# WRENTHAM ZONING BYLAWS

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REVISION HISTORY

Adopted April 28, 2003

- Revised Section 2 to add a new definition called “COUNTRY INNS”.
- Revised Section 4.2 to add C.26 (COUNTRY INN) to the “Use Regulation Table”.
- Revised Section 6.4.g to add a new use labeled “COUNTRY INNS” to “On Site Parking Requirements”.

Adopted November 12, 2002

- Revised Section 3.1 to add a new entry called “CRSP” to the list of ZONING DISTRICTS.
- Revised Section 4.2 to add a new column labeled “CRSP” and its regulation in the USE table.
- Revised Section 6.1 to add a new entry called “CRSP” to the “Dimensional Requirements” table.

Adopted February 25, 2002

- Revised Section 3.2 to reflect a new Zoning Map.
- Revised Section 15.4.a to reflect a new Aquifer Protection District Map.
ARTICLE 1
GENERAL PROVISIONS

1.1 Title

These ZONING bylaws shall be known as the Wrentham ZONING Bylaws (1978).

1.2 Purpose

These ZONING bylaws are adopted for the following purposes:

a. To ensure realization of the general statement of purpose declared in §2A of c.40A of Massachusetts General Laws (MGL) and

b. To protect the right of every resident of the Town of Wrentham to clean air and water; freedom from excessive and unnecessary noise or odor; and to the natural, scenic, historic, and aesthetic qualities of his/her environment as declared in Article XLIX of the Constitution of the Commonwealth of Massachusetts; and

c. To permit and ensure planned, orderly growth in the Town of Wrentham; and

d. To provide for compatible DEVELOPMENT and best USE of the Town's land and resources; and

e. To provide adequate housing and services to residents, visitors, and employees in the Town of Wrentham.

1.3 Authority

These ZONING bylaws are adopted by authority of amendment 89 of the Massachusetts State Constitution, as that authority may be limited or regulated by c.40A of the M.G.L.

1.4 Repealer

These ZONING bylaws supersede and repeal all prior ZONING bylaws and amended ZONING bylaws.

1.5 Basic Requirements

In accordance with General Laws, c.40A, and notwithstanding any provisions to the contrary, this Bylaw shall not prohibit or restrict the USE of land or STRUCTURE for religious purposes or for educational purposes on land owned or leased by the Commonwealth, or any of its agencies, subdivisions, or bodies political, or by a religious sect or denomination or by a non-profit educational corporation.
1.6 **Enforcement**

The Building Inspector, as ZONING agent, or a duly appointed ZONING enforcement officer, appointed in accordance with Massachusetts General Laws c.40A, §7, shall be charged with the enforcement of these ZONING BYLAWS. The ZONING Enforcement Officer shall, upon reasonable request, determine whether any proposed or existing USE is permitted under these ZONING BYLAWS. Any person aggrieved by that determination may APPEAL to the Board of Appeals in accordance with Article 11.

1.7 **Penalty**

Any person, firm or corporation violating any section of this bylaw shall be fined not more than three hundred dollars ($300.00) for each offense as provided in Massachusetts General Laws c.40A, §7, as amended. Each day that such violation continues shall constitute a separate offense.

1.8 **Fees**

The Planning Board and the Board of Appeals may establish reasonable fees under the provisions of MGL c.40, §22F for any licenses or permits issued pursuant to this bylaw.
ARTICLE 2
DEFINITIONS

For the purpose of this bylaw, certain terms and words shall have the meaning given herein. Words used in the present tense include the future. The singular number includes the plural and the plural the singular. The words used or occupied include the words designed, arranged, intended or offered to be used or occupied. The words BUILDING, STRUCTURE, LOT, land or premises shall be construed as though followed by the words "or any portion thereof". The word shall is always mandatory and not merely directory.

Terms and words not defined herein but defined in The Commonwealth of Massachusetts State Building Code shall have the meanings given therein unless a contrary intention clearly appears. Words not defined in either place shall have the meaning given in Webster's Unabridged Dictionary, Third Edition, or as amended.

ABANDONMENT: The discontinuance of a NON-CONFORMING USE or the visible or otherwise apparent intention of an owner to discontinue a NON-CONFORMING USE of a BUILDING or premises, or the removal of the characteristic equipment or furnishing used in the performance of the NON-CONFORMING USE, without its replacement by similar equipment or furnishings, or the replacement of the NON-CONFORMING USE or BUILDING by a conforming USE or BUILDING.

AGRICULTURE: The production, keeping or maintenance, for sale, lease or personal USE, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetable; NURSERY, floral, ornamental and GREEN-HOUSE products; or lands devoted to a soil conservation or management program.

ALTERATION: Any construction or other action resulting in a change in the existing structural parts or HEIGHT, number of stories, size, USE, or location of an existing BUILDING or other existing STRUCTURE.

ANCHOR RETAIL OPERATION: An exterior perimeter department store, major merchandising or magnet center having direct access to a mall and having its required exits independent of the mall.

ANIMAL FEEDLOT: A plot of land on which 25 livestock or more per acre are kept for the purposes of feeding.

ANIMAL OR VETERINARY HOSPITAL: A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to hospital USE.

APPEAL: An administrative review by the Board of Appeals of the action or failure to act of the Planning Board or Building Inspector as set forth in Article 11.

AQUIFER: Geologic formation composed of rock or sand and gravel that contain significant amounts of potentially producible potable water.
ASSISTANCE WITH ACTIVITIES OF DAILY LIVING: The provisions of physical support, aid or assistance with bathing, dressing/grooming, ambulation, eating, toileting or similar tasks.

ASSISTANCE WITH INSTRUMENTAL ACTIVITIES OF DAILY LIVING: The provision of support, aid, assistance, prompting, guidance, or observations of meal preparation, housekeeping, clothes laundering, shopping for food and other items, telephoning, use of transportation and other similar tasks.

ASSISTED LIVING RESIDENCE: An entity, however organized, that (1) provides room and board, (2) provides, directly by employees of the entity or through arrangements with another organization, ASSISTANCE WITH ACTIVITIES OF DAILY LIVING for three or more adult residents not related to their care provider by consanguinity or affinity, and (3) collects payments or third party reimbursements from or on behalf of residents to pay for ASSISTANCE WITH ACTIVITIES OF DAILY LIVING or for arranging the same.

ATTIC, HABITABLE: An ATTIC that has a stairway as a means of access and egress and in which the ceiling area at a height of seven and one-third (7-1/3) feet above the ATTIC floor is not less than one-third (1/3) the area of the floor next below.

AVERAGE GROUND ELEVATION: A figure derived by adding ELEVATION points on a LOT and dividing that figure by the number of ELEVATION points. ELEVATION points shall be taken around the perimeter of the proposed or existing BUILDING or STRUCTURE.

BAR: An ESTABLISHMENT where alcoholic beverages are sold, as authorized by MGL ch.138, to be served to and drunk by patrons in plain view of other patrons, all entrances to which shall open directly from a PUBLIC WAY and where prepared food is not available.

BARN: A FARM BUILDING used primarily for storing FARM products such as grain and hay, and for sheltering livestock.

BASEMENT: That portion of a BUILDING which is partly below and partly above FINISHED GRADE, and having at least one-half (1/2) its height above FINISHED GRADE.

BED AND BREAKFAST HOME: An ACCESSORY USE in which a private owner-occupied DWELLING UNIT has three or fewer bed and breakfast units available for rent, breakfast included, for overnight accommodations.

BOARDING HOUSE: Any DWELLING UNIT in which two or more persons, not permanent residents of the living quarters, are housed or lodged for hire with or without meals in a room or suite which does not contain separate cooking facilities. A rooming house or a furnished rooming house, in which rooms or suites of rooms in which the persons are housed or lodged for hire do not contain separate facilities, shall be deemed a boarding house.

BOG: A WETLAND in which dead plant remains accumulate as peat.

BUFFER ZONE: An area incorporating the following elements; preserved natural vegetation, professionally landscaped tree/plant or natural material, or artificial screening/fencing material, used either separately or in combination. Used to mitigate certain effects of permitted USES in any DISTRICT upon either the abutting LOT(S), permitted USE(S), or ZONING DISTRICT(S).
BUILD FACTOR: A ratio of LOT perimeter to LOT area which limits the degree to which a LOT may have an irregular shape.

BUILDING: A combination of any materials, whether portable or fixed, having a roof, common walls, passageway areas and serviced by common utilities and forming a STRUCTURE for the shelter of persons, animals or property. For the purposes of this definition "roof" shall include an awning or any similar covering, whether or not permanent in nature.

BUILDING, ACCESSORY: A detached subordinate BUILDING, the USE of which is customarily incidental and subordinate to that of the principal BUILDING, and which is located on the same LOT as that occupied by the principal BUILDING.

BULK STORAGE: Exposed outside storage of sand, lumber, coal or other bulk materials and storage of liquids in tanks except underground as an ACCESSORY USE.

CAMPGROUND: An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents, and major recreational equipment, and which is primarily used for recreational purposes and retains an open air or natural character.

CELLAR: That portion of a BUILDING which is completely below FINISHED GRADE or more than one-half (1/2) its height is below FINISHED GRADE.

CEMETERY: Land used or intended to be used for the burial of the dead and dedicated for CEMETERY purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such CEMETERY.

CHILD CARE FACILITY: A DAY CARE CENTER or a school age child care program, as these terms are defined in M.G.L. c.28A, §9, as amended from time to time.

CHURCH OR PLACE OF RELIGIOUS WORSHIP: An institution that people regularly attend to participate in or hold religious services, meetings, and other activities. The term "CHURCH" shall not carry a secular connotation and shall include BUILDINGS in which the religious services of any denomination are held.

CLINIC: A BUILDING designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

CLUB: Premises or BUILDINGS of a non-profit organization exclusively serving members and their guests for recreational, athletic, or civic purposes, but not including any vending stands, merchandising, or commercial activities except as required generally for the membership and purposes of such CLUB. Does not include CLUBS or organizations whose chief activity is a service customarily carried on as a business.

COMMERCIAL USE: An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.

COMMON DRIVEWAY: A DRIVEWAY servicing at least two (2) but no more than four (4) BUILDING LOTS, unless within the B-1, B-2, C-1 or C-2 ZONING DISTRICTS, provided said DRIVEWAY extends from the STREET FRONTAGE of a LOT of one (1) of the USES being served. COMMON DRIVEWAYS shall also include any DRIVEWAY serving two (2) or more USES on separate BUILDING LOTS, provided said USES existed before July 20, 1999 and that said DRIVEWAY would not serve any additional USES unless otherwise
in compliance with this definition. Within any residential DISTRICT each LOT must have the STREET FRONTAGE for that ZONING DISTRICT. A COMMON DRIVEWAY is not a STREET and does not provide legal STREET FRONTAGE.

COMMUNITY AND ENVIRONMENTAL ASSESSMENT: An assessment of all physical, social, and economic impacts which can be reasonably anticipated from a proposed USE and a program for mitigation of significant adverse impact as set forth in Article 8.

COMMUNITY FACILITIES: Premises owned and operated by a governmental or other chartered nonprofit organization, including PUBLIC Housing for the Elderly, but not including fraternal, sports or similar membership organizations.

CONTRACTOR'S YARD: Premises used by a building or construction contractor or subcontractor principally for the storage of materials, storage and servicing of equipment and FABRICATION of subassemblies.

CONSERVATION AREA: Environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance, or character, except in cases of overriding PUBLIC interest. CONSERVATION AREAS include freshwater MARSHES, SWAMPS, ponds, natural shorelines (other than natural beaches or dunes), and other areas of significant biological productivity or uniqueness.

CONSERVATION EASEMENT: An EASEMENT granting a right or interest in real property that is appropriate to retaining land or water areas predominately in their natural, scenic, open, or wooded condition; retaining such areas as suitable habitat for fish, plants, or wildlife;

COUNTRY CLUB: A land area and BUILDINGS containing recreational facilities, clubhouse and usual ACCESSORY USES, open only to members and their guests for a membership fee.

COUNTRY INN: A BUILDING used or designed for overnight lodging, and which may also provide a restaurant and accessory guest services to lodgers and the public, but excluding function and conference facilities. A Country Inn shall be located in an historic BUILDING built before 1929. (Adopted April 28, 2003)

DAY CARE CENTER: A facility operated on a regular basis which receives children not of common parentage under seven years of age, or under sixteen years of age if such children have special needs, for nonresidential custody and care during part or all of the day separate from their parents, subject to the conditions contained in Massachusetts General Law ch.28A, s. 9, as amended from time to time.

DAY CARE FACILITY, ADULT: A facility or program operated on a regular basis which provides supervised, nonresidential group or individual care for adults for part or all the day.

DEVELOPMENT: All STRUCTURES and other modifications of the natural landscape above and below ground or water, on a particular site.

DISTRICT: A part, ZONE or geographic area within the town within which certain ZONING or DEVELOPMENT regulations apply.

DRIVE-UP WINDOW: A premises where persons, while in their automobiles, are served, purchase, consume, as appropriate; banking services, food or goods.
DRIVEWAY: A private means of auto access to a PARKING SPACE, GARAGE, DWELLING or other STRUCTURE.

DWELLING: A BUILDING or part thereof, which is used exclusively for human habitation, and constructed on-site, or off-site in parts designed to be transported to a LOT to be joined into integral DWELLING UNITS and placed on a permanent foundation over a CELLAR or BASEMENT, but which shall not include a tent, TRAILER, camper, MOBILE HOME or a room, or a suite of rooms in a BOARDING HOUSE, HOTEL, MOTEL, or BED AND BREAKFAST HOME.

DWELLING UNIT: A separate set of living quarters within a DWELLING which includes at least one room and a separate kitchen and sanitary facilities, and which has a private entrance from outside the BUILDING or a common hallway or stairway inside the BUILDING.

DWELLING, SINGLE DETACHED: A detached residential BUILDING containing only one DWELLING UNIT.

DWELLING, DOUBLE ATTACHED: An attached residential BUILDING containing two separate DWELLING UNITS. The DWELLINGS may be either side by side or one above the other.

DWELLING, MULTIPLE ATTACHED: An attached residential BUILDING containing two or more separate DWELLING UNITS.

EARTH: The term "EARTH" as used in this bylaw shall include soil, rock, sod, loam, peat, humus, clay, sand, gravel, or other minerals or materials.

EASEMENT: A grant of one or more of the property rights by the property owner to and/or for the USE by the PUBLIC, a corporation or another person or entity.

ELEVATION: (1) A vertical distance above or below a fixed reference level; (2) A flat scale drawing of the front, rear, or side of a BUILDING.

ESSENTIAL SERVICES: The erection, construction, ALTERATION or maintenance by PUBLIC UTILITIES or governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal system, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith but into including BUILDINGS necessary for the furnishing of adequate service by such PUBLIC UTILITIES or GOVERNMENTAL AGENCIES for the PUBLIC health or safety or general welfare.

ESTABLISHMENT: An economic unit, generally at a single physical location, where business is conducted or services or INDUSTRIAL operations performed.

FABRICATION AND ASSEMBLY: The MANUFACTURING from standardized parts of a distinct object differing from the individual components.

FAMILY DAY CARE HOME: Any private residence which on a regular basis, receives for temporary custody and care during part or all of the day, children under seven years of age or children under sixteen years of age if such children have special needs, subject to the conditions contained in MGL c. 28A, §9, as amended from time to time.
**FARM**: Any parcel of land used for the raising of agricultural products, livestock, poultry or dairy products.

**FENCE**: An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

**FLOODPLAIN**: Any land area susceptible to being inundated by water from any source.

**FLOOR AREA, GROSS (GFA)**: The sum of the gross horizontal areas of the several floors of a BUILDING measured from the exterior face of exterior walls, or from the centerline of a wall separating two BUILDINGS, but not including interior PARKING SPACES, loading space for MOTOR VEHICLES, or any space where the floor-to-ceiling height is less than six feet.

**FLOOR AREA, NET (NFA)**: The sum of the areas of the several floors of a BUILDING, measured from the exterior faces of the walls. It does not include CELLARS, unenclosed porches, or ATTICS not used for human occupancy or any floor space in ACCESSORY BUILDINGS or in the main BUILDING intended and designed for the parking of MOTOR VEHICLES in order to meet the parking requirements of the bylaw, or any such floor space intended and designed for accessory heating and ventilating equipment.

**FLOOR AREA RATIO (FAR)**: The ratio of the NET FLOOR AREA of the principal BUILDING to the total LOT area.

**FUNERAL HOME**: A BUILDING used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

**GARAGE, PRIVATE**: A detached or attached ACCESSORY BUILDING for the private USE of the owner or occupant of a principal BUILDING situated on the same LOT of the principal BUILDING for the storage of MOTOR VEHICLES with no facilities for mechanical service or repair of a commercial or PUBLIC nature.

**GARAGE, MOTOR VEHICLE REPAIR**: Any BUILDING, premises and land in which or upon which a business, service or industry involving the maintenance, servicing, repair or painting of vehicles is conducted or rendered.

**GOLF COURSE**: A tract of land for playing golf, improved with tees, greens, fairways, hazards, and which may include clubhouses and shelters.

**GOVERNMENT AGENCY**: Any department, commission, independent agency or instrumentality of the United States, of a state, county, town, MUNICIPALITY or other governmental unit.

**GRADE**: The degree of rise or descent of a sloping surface.

**GRADE, FINISHED**: The final ELEVATION of the ground surface after DEVELOPMENT.

**GRADE, NATURAL**: The ELEVATION of the ground surface in its natural state, before man-made alterations.

**GRADING**: Any stripping, cutting, filling, stockpiling of EARTH or land, including the land in its cut or filled condition.
**GREENHOUSE:** A BUILDING whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

**GROUNDWATER:** All the water found beneath the surface of the ground. In this bylaw the term refers to the slowly moving sub-SURFACE WATER present in AQUIFERS and RECHARGE AREAS.

**HEALTH CARE FACILITY:** An ESTABLISHMENT primarily engaged in furnishing medical, surgical or other services to individuals, including the OFFICES of physicians, dentists, and other health practitioners, medical and dental laboratories, out-patient care facilities, blood banks, and oxygen and miscellaneous types of medical supplies and services.

**HEALTH CLUB:** An entity which provides structured exercise programs utilizing both indoor and outdoor facilities such as a gymnasium, swimming pool, running track, court layouts and the like for the development of personal fitness under the supervision of personnel knowledgeable in health, physical education and exercise physiology.

**HEIGHT, BUILDING:** The vertical distance from the GRADE to the top of the highest roof beams of a flat roof, or to the mean level of the highest gable or SLOPE of a hip roof. When a BUILDING faces on more than one (1) STREET, the HEIGHT shall be measured from the average of the GRADES at the center of each STREET front.

**HOME OCCUPATION:** An occupation or a profession which: (a) is carried on in a DWELLING UNIT or in a BUILDING or other STRUCTURE ACCESSORY to a DWELLING UNIT, and (b) is carried on by a member of the household residing in the DWELLING UNIT, and (c) is clearly incidental to the PRINCIPAL USE of the DWELLING UNIT for residential purpose.

**HOTEL:** A facility offering transient lodging accommodations, not including apartments, on a daily rate to the general PUBLIC and providing additional services, such as RESTAURANTS, meeting rooms, and recreational facilities.

**IMPERVIOUS SURFACE:** Material on the ground that does not allow SURFACE WATER to penetrate into the soil.

**INDUSTRIAL PARK:** A planned, coordinated DEVELOPMENT of a tract of land with two or more separate INDUSTRIAL BUILDINGS. Such DEVELOPMENT is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, BUILDING design and orientation, and OPEN SPACE.

**INDUSTRIAL, HEAVY:** A USE engaged in the basic PROCESSING and MANUFACTURING of materials or products predominately from extracted or raw materials, or USE engaged in storage of, or MANUFACTURING processes using flammable or explosive materials, or storage or MANUFACTURING processes that potentially involve hazardous or commonly recognized offensive conditions.
**INDUSTRIAL, LIGHT:** A USE engaged in the MANUFACTURING, predominantly from previously prepared materials, of finished products or parts, including PROCESSING, FABRICATION, ASSEMBLY, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic INDUSTRIAL PROCESSING.

**JUNK:** Any SCRAP, WASTE, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, PROCESSING, salvage, storage, baling, disposal or other USE or disposition. JUNK includes but is not limited to: vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, BUILDING materials, household appliances, brush wood and lumber.

**JUNK YARD:** Any area, LOT, land, parcel, BUILDING or STRUCTURE or part thereof used for the storage, collection, PROCESSING, purchase, sale or abandonment of wastepaper, rags, SCRAP metal or other SCRAP or discarded goods, materials, machinery or two or more unregistered, inoperable MOTOR VEHICLES or other type of JUNK.

**KENNEL:** An ESTABLISHMENT on a single premises in which more than three dogs greater than or equal to three months of age are owned or housed by a person, irrespective of purpose.

**LOT:** An area or parcel of land in the same ownership, or any part thereof designed by its owner or owners as a separate LOT, which is bounded by front, side and rear LOT lines as defined in this bylaw and defined in a deed or plan recorded with the Norfolk County Registry of Deeds. A parcel shall not be designated a BUILDING LOT unless it conforms with the Dimensional Requirements in s.6.1. An owner shall retain the right to alienate any parcel or portion of any parcel regardless of whether or not it is a legal LOT under this Bylaw. For purposes of this Bylaw, a LOT may or may not have boundaries identical with those recorded in the Norfolk County Registry of Deeds.

**LOT, CORNER:** A CORNER LOT is any LOT with continuous FRONTAGE on two intersecting STREETS which meet at an angle of less than 135 degrees.

**LOT COVERAGE:** The percentage of the LOT that is covered by IMPERVIOUS SURFACES.

**LOT DEPTH:** The shortest distance measured perpendicularly from the front LOT line to the rear LOT line.

**MANUFACTURING:** ESTABLISHMENTS engaged in the mechanical or chemical transformation of materials or substances into new products including the ASSEMBLY of component parts, the MANUFACTURING of products, and the blending of materials such as lubricating oils, plastics, resins or liquors.

**MANUFACTURING, LIGHT:** FABRICATION, PROCESSING, finishing, ASSEMBLY, or packaging operations employing only electric or other substantially noiseless and inoffensive motor power and provided that all power and processes shall confine disturbing agents, such as smoke, fumes, dust, odors, vibration, gas, glare, electromagnetic radiation, and noise to the confines of the premises or disposed of in a manner so as not pose a present or potential hazard to human health, safety, welfare or the environment by reason of the potential for fire, explosion, radiation release or other casualty.

**MARSH:** A WETLAND dominated by soft-stemmed plants.
MINING OF LAND: The removal or relocation of geologic materials such as TOPSOIL, sand and gravel, metallic ores or bedrock.

MOBILE HOME: A STRUCTURE, transportable in one or more sections, which is at least eight (8) feet in width and 32 feet in length, which is built on a permanent chassis and designed to be used as a DWELLING UNIT, with or without a permanent foundation when connected to required utilities.

MOBILE HOME PARK: A site with required improvements and utilities for the long-term parking of MOBILE HOMES which may include services and facilities for the residents.

MOTEL: An ESTABLISHMENT providing transient accommodations containing six or more rooms with at least 25% of all rooms having direct access to the outside without the necessity of passing through the main lobby of the BUILDING.

MOTOR VEHICLE: A self-propelled device used for transportation of people or goods over land surfaces and licensed as a MOTOR VEHICLE.

MOTOR VEHICLE SALES: The USE of any BUILDING, land area or other premises for the display and sale of new or used automobiles, panel trucks or vans, TRAILER(s), or recreation vehicles and including any warranty repair work and other repair service conducted as an ACCESSORY USE.

MUNICIPALITY: The Town of Wrentham.

NON-CONFORMING LOT: A LOT, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of this ZONING bylaw, but which fails by reason of such adoption, revision or amendment to conform to the present requirement(s) of the ZONING DISTRICT.

NON-CONFORMING STRUCTURE or BUILDING: A STRUCTURE or BUILDING the size, dimensions or location of which was lawful prior to the adoption, revision or amendment of this ZONING bylaw, but which fails by reason of such adoption, revision or amendment to conform to the present requirement(s) of the ZONING DISTRICT.

NON-CONFORMING USE: A USE or activity which was lawful prior to the adoption, revision or amendment of this ZONING bylaw, but which fails by reason of such adoption, revision or amendment to conform to the present requirement(s) of the ZONING DISTRICT.

NUISANCE: An interference with the enjoyment and USE of property.

NURSERY: Land or GREENHOUSES used to raise trees, shrubs, flowers, and other plants for sale.

NURSING HOME: An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

OFFICE: A room or group of rooms used for conducting the affairs of a business, PROFESSIONAL, SERVICE ESTABLISHMENT, INDUSTRY, or GOVERNMENT AGENCY.

OFFICE BUILDING: A BUILDING used primarily to house OFFICES for conducting the affairs of a business, PROFESSIONAL, SERVICE ESTABLISHMENT, INDUSTRY or GOVERNMENT AGENCY, or like
activity, that may include ancillary services for OFFICE workers such as a RESTAURANT, coffee shop, newspaper or candy stand.

OFFICE PARK: A DEVELOPMENT on a tract of land that contains a number of separate OFFICE BUILDINGS, supporting USES and OPEN SPACE designed, planned, constructed and managed on an integrated and coordinated basis.

OPEN SPACE: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for PUBLIC or private USE or enjoyment, or for the USE and enjoyment of owners and occupants of land adjoining or neighboring such OPEN SPACE.

OPEN SPACE, COMMON: Land within or related to a DEVELOPMENT, not individually owned or dedicated for PUBLIC USE, which is designed and intended for the common USE or enjoyment of the residents of the DEVELOPMENT and may include such complementary STRUCTURES and improvements as are necessary and appropriate.

OPEN SPACE, PUBLIC: OPEN SPACE owned by a PUBLIC agency and maintained by it for the USE and enjoyment of the general PUBLIC.

OUTDOOR STORAGE: The keeping, in an unroofed area, of any goods, JUNK, material, merchandise, or MOTOR VEHICLES in the same place for more than 24 hours.

PARK: A tract of land, designated and used for active and passive recreation.

PARKING LOT: An off-STREET, ground level area, usually surfaced and improved, for the temporary storage of MOTOR VEHICLES.

PARKING SPACE: A space designed to be occupied by, and adequate to park a MOTOR VEHICLE plus access thereto. Within a parking area each PARKING SPACE shall not be less than eight and one-half (8 ½) feet by eighteen (18) feet in width and length.

PLANNED BUSINESS DEVELOPMENT (PBD): A development of one or more otherwise allowed COMMERCIAL USES on a LOT or two (2) or more contiguous BUILDING LOTS encompassing a total area of not less than 18 acres with at least 400 feet of continuous STREET FRONTAGE along a state numbered route. The entire minimum FRONTAGE distance and not less than eighty (80%) percent of the minimum area of a PBD as required herein shall be located within the same ZONING DISTRICT. A PBD is characterized by COMMON DRIVeway(s), SHARED PARKING LOT(s), coordinated landscaping features, complementary architectural design and shared infrastructure (water distribution, sewerage disposal system and/or stormwater drainage facilities), which are managed and maintained by an association of owners of property within the development. A PBD shall be serviced by no more than one (1) site access DRIVEWAY or STREET accommodating left-turning vehicles onto and/or off an adjoining PUBLIC WAY unless otherwise specifically allowed by the Planning Board in authorizing the PBD under Article 4.2 in consideration of traffic safety and circulation patterns within the vicinity.

PLANNED INDUSTRIAL/OFFICE PARK: A combined INDUSTRIAL PARK and OFFICE PARK located on a large tract of land with ancillary services located on site to at a scale designed to primarily serve the PI/OP.
PROCESSING: A series of operations, usually in a continuous and regular action or succession of actions, taking place or carried on in a definite manner.

PROFESSIONAL OFFICE: The OFFICE of a member of a recognized profession maintained for the conduct of that profession.

PUBLIC: The Town of Wrentham, the Commonwealth of Massachusetts, the United States government or any agency or authority thereof, except in the phrase "PUBLIC UTILITY".

PUBLIC OR MUNICIPAL UTILITY FACILITY: Telephone, electric and cable television lines, poles, equipment and STRUCTURES; water or gas pipes, mains, valves or STRUCTURES; sewer pipes, valves or STRUCTURES; pumping stations; telephone exchanges and repeater stations; and all other facilities, equipment and STRUCTURES necessary for conducting a service by a government or PUBLIC UTILITY.

PUBLIC WAY: Any way, PUBLIC or privately owned, over which the PUBLIC has a right to pass.

RECHARGE AREAS: Areas composed of permeable stratified sand and gravel and certain WETLANDS that collect precipitation or SURFACE WATER and carry it to AQUIFERS.

RECREATION AREA: A place designed and equipped for the conduct of sports, leisure time activities and other active and passive recreational activities.

RECREATION FACILITY, COMMERCIAL: A RECREATION FACILITY operated as a business and open to the PUBLIC for a fee.

RESEARCH LABORATORY: An ESTABLISHMENT or other facility for carrying on investigation in the natural, physical or social sciences, or engineering and development as an extension of investigation with the objective of creating end products, not including facilities designed and intended for the development of nuclear, chemical, germ/biological weapons, or similar activities.

RESTAURANT: An ESTABLISHMENT that is leased, rented or owned by a person holding a duly issued and valid license as a common victualler under the provisions of M.G.L. ch.140, with adequate and sanitary kitchen and dining room equipment and capacity for preparing, cooking and serving suitable food for patrons and customers.

RESTAURANT, DRIVE-THROUGH: A BUILDING or portion thereof where food and/or beverages are sold in a form ready for consumption and where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the BUILDING, often in a MOTOR VEHICLE on the site.

RESTAURANT, FAST FOOD: An ESTABLISHMENT whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the RESTAURANT BUILDING or off premises.

RESTAURANT, TAKE OUT: An ESTABLISHMENT which by design of physical facilities or by service or packaging procedures permits or encourages the purchase of prepared ready-to-eat foods intended primarily to be consumed off the premises, and where the consumption of food in MOTOR VEHICLES on the premises is not permitted or not encouraged.
RETAIL EABLISHMENT/STORE: An ESTABLISHMENT engaged in selling goods or merchandise to the general PUBLIC for personal or household consumption and rendering services incidental to the sale of such goods.

RIGHT-OF-WAY: A strip of land occupied or intended to be occupied by a STREET, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other special USE. Generally, the right of one to pass over the property of another.

ROW HOUSE: A MULTIPLE ATTACHED DWELLING which is designed to contain two or three DWELLING UNITS, where each unit is attached one to another, and where no unit is entirely above the first floor.

SCHOOL: A PUBLIC, private or parochial or other institution maintained primarily for educational purposes.

SCRAP: Discarded or rejected materials that result from MANUFACTURING or fabricating operations.

SELF-SERVICE STORAGE FACILITY: A BUILDING or group of BUILDINGS in a controlled access and FENCED compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of a customer's goods or wares.

SENIOR LIVING COMMUNITY: A residential community designed for occupancy by individuals 55 years of age or older that makes available ASSISTANCE WITH ACTIVITIES OF DAILY LIVING or ASSISTANCE WITH INSTRUMENTAL ACTIVITIES OF DAILY LIVING and is developed in conjunction with a NURSING HOME or ASSISTED LIVING RESIDENCE licensed or regulated by the Commonwealth of Massachusetts.

SERVICE ESTABLISHMENT: An ESTABLISHMENT primarily engaged in providing services for individuals, business and government ESTABLISHMENTS and other organizations; including HOTELS and other lodging places; ESTABLISHMENTS providing personal, business, repair, educational institutions; membership organizations, and other miscellaneous services. SERVICE ESTABLISHMENT shall be one where the main labor of its employees is directly performed on or to the customers with efforts directly related to that ESTABLISHMENT’s specialty, such as, but not limited to shoe repair or hair salons and not ancillary functions like parking cars, stocking, maintaining and general operations of a facility. (Amended April 26, 1999.)

SERVICE STATION (FUEL BUSINESS): Any BUILDING, land area or other premises, or portion thereof, used or intended to be used for the RETAIL dispensing or sales of MOTOR VEHICLE fuels; and including as an ACCESSORY USE the sale and installation of lubricants, tires, batteries and similar accessories.

SETBACK: The minimum horizontal distance between the LOT or property line and the nearest front, side, or rear line of the BUILDING, including terraces or any covered projections thereof, excluding steps.

SHARED PARKING LOT: A PARKING LOT that is accessible from two (2) or more BUILDING LOTS connected by means of interior DRIVEWAYS.

SHOPPING CENTER: A group (two or more) or complex of COMMERCIAL USES including, but not limited to, RETAIL OR SERVICE ESTABLISHMENTS, shops, indoor theatres, RESTAURANTS and similar ESTABLISHMENTS, with immediately
adjoining off-STREET parking facilities.

SIGN: Any permanent or temporary STRUCTURE, device, letter, word, model, sculpture or replica, banner, balloon, pennant, insignia, flag, or such device which is used for advertising purposes or to inform the PUBLIC. [NOTE: see Article 18 for detailed definition]

SITE PLAN APPROVAL: The requirements of Article 7 which are intended to assure that DEVELOPMENT proposals are consistent with environmental and siting objectives of the Town of Wrentham.

SLOPE: The degree of deviation of a surface from the horizontal usually expressed in percent or degrees.

SOCIAL SERVICE AGENCY: ESTABLISHMENTS providing assistance and aid to those persons in need of CHILD CARE FACILITIES, nurseries, residential care, employment, counseling for psychological problems, and assistance with learning disabilities and physical disabilities.

SPECIAL PERMIT: In accordance with M.G.L. c.40A, §9, the requirements of Article 9 which are intended to assure that proposed USES are consistent with the land USE objectives of the Town of Wrentham.

STABLE, PRIVATE: An ACCESSORY BUILDING in which horses are kept for private USE and not for remuneration, hire or sale.

STABLE, PUBLIC: A BUILDING or land where animals are kept for remuneration, hire, sale, boarding, riding, or show.

STREET: An accepted town way or a way established by or maintained under county, state or federal authority or a way shown on a plan approved in accordance with the subdivision control law, or a way in existence prior to March 29, 1954 (date of Subdivision Control) having, in the opinion of the Planning Board, sufficient width, suitable GRADES and adequate construction to provide for the needs of vehicular traffic in relation to the proposed USE of land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the BUILDINGS erected or to be erected thereon.

STREET FRONTAGE: The portion of a LOT contiguous with a STREET LAYOUT and providing access to said LOT unless otherwise specifically allowed within this bylaw. FRONTAGE shall be measured along the STREET LAYOUT and connecting the two points created by the intersection of the side lines with the STREET LAYOUT, as set forth in s.6.1, unless otherwise specifically allowed within this by-law.

STREET LAYOUT: The location of the STREET as shown on an approved plan including the roadway, sidewalks and grass strips. The STREET LAYOUT may or may not coincide with the paved way or the RIGHT-OF-WAY. In the event that the STREET pre-exists Subdivision Control, the layout as shown on a recorded plan.

STRUCTURE: Any combination of materials assembled at a fixed location and requiring attachment to the land through pilings, footings, foundations and the like, to give support or shelter and/or provide for human habitation or USE, such as a BUILDING, bridge, trestle, TOWER, framework, retaining wall, tank, tunnel, tent (if more than 150 sq. ft. in area and erected for more than 10 days, or if used for commercial purposes for any amount of time), stadium, reviewing stand (for more than 10 days), platform, bin, FENCE, SIGN, flagpole, swimming pool, or the like.
STRUCTURE, TOTALLY ENCLOSED:
A STRUCTURE in which the interior is entirely contained/surrounded by solid sides (not including doors and windows).

SURFACE WATER: Water on the EARTH'S surface exposed to the atmosphere such as rivers, lakes, streams, the oceans.

SWAMP: A WETLAND dominated by shrubs or trees.

TAVERN: An ESTABLISHMENT where alcoholic beverages are sold, as authorized by M.G.L. ch.138, with or without food, to be served to and drunk by patrons in plain view of other patrons, all entrances to which shall open directly from a PUBLIC WAY.

TENNIS COURT, INDOOR: A BUILDING designed to enclose an area constructed for playing tennis with at least four walls, a roof and a door.

TENNIS COURT, OUTDOOR: An improved area used for playing tennis that is not enclosed in a BUILDING or a STRUCTURE and does not offer any protection from the elements.

TOPOGRAPHY: The configuration of a surface area showing relative ELEVATIONS.

TOPSOIL: The original upper layer of soil material to a depth of six inches which is usually darker and richer than the subsoil.

TOWER: A BUILDING or STRUCTURE typically higher than its diameter and high relative to its surroundings that may stand apart, or be attached to a larger STRUCTURE, and that may be fully walled in or of skeleton framework.

TOXIC OR HAZARDOUS MATERIALS: Any substance or mixture of such physical, chemical or infectious characteristics in sufficient quantity as to pose a significant actual or potential hazard to water supplies, or other hazard to human health, if such substance or mixture were discharged to land or waters of this town. TOXIC or hazardous materials include, without limitation, organic chemicals, petroleum products, heavy metals, radioactive or infectious WASTES, acids and alkalines, pesticides, herbicides, solvents, thinners, including the 129 Priority TOXIC Pollutants established by the U. S. Environmental Protection Agency.

TRAILER: A STRUCTURE standing on wheels, towed or hauled by another vehicle and used for short-term human occupancy, carrying materials, goods or objects, or as a temporary OFFICE.

USE: The specific purpose for which land or a BUILDING is designed, arranged, intended, of for which it is or may be occupied or maintained. The term "Permitted USE" or its equivalent shall not be deemed to include any NON-CONFORMING USE.

USE, ACCESSORY: A USE customarily incidental and subordinate to the PRINCIPAL USE of a STRUCTURE OR LOT, or a USE not the PRINCIPAL USE which is located on the same LOT as the PRINCIPAL STRUCTURE.

USE, PRINCIPAL: The main or primary purpose for which a STRUCTURE or LOT is designed, arranged, or intended or for which it may be used, occupied or maintained under this Bylaw. Any other USE within the main STRUCTURE or the USE of any other STRUCTURE or land on the same LOT and incidental or supplementary thereto and permitted under this Bylaw shall be considered an ACCESSORY
USE. There shall be only one PRINCIPAL USE on each LOT, unless otherwise permitted in this Bylaw.

VARIANCE: Such departure from the terms of this Bylaw as the Board, upon APPEAL in specific areas, is empowered to authorize under s.10.

WAREHOUSE: A BUILDING used primarily for the storage of goods and materials.

WAREHOUSING AND DISTRIBUTION: A USE engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, but excluding BULK STORAGE of materials that are inflammable or explosive or that created hazardous or commonly recognized offensive conditions.

WASTES, LEACHABLE: WASTE material including SOLID WASTES, sewage, sludge, and agricultural WASTES that are capable of releasing water-borne contaminants to the surrounding environment.

WASTES, PROCESS: Non-domestic, non-TOXIC, non-hazardous, liquid or SOLID WASTE by-products associated with the manufacture or preparation of a product, including, but not limited to, hardware, dry goods, foodstuffs, and printed materials.

WASTE, SANITARY: Wastewater arising from ordinary domestic water USE as from toilets, sinks and bathing facilities, and containing such concentrations and types of pollutants as to be considered normal WASTE.

WASTE, SOLID: Any discarded solid material, putrescible or non-putrescible, consisting of all combustible and non-combustible solid material including, but not limited to, rubbish, garbage, SCRAP materials, JUNK, refuse, inert fill material, and landscape refuse.

WATERSHED: The area drained by a given stream or river.

WETLAND: An area that is inundated or saturated by SURFACE WATER or GROUNDWATER at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. Major types of WETLANDS include SWAMPS, MARSHES and BOGS.

WIRELESS COMMUNICATION TRANSMITTER/RECEPTOR: Fixtures or equipment, other than any support structure such as a TOWER, used for the wireless transmission and reception of radio signals, excluding equipment owned and operated under an amateur radio operator license, including:

a. Reception and transmission equipment and fixtures such as antenna, panels or communication dishes of not greater than 30 inches in diameter and similar devices;

b. Any accessory mechanical, electronic, or telephonic equipment, fixtures wiring and protective covering customary and necessary to operate such wireless communication equipment.

A WIRELESS COMMUNICATION TRANSMITTER/RECEPTOR shall not serve to transmit signals from broadcast television and/or radio stations.
WIRELESS COMMUNICATION TRANSMITTER/RECEPTOR, ENCLOSED: Any indoor WIRELESS COMMUNICATION TRANSMITTER/RECEPTOR mounted inside or supported entirely within a non-residential BUILDING or STRUCTURE (including without limitation, cupolas, church spires, inactive smokestacks, and the like) which is occupied and/or used primarily for other purposes. Said TRANSMITTER/RECEPTOR shall be shielded from view from outside of the existing BUILDING or STRUCTURE.

YARD: Any OPEN SPACE located on the same LOT with a BUILDING, unoccupied and unobstructed from the ground up, except for ACCESSORY BUILDINGS, or such projections as are expressly permitted in these regulations. The minimum depth or width of a YARD shall consist of the horizontal distance between the LOT line and the nearest point of the foundation wall of the main BUILDING.

YARD, SIDE: An open, unoccupied space between the main BUILDING and side LOT line, extending from the FRONT YARD to the REAR YARD. The width of the required SIDE YARD shall be measured perpendicularly from the nearest point of the side LOT line to the required side BUILDING SETBACK line (see Figure A).

YARD, REAR: An open, unoccupied space extending across the full with of the LOT between the most rear main BUILDING and the rear LOT line. The depth of the required REAR YARD shall be measured perpendicularly from the nearest point of the rear LOT line to the required rear BUILDING SETBACK line (see Figure A).

ZONE: A specifically delineated area or DISTRICT in a MUNICIPALITY within which regulation and requirements uniformly govern the USE, placement, spacing and size of land and BUILDINGS.

ZONING: The dividing of a MUNICIPALITY into DISTRICTS and the ESTABLISHMENT of regulations governing the USE, placement, spacing and size of land and BUILDINGS.

ZONING MAP: The map or maps, which are part of the ZONING bylaw that delineate the boundaries of ZONING DISTRICTS.
ARTICLE 3
ZONING DISTRICTS

3.1 Establishment of DISTRICTS

For the purposes of this Bylaw, the Town of Wrentham is hereby divided into the following ZONING DISTRICTS (Zoning Districts Revised November 12, 2002):

<table>
<thead>
<tr>
<th>Title</th>
<th>Abbreviation</th>
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<tbody>
<tr>
<td>Residential DISTRICT ..........................................................R-30</td>
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<tr>
<td>Residential DISTRICT ..........................................................R-43</td>
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<tr>
<td>Agricultural and Residential DISTRICT ..........R-87</td>
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<tr>
<td>Retail Business DISTRICT 1 ...............................B-1</td>
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<tr>
<td>Retail Business DISTRICT 2 .........................B-2</td>
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<td>Commercial-INDUSTRIAL DISTRICT1 .....................C-1</td>
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<tr>
<td>Commercial-INDUSTRIAL DISTRICT 2 ....................C-2</td>
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<td>Conservation, Recreation, School and Park DISTRICT CRSP</td>
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<td>WATERSHED Protection DISTRICT (overlay) ..........W</td>
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<tr>
<td>AQUIFER Protection DISTRICT (overlay) .............A</td>
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3.2 ZONING MAP

Said DISTRICTS are located and bounded as shown on a map entitled "TOWN OF WRENTHAM, MASSACHUSETTS, ZONING DISTRICTS," dated February 2002 and prepared by Earth Tech, Inc., and as most recently amended, and on file with the OFFICE of the Town Clerk. The ZONING MAP, with all explanatory matter thereon, is hereby made part of this bylaw (Paragraph Revised February 25, 2002).

3.3 DISTRICT Boundaries

a. Where a boundary is shown as following a STREET, railroad, utility EASEMENT or watercourse, the boundary shall be the center line thereon unless otherwise indicated.

b. Where a DISTRICT boundary is shown as generally parallel to a STREET, railroad, utility EASEMENT or watercourse, the boundary shall be deemed parallel to the nearer, RIGHT-OF-WAY sideline or high water line, or an extension of such line. The numerical figure placed between said line and the DISTRICT boundary shall be the distance in feet between them as measured along a line perpendicular to said line or extension thereof.

c. Where a DISTRICT boundary is indicated as generally coinciding with a city, town or property line, it shall so coincide.
d. Where a DISTRICT boundary is indicated as perpendicular to any RIGHT-OF-WAY line, itemized above, or any city, town or property line, it shall be deemed to be perpendicular.

e. Where a DISTRICT boundary is indicated as generally parallel to any city, town or property line, it shall be deemed parallel. The numerical figure placed between two such lines shall be the distance in feet between them as measured along a perpendicular line.

f. Where the location of a DISTRICT boundary is uncertain, the Planning Board or Building Inspector shall determine its position in accordance with the distance, in feet, from other lines as given or as measured from the scale of the ZONING MAP.

g. Where a DISTRICT boundary divides a LOT, the regulations applying to the portion of such LOT in the less restricted may be considered as extending not more than 50 feet into the more restricted portion, but only if the LOT has FRONTAGE on a STREET in the less restricted DISTRICT.

h. A LOT which lies in more than one residential ZONE shall be required to meet the area and FRONTAGE requirements for the ZONE in which the greater portion of its area lies.

i. DISTRICT boundaries within the AQUIFER Protection DISTRICT shall be determined by the methods required by Article 15, s.15.4 (B).

j. DISTRICT boundaries within the WATERSHED Protection DISTRICT shall be determined by the Department of Environmental Management.

3.4 NON-CONFORMING LOTS, STRUCTURES and USES

a. Any residential LOT shown on a plan and or separately described in a deed duly recorded with the Norfolk County Registry of Deeds before the effective date of this by-law (October 29, 1956) shall be exempt from the SETBACK, FRONTAGE and area requirements of this bylaw with a SPECIAL PERMIT issued by the Board of Appeals if the following conditions are meet:

1. the LOT contains at least 50 feet of FRONTAGE, 5,000 square feet of area and is in a R DISTRICT;

2. the minimum required SETBACKS shall be at least 25 feet and the LOT COVERAGE shall not exceed 30%;

3. the fact that the LOT may have been held in common ownership with adjoining land after its creation as a separate LOT shall not prohibit the issuance of the SPECIAL PERMIT, provided that the LOT has not been re-combined with any adjoining land in a subsequently recorded plan or deed, or used to satisfy area or FRONTAGE requirements of this bylaw for an existing STRUCTURE; and
4. the Board of Appeals shall find that the proposed STRUCTURE(s) shall be in harmony with the surrounding neighborhood, taking into consideration the size and of any adjacent LOTS, and the mass and design of the proposed STRUCTURE(s).

This subsection 3.4 a. is intended to prevent undersized LOTS in developed areas from falling into disuse, and is intended to expand the protection afforded by MGL c.40A, s. fourth paragraph. The Board of Appeals shall have the discretion to deny the SPECIAL PERMIT provided for herein if it finds that there is other vacant land adjoining the LOT which may be available to make the LOT less NON-CONFORMING, or that the LOTS has been used for or incorporated into an existing residential USE.

b. Any USE or STRUCTURE (including SINGLE DETACHED or DOUBLE ATTACHED residential STRUCTURES) not conforming to these ZONING bylaws may be continued if the USE or STRUCTURE was lawfully existing at the time that it became NON-CONFORMING, subject to the following:

1. **Change, extension or ALTERATION:** As provided in M.G.L. c.40A, §6, such pre-existing NON-CONFORMING STRUCTURES or USES may be changed, extended or altered with a SPECIAL PERMIT by the ZONING Board of Appeals, provided that no such change, extension or ALTERATION shall be permitted unless there is a finding by the Board of Appeals that such change, extension or ALTERATION shall not be substantially [more]\(^1\) detrimental to the neighborhood than the existing NON-CONFORMING STRUCTURE or USE. Once changed to a conforming USE, no STRUCTURE or land shall be permitted to revert to a NON-CONFORMING USE.

2. **Restoration:** Any legally NON-CONFORMING BUILDING or STRUCTURE may be reconstructed if destroyed by fire or other accidental natural cause if reconstructed within a period of two (2) years from the date of the catastrophe, or else such reconstruction must comply with these ZONING bylaws.

3. **ABANDONMENT:** A NON-CONFORMING USE which has been abandoned and/or discontinued for a period of two (2) years or changed to a conforming USE shall not be re-established, and any future USE of the premises shall conform with these ZONING bylaws.

4. **Any extension, reconstruction or ALTERATION** to a pre-existing, NON-CONFORMING SINGLE DETACHED DWELLING or DOUBLE ATTACHED DWELLING may be allowed with a SPECIAL PERMIT, provided that the extension, reconstruction or ALTERATION does not intensify any existing NON-CONFORMITY or result in any additional NON-CONFORMITY within the requirements of these ZONING bylaws. Further, such a STRUCTURE that is to be demolished and reconstructed:

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\(^1\) Editorially supplied: Planning Board
i. Shall be relocated within the same LOT as is practicable to increase conformity with YARD setbacks requirements under these ZONING bylaws and to mitigate impacts or promote more complementary development with the surrounding neighborhood as found by the ZONING Board of Appeals. Once reconstructed in conformance with any YARD setback requirement, such a STRUCTURE shall thereafter not be changed so as to revert to the previous NONCONFORMING condition. The ZONING Board of Appeals may make a finding that relocation of the STRUCTURE is not practicable, and therefore consider a proposal to rebuild it within the same footprint of the existing STRUCTURE; and

ii. Shall only be allowed in a ZONING DISTRICT that currently permits SINGLE DETACHED DWELLINGS or DOUBLE ATTACHED DWELLINGS as so indicated under Article 4.2 herein; and

iii. Shall be considered as to whether the STRUCTURE possesses particular historical significance within the community. Attention shall be given as to its current state of repair and to whether reasonable efforts were or could be made toward adequately maintaining the STRUCTURE; and

iv. May expand its GROSS FLOOR AREA provided the STRUCTURE conforms or does not increase its NON-CONFORMITY with minimum YARD setback, BUILDING height and LOT COVERAGE requirements of these bylaws, its GROSS FLOOR AREA does not exceed 30 percent of the non-WETLAND area of the LOT, and there is a finding by the ZONING Board of Appeals that the mass and design of the proposed STRUCTURE is in harmony with the surrounding neighborhood. (Paragraphs i through iv Adopted June 19, 2000.)

v. Notwithstanding the provisions of Section 3.4.b.4. and of subsection iv., above, the Board of Appeals may allow, in connection with any SPECIAL PERMIT issued under this Section 3.4.b.4., a reduction in the applicable SIDE YARD requirements of up to seventy-five percent (75%), provided that the width of the LOT at the FRONT YARD SETBACK is less than three times the applicable minimum SIDE YARD requirement, and if the sum of the SIDE YARD SETBACKS created by the new STRUCTURE will be equal to or greater than those provided by the existing NON-CONFORMING STRUCTURE. (Paragraph adopted on June 25, 2001.)

3.5 New Construction and New USES

No new STRUCTURE or BUILDING may be erected, constructed, established, altered, repaired, enlarged, or moved and no new premises, land, or LOT may be put to a new USE or occupied except in conformity with these ZONING bylaws.

Construction or operations under a building permit, SPECIAL PERMIT, SITE PLAN APPROVAL, or VARIANCE, shall conform to any subsequent amendment to these ZONING bylaws unless the USE or construction is commenced within six months of issuance of the
approval and in cases involving construction, unless construction is completed within the time limit specified in the approval.

3.6 Additions and Enlargements

In all DISTRICTS, no existing BUILDING or STRUCTURE shall be externally enlarged to an extent greater than thirty (30) percent except in conformity with a SITE PLAN APPROVAL, as defined in Article 7 of these bylaws issued by the Planning Board. This provision applies only to the initial enlargements or additions, regardless of size. The thirty (30) percent threshold shall be the lesser calculation of the perimeter, area or volume enlargement. Any subsequent additions, regardless of size, shall likewise require SITE PLAN APPROVAL. This provision shall not apply to SINGLE DETACHED DWELLINGS.

3.7 FRONT YARD and BUFFER ZONE Compliance Exemption

Notwithstanding any other provision of this Bylaw to the contrary, if a portion of a parcel of land with a BUILDING in existence on April 26, 2004, which has STREET FRONTAGE on Route 1A and is located in a B-2 or C-2 DISTRICT, becomes included within the STREET LAYOUT of Route 1A, whether by means of a governmental taking or by means of a voluntary grant by the owner of such parcel, no violation of the FRONT YARD and/or BUFFER ZONE requirements of this Bylaw shall result, so long as, after such taking or voluntary grant is effected, said parcel with BUILDING continues to have at least 75% of the required minimum FRONT YARD and at least 50% of the required BUFFER ZONE in effect for the DISTRICT in which the parcel with BUILDING is located as of the date the taking is made or the grant is delivered to the appropriate governmental authority. (Adopted April 26, 2004.)
ARTICLE 4
USE REGULATION

4.1 GENERAL

BUILDINGS and other STRUCTURES shall be erected or USED and premises shall be USED only as set forth in the "USE Regulation Schedule" except as exempted by §3.4 or by statute. Symbols employed on the "USE Regulation Schedule" shall mean the following:

Y | A permitted USE

SPA | A USE permitted only with a valid SITE PLAN approved by the Planning Board in accordance with Article 7.

SP | A USE permitted only upon granting of a SPECIAL PERMIT in accordance with Article 9.

SPA/SP | A USE permitted only upon granting of a SPECIAL PERMIT in accordance with Article 9 accompanied by a SITE PLAN prepared in accordance with Article 7.

N | An excluded or prohibited USE.

(PB) | Planning Board is SPECIAL PERMIT Granting Authority

(ZBA) | ZONING Board of Appeals is SPECIAL PERMIT Granting Authority

4.2 USE REGULATION SCHEDULE (Last Revised November 12, 2002)

<table>
<thead>
<tr>
<th>A. RESIDENTIAL USES</th>
<th>R-30^1</th>
<th>R-43^1</th>
<th>R-87^1</th>
<th>B-1</th>
<th>B-2^3</th>
<th>C-1^2</th>
<th>C-2</th>
<th>CRSP</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. SINGLE DETACHED DWELLING</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>2. DOUBLE ATTACHED DWELLING</td>
<td>SP (PB)</td>
<td>SP (PB)</td>
<td>SP (PB)</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>3. MULTIPLE ATTACHED DWELLING, pursuant to Article 13.4</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>4. Conversion of a SINGLE DETACHED DWELLING to DOUBLE ATTACHED DWELLING, pursuant to Article 13.5</td>
<td>SP (ZBA)</td>
<td>SP (ZBA)</td>
<td>SP (ZBA)</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>5. SENIOR LIVING COMMUNITY, pursuant to Article 13.6</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
</tbody>
</table>
## B. AGRICULTURAL USES

<table>
<thead>
<tr>
<th></th>
<th>R-30</th>
<th>R-43</th>
<th>R-87</th>
<th>B-1</th>
<th>B-2</th>
<th>C-1</th>
<th>C-2</th>
<th>CRSP</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. FARM, excluding a FARM or piggery used for disposal of WASTE, garbage or renderings</td>
<td><strong>Y</strong></td>
<td><strong>Y</strong></td>
<td><strong>Y</strong></td>
<td><strong>N</strong></td>
<td><strong>N</strong></td>
<td><strong>N</strong></td>
<td><strong>N</strong></td>
<td><strong>Y</strong></td>
</tr>
<tr>
<td>2. NURSERY, orchard</td>
<td><strong>Y</strong></td>
<td><strong>Y</strong></td>
<td><strong>Y</strong></td>
<td><strong>N</strong></td>
<td><strong>N</strong></td>
<td><strong>N</strong></td>
<td><strong>N</strong></td>
<td><strong>Y</strong></td>
</tr>
<tr>
<td>3. Sale of FARM, NURSERY or orchard products, produce, poultry, or cattle grown and/or raised on the premises</td>
<td><strong>Y</strong></td>
<td><strong>Y</strong></td>
<td><strong>Y</strong></td>
<td><strong>N</strong></td>
<td><strong>N</strong></td>
<td><strong>N</strong></td>
<td><strong>N</strong></td>
<td><strong>Y</strong></td>
</tr>
<tr>
<td>4. Pets and customary FARM animals maintained without creation of a NUISANCE, and with the further limitations that large customary FARM animals such as horses, cattle, ponies cannot be maintained on a LOT of less than 43,560 sq. ft.</td>
<td><strong>Y</strong></td>
<td><strong>Y</strong></td>
<td><strong>Y</strong></td>
<td><strong>N</strong></td>
<td><strong>N</strong></td>
<td><strong>N</strong></td>
<td><strong>N</strong></td>
<td><strong>Y</strong></td>
</tr>
</tbody>
</table>

## C. COMMERCIAL USES

<table>
<thead>
<tr>
<th></th>
<th>R-30</th>
<th>R-43</th>
<th>R-87</th>
<th>B-1</th>
<th>B-2</th>
<th>C-1</th>
<th>C-2</th>
<th>CRSP</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. A single RETAIL STORE on a LOT</td>
<td><strong>N</strong></td>
<td><strong>N</strong></td>
<td><strong>N</strong></td>
<td>SPA (PB)</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td><strong>N</strong></td>
</tr>
<tr>
<td>2. SERVICE ESTABLISHMENT</td>
<td><strong>N</strong></td>
<td><strong>N</strong></td>
<td><strong>N</strong></td>
<td>SPA (PB)</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td><strong>N</strong></td>
</tr>
<tr>
<td>3. SHOPPING CENTER or complex of OFFICES, businesses, or RETAIL ESTABLISHMENTS</td>
<td><strong>N</strong></td>
<td><strong>N</strong></td>
<td><strong>N</strong></td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td><strong>N</strong></td>
</tr>
<tr>
<td>4. PLANNED BUSINESS DEVELOPMENT</td>
<td><strong>N</strong></td>
<td><strong>N</strong></td>
<td><strong>N</strong></td>
<td><strong>N</strong></td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td><strong>N</strong></td>
</tr>
<tr>
<td>5. Complex of OFFICES or other non-RETAIL businesses</td>
<td><strong>N</strong></td>
<td><strong>N</strong></td>
<td><strong>N</strong></td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td><strong>N</strong></td>
</tr>
<tr>
<td>6. Single or &quot;anchor&quot; RETAIL operations of at least 10,000 sq. ft. selling to the general PUBLIC and/or qualified PUBLIC such as so called &quot;WAREHOUSE or membership&quot; outlets. In addition RETAIL outlets of at least 5,000 sq. ft. may be sited to be complementary to one or more &quot;anchor&quot; stores, provided the total square footage of such complementary stores not exceed 50% of the total RETAIL complex</td>
<td><strong>N</strong></td>
<td><strong>N</strong></td>
<td><strong>N</strong></td>
<td><strong>N</strong></td>
<td><strong>N</strong></td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td><strong>N</strong></td>
</tr>
<tr>
<td>7. Bank</td>
<td><strong>N</strong></td>
<td><strong>N</strong></td>
<td><strong>N</strong></td>
<td>SPA (PB)</td>
<td>SPA (PB)</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td><strong>N</strong></td>
</tr>
<tr>
<td></td>
<td>R-30</td>
<td>R-43</td>
<td>R-87</td>
<td>B-1</td>
<td>B-2</td>
<td>C-1</td>
<td>C-2</td>
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<tr>
<td>8. RESTAURANT</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td>N</td>
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<tr>
<td>9. RESTAURANT, FAST FOOD</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>SPA/SP (PB)</td>
<td>N</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
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<tr>
<td>10. RESTAURANT, TAKE OUT</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td>N</td>
</tr>
<tr>
<td>11. HOTEL or MOTEL</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td>N</td>
</tr>
<tr>
<td>12. CAMPGROUND</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td>N</td>
</tr>
<tr>
<td>13. SOCIAL SERVICE AGENCY</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>SPA (PB)</td>
<td>SPA (PB)</td>
<td>SPA (PB)</td>
<td>SPA (PB)</td>
<td>N</td>
</tr>
<tr>
<td>14. CHILD CARE FACILITY, DAY CARE CENTER, ADULT DAY CARE FACILITY</td>
<td>SPA (PB)</td>
<td>SPA (PB)</td>
<td>SPA (PB)</td>
<td>SPA (PB)</td>
<td>SPA (PB)</td>
<td>SPA (PB)</td>
<td>SPA (PB)</td>
<td>N</td>
</tr>
<tr>
<td>15. FAMILY DAY CARE HOME</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>16. HEALTH CARE FACILITY, NURSING HOME</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>17. HEALTH CARE FACILITY, outpatient</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>SPA (PB)</td>
<td>SPA (PB)</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td>N</td>
</tr>
<tr>
<td>18. Meeting place for membership organizations such as veterans and other public service groups, including function halls and any uses normally incidental thereto</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>SPA (PB)</td>
<td>SPA (PB)</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td>N</td>
</tr>
<tr>
<td>19. Business, PROFESSIONAL, government or political campaign OFFICE</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>SPA (PB)</td>
<td>SPA (PB)</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td>N</td>
</tr>
<tr>
<td>20. OFFICES and CLINICS for medical, psychiatric or other health services for the examination and treatment of persons on an outpatient basis only; including laboratories that are part of such OFFICE or CLINIC</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td>N</td>
</tr>
<tr>
<td>21. Printing and private mail services</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>SPA/SP (PB)</td>
<td>N</td>
</tr>
<tr>
<td>22. KENNEL</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>23. GREENHOUSE, commercial</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>SPA/SP (PB)</td>
</tr>
<tr>
<td>24. Temporary storage of discarded materials or JUNK vehicles. Temporary storage area shall be FENCED and shielded and not exceed 400 square feet.</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>SPA/SP (ZBA)</td>
<td>N</td>
<td>SPA/SP (ZBA)</td>
<td>SPA/SP (ZBA)</td>
<td>N</td>
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</tr>
<tr>
<td><strong>25. MOTOR VEHICLE SALES</strong>, service, repair, or FUEL BUSINESS, provided that, except for storage of school buses, rental or sales vehicles, and vehicles under repair, there will not be any exterior storage or placement of vehicles, equipment, discarded parts, tires or coin operated machines.</td>
<td>R-30</td>
<td>R-43</td>
<td>R-87</td>
<td>B-1</td>
<td>B-2</td>
<td>C-1</td>
<td>C-2</td>
<td>CRSP</td>
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<tr>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td>N</td>
</tr>
<tr>
<td><strong>26. COUNTRY INN</strong> pursuant to Section 4.7 (Adopted April 28, 2003.)</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
</tr>
</tbody>
</table>

### D. RECREATIONAL USES

1. **CLUB, COUNTRY CLUB, tennis CLUB, GOLF COURSES**

   | SPA/SP (PB) | SPA/SP (PB) | SPA/SP (PB) | N | SPA/SP (PB) | N | N | SPA/SP (PB) |
2. **CONSERVATION or OPEN SPACE AREA, recreation, common or PARK land**

   | Y | Y | Y | SPA (PB) | SPA (PB) | SPA/SP (PB) | SPA/SP (PB) | Y |
3. **STABLES, PUBLIC**

   | SPA/SP (PB) | SPA/SP (PB) | SPA/SP (PB) | N | N | N | N | SPA (PB) |
4. **HEALTH CLUB or athletic CLUB with indoor/outdoor facility**

   | N | N | N | N | SPA/SP (PB) | N | N | SPA/SP (PB) | N |

### E. PUBLIC & SEMI-PUBLIC USES

1. **SCHOOL**

   | SPA/SP (PB) | SPA/SP (PB) | SPA/SP (PB) | N | N | N | N | SPA (PB) |
2. **Library**

   | SPA/SP (PB) | SPA/SP (PB) | SPA/SP (PB) | SPA (PB) | SPA (PB) | SPA/SP (PB) | SPA/SP (PB) | SPA/SP (PB) |
3. **Government BUILDING or facility or complex of government BUILDINGS or facilities.**

   | SPA/SP (PB) | SPA/SP (PB) | SPA/SP (PB) | SPA (PB) | SPA (PB) | SPA/SP (PB) | SPA/SP (PB) | SPA/SP (PB) | SPA/SP (PB) |
4. **CEMETERY**

   | Y | Y | Y | SPA (PB) | N | N | N | Y |
5. **CHURCH OR PLACE OF RELIGIOUS WORSHIP, parsonage**

   | Y | Y | Y | SPA (PB) | SPA (PB) | SPA/SP (PB) | SPA/SP (PB) | SPA/SP (PB) | SPA (PB) |
6. **Funeral home**

   | N | N | N | SPA (PB) | SPA (PB) | SPA/SP (PB) | SPA/SP (PB) | SPA/SP (PB) | N |
7. **Post Office**

   | N | N | N | SPA (PB) | SPA (PB) | SPA/SP (PB) | SPA/SP (PB) | SPA/SP (PB) | N |
8. **PUBLIC Transportation terminal**

<p>| N | N | N | SPA (PB) | N | SPA/SP (PB) | SPA/SP (PB) | SPA/SP (PB) | N |</p>
<table>
<thead>
<tr>
<th></th>
<th>R-30</th>
<th>R-43</th>
<th>R-87</th>
<th>B-1</th>
<th>B-2</th>
<th>C-1</th>
<th>C-2</th>
<th>CRSP</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. RESEARCH LABORATORY (except those designed and intended for the development of nuclear, chemical or germ/biological weapons, or similar activities)</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td>N</td>
</tr>
<tr>
<td>2. LIGHT MANUFACTURING facility within a TOTALLY ENCLOSED STRUCTURE, including, but not limited to: printing or publishing plants, bottling works, food processors or bakeries not operated at RETAIL, electronics industries, electroplating, light metal FABRICATION or finishing (excluding heavy punch presses and drop hammers), products assembled from previously processed materials such as bone, ceramic, cloth, glass, leather, metals, plastics, paper, rubber (except tires), wood (except planing mills), electric and mechanical instruments and appliances, optical goods, cosmetics, toiletries, and pharmaceutical products</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td>N</td>
</tr>
<tr>
<td>3. Construction business, heavy vehicle storage</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>SPA (PB)</td>
<td>SPA (PB)</td>
<td>N</td>
</tr>
<tr>
<td>4. WAREHOUSE and storage facility other than a facility for storage of so-called JUNK vehicles and other SCRAPPED materials reprocessing</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td>N</td>
</tr>
<tr>
<td>5. Oil, coal, gas, or propane FUEL BUSINESS</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>SPA (PB)</td>
<td>SPA (PB)</td>
<td>N</td>
</tr>
<tr>
<td>6. PUBLIC OR MUNICIPAL UTILITY FACILITY related solely to the control of, or transmission and/or distribution of a utility</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>SPA (PB)</td>
<td>SPA (PB)</td>
<td>N</td>
</tr>
<tr>
<td></td>
<td>PLANNED INDUSTRIAL/OFFICE PARK (PI/OP)</td>
<td>R-30</td>
<td>R-43</td>
<td>R-87</td>
<td>B-1</td>
<td>B-2</td>
<td>C-1</td>
<td>C-2</td>
</tr>
<tr>
<td>---</td>
<td>--------------------------------------</td>
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<td>------</td>
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</tr>
<tr>
<td>7</td>
<td>Facilities used to generate electrical or steam or other power (for commercial purposes other than that required by the operator of said plant for on-site needs). Nothing in this section shall prohibit the sale of any excess power during non-peak periods from time-to-time to an existing utility</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>SPA/SP (PB)</td>
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<table>
<thead>
<tr>
<th></th>
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<th>C-2</th>
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<table>
<thead>
<tr>
<th>G. PUBLIC/MUNICIPAL UTILITIES</th>
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<th>SPA/SP (PB)</th>
<th>SPA/SP (PB)</th>
<th>SPA/SP (PB)</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th>N</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. PUBLIC OR MUNICIPAL UTILITY FACILITY but not including electricity generating units, new utility rights of way, or oil, gas, or propane storage tanks in excess of 5,000 gallons</td>
<td></td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>N</td>
</tr>
<tr>
<td>2. PUBLIC OR MUNICIPAL UTILITY FACILITY but not including generating units in excess of 10 megawatts, new rights of way, or oil, gas, or propane storage tanks in excess of 5,000 gallons</td>
<td></td>
<td>N</td>
<td>N</td>
<td>N</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
<td>SPA/SP (PB)</td>
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</table>

<table>
<thead>
<tr>
<th>H. ACCESSORY USES</th>
<th></th>
<th>SPA/SP (PB)</th>
<th>SPA/SP (PB)</th>
<th>SPA/SP (PB)</th>
<th>SPA/SP (PB)</th>
<th>SPA/SP (PB)</th>
<th>SPA/SP (PB)</th>
<th>SPA/SP (PB)</th>
<th>N</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. ENCLOSED WIRELESS COMMUNICATION TRANSMITTER/RECEPTOR within a non-residential BUILDING or STRUCTURE</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>N</td>
</tr>
<tr>
<td>2. HOME OCCUPATION (See Article 4.5)</td>
<td></td>
<td>SP (ZBA)</td>
<td>SP (ZBA)</td>
<td>SP (ZBA)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>N</td>
</tr>
<tr>
<td>3. HOME OCCUPATION: Antique shop, beauty parlor, barber shop, real estate OFFICE (See Article 4.5)</td>
<td></td>
<td>SP (ZBA)</td>
<td>SP (ZBA)</td>
<td>SP (ZBA)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>N</td>
</tr>
</tbody>
</table>
### Footnotes to USES Table.

1. USES prohibited in residential DISTRICTS: JUNKYARDS, BULK STORAGE, auto service and repair shops. (NOTE: Also refer to Article 6.6 regarding Private Dumps.)

2. No USE shall be allowed in the C-1 DISTRICT even if permitted in the above sections if such USE is determined by the Planning Board to be offensive, noxious, detrimental, or dangerous to the surrounding areas of the town by reason of dust, smoke, odor, noise, vibration, light, traffic, hours and/or methods of operation or other adverse effect.

3. Provided that the GROSS FLOOR AREA (GFA) is not greater than 10,000 square feet. in a B-1 DISTRICT, or not greater than 25,000 square feet in B-2 and in C-1 DISTRICTS except as approved by the Planning Board within a PLANNED BUSINESS DEVELOPMENT (PBD) pursuant to Article 4.2 and as stated in accordance with the following:
   a. The GFA of any BUILDING allowed in a PBD shall not exceed 37,500 square feet.

4. Permitted in a PLANNED INDUSTRIAL/OFFICE PARK with a SPECIAL PERMIT and approved SITE PLAN.

5. No PARKING LOT or other impervious surfaces other than vehicular ingress and egress DRIVEWAYS shall be located closer than 50 feet from any property line and such 50 foot BUFFER ZONE shall be either retained in a natural state or landscaped, as required by the Planning Board. Said BUFFER ZONES may, however, be reduced by means of a SPECIAL PERMIT granted by the Planning Board involving only those USES within a PBD. These reductions may be authorized in consideration of such distinct features as SHARED PARKING LOTS, internal and COMMON DRIVEWAYS as well as the distance of a LOT from the travel surface with in an adjoining PUBLIC WAY as compared to other LOTS within the same ZONING DISTRICT. However, in no case shall the BUFFER ZONE be reduced along the boundary of any adjoining LOT within a Residential ZONING DISTRICT as required under Article 6.10. In addition, drainage storage, retention or detention facilities may occupy no greater than 25 percent of a reduced BUFFER ZONE and...
only if such facilities would be located within that portion of the BUFFER ZONE furthest from a property line.

6. Any and all DRIVE-UP WINDOWS are not allowed.

7. Provided no other USES within the same classification are within 600 feet as measured between the subject LOTS.

### 4.3 ACCESSORY USES

An ACCESSORY USE is one that constitutes only an incidental or insubstantial part of the total activity that takes place on a LOT and is commonly associated with and integrally related to a PRINCIPAL USE. Even though a USE may be a PRINCIPAL USE in one situation, it may be conducted as an ACCESSORY USE in conjunction with a PRINCIPAL USE (provided it is insubstantial, incidental, commonly associated with and integrally related to that PRINCIPAL USE).

### 4.4 Substantial Change of USE

Prior to a substantial change in USE (for both PRINCIPAL and ACCESSORY USES), a new certificate of occupancy shall be obtained. If the existing USE or the proposed new USE is one which requires a SPECIAL PERMIT and/or SITE PLAN APPROVAL (as set forth in Article 4.2), a new SPECIAL PERMIT and/or SITE PLAN APPROVAL shall be obtained prior to the issuance of a certificate of occupancy.

A substantial change of USE occurs when:

- **a.** the change is from one PRINCIPAL USE category to another (i.e. USE classifications that are on different lines in Article 4.2);

- **b.** the existing USE of a LOT is a combination of several different PRINCIPAL USES, such as different RETAIL ESTABLISHMENTS, OFFICES or RESTAURANTS within one BUILDING, and the changes alters the off-STREET parking requirements for the overall USE of the LOT;

- **c.** the operating characteristics of the new USE differs substantially from that of the USE which it replaces because there are adverse impacts on nearby properties, or the capacity of PUBLIC services or facilities is not adequate to accommodate the new USE;

- **d.** In the case where a SPECIAL PERMIT or VARIANCE is in effect, the change would result in exceeding any conditions included in the SPECIAL PERMIT or VARIANCE, even if the preceding USE and the new USE are on the same line in Article 4.2.

A change in ownership or management of an ESTABLISHMENT conducted as a PRINCIPAL USE, and not resulting in any of the changes listed above, is not considered a substantial change in USE.
4.5 HOME OCCUPATION

a. The Board of Appeals may issue a SPECIAL PERMIT to a resident to USE his/her DWELLING UNIT or ACCESSORY BUILDINGS to conduct a HOME OCCUPATION (considered an ACCESSORY USE). The permit shall be for not longer than two years; shall not be transferable to a person other than the person to whom the permit was issued; and, shall terminate immediately if the person to whom the permit was granted discontinues his/her residency at the location for which the permit application was made.

1. The GROSS FLOOR AREA that may be used to conduct a HOME OCCUPATION may not exceed 500 sq. ft.

2. No part of any STRUCTURE or BUILDING shall be modified or constructed in any way that is not normally or usually found in a residence, or which detracts from its appearance as a primarily residential STRUCTURE.

3. Signage may not be employed, except as permitted by Article 18. Further, signage in accordance with Article 18 shall be appropriate to the proposed USE and shall be reviewed as part of the SPECIAL PERMIT application.

4. The resident to whom the SPECIAL PERMIT is granted may not employ more than one other person at that location.

5. Outside storage or display of any goods, material, or equipment, including more than two vehicles of 15,000 or lower gross vehicle weight, is prohibited. Any storage or display of more than one vehicle of more than 15,000 gross vehicle weight is prohibited.

6. RETAIL sales shall not be allowed; except those items that are manufactured, crafted, or produced by the resident at the location for which the permit was granted, and antiques and the like.

b. No SPECIAL PERMIT shall be required under this section for the ACCESSORY business USE of a residence if the USE meets all the limitations set forth in the preceding subsection a., if it does not require the invitation of the PUBLIC onto the premises for business purposes, and if does not include any of the following attributes:

1. Employment of any person not residing on the premises;

2. The posting of any exterior SIGNS; or

3. Parking or storage of any MOTOR VEHICLE of more than 15,000 gross vehicle weight for USE in the business enterprise, or more than two vehicles of any size not for personal USE.
4.6 BED AND BREAKFAST HOME

A BED AND BREAKFAST HOME is an ACCESSORY USE in which a private owner-occupied DWELLING UNIT has three or fewer bed and breakfast units available for rent, breakfast included, for overnight accommodations.

a. Objective:

The conversion of an existing SINGLE DETACHED DWELLING UNIT into a BED AND BREAKFAST HOME containing not more than three bed and breakfast units is intended to provide standards to ensure that any DWELLING containing a BED AND BREAKFAST HOME is maintained primarily as a residence and the bed and breakfast accommodations are subordinate and incidental to the PRINCIPAL USE of the DWELLING as a residence.

b. Conditions and Requirements:

The Board of Appeals may issue a SPECIAL PERMIT for a BED AND BREAKFAST HOME to be conducted in a SINGLE DETACHED DWELLING UNIT in all ZONING DISTRICTS provided that each of the following conditions and requirements are met:

1. General

a. No BED AND BREAKFAST HOME, new or existing, shall be operated without first being granted a SPECIAL PERMIT from the Board of Appeals and a certificate of occupancy from the Building Inspector.

b. A BED AND BREAKFAST HOME is an ACCESSORY USE and the primary USE of the DWELLING UNIT shall remain as a residence and not as a lodging house or as a "bed and breakfast ESTABLISHMENT", as that term is defined in c.64G of M.G.L. The bed and breakfast operation shall not occupy more than 45 percent of the GROSS FLOOR AREA of the DWELLING UNIT, and shall meet the criteria of an ACCESSORY USE set forth in Article 4.3.

c. Within one DWELLING UNIT there shall be a maximum of three (3) bedrooms which are rented.

d. Food for a fee may be served only to overnight guests.

e. Length of stay shall not exceed seven (7) nights within a 30 day time period.

f. No SIGNS beyond those allowed by Article 18 of this Bylaw shall be permitted.
2. The DWELLING UNIT containing the BED AND BREAKFAST HOME shall be designed so that the exterior appearance of the STRUCTURE remains that of a SINGLE DETACHED DWELLING, subject further to the following conditions and requirements:

a. All stairways to upper stories shall be enclosed within the exterior walls of the DWELLING.

b. Any proposed enlargements or additions to the STRUCTURE (prior to the issuance of the first certificate of occupancy for the bed and breakfast operation) shall be included as part of the SPECIAL PERMIT/SITE PLAN APPROVAL application.

Subsequent changes after the operation is underway shall be permitted only upon an approved SITE PLAN by the Board of Appeals.

The architectural character of a single residence shall be maintained.

3. Parking

In order to maintain the appearance of a residential neighborhood, all PARKING SPACES on the LOT shall be subject to the following conditions and requirements in addition to those applicable conditions set forth in Article 6.4:

a. There shall be one PARKING SPACE provided for each bed and breakfast unit.

b. Newly created PARKING SPACES may be located only in the REAR and SIDE YARD, however not within the minimum rear or side SETBACK areas.

c. Procedures

Each application for a SPECIAL PERMIT plan shall be accompanied by:

1. Floor plans, drawn to scale, of the DWELLING showing each of the bed and breakfast units to be designated and the access to, and egress from, each such unit.

2. An off-STREET parking plan.

3. Where exterior changes are proposed, an ELEVATION, or other visual representation, of the facade to be changed sufficient show the architectural character of the DWELLING is maintained as a SINGLE DETACHED DWELLING UNIT.

4. Upon granting of the SPECIAL PERMIT, the applicant shall apply for a building permit (if necessary) and certificate of occupancy. Prior to a certificate of occupancy being granted, the Building Inspector shall inspect the property to determine compliance with the current requirements of the Massachusetts State Building Code.
d. The SPECIAL PERMIT shall be valid for two years. The SPECIAL PERMIT shall be granted only to the owner of the property and shall not be transferable. Any change in ownership in the property shall require a new SPECIAL PERMIT and certificate of occupancy.

4.7 COUNTRY INNS (Section adopted April 28, 2003)

The Planning Board may issue a SPECIAL PERMIT for the use or conversion of an historic building built prior to 1929 for use as a COUNTRY INN, subject to all of the criteria for the issuance of SPECIAL PERMITS set forth in Section 3.4 (if applicable) and Article 9 of this ZONING Bylaw, and subject to the Planning Board’s determination that the proposed USE will meet the following additional criteria:

a. The LOT upon which the COUNTRY INN will be located contains at least 8,000 square feet of area for each guest room, or such larger area as may be required under any other applicable section of this Zoning Bylaw;

b. There will be adequate parking to serve the guests and the staff, with parking areas to be screened from the street and from abutting properties so as to reasonable preserve the historic character and appearance of the property;

c. The architectural character of the historic building will be maintained;

d. The COUNTRY INN shall be for transient lodging only (length of stay not to exceed fourteen (14) nights within a 30-day period);

e. Expansion of the existing historic BUILDING may be authorized by SPECIAL PERMIT herein, provided it shall not be in excess of twenty five percent (25%) of the GROSS FLOOR AREA of the BUILDING existing at the time of the adoption of this bylaw; that all stairways to upper stories shall be enclosed, and that only limited alteration to the front BUILDING façade shall result from said expansion.

f. The portion of the BUILDING dedicated to RESTAURANT USE, exclusive of storage and kitchen areas, shall not exceed twenty percent (20%) of the NET FLOOR AREA of the BUILDING; and

g. If the COUNTRY INN is to be located in a residential ZONING DISTRICT, there are adequate conditions on the manner and hours of operation of any RESTAURANT or other ACCESSORY USE to maintain the residential character of the neighborhood.

Notwithstanding the provisions of Section 3.4.b.1., the Planning Board shall be the SPECIAL PERMIT Granting Authority with respect to any SPECIAL PERMIT required under that section due to the nonconformity of the existing historic STRUCTURE with the dimensional requirements of this ZONING Bylaw.
ARTICLE 6
DEVELOPMENT REGULATIONS

6.1 Dimensional Requirements
(Dimensional Requirements Table Revised November 12, 2002.)

<table>
<thead>
<tr>
<th>DISTRICT</th>
<th>Area (sq. ft.)</th>
<th>Continuous FRONTAGE (feet)</th>
<th>FRONT (feet)</th>
<th>SIDE (feet)</th>
<th>REAR (feet)</th>
<th>Stories</th>
<th>Feet</th>
<th>Percent</th>
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<tbody>
<tr>
<td>R-30</td>
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<td>125</td>
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<td>200</td>
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<tr>
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</tr>
<tr>
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<td>25</td>
<td>40</td>
<td>2.5</td>
<td>35</td>
<td>25</td>
</tr>
</tbody>
</table>

1. BUILDING or STRUCTURE height in all DISTRICTS except C-2 (for C-2 see s.6.11 e.) is limited to thirty-five (35) feet above the AVERAGE GROUND ELEVATION surrounding the exterior walls. All BUILDINGS are further limited to two and one-half (2 1/2) habitable stories. This limitation does not apply to chimneys, ventilators, spires, steeples, air conditioning and solar heating equipment, and other usual and necessary appurtenances and STRUCTURES above the roofline of a BUILDING provided that these STRUCTURES shall not exceed forty-six (46) feet above the AVERAGE GROUND ELEVATION, not be used for human, bird, or animal occupancy, and not occupy more than 20% in the aggregate of the roof plan area of the BUILDING. The Planning Board may grant a SPECIAL PERMIT allowing STRUCTURES to exceed these limitations, if such STRUCTURE is required for the USE and will not be detrimental to the neighborhood.

This limitation may be modified by the SPECIAL PERMIT issued by the Planning Board in the case of all TOWERS, water storage tanks, or government, PUBLIC UTILITY or HEALTH CARE FACILITIES where functional design limitations will not permit compliance with this section and where the applicant provides fire protection and other safety measures necessary to safeguard the STRUCTURE and the PUBLIC.

2. LOT COVERAGE includes ACCESSORY BUILDINGS and all IMPERVIOUS SURFACES (e.g., DRIVEWAYS, PARKING LOTS, TENNIS COURTS, etc.)
3. a. FRONTAGE of all STREETS and ways shall be measured along a continuous line ("STREET FRONTAGE line") connecting points of intersection of the side LOT lines with the STREET LAYOUT on which the LOT is located, and there will not be less than the required STREET FRONTAGE distance between the side LOT lines at all points from the STREET FRONTAGE line to the minimum front SETBACK distance. The front SETBACK shall be measured from a line parallel to the "STREET FRONTAGE line."

b. Further, FRONTAGE on cul-de-sacs or along the curvature of a road shall be established by measuring along the arc of the curve established by the STREET LAYOUT between the points of intersection created by the side LOT lines and the STREET. The front SETBACK shall be measured from a line parallel to the "STREET FRONTAGE line." (See Figure B).

c. In any case where the points of intersection are uncertain, the Planning Board shall, in its best judgment, determine these points.

d. FRONTAGE for road stubs for subdivision DEVELOPMENT shall meet the taking requirements for minor, collector, arterial, or INDUSTRIAL STREETS as set forth in the Rules and Regulations Governing Subdivision of Land in the Town of Wrentham (1987) but not less than 45 feet.

e. No new LOT shall be deemed to conform to FRONTAGE or area unless it conforms to the BUILD FACTOR requirement set forth in Article 6.2.

f. No STREET FRONTAGE shall be required for BUILDINGS or STRUCTURES not used for human occupancy, and used to provide municipal services such as water tanks, well houses, pump stations, or BUILDINGS used to shelter equipment relative to any of the foregoing, provided there is a deeded right of access to such BUILDINGS or STRUCTURES from a PUBLIC WAY. Any RIGHT-OF-WAY providing access to such BUILDING or STRUCTURE shall be permitted as an ACCESSORY USE even if is not on the same LOT as the principal BUILDING or STRUCTURE, notwithstanding any other provisions of this Bylaw.

4. a. A LOT located at the intersection of two STREETS meeting at an angle of less than 135 degrees (a CORNER LOT) shall have two FRONT YARDS, one on each STREET. The required FRONTAGE for the LOT must be provided on only one STREET, however, the FRONT YARD SETBACK applies to both STREETS.

b. A CORNER LOT shall have no foliage or obstruction to view between a height of three and one-half feet and eight feet above curb GRADE for a radius of twenty feet back from the STREET intersection.

c. In any subdivision of land subject to approval by the Planning Board under M.G.L. c.41, s.81K - 81GG, the Board may require further SETBACKS on not more than one third of the BUILDING LOTS to avoid the adverse visual impacts of so-called parallel siting of BUILDINGS or main STRUCTURES.
5. In the B-1 ZONING DISTRICT, the front, side and rear SETBACK requirements shall be specified in an approved site plan pursuant to Article 7. In a B-2 ZONING DISTRICT, the side and rear SETBACK requirements shall be specified in an approved SITE PLAN pursuant to Article 7. In the B-2 ZONING DISTRICT, the front SETBACK requirement may be reduced by SPECIAL PERMIT approved by the Planning Board, but only for those LOTS within a PLANNED BUSINESS DEVELOPMENT (PBD) pursuant to Article 4.2 (Also see footnote 5 in Article 4.2.)

6. In the C-1 ZONING DISTRICT, the front, side and rear SETBACK requirements shall be specified in an approved SITE PLAN pursuant to Article 7. However, the front SETBACK shall not be less than 75 ft., the side SETBACK shall not be less than 40 ft., and the rear SETBACK shall not be less than 40 ft.

7. The minimum area requirements applicable to land in the B-2 Zoning District shall not apply to any lot described in a deed or shown on a plan recorded in the Norfolk County Registry of Deeds on or before November 15, 1999 (the effective date of the amendment creating the B-2 District), provided that such lot was not held in common ownership with any adjoining land as of that date, and contains at least 30,000 square feet of land. (Adopted on February 26, 2001).

8. See s.6.11 c.

9. The provisions of this footnote shall apply only to those LOTS that adjoin a Massachusetts Highway Department numbered route. In the C-2 ZONING DISTRICT, SETBACK requirements may be reduced by means of a SPECIAL PERMIT issued by the Planning Board (Special Permit Granting Authority “SPGA”) provided the FRONT YARD SETBACK shall not be less than 50 feet, the SIDE YARD SETBACK shall not be less than 25 feet, and the REAR YARD SETBACK shall not be less than 10 feet. In considering the reduction in SETBACK requirements the SPGA shall consider:

a. The effect on PUBLIC infrastructure and services;

b. The effect on sensitive environmental lands;

c. The proposed appearance of the BUILDINGS and STRUCTURES as well as landscaping features on the LOT from adjoining PUBLIC WAYS; and,

d. Whether the site layout serves to facilitate safe and adequate traffic circulation along adjoining PUBLIC WAYS through such means as COMMON DRIVEWAYS.

In no way shall this footnote be used to reduce the BUFFER ZONE proscribed in Article 6, Section 6.10. (Adopted 11/29/00)

6.2 BUILD FACTOR

No new LOT shall be deemed to conform with the FRONTAGE or area requirements set forth in Article 6.1 unless it has a BUILD FACTOR of 25 or less. Existing LOTS shall be exempt from this requirement unless an existing LOT is to be divided into two or more LOTS.
BUILD FACTOR = \frac{(\text{LOT Perimeter})^2}{\text{Actual LOT Area}} \div \frac{\text{Actual LOT Area}}{\text{Required LOT Area}}

The Planning Board may waive the BUILD FACTOR requirement if they determine it is in the best interest of the Town, in accordance with Article 1.2 of this Bylaw.

6.3 OPEN SPACE Requirement

Land included in the required front SETBACK shall be maintained as unoccupied natural or landscaped space. This restriction does not apply to FENCES, utility poles, DRIVEWAYS, septic systems, wells, underground utility services, and certain SIGNS authorized in Article 18. BARNs or stables used for the housing and feeding of domesticated animals, such as but not limited to horses, sheep, cows, cattle, etc., shall be placed only within the REAR YARD SETBACK requirements, unless approval is obtained from the Board of Appeals.

6.4 On Site Parking Requirements

Any USE permitted in Article 4.2 or the expansion of any NON-CONFORMING USE must provide off-STREET, on-site parking in accordance with following paragraphs a. through j:

a. Parking areas are to be designed to permit safe access and exit of vehicles. Parking areas are to be designed to prevent vehicles from backing onto DRIVEWAYS or STREETS.

b. Parking and DRIVEWAY lighting should be minimal, consistent with safe USE. Tall lighting STRUCTURES should be avoided.

c. Parking and DRIVEWAY areas shall be constructed of a durable, all-weather material and shall provide drainage, which is sufficient to prevent runoff from entering any STREET.

d. Parking areas for more than ten vehicles are to be designed and constructed with limited access and exit DRIVEWAYS and are to be set off by natural, landscaped screening. Large, unbroken parking areas are prohibited except for INDUSTRIAL USES.

e. Parking areas for more than ten vehicles and associated DRIVEWAYS are to be constructed to the standards for construction for collector STREETS as set forth in s.7 of the Rules and Regulations Governing the Subdivision of Land in the Town of Wrentham (1987). Drainage design and construction shall include interconnected catch basins with oil and grease traps.

f. Parking areas are not to be constructed within minimum FRONT YARD, REAR YARD, or SIDE YARD SETBACK areas.
g. Off-STREET PARKING SPACES shall be allocated in the following manner as a minimum:

<table>
<thead>
<tr>
<th>USE</th>
<th>REQUIREMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>ROW HOUSE and MULTIPLE ATTACHED DWELLINGS</td>
<td>Three (3) spaces per DWELLING UNIT</td>
</tr>
<tr>
<td>Business and PROFESSIONAL OFFICES, banks</td>
<td>One (1) space/270 GFA plus one (1) space for every two employees.</td>
</tr>
<tr>
<td>HOTELS, MOTELS</td>
<td>Three (3) spaces for every two (2) sleeping rooms, plus for meeting or function rooms (see places of assembly requirements) plus one (1) space for every four (4) employees</td>
</tr>
<tr>
<td>COUNTRY INNS (Adopted April 28, 2003)</td>
<td>Three (3) spaces for every two (2) sleeping rooms, plus one (1) space for every four (4) employees</td>
</tr>
<tr>
<td>RESTAURANTS</td>
<td>One (1) space for every two (2) fixed seats, or if fixed seats are not utilized, every twenty (20) square feet of floor space or each two (2) feet of bleacher-type bench shall be one (1) seat, plus one (1) space for every two (2) employees</td>
</tr>
<tr>
<td>Places of Assembly or Amusement</td>
<td>One (1) space for every four (4) fixed seats or if fixed seats are not utilized, every twenty (20) square feet of floor space or each two (2) feet of bleacher type bench shall be one (1) seat plus one (1) space for every four (4) employees</td>
</tr>
<tr>
<td>Government OFFICE BUILDING</td>
<td>One space per each 300 square feet of GROSS FLOOR AREA (GFA)</td>
</tr>
<tr>
<td>Police/Fire Station</td>
<td>One space per each 300 square feet of GROSS FLOOR AREA, excluding area set-aside for the storage of police and fire vehicles within the BUILDING.</td>
</tr>
<tr>
<td>Hospitals, NURSING HOMES, convalescent homes, rest homes, and extended care facilities</td>
<td>One (1) space for every two (2) patient beds</td>
</tr>
<tr>
<td>RETAIL STORES and SERVICE ESTABLISHMENTS</td>
<td>One (1) space for every 200 GFA</td>
</tr>
<tr>
<td>WAREHOUSES or LIGHT MANUFACTURING Facilities</td>
<td>One (1) space per employee, plus one (1) space for every 2,000 square feet of GFA</td>
</tr>
<tr>
<td>Any other allowed USE not specified above</td>
<td>One (1) space per employee, plus one (1) space for every 2,000 square feet of GFA, or as determined by the Planning Board</td>
</tr>
</tbody>
</table>

**Note:** GFA is GROSS FLOOR AREA
Where a BUILDING or land area is used for more than one USE, off-STREET PARKING SPACE requirements shall be the sum of the requirements for each USE. Where the computation of required PARKING SPACES results in a fractional number, only the fraction of one-half (1/2) or more shall be counted as one.

h. Parking Dimensions and Layout

1. For each USE as specified in §6.4 g except SHOPPING CENTERS and RESTAURANTS, the PARKING SPACE width shall be nine (9) feet. For SHOPPING CENTERS and RESTAURANTS, the PARKING SPACE width shall be ten (10) feet.

2. Reference the appendix of these bylaws for typical off-STREET parking dimensions and requirements.

i. The provisions outlined in the Town of Wrentham's Bylaws, Article 12, §24 - "Handicapped Parking Regulations," shall apply and be part of the off-STREET, on-site parking requirements. In addition, any other federal or state mandated parking/access regulations, specifications or conditions for accessibility by persons who are physically challenged shall also be required for approved by the SPGA.

j. Notwithstanding paragraph j., a reduction of up to twenty (20%) percent of the required PARKING SPACES within a PBD may be allowed by SPECIAL PERMIT granted by the Planning Board provided a detailed analysis clearly demonstrates that sufficient parking would remain for the USES within the PBD. Said analysis shall be prepared in accordance with the standards of the Institute of Transportation Engineers and shall address several distinct characteristics of the proposed PBD including but not limited to:

1. The proposed peak parking demand of all the USES being served based on a daily, weekly and seasonal basis;

2. The projected parking turnover rate of all the USES during peak demand periods;

3. Site design features such as the proximity of the PARKING LOTS or SHARED PARKING LOTS to the BUILDING entrances of the two (2) of more principal USES being served.

As a condition of any approval herein, land area that would have otherwise served as the location of the PARKING SPACES, in question, shall be perpetually set aside. In addition, the Planning Board may at any time require that any or all of such PARKING SPACES are to be constructed in said area if the parking demand on the site so warrants.

k. Notwithstanding provisions to the contrary, a SPECIAL PERMIT may be granted by the Planning Board allowing for no less than one (1) PARKING SPACE per three (3) seats within a RESTAURANT only as referred to under Section 4.2 C.8 as an individual USE or as part of an allowed complex of businesses, provided;
1. The particular RESTAURANT USE will not accommodate ancillary activities that will expectedly increase parking demand (e.g. live entertainment, dancing, etc.); and,

2. The land not utilized for parking as a result of reducing the number of required PARKING SPACES is perpetually set aside as OPEN SPACE preferably along a major STREET or nearby residential properties. (Adopted May 21, 2001.)

6.5 Loading Areas and Outside Storage Requirements

Any USE permitted in Article 4.2 or the expansion of any NON-CONFORMING USE must provide off-STREET, on-site loading areas and permitted outside storage in accordance with following paragraphs a. through e.

a. Loading and storage areas must be physically separated from parking areas and DRIVEWAYS.

b. Loading and storage area lighting should be minimal, consistent with safe USE. Tall lighting STRUCTURES should be avoided.

c. Loading and storage areas will be constructed of durable, all-weather material and shall provide sufficient drainage.

d. Loading and storage areas in excess of 5,000 square feet are to be set off by natural, landscaped screening.

e. Loading and storage areas are not to be constructed within FRONT YARD, REAR YARD, or SIDE YARD SETBACK areas.

6.6 Private Dumps

Dumping, abandonment, or disposal of vehicles, equipment, appliances, demolition material, or any other WASTE matter is prohibited in all DISTRICTS except as authorized in Article 4.

6.7 Land Clearing in Anticipation of USE

Land clearing, excavation, gravel removal, or clear cutting of trees in anticipation of any USE permitted or authorized by these ZONING bylaws, bylaws and regulations of the Town of Wrentham and the Planning Board, or laws of the Commonwealth is prohibited prior to issuance of all required approvals, permits, VARIANCES, licenses, and authorizations, unless the proposed municipal USE or improvement is necessary to comply with the terms of an order issued by a state of federal court or administrative agency, provided that document of a final order is submitted to the ZONING Enforcement Officer no less than 48 hours before the commencement of any related site work. Limited clearing and excavation is permitted to obtain necessary survey and engineering data.

6.8 BUILDING and Occupancy Permits
A BUILDING or STRUCTURE cannot be built or altered and cannot be occupied until the Building Inspector has issued BUILDING and occupancy permits which certify compliance with all requirements of these ZONING bylaws. If the Building Inspector declines to issue or revokes a permit under this section, the Inspector shall issue a written statement of reasons for decision. Any person aggrieved by an action or decision of the Building Inspector under this section may APPEAL to the Board of Appeals.

6.9 ACCESSORY BUILDINGS

No ACCESSORY BUILDING shall be located within the required FRONT YARD SETBACK area. No ACCESSORY BUILDING shall be located nearer to the side or rear LOT line than the greater of the height of such ACCESSORY BUILDING or ten (10) feet.

All ACCESSORY BUILDINGS as defined under Article 2 and pursuant to Article 4.2, in all residential DISTRICTS will be further limited to a total GROSS FLOOR AREA of 1,200 square feet. The Board of Appeals may issue a SPECIAL PERMIT if the proposed construction of an ACCESSORY BUILDING is in excess of 1,200 square feet GROSS FLOOR AREA. ACCESSORY BUILDINGS shall be located no less than ten (10) feet from another ACCESSORY BUILDING or principal BUILDING.

6.10 BUFFER ZONES

The purpose of a "BUFFER ZONE" shall be to mitigate certain effects of permitted USES in any DISTRICT upon any abutting; LOT(s), permitted USE(s) or ZONING DISTRICT(s). BUFFER ZONES may incorporate the following elements used either separately or in combination as the approving authority requires; preserved natural vegetation, professionally landscaped tree/plant or natural material, artificial screening/fencing material or other similar items. Nothing in this section shall prohibit or limit other approving authorities from requiring additional materials to be placed in any BUFFER ZONE to mitigate the effects of drainage, flooding, contamination or similar acts upon the bordering LOT(s) from said LOT/DEVELOPMENT.

a. No parking area or any cleared surface, paved or not, including ingress/egress way(s), on any LOTS in any Retail Business (B) or Commercial INDUSTRIAL (C) ZONING DISTRICTS, shall be located closer than a minimum distance specified by the approving authority to any property line that separates the subject LOT in said ZONING DISTRICTS from any LOT line(s) in all Residential (R) ZONING DISTRICTS. Such minimum distance shall constitute a "BUFFER ZONE" which shall be preserved in a natural state, or landscaped with either natural or a combination of natural and artificial screening/fencing materials or other similar items, as required by the approving authority.
b. Minimum Distance - "BUFFER ZONE"

1. Retail Business DISTRICT 1 (B-1)................................................................. 50 feet
2. Retail Business DISTRICT 2 (B-2)............................................................... 100 feet
3. Commercial INDUSTRIAL (C) DISTRICT ............................................... 75 feet

The approving authority may require a greater minimum distance to further mitigate the effects of the probable noise levels, hours of operation, exterior artificial lighting, intensity of DEVELOPMENT of the subject LOT and USE, and any other directly relevant factors. In no case shall the increased minimum distance be greater than a factor of 2, unless said increased minimum distance is agreed to mutually without duress by the applicant.

c. SITE PLAN - as part of the SITE PLAN and/or SPECIAL PERMIT approval process the approving authority may require either suitable full or partial perimeter "BUFFER ZONES" between bordering LOTS and/or USES, located in either the same ZONING DISTRICT or in an abutting non-residential DISTRICT. The approving authority shall indicate the need, minimum distance and nature of any required "BUFFER ZONE" in its decision. In no case shall any "BUFFER ZONE" be greater than that distance specified in section 6.10 b. for the appropriate DISTRICT that the LOT/USE is located.

6.11 DEVELOPMENT Regulations Applicable to PLANNED INDUSTRIAL/OFFICE PARK (PI/OP)

The following regulations shall apply to all aspects of any PI/OP in the C2 ZONING DISTRICT:

a. Minimum area of tract, which may comprise more than one LOT, shall be 100 acres.

b. Primary vehicle access to the PI/OP shall be provided from a state highway at a point within 3,500 feet of Route I-495.

c. BUILDINGS and STRUCTURES shall not occupy more than fifty (50%) percent of the tract, and at least twenty-five (25%) percent of the tract shall be maintained as grass or other unoccupied, natural or landscaped space.

d. The PI/OP shall have vegetated storm water detention and/or retention areas adequate to prevent the lateral displacement of storm water and any material increase in peak flows, onto adjoining or downstream properties in the 100-year storm events.

e. The HEIGHT of STRUCTURES shall not exceed sixty (60) feet above the AVERAGE GROUND ELEVATION surrounding the exterior walls, provided that skylights, ventilators, penthouses containing only mechanical equipment, and other STRUCTURES normally built above the roof and not devoted to human occupancy may be erected to the height of seventy-five (75) feet. For every additional ten (10) feet of front SETBACK from the required minimum front SETBACK line, the vertical height may rise an additional five (5) feet to a maximum of ninety (90) feet. The Planning Board during the SITE PLAN process may grant a waiver to this regulation allowing
STRUCTURES to exceed these limitations, if such STRUCTURE is required for the USE and will not be detrimental to the neighborhood.

f. Exterior SIGNS which are designed to be visible from locations outside the PI/OP DEVELOPMENT or to any PUBLIC WAY shall be of such location, size and illumination as specified by the Planning Board in the SPECIAL PERMIT so that they do not adversely affect other areas or properties or create a hazard to vehicular or pedestrian traffic. Interior SIGNS within a PI/OP DEVELOPMENT which are designed not to be visible from any PUBLIC WAY or property outside the C-2 ZONING DISTRICT shall be of such design, size, location and illumination as is necessary, to serve the functions of directing vehicular and pedestrian traffic, designating various facilities and indicating the functions thereof, separating areas accessible to the PUBLIC and private areas and preserving safety and security.

g. On-site parking, loading and outside storage areas shall be provided as set forth in Article 6 of this ZONING Bylaw except as may otherwise be specified in the SPECIAL PERMIT.

h. The minimum SETBACK of any STRUCTURE or improvement to any residential ZONING DISTRICT boundary shall be one hundred (100) feet, the first fifty (50) feet of which shall be planted with trees sufficient to screen the site from the view of STREETS and properties within the residential DISTRICT.
ARTICLE 7
SITE PLAN APPROVAL

7.1 Application and Purpose

This Article sets forth and process of submission and review of any site plan required to be approved by the Planning Board or Board of Appeals. The purpose of site plan review is to assure that DEVELOPMENT proposals are consistent with the environmental and siting objectives of the Town of Wrentham. The site plan provides the basic information necessary for reasoned review by citizens and agencies of the Town.

7.2 Site Plan Submission

An Applicant for SITE PLAN APPROVAL shall submit the following:

a. An original drawing of the site plan drawn in indelible ink and ten (10) contact prints. The prints are to be dark line on white background. (The original drawing will be returned after approval or disapproval.)

b. Three (3) copies of Application Form 1 or Form 2. The Applicant shall state in his application the time within which the required work on the ground will be completed.

c. A list of all abutters together with the address of each as determined from the most recent local tax list certified by the Board of Assessors. An abutter is any property owner within three hundred (300) feet of the site.

d. A location plan of the site at a scale of 1" = 200', showing all proposed USES, ways, DRIVEWAYS, BUILDINGS, parking and loading areas and their relation to one or more existing STREETS.

e. A sketch plan, acceptable to the Board, showing a prospective layout for any adjacent land owned or controlled by the owner or Applicant.

f. Five copies of the COMMUNITY AND ENVIRONMENTAL ASSESSMENT report as required by Article 8.

g. The plan shall not be deemed to have been submitted until the application, plan, and fee herein required have been delivered to the Board at a regular or special meeting. Receipt will be acknowledged by signature of a majority of the Board on each copy of the application, two of which will be returned to the Applicant.

h. Site plan applications for PI/OP DEVELOPMENT the following shall supersede the requirements listed in the above sections.

1. Any applicant seeking SITE PLAN APPROVAL and a SPECIAL PERMIT for a PI/OP DEVELOPMENT shall submit a consolidated application therefor to the Planning Board in triplicate together with on original and twelve (12) copies of the site plan and all supporting documentation for the proposed DEVELOPMENT.

2. Together with the application, the applicant seeking SITE PLAN APPROVAL and a SPECIAL PERMIT for a PI/OP DEVELOPMENT shall submit the following:

   a. A written undertaking to pay the reasonable fees specified by the Planning Board of such independent professional consultants as the Planning Board may select for
assistance in reviewing the proposal, subject to the provisions of M.G.L. c.44, §53G.

b. A list of all abutters, abutters to abutters and owners within 1,000 feet of the site, and parties in interest entitled to notice under M.G.L. c.40A, §9.

c. COMMUNITY and ENVIRONMENTAL ASSESSMENT information as referred to in Article 8.

d. A detailed study by a professional engineer of anticipated traffic generation and flow, and its impacts on adjacent roadways. The Planning Board may, by regulations promulgated hereunder, define the type, form, and level of detail of the information to be submitted pursuant hereto.

7.3 Site Plan Form (Planning Board)

The site plan shall be prepared by an engineer and surveyor and shall be clearly and legibly drawn at a scale of 1" = 40' on a material which is suitable for reproduction. If multiple sheets are used, an index sheet showing the entire site plan shall be provided.

7.4 Site Plan Content

The site plan shall contain the following information:

a. Plan name, property boundaries, true north point, date, scale, and ZONING DISTRICT along with any ZONING DISTRICT boundaries and overlay districts (i.e. AQUIFER Protection, WATERSHED and FLOODPLAIN).

b. Names and addresses of present record owner(s), the applicant, and the architects, engineers and/or surveyors who prepared the plan;

c. Certificates and seals of the architects, engineers, and/or surveyors who prepared the plan, together with a certificate that all surveying conforms to the requirements of the Massachusetts Land Court.

d. Suitable space to record the action of the Planning Board and the signatures of the members of the Board on each sheet of the site plan, and the date of such signature.

e. Existing conditions:

1. existing contours at two-foot intervals,
2. significant soil types,
3. water systems (including standing SURFACE WATER, brooks or streams, the direction of drainage, WETLANDS, and the 100-year flood elevation),
4. trees exceeding 5" in diameter or the perimeter of heavily wooded area,
5. stone walls, FENCES, BUILDINGS,
6. rock ridges or outcroppings;

f. A locus plan of all land within 1,500 feet of any part of the tract and showing:

1. all DWELLINGS and PRINCIPAL BUILDINGS,
2. the land USE of each LOT,
3. LOT and RIGHT-OF-WAY,
4. ZONING DISTRICT boundaries,
5. recorded EASEMENTS abutting the tract, and
6. PUBLIC facilities, such as conservation or recreation land, footpaths, bicycle paths, or STREETS;

g. An utilities analysis showing:
   1. The location and size of the Town's existing water mains, fire hydrants, sanitary sewers, and storm drains relevant to the project, and
   2. The proposed location and approximate size of utilities to be constructed on the site and their proposed connections to the Town's utilities, and any special features, such as culverts, or pumping stations, that might affect the ability of the Town to service the DEVELOPMENT;

h. Plan prepared by a registered architect including BUILDING ELEVATIONS and one or more perspective colored renderings indicating materials to be used;

i. Proposed landscape plan prepared by a registered landscape architect; and

j. A table showing:
   1. total land area,
   2. developable site area
   3. COMMON or USABLE OPEN SPACE, if any,
   4. site COVERAGE of BUILDINGS,
   5. area covered with IMPERVIOUS SURFACE,
   6. ratio of IMPERVIOUS SURFACE to total land area, and
   7. the number of off-STREET PARKING SPACES and, if applicable, loading bays.

The approving board may in any particular case, where such action is in the PUBLIC interest and not inconsistent with the intent and purpose of this bylaw, waive strict compliance with the foregoing requirements. Any such waiver shall require a written request from the applicant and majority vote of the approving board.

7.5 Review by Other Agencies

The Board shall transmit the site plan and environmental assessment to the Board of Health, Wrentham Department of PUBLIC Works, Wrentham Fire Department, and Conservation Commission for review and comment. These agencies may submit recommendations to the Board within 20 days from transmittal.

7.6 PUBLIC Hearing

The Board shall hold a PUBLIC hearing on the proposed site plan and environmental assessment within 65 days from the date of submission. Legal notice of the hearing shall be given by the Board to the Applicant, abutters, and to the Planning Boards the town of Norfolk, Walpole, Plainville, Foxboro, Franklin, Bellingham, and Cumberland. Legal notice shall be posted in the Municipal Building. Legal Notice shall be published once in each of two successive weeks in a local newspaper; the first notice is to be published not less than 14 days prior to the hearing.
In acting on a consolidated application for SITE PLAN APPROVAL and for a SPECIAL PERMIT, the Planning Board shall conform to the procedural, decision-making and filing requirements of M.G.L. c.40A relative to SPECIAL PERMITS.

### 7.7 Site Plan Decision and Enforcement

The Board may approve, modify, or reject the site plan within 140 days from the date of submission. The Board shall issue a written statement of reasons for its decision and shall endorse the plan. A decision to approve or modify the site plan shall require an affirmative vote of four members.

Criteria for SITE PLAN APPROVAL: The Board shall grant SITE PLAN APPROVAL for a LOT or LOTS included therein if and when the Board finds that the applicant has submitted a complete SITE PLAN application for such LOT or LOTS as provided in §7.2. The Planning Board may impose reasonable conditions in any such SITE PLAN APPROVAL as it deems appropriate, including, but not limited to, conditions relative to:

a. The provision of adequate storm water retention on the site.

b. The provisions of adequate access on the site for PUBLIC safety vehicles.

c. Minimizing disturbance of existing natural features, including vegetation.

d. Minimizing air and water pollution.

e. Facilitating collection and disposal of SOLID WASTES.

f. Maximizing pedestrian and vehicular safety and convenience with the site, and between the site and adjoining ways.

g. Minimizing the visibility of parking, storage or outdoor service areas from PUBLIC view, and minimizing glare from headlights and facility lighting, through planting or other buffers.

h. Minimizing intrusion of light from stationary fixtures on the site into adjoining properties.

i. The character or architectural appearance and arrangement of BUILDINGS.

No BUILDING permit shall be issued until the Planning Board has endorsed the applicant's site plan with such revisions as are necessary to conform to any conditions imposed by the Planning Board in its final decision.

The Planning Board shall not approve a site plan for any project that requires a SPECIAL PERMIT unless it grants the SPECIAL PERMIT.

An approved site plan is valid for two years; DEVELOPMENT must start within that time unless an extension is granted and continued expeditiously to completion. Failure to comply with the Board's SITE PLAN decision will result in a penalty of $300, or the maximum allowed under the General Laws for each day of continued violation. Judicial enforcement may be sought pursuant to M.G.L. c.40A, §7.
ARTICLE 8
COMMUNITY AND ENVIRONMENTAL ASSESSMENT

8.1 Purpose

The purpose of an assessment is to provide basic information on all physical, social, and economic impacts which can be reasonably anticipated from a proposed USE. The assessment is to be used to define issues for further study and analysis, to plan for necessary community services, and to define conditions and limitations for mitigation of adverse impacts.

8.2 Assessment

The environmental assessment will describe the proposed USE in detail, its purpose, location and time setting, and its relation to other projects and proposals. The assessment will describe primary and secondary environmental and community impacts, both beneficial and adverse. The scope of the assessment shall include both construction and operational impacts. The assessment shall also develop, describe, and objectively weigh alternatives to the proposed USE.

The environmental assessment shall be prepared by a registered professional engineer and other professionals as required. The assessment shall address the following topics for present conditions, DEVELOPMENT conditions, and environmental controls, and future conditions and environmental controls:

a. Natural environment
   1. Air pollution
   2. Water, including quantity of drainage and pollution control
   3. Noise pollution
   4. Land, including the quantity of EARTH to be removed from the site.
   5. Wildlife.

b. Man-made environment
   1. Surrounding land USE
   2. Density
   3. ZONING
   4. Architecture

c. PUBLIC facilities
   1. Water supply and distribution
   2. Storm drainage facilities
   3. Sewage disposal facilities
   4. SOLID WASTE disposal, including trash and garbage
   5. Traffic facilities
   6. Electric power
   7. Gas

d. Community Services
   1. SCHOOLS
   2. Recreation
   3. Police
   4. Fire
   5. PUBLIC works

e. Economic considerations
   1. Cost-benefit ratio to the Town of Wrentham
   2. Time schedule

8.3 Mitigation of Adverse Impact

Where significant adverse impacts are identified by the Applicant or reviewing Board, the COMMUNITY AND ENVIRONMENTAL ASSESSMENT must propose an acceptable program of mitigation. This affirmative requirement may include provisions for phased DEVELOPMENT; natural or landscape barriers; noise baffles; pollution controls; WASTE, trash, and sewage disposal; roadway maintenance; water supply; storm drainage; fire and police protection. SITE PLAN APPROVAL, SPECIAL PERMITS, and VARIANCES will not be issued until this requirement is satisfied.
ARTICLE 9
SPECIAL PERMITS

9.1 Purpose

This Article sets forth the process for submission and review of SPECIAL PERMIT applications before the Planning Board and Board of Appeals. The purpose of a SPECIAL PERMIT is to assure that a proposed USE will be conducted in a manner that is consistent with the land USE objectives of the Town of Wrentham. None of the USES allowed by SPECIAL PERMIT under these bylaws may be authorized by the Planning Board or the Board of Appeals unless the USE:

a. Shall not have vehicular and pedestrian traffic of a type and quantity so as to adversely affect the immediate neighborhood;
b. Shall not have a number of residents, employees, customers, or visitors so as to adversely affect the immediate neighborhood;
c. Shall not have a greater LOT COVERAGE than allowed in the ZONING DISTRICT in which the premises are located;
d. Shall not be dangerous to the immediate neighborhood or the premises through fire, explosion, emission of WASTES, or other causes;
e. Shall not create such noise, vibration, dust, heat, smoke, fumes, odor, or glare or other NUISANCE or serious hazard so as to adversely affect the immediate neighborhood;
f. Shall not adversely affect the character of the immediate neighborhood.

9.2 Criteria for SPECIAL PERMIT Decision

No SPECIAL PERMIT shall be issued except upon a finding that the proposed DEVELOPMENT/USE shall be in harmony with the intent and purpose of this bylaw as set forth in Article 1, s.1.2, and shall not be in conflict with PUBLIC health, safety, convenience and welfare, and shall not adversely affect the neighborhood (including, without limitation, the ZONING DISTRICT and all abutting ZONING DISTRICTS). In making such findings, the Board shall consider the following factors:

a. The project's overall compliance with Articles 4 and 6.
b. The impact of vehicular and pedestrian traffic on the neighborhood and the primary and secondary roads and intersections serving the project area and further the environmental effect of the estimated additional residents, employees, customers or visitors will have on the immediate neighborhood.
c. Provisions made by the applicant to control litter and to reduce, separate, recycle and/or compost SOLID WASTE generated at the site.
d. The impact of the proposed project on the quality of SURFACE WATERS, GROUND WATER, soil, and the environment to include noise, vibration, dust, heat, smoke, fumes, odor, glare or other NUISANCE or serious hazard so as to adversely affect the immediate neighborhood.
e. Danger to the immediate neighborhood and/or the community or premises through fire, explosion, emission of WASTES or runoff, or other causes.

f. The adequacy of proposed water and sewer utilities serving the site.

g. Provisions made by the applicant to alleviate or eliminate additional demands on the municipal PUBLIC safety services including water, sewer, police, fire protection and ambulance services.

h. The relationship of the proposed architecture of the proposed BUILDINGS with the surrounding neighborhood (including, without limitation, the ZONING DISTRICT and all abutting ZONING DISTRICTS), and

i. The visual impacts to the surrounding neighborhood (including, without limitation, the ZONING DISTRICT and all abutting ZONING DISTRICTS), and

j. The impact of the project shall not adversely affect the character of the neighborhood,

k. The overall economic impact on the town, its residents and surrounding properties beyond those impacts/mitigations outlined in application relating to municipal services. The board shall consider the need for an economic review or similar study to focus on the overall viability of the proponents, tenants, proposed USES, employment, any local area benefits and any other items the Board shall require based on the initial application.

The Planning Board may attach such conditions and limitations to the granting of a SPECIAL PERMIT as it deems necessary to further the PUBLIC interest identified in Article 1, §1.2 and Article 4 of these ZONING Bylaws.

9.3 Review by Other Agencies

The Board may transmit the description of the proposed USE to other town agencies for review and comment within 20 days from transmittal.

9.4 Decision and Enforcement

The Board's decision will be based upon a determination that the proposed USE as approved or modified will have an acceptable environmental LOT impact, will be consistent with the land USE objectives of the town, will comply with these ZONING bylaws and, in particular, §1.2, and will comply with bylaws or regulations of the town and applicable laws and regulations of the Commonwealth. A decision to grant a SPECIAL PERMIT may impose appropriate conditions and limitations.

A SPECIAL PERMIT is valid for two years after certification by the Town Clerk, pursuant to MGL c.40A, §11, that no APPEAL is pending. DEVELOPMENT must be completed within the two-year time limit unless an extension is granted. Failure to comply with a SPECIAL PERMIT during DEVELOPMENT, operation, or USE will result in a penalty of $300.00 for each day of continuing violation, revocation of the permit, or judicial enforcement, pursuant to MGL c.40A, §7 as amended.
ARTICLE 10
VARIANCES

10.1 Purpose
The Board of Appeals shall have the power to grant, as an extraordinary remedy with respect to particular land or STRUCTURES, but not with respect to USES, a VARIANCE from the terms of these ZONING bylaws where the Board finds that:

a. Owing to circumstances relating to the soil conditions, shape, or TOPOGRAPHY of such land or STRUCTURES and especially affecting such land or STRUCTURES but not affecting generally the ZONING DISTRICT in which it is located, a literal enforcement of the ZONING bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and

b. Desirable relief may be granted without substantial detriment to the PUBLIC good and without nullifying or substantially derogating from the land USE and environmental objectives of these ZONING bylaws.

10.2 Decision and Enforcement
The Board's decision will be based upon a determination that the proposed USE as approved or modified satisfies the purpose of Section 10.1.

A VARIANCE is valid for such time and under such conditions as the Board of Appeals determines in its decision. A VARIANCE shall not take effect until the Town Clerk has certified pursuant to MGL c.40A, §11 that no APPEAL is pending. Failure to comply with a VARIANCE during DEVELOPMENT, operation, or USE will result in a penalty of $300.00 for each day of continuing violation, revocation of the VARIANCE, or judicial enforcement pursuant to MGL c.40A, §7, as amended.
ARTICLE 11
APPEALS

11.1 Purpose

Any person or agency which is aggrieved by any action taken under these ZONING bylaws or any failure to act under these ZONING bylaws may APPEAL to the Board of Appeals pursuant to MGL c.40A, §8, 14, and 15. An APPEAL must be filed within 30 days from the date of grievance.
ARTICLE 12
BOARD OF APPEALS

12.1 Appointment

The Board of Appeals shall consist of five voting members and such non-voting associate members as may be deemed appropriate by the Board of Selectmen. All members shall be appointed and removed by the Board of Selectmen pursuant to MGL c.40A, §12. The Board of Appeals shall elect a chairman and clerk. The chairman may designate an associate member to represent any voting member during that member's absence. In such instance, an associate member shall have and exercise full voting rights of the absent member.

12.2 Powers

The Board of Appeals shall have the following powers:

a. To hear and decide APPEALS in accordance with MGL c.40A, §17.

b. To hear and decide applications for SPECIAL PERMITS upon which the Board is empowered to act under MGL c.40A, §9.

c. To hear and decide petitions for VARIANCES as set forth in MGL c.40A, §10.

d. To hear and decide APPEALS from decisions of a ZONING administrator, if any, in accordance with MGL c.40A, §13.

e. To hear and decide comprehensive permits in accordance with MGL c.40B, §§20 - 23.

In exercising the powers granted by this section, the Board of Appeals may, in conformity with the provisions of MGL c.40A, 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 whom the APPEAL is taken and may issue or direct issuance of a permit.

12.3 Zoning Administrator

The Board of Appeals is hereby authorized to appoint a ZONING Administrator, subject to confirmation by the Board of Selectmen, pursuant to the provisions of MGL c.40A, §13. Subject to such appointment and approval of the Board of Selectmen, the duties of the ZONING Administrator may be carried out by the Building Inspector appointed by the Selectmen pursuant to MGL c.143, §3.

The Board of Appeals may from time to time or by regulation delegate to said ZONING Administrator some of its powers and duties by a concurring vote of four members. APPEALS from any action of failure to act by the ZONING Administrator shall be governed by the provisions of MGL c.40A, §13. (Adopted 10/20/97)
ARTICLE 13
MULTIPLE ATTACHED HOUSING

13.1 MULTIPLE ATTACHED DWELLING UNITS

This Article sets forth requirements for MULTIPLE ATTACHED DWELLING UNITS, which may be constructed in the Town of Wrentham.

13.2 Wrentham Housing Authority

The Wrentham Housing Authority shall be exempt from the minimum LOT size requirements of Article 3 and the area, width, FRONT, SIDE, REAR YARD SETBACK requirements and the OPEN SPACE provisions of Article 6. The Housing Authority shall comply with all other ZONING requirements and is limited to DEVELOPMENT in ZONING DISTRICTS R-30, R-43, R-87. Any DEVELOPMENT proposal by the Housing Authority shall be subject to SITE PLAN APPROVAL by the Planning Board under Article 7.

13.3 Low or Moderate Income Housing

Low or moderate income housing shall be allowed only as authorized by MGL c.40B, §20 et seq. and is excluded from ZONING DISTRICTS B-1 and C-1. Any application to the Board of Appeals for a permit to construct shall comply with the SITE PLAN APPROVAL requirements of Article 8, the WATERSHED protection requirements of Article 5, all statutory requirements of MGL c.40B, and all other requirements of these ZONING bylaws insofar as these are consistent with MGL c.40B.

13.4 ROW HOUSE

A ROW HOUSE shall be permitted subject to the site approval by the Planning Board under Article 7, SPECIAL PERMIT approval by the Planning Board under Article 9, and the following provisions:

a. For a two-unit ROW HOUSE, the FRONT, SIDE and REAR YARD SETBACK and LOT area requirements shall be increased to two (2) times those of a SINGLE DETACHED DWELLING within the ZONING DISTRICT. The FRONTAGE requirement shall be that of a SINGLE DETACHED DWELLING.

b. For a three-unit ROW HOUSE, the FRONT, SIDE and REAR YARD SETBACK and LOT area requirements shall be increased to three (3) times those of a SINGLE DETACHED DWELLING within the ZONING DISTRICT. The FRONTAGE requirement shall be one and four-tenths (1.4) times that of a SINGLE DETACHED DWELLING in the ZONING DISTRICT.

13.5 Conversion of SINGLE DETACHED DWELLING UNIT

Subject to a SPECIAL PERMIT issued by the Board of Appeals under Article 9, a SINGLE DETACHED DWELLING UNIT may be converted to a DOUBLE ATTACHED DWELLING UNIT so long as the exterior of the BUILDING is not altered in any significant manner and the
conversion does not create or contribute to a condition which detracts from the character of the neighborhood.

13.6 SENIOR LIVING COMMUNITY

13.6.1 PURPOSE

In order to provide for the PUBLIC interest by making it possible to create residential communities for elder citizens in which ASSISTANCE WITH ACTIVITIES OF DAILY LIVING or ASSISTANCE WITH INSTRUMENTAL ACTIVITIES OF DAILY LIVING is made available to such residents, there is hereby created the residential use category of SENIOR LIVING COMMUNITY (SLC). The following regulations are established for creating such SLC within the Town of Wrentham.

13.6.2 GENERAL REQUIREMENTS

The PLANNING BOARD may issue a SPECIAL PERMIT for the conversion of a NURSING HOME into a SENIOR LIVING COMMUNITY, or the creation of a new SENIOR LIVING COMMUNITY provided that each of the following conditions and requirements are met. Notwithstanding other provisions of the ZONING Bylaw to the contrary:

a. A SENIOR LIVING COMMUNITY shall be developed on the same or contiguous parcel of land as, and shall be operated in conjunction with an existing NURSING HOME or duly certified ASSISTED LIVING RESIDENCE.

b. A SENIOR LIVING COMMUNITY shall consist of attached single story single family residential dwelling units arranged in buildings containing no more than six (6) dwelling units per building; provided that accessory buildings for recreation, meals and social purposes may also be included within a SENIOR LIVING COMMUNITY. Each such dwelling unit shall contain no more than two (2) bedrooms and no more than three (3) additional rooms, excluding kitchens, bathrooms and utility rooms.

c. The head of household of each dwelling unit in a SENIOR LIVING COMMUNITY shall be fifty-five years or age or older.

13.6.3 DEVELOPMENT REGULATIONS FOR SENIOR LIVING COMMUNITIES

The development regulations set forth in Article 6 of this ZONING Bylaw for each Zoning District shall apply to a SENIOR LIVING COMMUNITY, unless otherwise stated in the following table:

<table>
<thead>
<tr>
<th>Maximum HEIGHT of BUILDING</th>
<th>Minimum LOT size</th>
<th>Minimum Separation between BUILDINGS on same LOT</th>
<th>Minimum LOT area per DWELLING UNIT</th>
<th>Minimum PARKING SPACE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stories</td>
<td>Feet</td>
<td>Area (Acres)</td>
<td>FRONT (feet)</td>
<td>SIDE (feet)</td>
</tr>
<tr>
<td>1</td>
<td>25</td>
<td>20</td>
<td>25</td>
<td>15</td>
</tr>
</tbody>
</table>
By SPECIAL PERMIT, the Planning Board may allow sewage treatment facilities approved by the Massachusetts Department of Environmental Protection in a SENIOR LIVING COMMUNITY, notwithstanding any provision of Article 15.5 b.13 to the contrary. By SPECIAL PERMIT, the Planning Board may exempt a SENIOR LIVING COMMUNITY from the requirement, set forth in Article 6.4.e., that parking areas for more than ten vehicles and associated DRIVEWAYS be constructed to the standards for construction of collector STREETS.
ARTICLE 14
EARTH REMOVAL

14.1 EARTH REMOVAL

The REMOVAL of EARTH from land in all ZONING DISTRICTS in the Town of Wrentham (other than EARTH REMOVAL operations specifically exempt from the operation of this Article as provided in Article 14, §.14.3), shall be permitted only by SPECIAL PERMIT granted by the Planning Board, which shall be the SPECIAL PERMIT granting authority under this Article. (Note: the SPECIAL PERMIT process shall, by law, conform to MGL c.40A.)

The Planning Board may establish rules and regulations governing SPECIAL PERMIT application forms, fees, and other items that may be necessary to administer this Article.

The Planning Board shall have the authority to waive or minimize the requirements of this article should the board, in its discretion, find that compliance with the requirements would not serve to reduce the impacts of the proposed project to the natural environment.

14.2 Definitions

14.2.1 "EARTH" Defined

The term "EARTH" as used in this Article shall include non-organic material normally and naturally composing part of the world's surface, excluding water, but including peat and any material under water.

14.2.2 "REMOVAL" Defined

The term "REMOVAL" as used in this Article shall mean the severance of any EARTH as defined in §14.2.1 from its natural location on a site, whether or not such EARTH is moved from the site to another location on the same site or off the site.

14.3 Exemptions

A SPECIAL PERMIT shall not be required under this Article for:

a. Excavations incidental to the construction of the foundation of BUILDINGS or of walks, DRIVEWAYS, septic systems or swimming pools provided the quantity of material removed shall not exceed that displaced by the portions of construction below FINISHED GRADE; (Note: Excavations and/or EARTH REMOVAL made or done to complete the construction of ways and the installation of drainage and municipal services pursuant to a definitive subdivision plan submitted to the Planning Board under the Subdivision Control Law shall not come under the scope of this Article provided that the total amount of material to be disturbed or removed does not exceed four (4) cubic yards per linear foot of road).
b. Excavation in the course of normal and customary agricultural, horticultural or floricultural USE of land; (Note: Excavations made in the BUILDING of FARM ponds and those that will result in the lowering of existing ELEVATIONS by more than two (2) feet shall not be deemed normal and customary within the meaning of the foregoing). EARTH REMOVAL work shall not be exempted under this subsection unless the USE conforms to the limitations in MGL c.40A, §3, and the affected parcel exceeds 5 acres.

c. Excavation in the normal operation of a CEMETERY;

d. Excavation underway at the time of the adoption of this Article, but only to the extent that such operation shall have the status of a NON-CONFORMING USE within the meaning of MGL c.40A, §6

e. Any parcel of land that is a LOT in PUBLIC USE which is either above or under water, provided the amount of material excavated and removed off the LOT does not exceed 250 cubic yards; and the amount of material removed within the LOT from one location to another location within the LOT does not exceed 1,000 cubic yards.

f. Landscaping purposes in which a BUILDING permit is not required and in which the amount of material removed off the LOT does not exceed 50 cubic yards; while the amount of material to be removed within the LOT from one location to another location does not exceed 100 cubic yards. This operation can be done only once within a period of 12 consecutive months

14.4 Application and Filing Fee

14.4.1 Application

The application shall include the following specific information:

a. The location of the property upon which excavation is proposed, identified by both Assessors LOT Number and STREET address, if an address has been assigned to the property, and identified by the Registry of Deeds book and page;

b. The name and address of the petitioner;

c. The name and address of the property owner;

d. The name and address of any mortgagees;

e. A certified list of the names and addresses of all abutters;

f. An estimated number of cubic yards of EARTH proposed for REMOVAL and an estimate, based on field data, of the number of cubic yards of loam that will be stripped and stockpiled.

14.4.2 Filing Fee

The filing fee shall be established as part of the Planning Board rules and regulations governing EARTH REMOVAL.
14.5 Site Plan

All applications for EARTH REMOVAL shall be accompanied by a SITE PLAN in accordance with Article 7 of the Town of Wrentham's ZONING Bylaws. The Plan shall be prepared and certified by a Registered Civil Engineer, licensed to practice in the Commonwealth of Massachusetts and shall show the following in addition to the requirements of Article 7:

a. All the property where the EARTH is to be removed showing boundary lines in detail and the names of abutters;

b. The ELEVATIONS of abutting land at the LOT lines;

c. All adjacent roads and STRUCTURES, PUBLIC or private, their ELEVATIONS and established GRADES;

d. All waterways, brooks, SWAMPS, WATERSHED Protection, AQUIFER Protection and Flood Plain DISTRICTS on the locus and their respective ELEVATIONS;

e. Existing and proposed contours at two (2) foot intervals with all profiles drawn to a scale of one (1) inch equals eight (8) feet;

f. A minimum of two (2) vertical control benchmarks (one to be permanent) must be established and maintained on site on the National Geodetic Vertical Datum, US Geological Survey base to the closest hundredth of a foot (0.01 foot) before any excavation starts with an additional benchmark similarly provided per each additional four (4) acres or portion thereof on the site; and

g. Drainage calculations in support of the specification found in §.14.7. (Note: these may be submitted in booklet form.)

14.6 General Requirements

The applicant for the SPECIAL PERMIT must introduce evidence establishing, and the Planning Board must make specific findings of fact, that each of the following general requirements will be met:

a. That the EARTH REMOVAL may be accomplished without unreasonable danger to the health, safety and general welfare of the inhabitants of the Town in general nor to that of those in the immediate vicinity;

b. That the EARTH REMOVAL will not produce unreasonable noise, dust, or other effects observable as detrimental to the normal USE of adjacent land;

c. That the EARTH REMOVAL and change in TOPOGRAPHY may be accomplished without adverse effect to abutting land by reason of SURFACE WATER drainage nor to the recharge of the water table nor to the pumping rate of any nearby Town well site;

d. That the EARTH REMOVAL will not have a material adverse effect on the health or safety of persons living in the neighborhood or on the USE or amenities of adjacent land.
14.7 Specifications

All work performed under a SPECIAL PERMIT granted under this Article shall be done in accordance with the following specifications which shall be deemed to be incorporated therein by reference:

a. All trees are to be cut, not bulldozed. All trees and brush are to be chipped on site unless removed for commercial purposes. Stumps may be buried in a disposal area designated on the Site Plan at a depth which will provide a six (6) foot cover at FINISHED GRADE. A plan designating the disposal area shall be recorded with the SPECIAL PERMIT at the registry of deeds. The applicant shall dispose of any wood WASTES in accordance with DEP Wood WASTE Policy and the Massachusetts SOLID WASTE Regulations for the disposal of less than and greater than two hundred (200) cubic yards.

b. All loam and TOPSOIL must be scraped and stockpiled on the site for USE in later landscaping. No loam or TOPSOIL may be removed from the site.

c. Excavation to the property line is not permitted. The Site Plan shall designate a minimum 50 foot buffer strip along the property lines where the EARTH and vegetation shall remain undisturbed. The Planning Board may reduce the requirement for a BUFFER ZONE if the affected abutters petition in writing for a reduction in the BUFFER ZONE or if in the Planning Board's discretion the need for a BUFFER ZONE is not in the Town's best interests. The Planning Board may consider any comments made during the PUBLIC hearing in making its decision.

d. EARTH must be removed to contours set forth in the approved Site Plan. Boulders must be buried at a depth which will provide a six (6) foot cover at FINISHED GRADE. Ledge shall not be left exposed under normal circumstances. If ledge is encountered, the permittee must either remove it, or submit a revised Site Plan for approval which must be approved before work is continued. The USE of ledge or rock out-croppings as part of the finished landscaping may be incorporated into a natural or designated environment landscape plan for consideration by the Planning Board. A plan showing the location of any on-site disposal areas of excessive boulders (ledge) that exceeds thirty (30) square feet shall be recorded with the SPECIAL PERMIT at the registry of deeds.

e. SLOPES shall not exceed a 3:1 ratio and a 4:1 ratio is preferred where practical. A 4:1 SLOPE may be required in areas determined to be sensitive by the SPECIAL PERMIT granting authority.

f. EARTH REMOVAL shall be carried out in four (4) acre grids and not over the entire site at one time. After each such grid has been excavated, the land shall be brought to rough finish GRADE and loam spread to a depth of not less than six (6) inches to bring the land to FINISHED GRADE before proceeding to the next excavation area. This re-GRADED area must then be seeded with an acceptable perennial grass at the rate of not
less than two hundred pounds per acre and the area maintained until the grass heights have reached the two (2) inch minimum. In appropriate cases, the permit granting authority may modify this requirement in the light of special requirements of site work to allow re-GRADING at the end of the REMOVAL operation upon making specific findings of fact as to why such modification is required and subject to particular conditions set forth pursuant to s.14.8.

g. The re-GRADING and seeding of each grid or disturbed area shall be completed, according to specification, within 30 days of the completion of excavation of the grid, expiration of the SPECIAL PERMIT or upon cessation of operations, whichever occurs first.

h. FINISHED GRADES shall be as indicated on the approved Site Plan. In general, FINISHED GRADES may not be designed to be below the level of any abutting PUBLIC WAY unless the SPECIAL PERMIT granting authority determines, based upon satisfactory engineering data, that a FINISHED GRADE below the ELEVATION of an abutting way is advantageous to the plan for future USE of the property.

i. TOPSOIL must be spread to a depth of not less than six (6) inches over disturbed areas and seeded and maintained as stated previously.

j. Fingerling fir, white pine or other approved tree cover shall be planted over the entire disturbed area at five (5) to six (6) feet on center.

k. No excavation shall be made at less than ten (10) feet above annual high water table as established from test pits and soil borings. A minimum of three (3) observation wells shall be monitored for one (1) year to establish the high water table ground plane ELEVATION. Additional wells may be necessary on sites exceeding ten (10) acres. This data shall be shown on the SITE PLAN submitted to the Planning Board for approval and on a permanent monument placed on the property and shown on the Site Plan. Nothing in this section shall prohibit the permittee from the construction of approved ponds, wetlands or the like. Said construction may also require approval under the provisions of MGL c.131 and/or Town of Wrentham Wetland Protection Bylaws.

l. All access roads leading to PUBLIC WAYS shall be treated to minimize dust and mud for a distance of not less than two hundred (200) feet back from the PUBLIC WAY. Any spillage on PUBLIC WAYS shall be cleaned by the applicant on a twice-daily basis, one time being following the normal working hours.

m. Unless the site conditions expressly require alteration of drainage patterns, the land shall be left so that natural storm drainage shall leave the property at the original natural drainage points; and so that the total discharge at peak flow, and the area of drainage to any one point, is not increased; and so that the hydrography of any post-DEVELOPMENT stream is the same as that of the pre-DEVELOPMENT stream.
n. Any EARTH REMOVAL in the vicinity or within wetland areas governed by MGL c.131 or other wetlands related laws, shall also be subject to orders of conditions from the Conservation Commission. Whether such proposed EARTH REMOVAL projects fall within the jurisdiction of the Conservation Commission shall be determined by the Conservation Commission and the applicable Town, State and Federal laws.

14.8 Particular Conditions

The permit granting authority may in approving an application impose reasonable particular conditions deemed necessary in the light of special conditions. Special conditions may include, but without limitation, the proximity of residential or COMMERCIAL USES that might be affected by dust, blasting with respect to ledge REMOVAL, drainage matters, lateral support of abutting property and the like. The permit granting authority shall set forth particular hours of operation for each individual operation as a particular condition.

14.9 Environmental Assessment

An environmental impact assessment shall be filed with an application involving the proposed REMOVAL of more than 1,500 cubic yards of EARTH. The environmental assessment shall be prepared in accordance with Article 8 of the Town ZONING Bylaws.

14.10 Monitoring Requirements

The applicant shall be responsible for monitoring the amount of EARTH removed from the site. A bi-weekly report, prepared and certified by a registered civil engineer, licensed to practice in the Commonwealth of Massachusetts, shall be forwarded to the permit granting authority for the duration of the EARTH REMOVAL project. The report shall include, as a minimum, a daily account, on an hourly basis, of the number of truckloads of EARTH removed from the site, the number of cubic yards of EARTH contained in each truckload, daily and weekly totals of the number of cubic yards of EARTH removed from the site and a cumulative total, from project inception to date, of the number of cubic yards of EARTH removed from the site.

14.11 Bond

Prior to the start of any work under a SPECIAL PERMIT granted hereunder, a surety company bond or deposit of money (which may take the form of an assignment of a bank account assented to by the depository bank) of not less than $5,000.00 per acre shall be delivered to the permit granting authority to ensure compliance with this bylaw and of the Particular Conditions, if any, imposed in granting the permit. The bond shall have a term of not less than two (2) years beyond the estimated completion date of the EARTH REMOVAL project. If the permit granting authority finds that extraordinary conditions require additional surety, a bond in excess of $5,000.00 per acre may be required. In establishing such a sum, the permit granting authority shall specifically enumerate the special conditions which it deems to require such additional sum as it may set. Such bond or other security shall be held by the Town Treasurer until the permit holder submits an "as built" plan, prepared and certified by a
registered civil engineer licensed to practice in the Commonwealth of Massachusetts, showing that all excavation has been to GRADES approved on the Site Plan, and that all restoration work has been completed.

14.12 Penalties

A violation of this Article shall be punishable by a fine of not less than the maximum permissible limit set forth by MGL c.40A, §7, as amended. Each truckload of EARTH removed from the site in violation of this Article shall constitute a separate offense. Each late delivery of the bi-weekly monitoring report shall also constitute a separate offense with the late delivery defined as being postmarked five (5) days beyond the scheduled delivery date.
ARTICLE 15
AQUIFER PROTECTION DISTRICT

15.1 Purpose of DISTRICT

The purpose of this AQUIFER Protection DISTRICT is:

a. To promote PUBLIC health, safety and general welfare;

b. To protect, preserve and maintain existing and potential GROUNDWATER supplies and GROUNDWATER RECHARGE AREAS;

c. To preserve and protect existing and potential sources of drinking water supply;

d. To conserve natural resources;

e. To prevent blight and pollution of the environment.

15.2 Scope of Authority

The AQUIFER Protection DISTRICT is an overlay DISTRICT and shall be superimposed on other DISTRICTS established by the ZONING Bylaws of the Town of Wrentham. This overlay DISTRICT shall apply to all new construction; reconstruction or expansion of existing BUILDINGS; and new or expanded USES. Activities or USES that lie within the AQUIFER Protection DISTRICT must comply with the requirements of the DISTRICT as well as with the underlying ZONING. USES that are prohibited in the underlying ZONING DISTRICTS shall not be permitted in the AQUIFER Protection DISTRICT.

15.3 NON-CONFORMING USES

In accordance with MGL c.40A, §6, NON-CONFORMING USES that were lawfully existing, begun, or in receipt of a BUILDING permit or SPECIAL PERMIT prior to the first publication of notice of PUBLIC hearing for this AQUIFER Protection DISTRICT bylaw may be continued. Any ALTERATION, change, reconstruction or extension of a NON-CONFORMING USE or STRUCTURE must be authorized by a SPECIAL PERMIT issued by the SPECIAL PERMIT Granting Authority (SPGA) as designated herein. Such SPECIAL PERMIT may be granted only if the SPGA finds that the proposed ALTERATION, change, reconstruction or extension will not increase the danger of GROUNDWATER pollution.

15.4 DISTRICT Delineation

a. The AQUIFER Protection DISTRICT is herein established to include all lands within the Town of Wrentham lying within ZONE II and ZONE III of existing PUBLIC water supply well and the area designated as "Potential Medium to High Yield Sand and Gravel AQUIFER - Area A” and the area designated as "Sand and Gravel AQUIFER Area developed by Franklin and Norfolk". These areas are delineated on a map entitled "TOWN OF WRENTHAM AQUIFER PROTECTION DISTRICTS” dated February 2002 and prepared by Earth Tech, Inc., which is hereby made part of this AQUIFER Protection DISTRICT bylaw and the ZONING Bylaws of the Town of Wrentham, and is on file with the Town Clerk (Paragraph Revised February 25, 2002).
b. In the event that the mapped boundaries of any AQUIFER included in the AQUIFER Protection DISTRICT differ from observed conditions in the field, the AQUIFER boundary as determined through field observations shall control. If the Building Inspector determines that a particular property is located within the AQUIFER Protection DISTRICT according to the Map, the owner may APPEAL the determination to the Board of Appeals. The burden of proof shall be on the owner of the land in question to determine, through hydrogeologic data customarily relied upon by experts in that field, where the boundary should properly be located. The Board of Appeals may engage its own consultant to gather relevant data and to review the data submitted in support of the APPEAL, and may charge the appellant the reasonable costs of such consultation.

c. If the DISTRICT boundary line divides a parcel of land, only the portion of such parcel that lies within the AQUIFER Protection DISTRICT shall fall under the jurisdiction of this bylaw, unless activities or USES that are proposed for the portion of the parcel that lie outside the DISTRICT alter or impact the part inside the DISTRICT.

15.5 USE Regulations

a. Permitted USES. The following USES are permitted within the AQUIFER Protection DISTRICT, provided that all necessary permits, orders, or approvals required by local, state or federal laws are also obtained;

1. Conservation of soil, water, plants and wildlife;
2. Outdoor recreation, nature study, boating, fishing and hunting, where otherwise legally 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 and repair of any existing STRUCTURE, subject to §15.3;
6. DEVELOPMENT, if permitted in the underlying DISTRICT, provided that no more than 15 percent of the BUILDING LOT is rendered impervious;
7. FARMING, gardening, NURSERY, conservation, forestry, harvesting and grazing, provided that fertilizers, herbicides, pesticides, manure and other leachable materials are not stored outdoors;
8. Construction, maintenance, repair and enlargement of drinking water supply related facilities, such as (but not limited to) wells, pipelines, aqueducts, and tunnels.

Underground storage tanks related to the above activities are subject to the provisions of subsections B and C within this section.
b. **Prohibited USES.** The following USES are prohibited in the AQUIFER Protection DISTRICT:

1. Landfills and open dumps, as defined in 310 CMR 19.006;

2. Landfilling of sludge or septage as defined in 310 CMR 32.05;

3. Storage of sludge or septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31;

4. Individual sewage disposal systems that are designed in accordance with 310 CMR 15.00 to receive more than 110 gallons of sewage per 10,000 square feet per day, or 440 gallons of sewage on 40,000 square feet per day, whichever is greater, except the replacement or repair of an existing system that will not result in an increase in design capacity above the original design. In the case of DEVELOPMENTS of more than one LOT, total DEVELOPMENT sewage loadings shall be calculated based on the equivalent maximum density of 440 gallons per 40,000 square feet/day taking into account "build out" conditions and the impact of any OPEN SPACE and/or undevelopable land;

5. 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;

6. Storage of animal manure unless covered or contained;

7. EARTH removal, consisting of the removal of soil, loam, sand, gravel, or any other EARTH material (including mining activities) to within ten feet of historical high GROUNDWATER (as determined from monitoring wells and historical water table fluctuation data), except for excavations for BUILDING foundations, roads, or utility works;

8. Automobile graveyards and JUNK yards, as defined in MGL c.140B, §1;

9. Stockpiling and disposal of snow and ice containing deicing chemicals if brought from outside the DISTRICT;

10. Storage of commercial fertilizers and soil conditioners as defined in MGL c.128, §64 and pesticides as defined in MGL c.132B, §2, unless storage is within a STRUCTURE designed to prevent the generation and escape of contaminated runoff or leachate;

11. Storage of hazardous materials, as defined in MGL c.21E, unless in a free standing container within a BUILDING or above ground with secondary containment adequate to contain a spill the size of a minimum of 125% of the container's total storage capacity;

12. Facilities that generate, treat, store or dispose of hazardous WASTE subject to MGL c.21C and 310 CMR 30.00, except the following:
a. Very small quantity generators, as defined under 310 CMR 30.00;
b. Household hazardous WASTE collection centers and events under 310 CMR 30.390;
c. WASTE oil retention facilities required by MGL c.21, §52A;
d. WASTE remediation treatment works approved under 314 CMR 5.00.

13. Treatment works that are subject to 314 CMR 5.00, including privately owned sewage treatment facilities, except the following:
   a. 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;
   b. 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;
   c. Treatment works approved by the Massachusetts Department of Environmental Protection designed for the treatment of contaminated GROUNDWATER.

14. Storage of petroleum products, liquid under ambient conditions, except the following:
   a. Normal household USE, outdoor maintenance, and heating of a STRUCTURE;
   b. WASTE oil retention facilities required by statute, rule or regulation;
   c. Emergency generators required by statute, rule or regulation;
   d. Treatment works approved under 314 CMR 5.00 for treatment of ground or SURFACE WATERS;

provided that storage, listed in items a. through d. immediately above, is in free-standing containers within BUILDINGS or above ground with secondary containment adequate to contain a spill the size of a minimum of 125% of the container's total storage capacity.

15. INDUSTRIAL and commercial business (to include HOME OCCUPATION) USES that discharge process wastewater on-site except wastewater classified as sanitary wastewater under 310 CMR 15.00 State Sanitary Code, Title V.

c. USES Requiring a SPECIAL PERMIT. The following USES and activities are permitted by SPECIAL PERMIT, subject to approval by the SPGA under such conditions as they may require

1. ALTERATION, change, reconstruction or extension of NON-CONFORMING USES or STRUCTURES, as provided by §15.3;
2. The application of pesticides, including herbicides, insecticides, fungicides and rodenticides, for non-domestic or non-agricultural 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, which are permitted in the underlying ZONING, except as prohibited under §B.

5. Any USE that will render impervious more than 15 percent of any LOT. A system for GROUNDWATER recharge must be provided which does not degrade GROUNDWATER quality. For non-residential USES, recharge shall be by stormwater 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. All RECHARGE AREAS shall be permanently maintained in full working order by the owner.

15.6 Procedures for Issuance of a SPECIAL PERMIT

Procedures for issuance of a SPECIAL PERMIT are as follows:

a. The SPECIAL PERMIT Granting Authority (SPGA) under this Section shall be the Planning Board.

b. The SPGA shall refer copies of the application to the Board of Health, Board of Appeals, Conservation Commission and Department of PUBLIC Works, which shall review the application and shall submit their recommendations to the SPGA within thirty-five days.

c. The SPGA shall hold a hearing, in conformity with the provisions of MGL ch.40A. However, no work shall commence until a certification is recorded as required by MGL c.40A, §11.

d. The SPGA may grant a SPECIAL PERMIT only upon finding that the proposed USE or activity meets the standards of this bylaw. The proposed USE or activity must:

1. In no way, during construction or thereafter, adversely affect the existing or potential quality or quantity of GROUNDWATER that is available in the AQUIFER Protection DISTRICT;

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;

3. Be in harmony with the purpose and intent of this bylaw, as well as its specific criteria.

e. Application for a SPECIAL PERMIT shall be made in accordance with Article 9 of the Wrentham ZONING Bylaw. Each copy of the application shall include a Site Plan that complies with the specifications of Article 7 of the Wrentham ZONING Bylaws.

15.7 Severability

A determination that any portion or provision of this overlay DISTRICT ZONING Bylaw is invalid shall not invalidate any other portion or provision thereof, nor shall it invalidate any SPECIAL PERMIT previously issued thereunder.
ARTICLE 16
FLOODPLAIN DISTRICT

16.1 Purposes

The purposes of this DISTRICT (in addition to those enumerated elsewhere in this ZONING bylaw) are:

a. To provide that lands in the Town of Wrentham subject to seasonal or periodic flooding as described hereinafter shall not be used for residence or other purposes in such a manner as to endanger the health, safety, or welfare of the occupants thereof, or of the PUBLIC generally, or so as to burden the PUBLIC with costs resulting from unwise individual choices of land USE.

b. To protect, preserve and maintain the water table and water RECHARGE AREAS within the town so as to preserve present and potential water supplies for the PUBLIC health and safety of the town.

c. To assure the continuation of the natural flow pattern of the water courses within the town, in order to provide adequate and safe floodwater storage capacity to protect persons and property against the hazards of flood inundation.

16.2 DISTRICT Delineation

a. The FLOODPLAIN DISTRICT delineations are established by ELEVATIONS of area subject to inundation by 100-year frequency floods, as delineated by the Federal Emergency Management Agency.

b. The FLOODPLAIN DISTRICT includes all special flood hazard areas designated as ZONE A, A1-30 on the Wrentham Flood Insurance Rate Maps (FIRM), dated July 5, 1982, as amended, or as revised by HUD, which is hereby made a part of this bylaw and which is on file at the office of the Town Clerk. The explanatory data contained in the "Flood Insurance Study, Town of Wrentham, Norfolk County", dated January 5, 1982, as prepared by the Federal Emergency Management Agency, shall be used in the interpretation of the said map, and for such purpose the said Flood Insurance Study is hereby incorporated in this bylaw.

c. The FLOODPLAIN DISTRICT also includes all that land along any named or unnamed water body or watercourse for a horizontal distance of fifty (50) feet from the permanent or seasonal banks thereof except as otherwise defined on the Flood Insurance Rate Maps.

d. Within ZONE A, where the 100-year flood ELEVATION is not provided on the FIRM, the developer/applicant shall obtain any existing flood ELEVATION data and it shall be reviewed by the Building Inspector.

16.3 USE Regulations

a. The FLOODPLAIN DISTRICT is established as an overlay DISTRICT to all other ZONING DISTRICTS. All DEVELOPMENT, including structural and non-structural
activities, whether permitted by right or by SPECIAL PERMIT, must be in compliance with MGL c.131, §40, and the requirements of the Massachusetts State Building Code pertaining to construction in FLOODPLAINS.

b. The following USES of low flood damage potential and causing no obstructions to flood flows shall be allowed as a matter of right, provided they are permitted in the underlying DISTRICT and they do not require STRUCTURES, fill, or storage or materials or equipment.

1. Agricultural USES such as FARMING, grazing 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/or 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.

c. The following USES are prohibited in the FLOODPLAIN DISTRICT:

1. The erection of new BUILDINGS or STRUCTURES, or the construction of new BUILDINGS or STRUCTURES, except as may be permitted in §16.3(b) or §16.3(d);
2. The removal, filling, dredging, or altering of any lake, pond, river, stream, brook, MARSH, SWAMP, BOG, or meadow, except as may be permitted in §16.3(b) or §16.3(d);
3. The installation of septic tanks or leach fields;
4. The storage of salt, petroleum or other chemical products.
5. Automotive service and repair shops, JUNK and salvage yards and underground storage tanks.

d. The following USES may be allowed by SPECIAL PERMIT, subject to the requirements of §16.4:

1. Municipal, county, or state PARKS
2. Forestry management;
3. Wells or other STRUCTURES necessary for proper functioning of the municipal or private water supplies;
4. PUBLIC utilities;
5. Improvement or repair of any STRUCTURE, in existence at the time of adoption of
this section of the bylaws, which is in excess of fifty percent (50%) of the market value of the STRUCTURE; said market value to be determined by the Board of Assessors;

6. In case of fire, natural catastrophe, or total rehabilitation to STRUCTURES existing in the FLOODPLAIN DISTRICT prior to the adoption of these provisions, said STRUCTURE may be rebuilt to the original size;

7. Construction and maintenance of dams and other water control devices;

8. Roadways, DRIVEWAYS and walkways ancillary to USES otherwise permitted in this section.

16.4 Planning Board

The Planning Board may issue a SPECIAL PERMIT for the USES described in §16.3(d). In the FLOODPLAIN DISTRICT, no STRUCTURE or BUILDING shall be erected, constructed, substantially improved, or otherwise created or moved; and no EARTH or other materials may be dumped, filled, excavated, or transferred, unless a SPECIAL PERMIT is granted by the Planning Board. Said Board may issue a SPECIAL PERMIT hereunder (subject to the other applicable provisions of this bylaw) only if the application complies with the following provisions:

a. The proposed USE shall comply in all respects with the provisions of the underlying ZONING DISTRICT; and shall be reviewed by the Conservation Commission, Board of Health and Building Inspector. Within ten (10) days of the receipt of the application, the Planning Board shall transmit one copy of the DEVELOPMENT plan to each of the above named Boards. The Planning Board shall take no final action until reports have been received from the above Boards or until 35 days have elapsed;

b. All encroachments, including fill, new construction, substantial improvements to existing STRUCTURES, and other DEVELOPMENT in the floodway are prohibited unless certification by a registered professional engineer is provided by the applicant, demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the 100-year flood; and

c. The Planning Board may specify such additional requirements and conditions it finds necessary to protect the health, safety and welfare of the PUBLIC and the occupants of the proposed USE.
ARTICLE 17
OPEN SPACE PRESERVATION DEVELOPMENT (OSPD)

17.1 Purpose

In order to provide for the PUBLIC interest by the preservation of OPEN SPACE in perpetuity, variations in residential housing DEVELOPMENT patterns which allow for DEVELOPMENT more harmonious with natural features and town growth policies than traditional residential DEVELOPMENT, to promote the maximum possible protection of OPEN SPACE, visual quality and AQUIFER and other natural resource protection, and to encourage efficient provision of necessary utilities and community services, the following regulations are established for OSPD within the Town of Wrentham. In making any and all determinations under this bylaw the Planning Board shall always compare the impact of an OPEN SPACE DEVELOPMENT with potential conventional DEVELOPMENT, and may approve OPEN SPACE DEVELOPMENT only if the proposal is superior to a conventional DEVELOPMENT.

17.2 Applicability

OPEN SPACE Preservation DEVELOPMENT shall be allowed in all DISTRICTS, subject to the requirements of this bylaw for such DISTRICT, and in accordance with the additional requirements specified herein.

17.3 General Requirements

a. Any parcel of land located within a ZONE permitting OSPD containing eight (8) acres or more may be considered for an OSPD subject to a SPECIAL PERMIT issued by the Planning Board.

b. After an OSPD application has been submitted, no utility installation, no ditching, no GRADING of land or LOTS, no excavation except for purposes of soil testing, no dredging or filling, and no construction of BUILDINGS or STRUCTURES shall be done on any part of the DEVELOPMENT site until the application has been reviewed and approved as provided by these regulations.

c. No OSPD will be approved within an established single-family residential neighborhood if the Planning Board determines that such land use would have a detrimental effect upon the surrounding property.

d. It shall be the responsibility of the applicant for an OSPD SPECIAL PERMIT to demonstrate to the Planning Board that this form of land DEVELOPMENT will be as or more appropriate than conventional patterns of residential subdivision DEVELOPMENT for the particular site being considered.

e. All DWELLINGS to be built on the site shall be located at least five hundred (500) feet from any PUBLIC WAYS in existence at the time of submission of the OSPD proposal to the Planning Board. This distance may be reduced by the Planning Board.

17-1
17.4 Permitted USES

a. Detached single-family DWELLINGS, including any ACCESSORY USES, as permitted in the ZONING bylaw for the DISTRICT in which the land lies.

b. Uses permitted within the COMMON OPEN SPACE as described in these regulations.

17.5 Minimum Requirements

a. **Density**: The total area of the tract proposed for OSPD shall be at least eight (8) acres. The total number of LOTS that would be normally allowed under a conventional subdivision for the ZONING DISTRICT in which the site is located. The maximum number of LOTS possible shall be determined by the layout of a preliminary sketch plan showing the total number of LOTS which could be obtained by utilizing a conventional grid subdivision. The burden of proof shall be upon the applicant. The required minimum tract area, as well as the calculation of the number of LOTS allowed by a conventional grid subdivision, as specified above shall be exclusive of:

1. Land within the WATERSHED Protection DISTRICT.

2. Land otherwise prohibited from residential DEVELOPMENT by local or state law, regulation, statute, or by a prior CONSERVATION EASEMENT or restriction recorded in the Norfolk County Registry of Deeds.

b. **Reduction of Dimensional Requirements**: The Planning Board may grant a reduction in the dimensional requirements of the underlying ZONING regulations for all portions of an OSPD, if the Planning Board finds that such reduction will result in better design, improved protection of natural and scenic resources, and will otherwise comply with these regulations, provided that the percentage of the reduction in minimum LOT size and STREET FRONTAGE requirements allowed under this Bylaw shall not be greater than an amount equal to the percentage of the total OSPD which is to be set aside for COMMON OPEN SPACE times 1.1. (Explanation: If 30% of the land area is to be set aside for COMMON OPEN SPACE, the Planning Board may grant up to a 33% reduction in the minimum LOT size and STREET FRONTAGE requirements.) In no instance shall any LOT deviate from the following Table of Minimum Requirements:

<table>
<thead>
<tr>
<th>Minimum Area*</th>
<th>Minimum FRONTAGE</th>
<th>Minimum FRONT YARD SETBACK**</th>
<th>Minimum SIDE YARD SETBACK**</th>
<th>Minimum REAR YARD SETBACK**</th>
</tr>
</thead>
<tbody>
<tr>
<td>22,000 S.F.</td>
<td>55 ft.</td>
<td>25 ft.</td>
<td>15 ft.</td>
<td>8 ft.</td>
</tr>
</tbody>
</table>

*Exclusive of any land within the WATERSHED Protection DISTRICT.

**Reduction in the COMMON OPEN SPACE SETBACK requirement set forth in Article 17.6 b.6 shall not be permitted.

c. **DEVELOPMENT Standards**: Prior to the issuance of a SPECIAL PERMIT for an OSPD the Planning Board shall find, and the applicant shall submit the information necessary to demonstrate that the following standards have been met.
1. The DEVELOPMENT will not cause unreasonable traffic congestion or unsafe conditions both within and outside of the DEVELOPMENT and will comply with town standards for parking, access, road design and construction.

2. The DEVELOPMENT will provide for and maintain convenient and safe emergency vehicle access to all BUILDINGS and STRUCTURES at all times.

3. The nature of the soils and sub-soils shall be suited for the intended purposes. This determination shall focus upon, but shall not be limited to the locations, design and construction of roadways, BUILDINGS, septic systems, and SURFACE WATER drainage systems. Soil borings or test pits shall be made to provide information on soil texture, color, percolation rates and depth to the ground water table at its maximum ELEVATION.

4. Anticipated storm water runoff from the site shall not exceed peak runoff from the site prior to DEVELOPMENT. The applicant shall submit formal drainage calculations by a registered professional engineer for this purpose.

5. Proper soil erosion and sedimentation control measures shall be employed to minimize sedimentation and siltation of existing SURFACE WATER bodies and wetlands. In areas where the land SLOPES downward towards any SURFACE WATER body, or fresh water wetland, proposed filling, cutting, clearing or GRADING shall be minimized and all such DEVELOPMENT activities shall be carried out in such a way as to retain the natural vegetation and TOPOGRAPHY wherever possible. The Planning Board may require that an erosion and sedimentation control plan be submitted if significant erosion is anticipated in SLOPE areas.

6. The site design shall preserve and, where possible enhance the natural features of the property, including scenic views, by adapting the location and placement of STRUCTURES and ways to the existing TOPOGRAPHY in order to minimize the amount of soil removal, tree cutting and general disturbance to the landscape and surrounding properties.

7. All STREETS, sewers, water lines, drainage facilities and utilities shall be designed and constructed in compliance with the Rules and Regulations Governing the Subdivision of Land in Wrentham, Massachusetts, and any other land USE regulations of Wrentham in effect at the time of application, insofar as they are apt. Special exceptions to the subdivision regulations may be authorized by the Planning Board in granting a SPECIAL PERMIT hereunder provided the Board determines such exceptions are in the PUBLIC interest and are not inconsistent with the purposes of §17.1.

17.6 OPEN SPACE USE and Design Standards

a. Within an OSPD, no less than five (5) acres, nor less than thirty (30%) percent of the total land area shall be devoted to COMMON OPEN SPACE. The COMMON OPEN SPACE shall not include land set aside for roads and/or parking USES. No more than fifty (50%) percent of the COMMON OPEN SPACE may contain land considered as wetland resource areas, other than Isolated Lands Subject to Flooding as defined in any regulations promulgated by the Department of Environmental Protection pursuant to
MGL c.131, §40, as such regulations or statute may from time-to-time be amended.

b. The COMMON OPEN SPACE shall be designed and maintained in accordance with the following standards:

1. Naturally existing woods, fields, meadows and wetlands shall be maintained and improved.

2. COMMON OPEN SPACE shall be planned as large, contiguous parcels whenever possible. Strips or narrow parcels of COMMON OPEN SPACE shall be permitted only when necessary for access or as vegetated buffers along the site's perimeter.

3. COMMON OPEN SPACE may be in more than one parcel provided that the size, shape and location of such parcels are suitable for the designated USES.

4. No more than ten (10%) percent of the COMMON OPEN SPACE shall be covered by man-made IMPERVIOUS SURFACES.

5. COMMON OPEN SPACE may be used for passive recreation, conservation, forestry, AGRICULTURE, natural buffers, STRUCTURES necessary to approved USES, utilities and other facilities necessary for the convenience and enjoyment of the residents, subject to approval by the Planning Board. Up to twenty-five (25%) percent of the COMMON OPEN SPACE may be developed for active recreation.

6. There shall be a minimum SETBACK of fifty (50) feet between any COMMON OPEN SPACE and all STRUCTURE and/or property lines of the site.

17.7 COMMON OPEN SPACE Ownership and Management

a. COMMON OPEN SPACE in an OSPD shall be conveyed to: 1) the Town of Wrentham for PARK or OPEN SPACE USE; 2) a non-profit corporation, the principal purpose of which is the conservation of OPEN SPACE; or 3) to a corporation or trust owned or to be owned by the owners of LOTS within the DEVELOPMENT. It shall be the Planning Board's decision as to which of the above ownership options shall be used. If a corporation or trust owned by the owners of LOTS is utilized, ownership thereof shall pass with the conveyance of the LOTS. In any case, where such land is not conveyed to the Town, a perpetual restriction, running to and enforceable by the Town, shall be recorded providing that such land shall be retained in perpetuity in an open and natural state and shall not be built upon for residential USE or developed for ACCESSORY USES such as parking or roadways.

b. If the COMMON OPEN SPACE is not to be conveyed to the Town, then the applicant shall include as part of the road covenant a provision that the COMMON OPEN SPACE will be deeded as approved by the Planning Board. In addition, the LOTS shall not be released until proof of transfer of ownership has been provided to the Planning Board.

c. If the COMMON OPEN SPACE is not to be conveyed to the Town, the application for an OSPD SPECIAL PERMIT must include a description of how and when the COMMON OPEN SPACE will be preserved in perpetuity to standards satisfactory to the
Planning Board and Town Counsel. The applicant shall also provide as part of the COMMON OPEN SPACE proposal an agreement empowering the Town to perform maintenance of the COMMON OPEN SPACE in the event of failure to comply with the program included in the application pursuant to the preceding sentence, providing that, if the Town is required to perform any maintenance work, the owners of LOTS within the OSPD shall pay the cost thereof and that the cost shall constitute a lien upon their properties until said cost has been paid. The Conservation Commission shall act as the Town's land manager in overseeing the management of the COMMON OPEN SPACE land.

d. Forms of all documents necessary to convey or restrict the COMMON OPEN SPACE shall be submitted to the Planning Board for approval prior to the close of the PUBLIC hearing. Failure to provide forms satisfactory to the Planning Board and Town Counsel shall be grounds for denial of the permit.

17.8 Review Procedures

All applications for OSPD shall be submitted with the following plans:

a. Overall DEVELOPMENT Plan for the entire OSPD and showing all surrounding land within 150 feet of the boundaries of the tract, all man-made features, LOT lines, ZONING boundaries, vegetative cover, wetlands, soil characteristics and existing TOPOGRAPHY, together with the layout of the proposed DEVELOPMENT concept, including BUILDINGS, parking areas, roadways, landscaping, COMMON OPEN SPACE, wetland resource areas as defined by the regulations (310 CMR 10.00) promulgated pursuant to the Wetlands Protection Act (MGL c.131, §40) and Article 5 of this ZONING Bylaw, the extent of land located in ZONE A of the Flood Insurance Rate Maps (FIRM) of the Town of Wrentham, the proposed number of DWELLING UNITS and the number of bedroom/dens in each unit, and anticipated DEVELOPMENT phases.

b. Architectural Plan(s) - Typical floor plans and architectural ELEVATIONS of the proposed DWELLING UNITS and artists rendering of the proposed STRUCTURES.

c. Landscaping Plan(s) - Typical landscaping plans for all buffer areas and disturbed areas and a detailed planting plan for the site.

d. Plans equivalent to conventional preliminary subdivision in conformity with the requirements and procedures for submission and review under the Rules and Regulations Governing the Subdivision of Land in Wrentham, and as required by MGL c.40A, §9 for SPECIAL PERMIT applications.

All applications for a SPECIAL PERMIT under this section shall be referred by the Planning Board to the Board of Health, Department of Public Works and Conservation Commission for their review and comments within fourteen (14) days after its submission to the Planning Board. Such departments and boards shall make their recommendations and send copies thereof to the Planning Board and the applicant within thirty-five (35) days of receipt of the referral request by the Planning Board or there shall be deemed no opposition or desire to comment. The Planning Board shall not act upon said SPECIAL PERMIT until either comments from the referred departments and boards have been received, or said thirty-five (35) days have elapsed, whichever is sooner.
ARTICLE 18
SIGN REGULATIONS

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Adopted October 4, 1993
18.1 Statement of Intent

This article establishes the comprehensive regulations and conditions under which SIGNS are permitted in the Town of Wrentham in accordance with the powers permitted set forth in MGL c.40A and c.93, §29. It is intended that these regulations shall act as guidelines for the protection of the visual environment of the Town; the safety, convenience, and welfare of the PUBLIC.

18.2 Definitions

**ABANDON**: To neglect, ABANDON or fail to perform maintenance upon a SIGN or fail to obtain all necessary licenses and permits to erect and maintain a SIGN.

**ABANDONED SIGN**: 1) To neglect, ABANDON or fail to perform maintenance upon a SIGN or to fail to obtain all necessary licenses and permits to erect and maintain a SIGN. 2) A SIGN which identifies or advertises a business, service, product, activity, or lessor which no longer exists at that location and/or for which no legal owner can be found.

**ACCESSORY SIGN**: See “SANDWICH SIGN”.

**A-FRAME SIGN**: Any SIGN which uses actual movement or the illusion of movement.

**AREA OF SIGN**: An area determined by multiplying the extreme width by the extreme HEIGHT, including borders, but excluding supports which do not bear advertisement. Where SIGN consists of individual characters, letters, symbols, PLAQUES or illustrations, the area shall be considered to be the smallest rectangle which encompasses all the characters, letters, symbols, PLAQUES or illustrations. Where SIGN design or shape is not flat, but is geometric in concept, (i.e. spherical, BALLOON, triangle, etc.) standard geometric and/or trigonometric formulas for the calculation of the surface area shall be used. Only one face of a double-faced SIGN shall be used in computing the area of that SIGN. See also “See also DOUBLE-FACED SIGN”.

**AWNING SIGN**: A SIGN attached to or printed upon textile, fabric, or similar flexible or solid material supported by framing and which is attached to a building, whose purpose is to protect, cover, screen or shelter persons or structural components located beneath, or adjacent to them.

**BANNER**: A piece of cloth, plastic, or similar material attached at one or more points, to a pole, staff, or other support.

**BALLOON SIGN**: See "INFLATABLE SIGN".

**CHANGEABLE-COPY SIGN**: A SIGN that is designed so that characters, letters, symbols, PLAQUES or illustrations can be changed or rearranged.

**CONSTRUCTION SIGN**: A TEMPORARY SIGN identifying an architect, builder, contractor (sub-contractor), material supplier, or others participating in the construction, alteration, or maintenance on the property on which the SIGN is located. See also "TEMPORARY SIGN".

**DIRECT/EXTERNAL LIGHTING**: Illumination by means of a light source that is external to the SIGN being lit. See also “INTERNAL LIGHTING (INDIRECT LIGHTING)”.

**DIRECTIONAL, INFORMATIONAL or SAFETY SIGN**: An ON-PREMISE SIGN which identifies the premises, or the activity, or business conducted upon such premises and/or which provides directions for the safe and efficient flow of traffic. DIRECTIONAL SIGNS shall include those marking entrances, exits, parking areas, loading areas, or other operational features of the premises.
DOOR SIGN OR WINDOW SIGN: Any SIGN placed inside a door or window facing the outside with characters that exceed two and one half (2.5) inches in HEIGHT, and which is intended to be read from a public way.

DOUBLE-FACED SIGN: A SIGN lettered on both sides.

FLASHING SIGN: A SIGN which illuminated by an intermittent, or sequential light source.

FREE STANDING SIGN: A SIGN supported upon the ground by poles or braces and not attached to any building or structure.

FLAG: A piece of cloth, plastic, or similar material which may have symbols, letters, words, logos or graphics printed or affixed to the surface, attached at one or more points, to a pole, staff, or other support. May represent a governmental unit, trade, avocation or hobby, fraternal or club allegiance or to inform the public of an action or event. See also "PENNANT".

GOVERNMENT SIGN: Any TEMPORARY or permanent SIGN erected and maintained by a governmental agency.

HEIGHT OF A SIGN: The vertical distance measured, in the UNIT OF MEASURE specified, from the highest point of a SIGN to the mean ground grade beneath the SIGN.

INFLATABLE SIGN: A SIGN whose principal system of structural support is by means of compressed gases, air blower, hot air or similar methodology. Such SIGN may be in the shape of a "BALLOON" or other three-dimensional shape and may be FREE STANDING, supported or tethered and may be constructed of flexible and/or solid materials.

INTERNAL LIGHTING (INDIRECT LIGHTING): Illumination by means of a concealed light source, whereby all incandescent, fluorescent, or neon devices are shielded from view by opaque or translucent materials and are located inside of the structure of the SIGN, resulting in the message being illuminated from within.

LADDER SIGN: A FREE STANDING SIGN with two (2) vertical supports and two (2) or more crosspieces serving as individual SIGNS.

NON-COMMERCIAL MESSAGE SIGN: A SIGN whose purpose is to convey a non-commercial message, showing or demonstrating the owner’s opinion, support or opposition to a particular cause, entity or person.

NON-COMMERCIAL MESSAGE SIGN: A SIGN whose purpose is to convey a non-commercial message, showing or demonstrating the owners’ opinion, support or opposition to a particular cause, entity or person.

NON-CONFORMING SIGN: A SIGN that was erected legally but which does not comply with subsequently enacted regulations locally or otherwise (state or federal).

OFF-PREMISES SIGN: A SIGN identifying a business or residential use facility or service, which is not located on the premise where such activity is located.

ON-PREMISES SIGN: A SIGN identifying a business or residential use, facility or service which is located on the premise where such activity is located.

PENNANT: A FLAG that is triangular in shape. See also "FLAG".

PLAQUE SIGN: One (1) or more SIGNS affixed to a common background.

PROJECTING SIGN: A SIGN which extends from a wall of a building or structure.
QUARTERBOARD SIGN: A SIGN, which may or may not be carved, designed to imitate a SIGN such as might be found attached to the stern of a vessel.

REAL ESTATE SIGN: A TEMPORARY SIGN which advertises property as being for sale, rent or lease.

ROOF SIGN: Any SIGN part of, painted or erected upon, or above a roof or parapet wall of the building or structure on which it is partially or wholly supported.

SANDWICH SIGN: A self supporting, double paneled, TEMPORARY SIGN, which panels are not parallel but which are connected along one (1) edge and separated along the opposite edge. If connected on a vertical edge, it is a V–shaped SIGN. If connected at the top edge it is A–frame SIGN.

SIGN: Any permanent or TEMPORARY billboard, SIGN, display, light, figure, painting, drawing, poster, object or device whether fixed or movable, which advertises, promotes or calls attention to any business article, substance, idea or any thing or concept, including both the supporting structure and informative contents thereof; provided, that each SIGN face or message shall be considered a separate SIGN for purposes of permit and renewal applications, fees and permit numbers.

SIGN INSPECTOR: The person appointed by and accountable to the Selectmen and responsible for the enforcement of this article of the bylaw. The term of appointment, powers and any compensation for this position shall be fixed by the appointing authority, in accordance with the procedures outlined in the Town Personal Bylaws and the procedures set forth in MGL c.40A and c.93, §§29-33. The duties may be delegated but not the responsibilities by the SIGN INSPECTOR to one (1) or more persons, said persons shall have the title of "Assistant SIGN INSPECTOR" such delegation shall be done with the consent and approval of the appointing authority and may be subject to the conditions and/or term of appointment of SIGN INSPECTOR.

SPECIAL EVENT SIGN: A TEMPORARY SIGN advertising or pertaining to a civic, patriotic, educational, or other event taking place within the Town.

SUBDIVISION IDENTIFICATION SIGN: A FREE STANDING SIGN, or WALL SIGN identifying a subdivision, condominium complex or residential development.

SUBDIVISION LOT PLAN SIGN: A TEMPORARY SIGN depicting the lot plan of a subdivision.

SUBSIDIARY SIGN: A small SIGN attached to another SIGN, naming a business or giving other information.

TEMPORARY SIGN: SIGN intended for a limited term use, not to exceed ninety (90) days.

UNIT OF MEASUREMENT: The primary unit of measurement shall be US Government Standard expressed as decimals (i.e. 2.25 feet), the secondary standard shall be the metric system.

V-SHAPED SIGN: See "SANDWICH SIGN".

WALL SIGN: A single-faced SIGN attached parallel to or painted on a vertical exterior wall surface not PROJECTING more than twelve (12) inches beyond the wall surface to which the SIGN is attached and not extending beyond the edges of the wall to which the SIGN is attached.

WINDOW SIGN: See "DOOR SIGN".
18.3 NON-COMMERCIAL MESSAGE SIGNS

a. SIGNS bearing NON-COMMERCIAL MESSAGES shall be allowed in all DISTRICTS and are subject to the rule that no SIGN shall be posted more than thirty (30) days in advance of the date of the subject to which it refers and shall be removed within seven (7) days of the subject to which it refers, if the subject matter (issue) is of topical/temporal matter. (No permit required.)

b. Residential DISTRICT (R-30, R-43 and R-87). NON-COMMERCIAL SIGNS in residential DISTRICTS, excluding those permitted by Section 18.4(a), shall be no more than fourteen (14) square feet in area.

c. Business (B1) and Commercial (C1 and C2) DISTRICTS. The provisions of Section 18.5(a) notwithstanding, NON-COMMERCIAL SIGNS in business and commercial DISTRICTS shall be governed by the same size and SETBACK restrictions which govern commercial SIGNS permitted by Section 18.5(b) through 18.5(d).

18.4 ON-PREMISE SIGNS Permitted In Residential Districts (R-30, R-43 and R-87)

a. Residential USES (No permit required):

1. One (1) SIGN per LOT which displays the name of the house or the names of the people residing therein and the Assessors residence number or STREET/road/lane/way number, not to exceed two (2) square feet in area on each side and located on the LOT; OR

2. Two (2) SIGNS not to exceed two (2) square feet in area placed on either side of an entrance drive and located on the LOT; OR

3. One (1) QUARTERBOARD SIGN attached to a BUILDING or fence, not to exceed six (6) square feet in area.

b. SIGNS identifying other lawful or lawfully NON-CONFORMING USES.

1. One (1) double-faced SIGN which displays the name of the activity or business conducted therein, said SIGN not to exceed six (6) square feet on each side and located on the LOT; OR

2. A QUARTERBOARD SIGN or other SIGN attached to a BUILDING; said SIGN not to exceed twelve (12) square feet in area.

c. One (1) non-illuminated SIGN for an approved accessory use (home occupation business or bed and breakfast) not to exceed eight (8) square feet in area and located on the LOT.

d. Permitted "Antique" Second-hand, "JUNK dealers" shops are allowed one (1) non-illuminated SIGN not to exceed eight (8) square feet in area.

e. One (1) FREE STANDING SIGN for each town owned community facility or other non-profit facility not to exceed fourteen (14) square feet and located on the LOT; and one (1)
18.5 ON-PREMISE SIGNS Permitted In Business (B-1 and B-2) And Commercial (C-1 and C-2) DISTRICTS

a. Any SIGN permitted in the Residential DISTRICTS (R-30, R-43 and R-87) and subject to the same provisions.

b. In general, two (2) SIGNS are permitted for each business in a business or commercial DISTRICT. For businesses that have frontage on more than one (1) PUBLIC way, one (1) additional FREE STANDING SIGN of not more than one-half (1/2) the square foot area of the first FREE STANDING SIGN is permitted, but must be placed at least two hundred (200) feet away from the first SIGN. FREE STANDING SIGNS shall be set back at least twenty (20) feet from any lot line.

c. A single business on a single LOT in a B-1 DISTRICT is permitted one (1) FREE-STANDING SIGN, not to exceed ten (10) square feet; and either one (1) WALL, PROJECTING, ROOF, or AWNING SIGN not to exceed eight (8) square feet. If a FREE STANDING SIGN is not used, then the total square foot area of the other SIGN shall not exceed eighteen (18) square feet. In a C-1 DISTRICT SIGNS may be increased by 50% in size. FREE STANDING SIGNS shall be set back at least twenty (20) feet from any LOT line.

d. SIGN permitted for Row Commercial and Planned Business Developments (more than
one (1) business on a single LOT):

1. Multiple business or activities on a single LOT may establish one (1) FREE-STANDING SIGN for the complex according to the following table 18.5-d1:

<table>
<thead>
<tr>
<th>Frontage</th>
<th>Size of SIGN (Sq. Ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 160 feet</td>
<td>20 square feet</td>
</tr>
<tr>
<td>Over 160 feet</td>
<td>40 square feet</td>
</tr>
</tbody>
</table>

FREE STANDING SIGNS shall be set back at least twenty (20) feet from any LOT line. FREE STANDING SIGNS located at a corner shall have at least six (6) feet of vertical clearance from the ground to the bottom of the SIGN, to allow for a line of sight through the SIGN. This area shall not be blocked with plantings or the like.

On LOTS with three hundred twenty (320) feet frontage and over, two (2) FREE-STANDING SIGNS, not less than one hundred sixty (160) feet apart, each not to exceed forty (40) square feet, are permitted. FREE STANDING SIGNS shall be set back at least twenty (20) feet from any LOT line.

2. Each business is permitted one (1) WALL, PROJECTING, ROOF, or AWNING SIGN. The square foot area of said SIGN shall be dependent upon its distance from the centerline of the nearest PUBLIC WAY according to the following table 18.5-d2:

<table>
<thead>
<tr>
<th>Distance</th>
<th>Size of SIGN (Sq. Ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 50 feet</td>
<td>6 sq. ft. is permitted</td>
</tr>
<tr>
<td>More than 50 feet</td>
<td>8 sq. ft. is permitted</td>
</tr>
<tr>
<td>More than 100 feet</td>
<td>10 sq. ft. is permitted</td>
</tr>
</tbody>
</table>

e. SITE PLAN APPROVAL: wherever SITE PLAN APPROVAL is required, it will include review and approval of SIGNS; location, type, size, use and illumination. The Planning Board shall have the authority to vary the terms of this Article 18 in connection with the granting of any SITE PLAN APPROVAL upon finding that such VARIANCE shall not be detrimental to the intent of Section 18.1

18.6 OFF-PREMISE SIGNS

a. A SIGN denoting the name of a way may be placed at the intersection of a PUBLIC WAY and a private way and/or at the intersection of two non-posted private ways. Said SIGN shall not exceed one (1) square foot in area and, if more than one (1) SIGN is necessary at such intersections, than all such SIGNS shall be affixed to a single SIGN post, frame structure, or support.

b. SIGNS indicating name of resident(s) or activity are not permitted.

c. SIGNS are permitted at the intersections of PUBLIC ways which service commercial areas, lawfully non-conforming businesses in residential areas, or town community facilities.

1. SIGNS shall be of a uniform design with a dark green background (Wrentham
Department of Public Works [WDPW] Dark Green Glossy as used in WDPW/Town SIGNS or equal), white letters all in a non "day-glo" paint, and supported by unpainted ground treated 4" x 4" post(s) or metal pole(s) or such as approved by the WDPW.

2. SIGNS shall not exceed twelve (12) square feet in area and three (3) feet in width between the support posts, nor be more than six (6) feet in HEIGHT.

3. SIGNS shall be constructed of a series of horizontal panels six (6) inches in HEIGHT and constructed in a manner that as many as eight (8) panels may be placed above the other and be separately removable.

4. The subject matter of a SIGN shall be generic in nature such as "Drug Store", identifying an activity or service, not a specific business name.

5. Each six (6) by thirty-six (36) inch panel can identify several activities depending upon lettering requirements and all lettering shall be of uniform character.

6. A SIGN may be installed by a single business or group of businesses, and whether one or several, it shall be the responsibility of the party or parties whose name(s) appear on the SIGN permit application(s) to ensure that the SIGN is maintained in good repair and appearance.

7. The lettering on the SIGN shall be simple block lettering as in the manner of recent SIGNS installed by the WDPW with letters not more than three and one-half (3.5) inches in HEIGHT.

8. If the SIGN is to be located on a PUBLIC WAY or on private property within PUBLIC view of any highway, PUBLIC PARK or reservation, a permit from the State shall be obtained by the applicant as required by MGL c.93, §29 before application is formally made to the SIGN INSPECTOR. A copy of said permit shall form part of the application.

9. If the SIGN is to be placed upon private property, written authorization therefore shall be obtained from the owner before application is formally made to the SIGN INSPECTOR. Said authorization shall form part of the application.

10. The location of all SIGNS shall be selected by the SIGN INSPECTOR with the advice of Town highway safety experts (DPW and Police/Fire Departments) to assure traffic safety. No SIGNS shall be placed on any PUBLIC land without the prior consent of the governmental unit charged with responsibility for the use, care and responsibility for that land. Said authorization shall form part of the application.

11. There shall be no more than one (1) SIGN at any intersection.

12. When the PUBLIC convenience and necessity require it, the Board of Appeals may grant a SPECIAL PERMIT for SIGNS at other intersections providing directions to scenic areas, recreational areas, non-profit institutions other than educational or similar activities of a predominantly non-profit nature.
13. Any traffic or DIRECTIONAL SIGN owned and installed by a governmental agency shall be permitted.

14. All privately owned SIGNS shall have the approval date and permit number affixed to it, and if space allows the permittee's name shall also appear. If no permit is required then owner’s name and phone number shall be affixed to the SIGN.

18.7 HEIGHT

a. No SIGN shall be in excess of fifteen (15) feet in HEIGHT.

b. No SIGN shall be constructed in a manner that obstructs PUBLIC passage. FREE STANDING SIGNS located at a corner shall have at least six (6) feet of vertical clearance from the ground to the bottom of the SIGN, to allow for a line of sight through the SIGN. This area shall not be blocked with plantings or the like.

18.8 Regulations For Specific Types Of SIGNS

a. CHANGEABLE-COPY SIGNS: When necessary to inform the PUBLIC of changing events, activities, dates, times, and other matters of important interest; the SIGN INSPECTOR may issue a permit for a CHANGEABLE-COPY SIGN not to exceed eight (8) square feet in area for a period of up to fourteen (14) days. No person(s) and/or group shall receive an additional permit prior to thirty (30) days after the last permit granted to said person(s) and/or group. Permits may be granted without a waiting period to different users of a SIGN with common ownership e.g. rental firm. SIGNS must be legible and in good repair at all times. Signs may be located either ON-PREMISE or OFF-PREMISE.

b. ACCESSORY SIGNS: ACCESSORY SIGNS are permitted. Total area can not exceed seven (7) square feet. No one (1) SIGN can exceed six (6) square feet in area. Must be ON-PREMISE only.

c. DIRECTIONAL, INFORMATIONAL, or SAFETY SIGNS: In addition to the other permitted SIGNS, DIRECTIONAL, warning or traffic SIGNS necessary for the safety and convenience of residents, customers, employees, and visitors are permitted in all areas. SIGNS shall not exceed one (1) square foot in area and a maximum of four (4) will be allowed per site. The SIGN INSPECTOR may grant exceptions to this subsection on a case-by-case basis if he finds that the site requires more or larger SIGNS. May be located either ON-PREMISE or OFF-PREMISE. In addition any SPGA may specify a larger SIGN during the SITE PLAN APPROVAL process (No permit required.)

d. INFLATABLE SIGN: Permits for INFLATABLE SIGNS shall issue subject to same regulations as for CHANGEABLE-COPY SIGNS (section "a") except that total surface area can not exceed 32 square feet and must be ON-PREMISE. The applicant shall state the size (dimensions) of SIGN as follows; total surface area, maximum HEIGHT of principal structure and length of any supports/tethers and if the SIGN is to be flown above the ground, the HEIGHT at which it is to be elevated, in the UNIT OF MEASURE specified.

e. TEMPORARY SIGNS: TEMPORARY SIGNS cannot be used for more than twelve (12) months but are permitted in all ZONES: Some may require a permit from the SIGN IN-
SPECTOR. The SIGN shall be removed at the end of the period unless a renewal application has been approved. The SIGN INSPECTOR shall ensure that SIGNS shall be legible.

1. CONSTRUCTION SIGNS and REAL ESTATE SIGNS: (No permit required.)
   a. SIGNS are permitted in all ZONES.
   b. Not more than one (1) SIGN is permitted on a single site per STREET FRONTAGE.
   c. SIGNS may not exceed five (5) square feet in area for residential LOTS. SIGNS advertising the availability of land (LOTS) for a commercial or business site may not exceed one hundred and thirty six (136) square feet. The SIGN INSPECTOR shall take into account the distance from the public way, in approving the size of the SIGN. The max. size may only be used for those SIGNS located at least one hundred and fifty (150) feet from the public way.
   d. SIGNS must be placed on the site and in appropriate manner.
   e. SIGNS shall be removed within seven (7) days of issuance of occupancy permit or transfer of ownership.

2. SUBDIVISION LOT PLAN SIGNS: These are permitted if not in excess of twelve (12) square feet in area on any subdivision with eight (8) lots or more provided no "For Sale" SIGNS are placed on the individual lots. The SIGN shall be placed within the subdivision and not easily visible from the abutting way. Individual lot number SIGNS not in excess of one (1) square foot may be placed on each lot. SITE PLAN APPROVAL, wherever SITE PLAN APPROVAL is required, it will include review and approval of SIGN; location, type, size, use and illumination.

3. DOOR and/or WINDOW SIGNS: DOOR and/or WINDOW SIGNS are permitted as long as the total area of all such SIGNS does not exceed twenty five percent (25%) of all "glass" area on which the SIGNS appear. (No permit required.)

4. SPECIAL EVENT SIGNS: When an activity is to be opened in a non-residential DISTRICT, the owner may put up INFORMATIONAL SIGN not in excess of twelve (12) square feet in area, which may remain in place for not more than fifteen (15) days.

   f. Illumination of SIGNS: If SIGNS are illuminated, it shall be done so by an EXTERNAL, or DIRECT LIGHT source. Light bulbs or tubes shall not be visible to the motoring public from a public way. SIGNS may also be illuminated by INTERNAL LIGHTING (INDIRECT LIGHTING) provided that the light source is shielded and focused not to extend beyond SIGN border. At no time shall the lighting of any SIGN constitute a safety hazard or a public nuisance. DIRECTIONAL SIGNS, INTERNALLY LIGHTED, are permitted when not in excess of two (2) square feet in area. No illumination of a SIGN shall interfere with an abutter's use of his property.

   g. ANIMATED and/or FLASHING SIGNS: ANIMATED and/or FLASHING SIGNS or
SIGNs with beacons attached are prohibited.

h. Mailboxes: Numerals identifying street numbers and/or letters naming the occupant of a building may be placed on both sides of a mailbox or on a door; letters not to exceed two and one-half (2.5) inches in height, numerals not to exceed four (4) inches in height. Advertising on mailboxes is not permitted.

i. BANNERS or FLAGS: The use of BANNERS or FLAGS to call attention to a business or activity are prohibited, unless determined to be an ACCESSORY SIGN by the SIGN INSPECTOR. BANNERS used for Town Festivals are permitted. The use of established governmental FLAGS are allowed, provided the use is consistent with the established standards of display and the intent is to demonstrate "patriotic" support for that governmental unit. The area of any governmental FLAGS displayed shall not be included in the total square footage allowed at a site for SIGNs. FLAG type SIGNs for ACCESSORY use is permitted in accordance with the regulation for ACCESSORY SIGNs.

18.9 General Provisions Relating To Administration, Enforcement, Penalties And Removal

a. Enforcement, Permits, and Penalty:

1. The SIGN INSPECTOR is hereby authorized to enforce this Article.

2. Permits and Certificates of Appropriateness: All SIGNs regulated by this Article require a SIGN permit issued by the SIGN INSPECTOR with the exception of this Article, sections; 18.3(a), 18.4(a), 18.4(g), 18.4(h), 18.8(c), 18.8(e,1), and 18.8(e,3). All SIGNs which require a SIGN permit shall be marked with an identification sticker supplied by the SIGN INSPECTOR. All SIGNs which require a SIGN permit and lie within an accepted and defined "Historical DISTRICT or exterior architectural control DISTRICT must first obtain a "Certificate of Appropriateness" and or approval from any commission or board having design or appearance jurisdiction over the DISTRICT. A SIGN without a permit is illegal.

3. Fees: Fees for SIGN permits shall be set by the Board of Selectmen as required and may be based on use, size, type or any other criteria they deem appropriate.

4. Repair: the SIGN INSPECTOR is authorized to order the repair or removal of any SIGN and its supporting STRUCTURE which the SIGN INSPECTOR judges dangerous or in disrepair or erected or maintained contrary to this Article and 711 CMR 3.17.

5. Citations: the SIGN INSPECTOR is authorized to issue citations for violations of these regulations by the methods provided in MGL. c.40, §21D.

6. Failure to respond to a properly issued citation within twenty-one (21) days will make the person, trust or other enterprise exhibiting a SIGN not in compliance with the Article, unless afforded protection under these Bylaws, shall be subject to the following penalties:
<table>
<thead>
<tr>
<th></th>
<th>First Offense</th>
<th>Written Warning</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.</td>
<td>Second Offense</td>
<td>Twenty five dollar ($25) Fine</td>
</tr>
<tr>
<td>3.</td>
<td>Third Offense</td>
<td>Fifty dollar ($50) Fine</td>
</tr>
<tr>
<td>4.</td>
<td>Fourth and Subsequent Offense</td>
<td>Two hundred dollar ($200) Fine Starting on the thirty-first (31st) day after the issuance of said citation.</td>
</tr>
</tbody>
</table>

b. SIGNS not complying with this Article:

1. SIGNS without a valid permit shall be removed within sixty (60) days of passage of this Article.

2. SIGNS with valid permits:
   a. A SIGN with a valid permit issued prior to enactment of this Article must remain in compliance with the requirements and conditions that enabled the valid permit to be originally issued.
   b. Where a SIGN identifying a business has approved subsidiary SIGNS, the subsidiary SIGNS may be replaced provided they remain in compliance with the requirements and conditions that enabled the valid permit to be originally issued.
   c. Failure of compliance will result in automatic revocation of the prior issued valid permit and require compliance with this Article for the issuance of a current valid permit.
   d. Upon termination of any business or use which has employed a SIGN, that SIGN shall be removed. Any subsequent use shall use SIGNS that are in compliance with this Article.

   c. Maintenance: A SIGN shall be maintained in a safe and secure manner and in a good state of repair including paint or surface material. If the SIGN INSPECTOR finds that a SIGN does not comply with this (maintenance) section of this Article, written notice of non-compliance and the reasons therefore shall be sent, by certified mail, return receipt requested, to the person or persons to whom the permit was issued. If the specified defects in the SIGN have not been corrected or the SIGN removed within thirty (30) days, the SIGN INSPECTOR shall revoke the permit and shall notify the person(s) to whom the permit was issued that the SIGN is now in violation of this Article and must be removed.

   d. ABANDONED SIGNS: When the SIGN INSPECTOR finds that a SIGN has been abandoned, whether or not a permit has been issued, written notice ordering its removal shall be sent by certified mail, return receipt requested.

      1. To the owner of the property on which the SIGN is located, and
      2. To the person to whom the permit was issued if not the owner.

   e. Removal of ABANDONED SIGNS or SIGNS in Violation of this Article: If a SIGN on
PUBLIC property is not removed within twenty-one (21) days of issuance of an order, the SIGN INSPECTOR shall remove or arrange for the removal of the SIGN. The SIGN shall be stored by the SIGN INSPECTOR in a safe location for sixty (60) days after which time it may be appropriately disposed of. Any costs incurred shall be borne by the SIGN owner.

f. Appeals: Any individual aggrieved by a decision of the SIGN INSPECTOR may APPEAL to the Wrentham ZONING Board of Appeals as provided under MGL c.40A.

g. Severability: Should any provision of the Article be held invalid, such provision shall be considered severable and such invalidity shall not affect the remainder of the provisions herein.

h. As part of any SITE PLAN APPROVAL application for a project in a Business or Commercial ZONE, the Planning Board shall have the authority to waive strict compliance with the terms and provisions of Article 18, provided such waiver will not be detrimental to the intent of Section 18.1. Provided further, that the Planning Board shall have no authority to grant by waiver an OFF-PREMISE SIGN located in any Residential DISTRICT in Town.