharge areas which are delineated on a map. This map is at a scale of 1 inch to 1,000 feet and is entitled “Groundwater Protection District, Town of Hopedale”, dated ??????. This map is hereby made a part of the town zoning and is on file in the Office of the Town Clerk.

17.5 DISTRICT BOUNDARY DISPUTES: If the location of the District boundary is relation to a particular parcel is in doubt, resolution of boundary disputes shall be through a Special Permit application to the Special Permit Granting Authority (SPGA). Any application for a special permit for this purpose shall be accompanied by adequate documentation.

The burden of proof shall be upon the owner(s) of the land in question to show where the bounds should properly be located. At the request of the owner(s), the town may engage a professional engineer (civil or sanitary), hydrologist, geologist, or soil scientist to determine more accurately the boundaries of the district with respect to individual parcels of land, and may charge the owner(s) for all or part of the cost of the investigation.

17.6 USE REGULATIONS: In the Groundwater Protection District the following regulations shall apply:

17.6(a) Permitted Uses:

The following uses are permitted within the Groundwater Protection District, provided that all necessary permits, orders, or approvals required by local, state, or federal law are also obtained:

- (1) Conservation of soil, water, plants, and wildlife;
- (2) Outdoor recreation, nature study, boating, fishing, and hunting where otherwise permitted;
- (3) Foot, bicycle and/or horse paths, and bridges;
- (4) Normal operation and maintenance of existing water bodies and dams, splash boards, and other water control, supply and conservation devices;
- (5) Maintenance, repair, and enlargement of any existing structure, subject to Section 17.6(b) (Prohibited Uses) and Section 17.6(c) (Uses and Activities Requiring a Special Permit);
- (6) Residential development, subject to Section 17.6(b) (Prohibited Uses) and Section 17.6(c) (Uses and Activities Requiring a Special Permit);
- (7) Farming, gardening, nursery, conservation, forestry, harvesting, and grazing, subject to Section 17.6(b) (Prohibited Uses), and Section 17.6(c) (Uses and Activities Requiring a Special Permit);
- (8) Construction, maintenance, repair, and enlargement of water supply related facilities such as, but not limited to, wells, pipelines, aqueducts, and tunnels.

Underground storage tanks related to these activities are not categorically permitted.

17.6(b) Prohibited Uses:

The following uses are prohibited:

- (1) Landfills and open dumps as defined in 310 CMR 19.006;
- (2) Storage of liquid petroleum products, except the following:
 - (i) Normal household use, outdoor maintenance, and heating of a structure;
 - (ii) Waste oil retention facilities required by statute, rule or regulation;
 - (iii) Emergency generators required by statute, rule or regulation;
 - (iv) Treatment works approved under 314 CMR 5.00 for treatment of ground or surface water;

provided that such storage, listed in items (i) through (iv), above, is in free-standing containers within buildings or above ground with secondary containment adequate to contain a spill the size of the container's total storage capacity;

- (3) Land filling of sludge or septage as defined in 310 CMR 32.05;
- (4) Storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31;
- (5) Individual sewage disposal systems that are designed in accordance with 310 CMR 15.00 to receive more one hundred and ten (110) gallons of sewage per quarter ($\frac{1}{4}$) acre under one (1) ownership per day, or four hundred and forty (440) gallons of sewage on any one (1) acre under one (1) ownership per day, whichever is greater, provided that:
 - (i) The replacement or repair of a system, which will not result in an increase in design capacity over the original design, or the design capacity of 310 CMR 15.00, whichever is greater, shall be exempted;

- (ii) In cluster subdivisions the total sewage flow allowed shall be calculated based on the number of percable lots in the entire parcel;
- (6) Storage of deicing chemicals unless such storage, including loading areas, is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
- (7) Storage of animal manure unless covered or contained in accordance with the specifications of the United States Soil Conservation Service;
- (8) Earth removal, consisting of the removal of soil, loam, sand, gravel, or any other earth material (including mining activities) to within six (6) feet of historical high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey, except for excavations for building foundations, roads, or utility works;
- (9) Facilities that generate, treat, store, or dispose of hazardous waste subject to MGL 21C and 310 CMR 30.000, except the following:
 - (i) Very small quantity generators as defined under 310 CMR 30.000;
 - (ii) Household hazardous waste centers and events under 310 CMR 30.390;
 - (iii) Waste oil retention facilities required by MGL Chapter 21, Section 52A;
 - (iv) Water remediation treatment works approved by DEP for the treatment of contaminated ground or surface waters;
- (10) Automobile graveyards and junkyards, as defined in MGL Chapter 140B, Section 1;
- (11) Treatment works that are subject to 314 CMR 5.00 including privately owned sewage treatment facilities, except the following:

- (i) The replacement or repair of an existing treatment works that will not result in a design capacity greater than the design capacity of the existing treatment works;
 - (ii) The replacement of existing subsurface sewage disposal system(s) with wastewater treatment works that will not result in a design capacity greater than the design capacity of the existing system(s);
 - (iii) Treatment works approved by the Massachusetts Department of Environmental Protection designed for the treatment of contaminated groundwater;
 - (iv) Sewage treatment facilities in those areas with existing water quality problems when it has been demonstrated to the Department of Environmental Protection's and the Special Permit Granting Authority's satisfaction both that these problems are attributable to current septic problems and that there will be a net improvement in water quality;
- (12) Storage of hazardous materials, as defined in MGL Chapter 21E, unless in a free standing container within a building or above ground with adequate secondary containment adequate to contain a spill the size of the container's total storage capacity;
- (13) Industrial and commercial uses which discharge process waste water on-site;
- (14) Stockpiling and disposal of snow and ice containing deicing chemicals if brought in from outside the district;
- (15) Storage of commercial fertilizers, as defined in MGL Chapter 128, Section 64, unless such storage is within a structure designated to prevent the generation and escape of contaminated runoff or leachate;
- (16) The use of septic system cleaners which contain toxic or hazardous chemicals;

17.6(c) Uses and Activities Requiring a Special Permit:

The following uses and activities are permitted only upon the issuance of a Special Permit by the Special Permit Granting Authority (SPGA) under such conditions as they may require:

- (1) Enlargement or alteration of existing uses that do not conform to the Groundwater Protection District;
- (2) The application of pesticides, including herbicides, insecticides, fungicides, and rodenticides for non-domestic or nonagricultural uses in accordance with state and federal standards. The special permit shall be granted if such standards are met. If applicable, the applicant should provide documentation of compliance with a Yearly Operating Plan (YOP) for vegetation management operations under 333 CMR 11.00 or a Department of Food and Agriculture approved Pesticide Management Plan or Integrated Pest Management (IPM) program under 333 CMR 12.00;
- (3) The application of fertilizers for non-domestic or non-agricultural uses. Such applications shall be made in a manner so as to minimize adverse impacts on groundwater due to nutrient transport, deposition and sedimentation;
- (4) Those activities that involve the handling of toxic or hazardous materials in quantities greater than those associated with normal household use, permitted in the underlying zoning (except as prohibited under Section 17.6(b) (Prohibited Uses). Such activities shall require a special permit to prevent contamination of groundwater;
- (5) The construction of dams or other water control devices, ponds, pools, or other changes in water bodies or courses, created for swimming, fishing, or other recreational uses, agricultural uses, or drainage improvements. Such activities shall not adversely affect water quality or quantity;
- (6) Any use that will render impervious more than fifteen (15) percent or two thousand and five hundred (2,500) square feet of any lot, whichever is greater. A system for groundwater recharge must be provided which does not degrade groundwater quality. For non-residential uses, recharge shall be by storm water infiltration basins or similar systems covered with natural vegetation, and dry wells shall be used only where other methods are infeasible. For

all non-residential uses, all such basins and wells shall be preceded by oil, grease, and sediment traps to facilitate removal of contamination. Any and all recharge areas shall be permanently maintained in full working order by the owner.

17.7 PROCEDURES FOR ISSUANCE OF SPECIAL PERMIT:

- 17.7(a)** The Special Permit Authority, under this by-law shall be the Zoning Board of Appeals. Such special permit shall be granted if the SPGA determines, in conjunction with Board of Health, the Conservation Commission, Department of Public Works, and Planning Board that the intent of this by-law, as well as its specific criteria, are met. The SPGA shall not grant a special permit under this section unless the petitioner's application materials include, in the SPGA's opinion, sufficiently detailed, definite, and credible information to support positive findings in relation to the standards given in this section. The SPGA shall document basis for any departures from the recommendations of the other town boards or agencies in its decision.
- 17.7(b)** Upon receipt of the special permit application, the SPGA shall transmit one (1) copy to the Planning Board, Board of Health, the Conservation Commission, and Department of Public Works for their written recommendations. Failure to respond in writing within thirty-five (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.
- 17.7(c)** The SPGA may grant the required special permit only upon finding that the proposed use meets the following standards, those specified in Section 17.6 (USE REGULATIONS) of this by-law, and any regulations or guidelines adopted by the SPGA.

The proposal use must:

- (1) In no way, during construction or thereafter, adversely affect the existing or potential quality or quantity of water that is available in the Groundwater Protection District, and
- (2) Be designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site to be developed.

17.7(d) The SPGA may adopt regulations to govern design features of projects. Such regulations shall be consistent with subdivision regulations adopted by the municipality,

17.7(e) The applicant shall file four (4) copies of a site plan and attachments. The site plan shall be drawn at a proper scale as determined by the SPGA and be stamped by a professional engineer. All additional submittals shall be prepared by qualified professionals. The site plan and its attachments shall at a minimum include the following information where pertinent:

- (1)** A complete list of chemicals, pesticides, herbicides, fertilizers, fuels, and other potentially hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use;
- (2)** For those activities using or storing such hazardous materials, a hazardous materials management plan shall be prepared and filed with the Hazardous Materials Coordinator, Fire Chief, and Board of Health. The plan shall include:
 - (i)** Provisions to protect against the discharge of hazardous materials or wastes to the environment due to spillage, accidental damage, corrosion, leakage, or vandalism, including spill containment and clean-up procedures;
 - (ii)** Provisions for indoor, secured storage of hazardous materials and wastes with impervious floor surfaces;
 - (iii)** Evidence of compliance with the Regulations of the Massachusetts Hazardous Waste Management Act 310 CMR 30, including obtaining an EPA identification, number from the Massachusetts Department of Environmental Protection.
- (3)** Proposed down-gradient location(s) for groundwater monitoring well(s), should the SPGA deem the activity a potential groundwater threat.

- 17.7(f)** The SPGA shall hold a hearing, in conformity with the provision of MGL Chapter 40A, Section 9, within sixty-five (65) days after the filing of the application and after the review by the Town Boards, Departments, and Commissions.

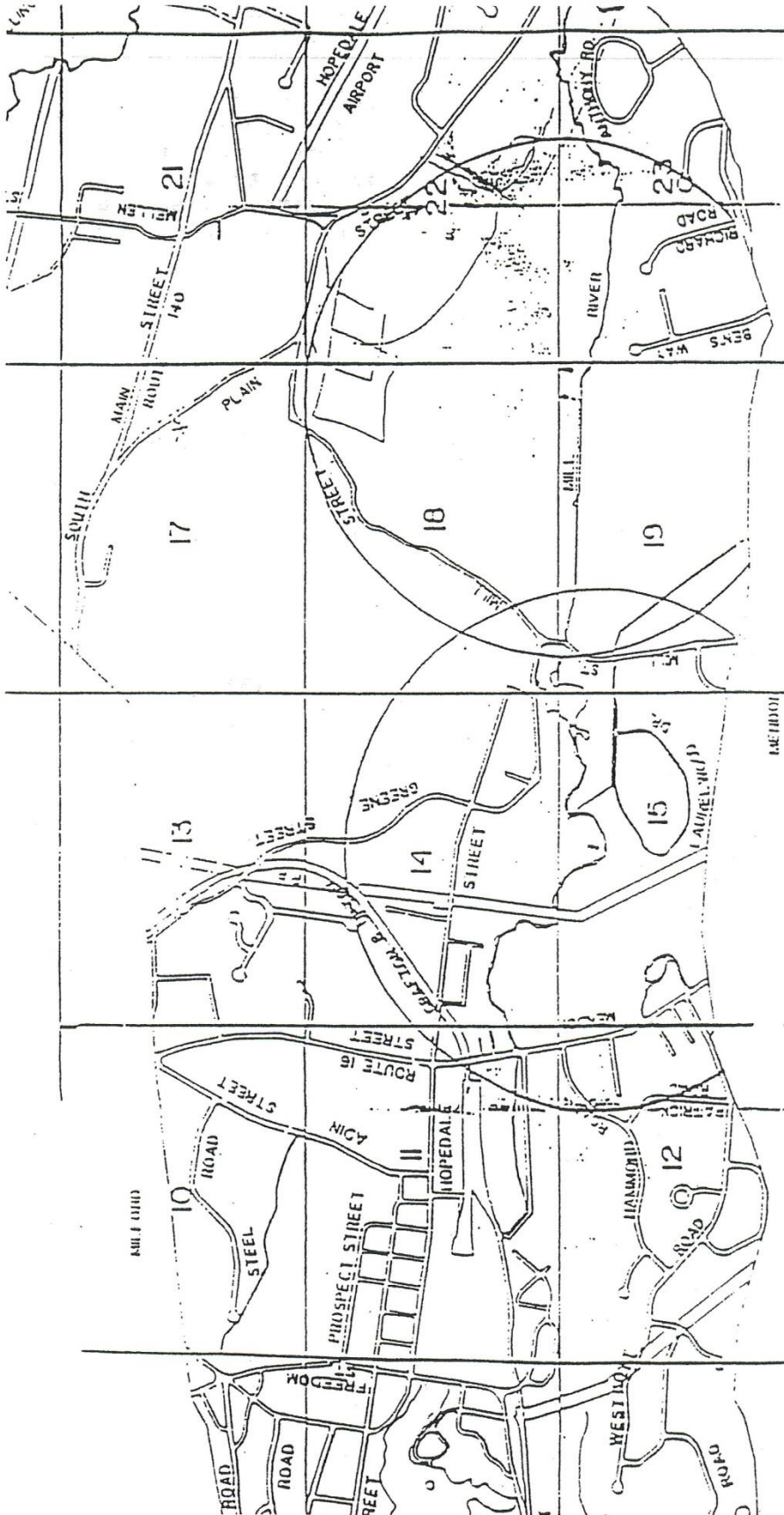
Notice of the public hearing shall be given by publication and posting and by first-class mailings to "parties in interest" as defined in MGL Chapter 40A, Section 11. The decision of the SPGA and any extension, modification, or renewal thereof shall be filed with the SPGA and Town Clerk within ninety (90) days following the closing of the public hearing. Failure of the SPGA to act within ninety (90) days shall be deemed as a granting of the permit. However, no work shall commence until a certification is recorded as required by said MGL Chapter 40A, Section 11.

- 17.7(g)** Written notice of any violations of this Ordinance shall be given by the Building Inspector to the responsible person as soon as possible after detection of a violation or a continuing violation. Notice to the assessed owner of the property shall be deemed notice to the responsible person. Such notice shall specify the requirement or restriction violated and the nature of the violation, and may also identify the actions necessary to remove or remedy the violations and preventive measures required for avoiding future violations and a schedule of compliance. A copy of such notice shall be submitted to the Board of Health, Conservation Commission, Department of Public Works, and Water Department. The cost of containment, clean up, or other action of compliance shall be borne by the owner and operator of the premises.

For situations that require remedial action to prevent adverse impact to the water resources within the Groundwater Protection District, the Town of Hopedale, the Building Inspector, the Board of Health, or any of their agents may order the owner or operator of the premises to remedy the violation. If said owner and/or operator does not comply with said order, the Town of Hopedale, the Building Inspector, the Board of Health, or any of their agents, if authorized to enter upon such premises under the terms of the special permit or otherwise, may act to remedy the violation. The remediation cost shall be the responsibility of the owner and operator of the premises.

17.8 SEVERABILITY:

A determination that any portion or provision of this overlay protection district is invalid shall not invalidate any other portion or provision thereof, nor shall it invalidate any special permit previously issued thereunder.



17-1

SECTION 18: SITE PLAN REVIEW

18.1 PURPOSE:

The purpose of this section is to provide for a comprehensive review of site plans for those uses and structures that may have a significant impact on adjacent properties, the Town's character, infrastructure, environment and quality of life.

18.2 USES REQUIRING SITE PLAN REVIEW:

The site plan review provisions shall apply to the following types of structures and uses (excluding subdivisions for detached single-family dwellings and any public buildings or uses of the Town of Hopedale:

- 18.2(a)** Any new structure, or group of structures under the same ownership on the same lot or contiguous lots, with at least six thousand (6,000) square feet of gross floor area or requiring the provision of ten (10) or more parking spaces.
- 18.2(b)** Any improvement, alternation, or change in use which either results in an increase of at least six thousand (6,000) square feet of gross floor area or results in a total of ten (10) or more parking spaces.
- 18.2(c)** Any use for which site plan review is specifically required by other provisions of this By-Law.

18.3 SITE PLAN REVIEW PROCEDURE:

- 18.3(a) Filing:** An applicant for site plan review shall obtain and complete a "Subdivision/Site Plan Review Distribution Form" from the Town Clerk prior to submission of the plan. The applicant shall file with the Planning Board, at a regularly scheduled meeting, the "Subdivision/Site Plan Review Distribution Form", ten (10) copies of the site plan and any supporting information. Plans shall be submitted on a material approved by the Commonwealth of Massachusetts, with a minimum of one (1) copy submitted on translucent Mylar.
- 18.3(b) Submission Requirements:** Site plans shall be prepared by a registered professional engineer, registered architect or registered landscape architect and shall have an accuracy meeting or exceeding the standards for a "Class A-2 Survey" as defined by the Commonwealth of Massachusetts. Plans shall be prepared on standard 36" x 24", 24" x 18" or 18" x 12" sheets and at a scale of 1" = 40' (or other scale previously approved by the Planning Board). All plans shall be prepared in the

Massachusetts Mainland State Plane Coordinate System and the 1983 North American Datum (NAD83) and shall contain the following information:

- (1)** Name of the project, property boundaries, location map, north arrow and scale, and the name and address of the owner and registered engineer, architect or landscape architect who prepared the plan.
- (2)** The location of all existing and proposed building and structures within the development including dimensions, height and floor area.
- (3)** The zoning district of the site and the required zoning setback lines on the property.
- (4)** The location of all existing and proposed roads, railroads, driveways, parking and loading areas, sidewalks, fences and walls: and the number of parking and loading spaces provided.
- (5)** The location, height, size, and design of all proposed signage and lighting fixtures.
- (6)** Proposed landscaping, including the size and type of plant material.
- (7)** The location of existing and proposed utility systems, including water supply, sewer or septic system, storm drainage system and other utilities.
- (8)** Existing and proposed topography at two (2) foot contour intervals, including natural features, water sources, wetlands and the 100-year flood plain.
- (9)** The location where earth removal or filling is proposed and the volume of material to be removed.
- (10)** Elevations for all exterior facades of the proposed structure including the type and color of materials to be used.
- (11)** Plans shall include meets and bounds of all perimeter information in feet, with Massachusetts Mainland State Plane Coordinate System coordinates indicated at a minimum of four (4) points distributed on the perimeter, and the proposed layout and

boundaries of all lots or parts into which a parcel and/or parcels is to be subdivided.

- (12) All lot lines, easements and street information associated with the proposed plan shall be submitted in a digital format on CD-ROM media in either AutoCAD DWG format, ESRI Shapefile format or ArcInfo format. Applicant shall contact the Town's GIS operator and/or consultant, via the Town Coordinator, to determine versions in use or for additional assistance in preparation of the required information or take any other action related thereto.

18.3(c) Plan Review: The Planning Board shall refer copies of the site plan to the Board of Health, Conservation Commission, Building Commissioner, Water Department, Sewer Department, Highway Superintendent, and other boards or officials as deemed necessary. These parties shall have thirty (30) days in which to review and comment on the plan. Failure to submit written comments within thirty (30) days shall be interpreted as lack of opposition to the approval of the site plan.

18.3(d) Review Fees: The Planning Board is authorized to retain a professional engineer, architect, landscape architect or other professional consultant to advise the Board on any and all aspects of the site plan. The fee shall be paid by the applicant at the time of plan submission. The Planning Board shall adopt a fee schedule which accurately reflects the cost of reviewing site plans and regulations regarding the use of outside consultants.

18.3(e) Decision: The Planning Board shall deliver its written decision to the Building Commissioner within sixty (60) days of the receipt of the site plan application. This time limit may be extended by written agreement between the applicant and the Planning board. Failure of the Planning Board to take final action within sixty (60) days, or extended time, shall be deemed to be approval of the application. The Planning Board's final action shall consist of either:

- (1) Disapproval of the site plan if the applicant fails to furnish adequate information required by this By-Law:
- (2) Approval of the site plan subject to any conditions, modifications and restrictions as required by the Planning Board which will insure that the site plan meets the standards of this By-Law; or

- (3) Disapproval of the site plan, in extreme circumstances where, despite best efforts, no form of reasonable conditions can be devised to satisfy problems with the plan

18.4 USES ALSO REQUIRING A SPECIAL PERMIT FROM THE BOARD OF APPEALS:

In cases where a development requires site plan review by the Planning Board and a special permit from the Board of Appeals, the applicant shall file site plan and special permit applications concurrently with the appropriate Board. Application and public hearing fees shall be paid to the Board of Appeals and plan review fees shall be paid to the Planning Board. The Planning Board shall review and take action on the site plan and shall submit a report with recommendations to the Board of Appeals within forty-five (45) days of the receipt of the application. The Board of Appeals shall incorporate the Planning Board's recommendations and conditions in its special permit decision, or shall state in the decision the reasons why such recommendations or conditions were not followed.

18.5 STANDARDS FOR APPROVAL:

The following standards shall be used by the Planning Board in reviewing all applications for site plan approval.

- 18.5(a)** Conformance with all the provisions of the Hopedale Zoning By-Laws;
- 18.5(b)** Provisions for convenient and safe vehicular and pedestrian movement within the site, for driveway openings that are convenient and safe in relation to the adjacent street network, and for adequate emergency vehicle access;
- 18.5(c)** Provisions for adequate parking and loading spaces, and site design that minimizes visual intrusion of these areas from public ways;
- 18.5(d)** Landscaping measures taken to screen the appearance of off-street parking areas from abutting properties and to create visual and noise buffers that minimize the encroachment of the proposed use on neighboring land uses;
- 18.5(e)** Adequate provision for controlling surface water runoff to minimize impacts on neighboring properties and streets and to prevent soil erosion and sedimentation of the Town's surface waters;

- 18.5(f)** Measures taken to minimize contamination of ground water from sewage disposal and operations involving the use, storage, handling, or containment of hazardous substances;
- 18.5(g)** Protection of adjoining property or the Town from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, glare, etc.
- 18.5(h)** Conformance and compatibility of the site plan design with structures listed in the State Register of Historic Places.

18.6 SITE PLAN CONDITIONS :

The Planning Board may impose conditions, safeguards and limitations on time and operations as may be appropriate for the protection of the natural environment, the neighborhood, and the Town. Such conditions shall be imposed in writing in the site plan approval decision and shall be enforced by the Building Commissioner. The applicant may be required to post a bond or other security in an amount satisfactory to the Planning Board for compliance with these conditions.

SECTION 19: ADULT RETIREMENT COMMUNITY

19.1 PURPOSE: The purposes of this section are:

- 19.1(a)** To provide an alternative housing opportunity for persons fifty-five (55) years of age and older;
- 19.1(b)** To provide an attractive and suitable residential environment that is more amenable to the needs of people in their later years;
- 19.1(c)** To encourage creative and innovative site planning and design, in order to enhance the attractiveness and suitability of this alternative housing type, and to better meet the specific housing needs of this segment of the population;
- 19.1(d)** To encourage the preservation of common land for open space and recreational use by promoting the highest and best utilization of land in harmony with its natural features.

19.2 LOCATION: For the purposes of this Section, an Adult Retirement Community District shall be created as set forth in Section 19.5(a).

19.3 DEFINITIONS: For the purposes of this Section only, certain terms, words and phrases are herein defined as follows:

19.3(a) ADULT RETIREMENT COMMUNITY (ARC) A self-contained alternative residential community constructed expressly for and specifically limited to use and residency by at least one (1) person per unit who has achieved a minimum age requirement for residency of at least fifty-five (55) years. In the event of the death of the qualifying owner/occupant(s) of a senior residential dwelling unit, foreclosure or other involuntary transfer such as by a Court Order of a senior residential dwelling unit which creates a disqualifying transfer, a two (2) year exemption shall be allowed for the transfer of the unit to another eligible household. Such developments shall comply in all respects to the requirements of MGL Chapter 151B, as it may be amended.

19.3(b) COMMUNITY FACILITY(IES) Developed common areas, constructed solely for the use of the residents of the ARC and their guests. The Community Facility(ies) may include buildings housing activities and amenities such as game room, entertainment room, sewing room, library, kitchen, laundry facilities, exercise room, toilet facilities, locker rooms for men and women, etc. Facility(ies) may also include outdoor activities and amenities such as swimming pools, gardens, paths,

and walkways, putting greens, tennis courts and the like. All Community Facility(ies) shall be designed and maintained in conformance with the latest Massachusetts standards for handicap accessibility.

19.4 PERMITTED USES: The use of land in an ARC District shall be limited to residential uses, whether single-family or multi-family in nature and those accessory uses presently allowed in all residential zones within the Town of Hopedale. No use of such property as an ARC shall be made unless a Special Permit has been granted by the Planning Board, pursuant to the criteria for Special Permits as hereinafter set forth in this Section and pursuant to guidelines set forth in M.G.L. Chapter 40A Section 9.

19.5 ADULT RETIREMENT COMMUNITY GENERAL STANDARDS:

19.5(a) Minimum Lot Size: Each lot or contiguous lots upon which an ARC may be built shall be a minimum of ten (10) upland acres, provided that all of the land used as an ARC has been designated as an ARC District by way of re-zoning.

19.5(b) Density Regulation: No more than four (4) dwelling units, including the garages, whether attached or detached, appurtenant thereto shall be permitted for each acre of land which is made part of the application. Sixteen (16%) percent of the units built in each acre shall be designated as and deed restricted in perpetuity as affordable units. When there is a fractional composition of an acre included within the proposal, the first unit shall be designated as an affordable unit. The affordable units shall be priced, sold and deeded in perpetuity, pursuant to the guidelines set forth by the U.S. Department of Housing and Urban Development including units listed under Massachusetts General Law, Chapter 40B, Sections 20-23 and/or the Commonwealth's Local Initiative Program (LIP). The qualified affordable housing unit purchaser or tenant is an individual or family with income that does not exceed eighty (80%) percent of the median income, with adjustments for household size, as reported by the most recent information from the United States Department of Housing and Urban Development (HUD) and/or the Massachusetts Department of Housing and Community Development (DHCD). To the extent permissible under M.G.L. preference shall be first given to Hopedale residents on affordable units.

19.5(c) Restriction on Bedrooms: No dwelling unit in an ARC shall have more than two (2) bedrooms.

19.5(d) Minimum Living Area per Unit: No dwelling unit in the ARC shall have less than eight hundred square feet (800 sq. ft.) of living area above and exclusive of any basement.

19.5(e) Height Restrictions and Set Backs:

- (1) No building in the ARC except a building which predates this section of the by-law, shall be more than thirty-eight (38') feet in height, exclusive of the basement.
- (2) Each building in the ARC shall face either upon an existing street or upon a private way constructed within said ARC and shall have a minimum front yard of not less than twenty-five (25') feet from the edge of the paved way to the closest point of the structure, and a side yard of not less than twenty-five (25') feet from the edge of the paved way to the closest point of the structure. Each building, whether principal or accessory, shall be at least twenty-five (25') feet distant from any other building by air line distance between the nearest points of the buildings.
- (3) No part of any principal building in the ARC shall be less than one hundred (100') feet from any exterior lot line, or less than one hundred (100') feet from the side of any pre-existing public way.

19.5(f) Minimum Frontage Requirements: Each ARC shall have a minimum of fifty (50') feet of frontage on a public way.

19.5(g) Maximum Lot Coverage: The total area of a site covered by Building footprint (dwellings and all other structures) and pavement (other than areas paved for recreation such as tennis courts and the like) shall not exceed thirty-five (35%) percent. The Open Space cannot be exclusively wetlands and no wetland area can be greater than twenty (20%) percent of the designated sixty-five (65%) percent open space.

19.5(h) Access to Open Space and Common Land: Each dwelling within the ARC shall have access to all common land within the ARC, provided however that nothing contained herein shall limit the Applicant from designating certain limited common areas for the creation of dedicated parking, decks, patios or amenities which are appurtenant to a specific dwelling unit.

19.5(i) Ownership of Common Land or Open Space: All common or open space land hereunder shall be owned by a Condominium Association or entity whose membership includes the owners of all units contained in the ARC. The developer shall include in the deed to owners of individual dwelling units beneficial rights in said common land, and shall grant a separate conservation restriction to the Town of Hopedale, satisfactory to the Hopedale Conservation Commission and the Planning Board, over

such land pursuant to Chapter 184, Sections 31 - 33, General Laws, to insure its perpetual use for those purposes approved by the Condominium Association or entity.

19.5(j) Construction of Roads and Improvements and Ownership Thereof:

- (1) All roadways, utilities and improvements shall be owned in perpetuity by the Condominium Association or entity whose membership includes the owners of all units contained in the ARC and shall not be deeded or maintained by the Town of Hopedale.
- (2) Roads and driveways within the development shall meet such width, grades and construction standards as the Planning Board shall determine, based upon the standards provided in the regulations governing subdivisions, as the same may be waived or modified by the Planning Board to meet site conditions and design requirements.
- (3) Utilities, including sewer, water, electric, cable and gas shall be installed underground.
- (4) As a condition of approval, the Planning Board may require the installation of one sidewalk.

19.5(k) Off Street Parking: Each dwelling unit in the ARC shall be required to provide a minimum of two (2) spaces, one (1) of which may be outside a garage, provided however that any outside space shall be within one hundred (100') feet of the dwelling unit. Each dwelling unit shall have a minimum of one (1) space in a garage, and the garage may be attached to the unit or detached, if detached from a unit, no more than four (4) single car garages shall be joined together, provided however that any detached garage shall be located within one hundred (100') feet of the dwelling unit. In addition to the requirement of two (2) spaces per dwelling unit, there shall be one (1) additional space for each three (3) dwelling units built; these added spaces shall be equally dispersed on the site. The Planning Board may, as a condition of the Special Permit, require the Applicant to provide additional off-street parking areas.

19.5(l) Building Styles: All dwelling units in the ARC may be detached or attached and if attached only along sidewalls or by garages which are attached to a specific dwelling in the so-called townhouse (4) unit, triplex (3) unit or duplex (2) unit style. No more than four (4) dwelling units may be attached.

19.5(m) Landscaping: The site shall be preserved and enhanced by retaining and protecting trees, shrubs, ground cover, stone walls and other site features. No disturbance to these features shall occur within fifty (50') feet of the perimeter boundary of the site, except that the access road(s) to the development, from the point of intersection at an existing public way, shall be exempt from this requirement as shall be easements necessary for utility connections.

19.5(n) Administration:

(1) Application Procedures - To file an application for a Special Permit for an ARC dwelling unit or development, a party entitled to do so shall file an application complying with the Rules and Regulations of the Planning Board for Site Plan Review submittals. In addition, the following design and other documents shall be made a part of every such application with each site plan, architectural drawing, and statement required hereunder to be prepared by professionally trained and registered persons who are qualified by both education and experience to prepare the particular plan, drawing or statement involved.

(i) Architectural drawings including floor plans of dwelling units, overall building plans sections, elevations and construction details. This shall be supplemented by architectural renderings of proposed finished buildings and surroundings.

(ii) Written statement of proposal to include:

(ii.a) A description of the number of parking spaces to be provided, the size and use of the facilities, including conveniences, to be constructed and the structural system to be employed;

(ii.b) Computations showing the percentage of building area per lot area and stating the floor area of the planned dwelling units;

(ii.c) An impact statement or statements depicting the projected effect of the proposed development in relation to the Intent and Objectives previously set forth herein and the suitability of the soils to accommodate sewage disposal systems shall be furnished by engineers, hydrologists and other parties as appropriate, all of whom shall be

- (iii)** Adequate and appropriate facilities (e.g. parking and recreation) have been provided.
- (iv)** The development includes appropriate measures to control and mitigate drainage and traffic impacts.
- (v)** The development will not have a negative impact upon Town services,
- (vi)** Exterior design and layout is in harmony with the character of the surrounding properties and the Town,
- (vii)** The Development does not have a detrimental impact on the neighborhood or the natural environment and is in harmony with the long-range plan of the Town.

SECTION 20: REVISIONS

The Zoning By-laws of the Town of Hopedale, Massachusetts are published in accordance with the provisions of Section 32, Chapter 40 of the General Laws of Massachusetts.

The Zoning By-laws contained herein supersede all existing By-laws of the Town of Hopedale.

Original Zoning By-laws Accepted: Special Town Meeting
June 11, 1973

Approved By: Attorney General Robert H. Quinn
November 16, 1973

Posted By: Town Clerk Mortimer C. Dennett
December 26, 1973

Amended Zoning By-laws Accepted: Special Town Meeting
June 20, 1995

Approved By: Attorney General Scott Harshbarger
October 13, 1995

Posted By: Town Clerk Barbara H. Kochon
October 31, 1995

SECTION 21: WARRANTS

Special Town Meeting Warrant 10/21/03

ARTICLE 3: Geographic Information System (GIS) To see if the Town will vote to amend the Zoning Bylaw, Section 18, paragraphs (a) and (b) and Subsection 18.3 as follows: Delete paragraphs (a) and (b) under the above referenced Section and Subsection and replace with the following:

(a) Filing: An applicant for site plan review shall obtain and complete a "Subdivision/Site Plan Review Distribution Form" from the Town Clerk prior to submission of the plan. The applicant shall file with the Planning Board, at a regularly scheduled meeting, the "Subdivision/Site Plan Review Distribution Form", ten (10) copies of the site plan and any supporting information. Plans shall be submitted on a material approved by the Commonwealth of Massachusetts, with a minimum of one (1) copy submitted on translucent mylar.

(b) Submission Requirements: Site plans shall be prepared by a registered professional engineer, registered architect or registered landscape architect and shall have an accuracy meeting or exceeding the standards for a "Class A-2 Survey" as defined by the Commonwealth of Massachusetts. Plans shall be prepared on standard 36" x 24", 24" x 18" or 18" x 12" sheets and at a scale of 1" = 40' (or another scale previously approved by the Planning Board). All plans shall be prepared in the Massachusetts Mainland State Plane Coordinate System and the 1983 North American Datum (NAD83) and shall contain the following information."

Add the following Subparagraphs under the Paragraph (b) of the above referenced Section and Subsection:

(11) Plans shall include meets and bounds of all perimeter information in feet, with Massachusetts Mainland State Plane Coordinate System coordinates indicated at a minimum of four (4) points distributed on the perimeter, and the proposed layout and boundaries of all lots or parts into which a parcel and/or parcels is to be subdivided.

(12) All lot lines, easements and street information associated with the proposed plan shall be submitted in a digital format on CD-ROM media in either AutoCAD DWG format, ESRI Shapefile format or ArcInfo format. Applicant shall contact the Town's GIS operator and/or consultant, via the Town Coordinator, to determine versions in use or for additional assistance in preparation of the required information or take any other action related thereto.

APPROVED

~~**ARTICLE 4:** To see if the Town will vote to amend the Zoning By-Laws, Section 2, by adding the following new sub-section 2.29A after sub-section 2.29:~~

~~"2.29A Lot Shape Factor/Residential Districts: To meet the minimum area requirements in Residential Districts, a lot must be a closed plot of land having a definite area and perimeter and having a Lot Shape Factor not exceeding the numerical value of 22 in the RA, RA-1, RA-2, RB, RP-1 and RC Districts, except that a lot may have a shape factor exceeding said numerical value if the proposed building site is located on a portion of a lot that itself meets the minimum lot area requirement and has a shape factor not exceeding said numerical value and such lots shall not be created to a depth greater than two (2) lots from the principal way. The Lot Shape Factor shall be the numerical value resulting from: (a) division of the square of the perimeter in feet of a lot by the area in square feet thereof; or (b) division of the square of the perimeter in feet of that portion of a lot intended as the site for building by the area in square feet thereof." or take any other action related thereto.~~

APPROVED

Special Town Meeting Warrant (continued) 10/21/2003

ARTICLE 5: To see if the Town will vote to amend the Zoning By-Laws, Section 2, by adding the following new sub-section 2.28A after sub-section 2.28: "2.28A Lot Width [Added __ (date by Bylaw Amendment) __]"

A. The lot width is the diameter of the required circle, placed between side lot lines and tangential to the frontage of a given lot. The required circle shall be entirely contained within the lot's perimeter.

B. No building or structure shall be constructed on a lot having less width than the required lot width specified in the Schedule of Lot Area, Frontage, Yard and Height Requirements, Section 13 TABLE OF REGULATIONS, for the district in which said lot is located.

C. The following properties are specifically exempt from this definition:

(1) Lots, buildings and structures which are exempt from the provisions of this definition under the provisions of MGL c. 40 §6; and

(2) Any lot shown on a plan recorded with the Registry of Deeds or filed with the Land Court prior to the effective date of the bylaw amendment that added this definition.

D. Any lot improved with a building prior to the effective date of the zoning bylaw amendment that added this definition which does not conform to the provisions of this definition because such lot's width was not regulated shall be deemed to comply with the provisions of this definition and shall not be deemed to be prior nonconforming" or take any other action related thereto.

APPROVED

ARTICLE 6: To see if the Town will vote to amend the Zoning By-Laws, Section 13 by adding the following "Lot Width and Lot Shape Factor Schedule" to the Table of Regulations contained therein:

	RA	RA-1	RA-2	RB	RP-1	RC	GB	C	I	LI	HMF
Lot Width (Minimum circle diameter)(j)	45	90	36	135	135	90	90	135	135	90	360
Lot Shape Factor(k)	22	22	22	22	22	22	-	-	-	-	-

and by adding the following new footnotes 13.1(j) and (k) thereto after footnote 13.1(i): "13.1 (j) Minimum circle diameter is equal to ninety percent of minimum lot frontage. Refer to 2.28A.

13.1 (k) Lot shape factor shall not exceed the numerical value listed. Refer to 2.29A." or take any other action related thereto.

APPROVED



Planning Board

74 Hopedale Street
Hopedale, MA 01747

Annual Town Meeting
Approved June 21, 2005

"2.29A Lot Shape Factor/Residential Districts: To meet the minimum area requirements in Residential Districts, a lot must be a closed plot of land having a definite area and perimeter and having a Lot Shape Factor not exceeding the numerical value of 22 in the RA, RA-1, RA-2, RB, RP-1, RC and ARC Districts, and such lots shall not be created to a depth greater than two (2) lots from the principal way. The Lot Shape Factor shall be the numerical value resulting from a division of the square of the perimeter in feet of a lot by the area in square feet thereof.



Planning Board
74 Hopedale Street
Hopedale, MA 01747

**Special Town Meeting - 7PM
Hopedale Jr-Sr High School Auditorium
December 13, 2005**

Article 2:

- **Amend the minimum Lot Area (RES) (sq. ft.) for RA from 10,000 to 15,000.**
- **Amend the Minimum Lot Frontage (ft.) for RA from 50' to 125'.**
- **Amend the distance for Building Line for RA from 50' to 125'.**

Approved

Chapter 14 APPEALS BOARD

§ 14-1. Establishment; membership; appointment; terms of office; vacancies.

§ 14-2. Officers.

§ 14-3. Issuance of building permits.

[HISTORY: Adopted 3-3-1958 ATM, Art. 20 (Ch. XII of the Former Bylaws); readopted 4-9-2002 STM, Art. 3. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Planning Board — See Ch. 142.

Zoning — See Ch. 375.

§ 14-1. Establishment; membership; appointment; terms of office; vacancies.

- A. There shall be a Board of Appeals consisting of three members to be appointed by the Board of Selectmen. Promptly after this bylaw shall go into effect, the Board of Selectmen shall appoint from the registered voters of the Town, one member of said Board of Appeals to serve for the remainder of the present municipal year, one to serve until the expiration of the following municipal year, and each year thereafter, the Board of Selectmen, promptly after their election, shall appoint from said voters one member of said Board of Appeals to serve for three years.
- B. The Board of Selectmen shall fill by appointment vacancies in the Board of Appeals at any time occurring by reason of death, resignation or from other cause.

§14-2. Officers.

The Board shall organize each year by the selection of a Chairman and a Clerk. The Clerk shall keep records of doings of the Board.

§ 14-3. Issuance of building permits.

The Board shall have jurisdiction to issue building permits in accordance with MGL c. 41, § 81-Z.

AMENDED Special Town Meeting 6-21-2005

ARTICLE 18: I move to amend the Hopedale Zoning By-Laws by adding a new Section, this shall be Section 19 (nineteen), and shall read as follows:

SECTION 19: ADULT RETIREMENT COMMUNITY

19.1 PURPOSE The purposes of this section are:

- 19.1 (a) To provide an alternative housing opportunity for persons 55 years of age and older;
- 19.1(b) To provide an attractive and suitable residential environment that is more amenable to the needs of people in their later years;
- 19.1(c) To encourage creative and innovative site planning and design, in order to enhance the attractiveness and suitability of this alternative housing type, and to better meet the specific housing needs of this segment of the population;
- 19.1(d) To encourage the preservation of common land for open space and recreational use by promoting the highest and best utilization of land in harmony with its natural features.

19.2 LOCATION For the purposes of this Section, an Adult Retirement Community District shall be created as set forth in section 19.5a.

19.3 DEFINITIONS For the purposes of this Section only, certain terms, words and phrases are herein defined as follows:

19.3.a ADULT RETIREMENT COMMUNITY (ARC) A self-contained alternative residential community constructed expressly for and specifically limited to use and residency by at least one person per unit who has achieved a minimum age requirement for residency of at least fifty-five (55) years. In the event of the death of the qualifying owner/occupant(s) of a senior residential dwelling unit, foreclosure or other involuntary transfer such as by a Court Order of a senior residential dwelling unit which creates a disqualifying transfer, a two (2) year exemption shall be allowed for the transfer of the unit to another eligible household. Such developments shall comply in all respects to the requirements of MGL Chapter 15IB, as it may be amended.

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

19.4 PERMITTED USES The use of land in an ARC District shall be limited to residential uses, whether single-family or multi-family in nature and those accessory uses presently allowed in all residential zones within the Town of

Hopedale. No use of such property as an ARC shall be made unless a Special Permit has been granted by the Planning Board, pursuant to the criteria for Special Permits as hereinafter set forth in this Section and pursuant to guidelines set forth in M.G.L. Chapter 40A Section 9.

19.5 ADULT RETIREMENT COMMUNITY GENERAL STANDARDS

19.5.a Minimum Lot Size: Each lot or contiguous lots upon which an ARC may be built shall be a minimum of ten (10) upland acres, provided that all of the land used as an ARC has been designated as an ARC District by way of re-zoning.

19.5.b Density Regulation: No more than four (4) dwelling units, including the garages, whether attached or detached, appurtenant thereto shall be permitted for each acre of land which is made part of the application. Sixteen (16%) percent of the units built in each acre shall be designated as and deed restricted in perpetuity as affordable units. When there is a fractional composition of an acre included within the proposal, the first unit shall be designated as an affordable unit. The affordable units shall be priced, sold and deeded in perpetuity, pursuant to the guidelines set forth by the U.S. Department of Housing and Urban Development including units listed under Massachusetts General Law, Chapter 40B, Sections 20-23 and/or the Commonwealth's Local Initiative Program (LIP). The qualified affordable housing unit purchaser or tenant is an individual or family with income that does not exceed 80% of the median income, with adjustments for household size, as reported by the most recent information from the United States Department of Housing and Urban Development (HUD) and/or the Massachusetts Department of Housing and Community Development (DHCD). To the extent permissible under M.G.L. preference shall be first given to Hopedale residents on affordable units.

19.5.c Restriction on Bedrooms: No dwelling unit in an ARC shall have more than two (2) bedrooms.

19.5.d Minimum Living Area per Unit: No dwelling unit in the ARC shall have less than eight hundred square feet (800 sq. ft.) of living area above and exclusive of any basement.

19.5.e Height Restrictions and Set Backs:

19.5.e.1 No building in the ARC except a building which predates this section of the bylaw, shall be more than thirty-eight (38') feet in height, exclusive of the basement.

19.5.e.2 Each building in the ARC shall face either upon an existing street or upon a private way constructed within said ARC and shall have a minimum front yard of not less than twenty-five (25') feet from the edge of the paved way to the closest point of the structure, and a side yard of not less than twenty-five (25') feet from the edge of the paved way to the closest point of the structure. Each building, whether principal or accessory, shall be at least twenty-five (25') feet distant from any other building by air line distance between the nearest points of the buildings.

- 19.5.e.3** No part of any principal building in the ARC shall be less than one hundred (100') feet from any exterior lot line, or less than one hundred (100') feet from the side of any pre-existing public way.
- 19.5.f Minimum Frontage Requirements:** Each ARC shall have a minimum of fifty (50') feet of frontage on a public way.
- 19.5.g Maximum Lot Coverage:** The total area of a site covered by Building footprint (dwellings and all other structures) and pavement (other than areas paved for recreation such as tennis courts and the like) shall not exceed thirty-five percent (35%). The Open Space cannot be exclusively wetlands and no wetland area can be greater than 20% of the designated sixty-five (65%) percent open space.
- 19.5.h Access to Open Space and Common Land:** Each dwelling within the ARC shall have access to all common land within the ARC, provided however that nothing contained herein shall limit the Applicant from designating certain limited common areas for the creation of dedicated parking, decks, patios or amenities which are appurtenant to a specific dwelling unit.
- 19.5.i Ownership of Common Land or Open Space:** All common or open space land hereunder shall be owned by a Condominium Association or entity whose membership includes the owners of all units contained in the ARC. The developer shall include in the deed to owners of individual dwelling units beneficial rights in said common land, and shall grant a separate conservation restriction to the Town of Hopedale, satisfactory to the Hopedale Conservation Commission and the Planning Board, over such land pursuant to Chapter 184, Sections 31 - 33, General Laws, to insure its perpetual use for those purposes approved by the Condominium Association or entity.
- 19.5.j Construction of Roads and Improvements and Ownership Thereof:**
- 19.5.j.1** All roadways, utilities and improvements shall be owned in perpetuity by the Condominium Association or entity whose membership includes the owners of all units contained in the ARC and shall not be deeded or maintained by the Town of Hopedale.
- 19.5.j.2** Roads and driveways within the development shall meet such width, grades and construction standards as the Planning Board shall determine, based upon the standards provided in the regulations governing subdivisions, as the same may be waived or modified by the Planning Board to meet site conditions and design requirements.
- 19.5.j.3** Utilities, including sewer, water, electric, cable and gas shall be installed underground.
- 19.5.j.4** As a condition of approval, the Planning Board may require the installation of one sidewalk.

19.5.k Off Street Parking: Each dwelling unit in the ARC shall be required to provide a minimum of two spaces, one of which may be outside a garage, provided however that any outside space shall be within 100 feet of the dwelling unit. Each dwelling unit shall have a minimum of one space in a garage, and the garage may be attached to the unit or detached, if detached from a unit, no more than four (4) single car garages shall be joined together, provided however that any detached garage shall be located within 100 feet of the dwelling unit. In addition to the requirement of two spaces per dwelling unit, there shall be one additional space for each three dwelling units built; these added spaces shall be equally dispersed on the site. The Planning Board may, as a condition of the Special Permit, require the Applicant to provide additional off-street parking areas.

19.5.l Building Styles: All dwelling units in the ARC may be detached or attached and if attached only along sidewalls or by garages which are attached to a specific dwelling in the so-called townhouse (4) unit, triplex (3) unit or duplex (2) unit style. No more than 4 dwelling units may be attached.

19.5.m Landscaping: The site shall be preserved and enhanced by retaining and protecting trees, shrubs, ground cover, stone walls and other site features. No disturbance to these features shall occur within fifty (50') feet of the perimeter boundary of the site, except that the access road(s) to the development, from the point of intersection at an existing public way, shall be exempt from this requirement as shall be easements necessary for utility connections.

19.5.n Administration:

19.5.n.1 Application Procedures - To file an application for a Special Permit for a ARC dwelling unit or development, a party entitled to do so shall file an application complying with the Rules and Regulations of the Planning Board for Site Plan Review submittals. In addition, the following design and other documents shall be made a part of every such application with each site plan, architectural drawing, and statement required hereunder to be prepared by professionally trained and registered persons who are qualified by both education and experience to prepare the particular plan, drawing or statement involved.

- i.** Architectural drawings including floor plans of dwelling units, overall building plans sections, elevations and construction details. This shall be supplemented by architectural renderings of proposed finished buildings and surroundings.
- ii.** Written statement of proposal to include:
 - ii.a** a description of the number of parking spaces to be provided, the size and use of the facilities, including conveniences, to be constructed and the structural system to be employed;
 - ii.b** Computations showing the percentage of building area per lot area and stating the floor area of the planned dwelling units;
 - ii.c** An impact statement or statements depicting the projected effect of the proposed development in relation to the Intent and Objectives

previously set forth herein and the suitability of the soils to accommodate sewage disposal systems shall be furnished by engineers, hydrologists and other parties as appropriate, all of whom shall be professionally qualified in their respective fields or independent at applicants cost.

- ii.d** Financial information including the value of the units and the project upon completion, together with a schedule of completion and the estimated tax revenues of the project over a five-year period after completion. Included in the revenue schedule should be a projection of increased costs of public services from the project (i.e. schools, roads, police, fire, etc.).
- ii.e** All other statements pertinent to the proposal, such as provisions for the permanent protection of open space, conservation areas and features of historical interest, said provisions to run with the land.
- ii.f** A proposed Master Deed and Condominium Trust evidencing appropriate restrictions as an Adult Retirement Community. Proposed unit deed and proposed restrictive covenants, all of which are subject to Planning Board approval.

19.5.n.2 Bonding: In granting the Special Permit, pursuant to guidelines set forth in M.G.L. Chapter 40A Section 9, the applicant must be required by the Special Permit Granting authority (hereinafter "SPGA") to file with the Town a bond or bonds or other security or securities satisfactory to the SPGA guaranteeing performance of the conditions of such Special Permit either by the entirety or by completion of phases thereof, all according to the terms of such Special Permit.

19.5.n.3 Findings: In granting a Special Permit, the SPGA shall make the following findings:

- (i) The site is appropriate for senior residential use and there are supportive services within a reasonable distance or reasonable transportation services are being offered in the petition,
- (ii) The use will not create a hazard or nuisance to abutters, vehicles or pedestrians on the site or adjacent roadways.
- (iii) Adequate and appropriate facilities (e.g. parking and recreation) have been provided.
- (iv) The development includes appropriate measures to control and mitigate drainage and traffic impacts.
- (v) The development will not have a negative impact upon Town services,
- (vi) Exterior design and layout is in harmony with the character of the surrounding properties and the Town,
- (vii) The Development does not have a detrimental impact on the neighborhood or the natural environment and is in harmony with the long-range plan of the Town.

Submitted by: Planning Board