

REVISED

Z O N I N G B Y - L A W S

T O W N O F S O U T H B R I D G E

ADOPTED: MAY 20, 1985

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I. Title

Zoning By-Laws for the Town
of Southbridge, Mass.
1985

II. Purpose

Section 201 - General Purpose:

The following By-Laws are adopted and established for all of the purposes for which Zoning By-Laws may be enacted, as set forth in Section 2A of Chapter 808 of the Acts of 1975 or in Chapter 40A of the General Laws, as from time to time amended.

Section 202 - Districts:

For the purpose of these By-Laws, the Town of Southbridge is hereby divided into eleven classes of districts, as follows:

1. Single Family Residence Districts
2. Two Family Residence Districts
3. Garden Apartment Residence Districts
4. Multiple Family Residence Districts
5. Residential Office Districts
6. Retail Business Districts
7. General Business Districts
8. Light Industry Districts
9. Heavy Industry Districts
10. Planned Industry Districts
11. Central Core District

Section 203 - Zoning Map:

Said districts are as shown, defined and bounded on the map and accompanying these By-Laws, entitled "Zoning Map of the Town of Southbridge, Assessors Maps (152 sheets), Southbridge, Mass., revised to January 1, 1974, John E. O'Donnell and Associates, Auburn, Maine", or as hereafter amended, on file with the Town Clerk. Said map and all explanatory matter are hereby made a part of these By-Laws.

Section 204 - District Boundaries:

The boundaries between districts are as shown upon said Map. Where zone lines apparently follow property lines they shall be so interpreted. Where a boundary is indicated upon a street, the line shall be the center line of the street. Where a boundary is indicated otherwise than above, it is determined by its location on said Map. Where a boundary is indicated approximately parallel to a street, it shall be taken as parallel thereto, and if there is any variance between the scaled distance between the boundaries and the side line of the street and the distance as marked in feet upon the Map, the latter shall govern. Where a district boundary line divides a lot, as existing at the time these By-Laws take effect and the major portion of said lot is in the less restricted district, the regulations relating to that district may extend as well to such portion of said lot is not more than thirty (30) feet within the more restricted district.

III. Definitions:

- 300.1 In these By-Laws the following terms shall have the meanings hereby assigned to them.
- 300.2 Words used in the present tense include the future, the singular number includes the plural and the plural the singular; the word "lot" includes "plot" or "tract"; the word "building" includes "structure"; the word "occupied" includes "designed or intended to be occupied"; the word "used" includes "designed or intended to be used".
- 300.3 Terms, words and phrases:
- .31 Accessory Building or Use: A use or detached building, which is subordinate to the main use or building, and located on the same lot with the main building or use, the use of which is customarily incidental to that of the main building or to the use of the land. Where a substantial part of a wall of an accessory building is a part of the wall of a main building, or where an accessory building is attached to the main building, such accessory building shall be counted as a part of the main building. Such accessory building shall not be counted as a part of the main building. If it is not used for living purposes, accessory buildings shall mean garages, carports, utility buildings, swimming pools and other.
- .32 Billboard: A sign, including the type commonly known as a billboard, which directs attention to a business, commodity, service entertainment or attraction, sold, offered or existing elsewhere than upon the same lot where such sign is displayed or only incidentally upon such lot.
- .33 Building: A combination of any materials, whether portable or fixed, having a roof, to form a structure for shelter of persons, animals or property. For the purpose of this definition "roof" shall include an awning or any similar covering whether or not permanent in nature. The word "building" shall be construed where the context requires as though followed by the words "or part or parts, thereof".
- .34 Building Area: The ground area enclosed by the walls of a building together with the area of all covered porches and other roofed portions.
- .35 Club: An association of persons which is the owner, lessee or occupant of an establishment operated solely for a recreational, social, fraternal, religious, political, or athletic purpose, whose activities are confined to the members and guests and are not generally extended to the general public, and includes the establishment so operated.
- .36 Depth: The "depth of a lot" is the mean distance from a street line of the lot to its opposite rear line, measured in the mean general direction of the side lines of the lot. The "width of a lot" is its mean width measured at right angles to its depth.
- .37 Dwelling: A "dwelling" is any building used in whole or in part for human habitation.
- .38 Dwelling: (ONE-FAMILY) A building arranged for the use of one (1) family unit in which provision may be made for not more than four (4) lodgers or boarders.
- Dwelling: (TWO-FAMILY) A building arranged for the use of two (2) family units with provision for not more than four (4) lodgers or boarders per family.
- Dwelling: (MULTI-FAMILY) (APARTMENT HOUSE) A building arranged for the use of more than two (2) family units.

- .39 Family: Any number of persons related to one another by blood, adoption, foster home placement, or marriage plus not more than two additional persons, all residing together as a single integral housekeeping unit; or where such persons are not related to one another by blood, adoption, foster home placement or marriage, not more than three persons residing together as a single, integral housekeeping unit.
- .40 Farm: Any parcel of land which is used primarily for the raising of agricultural products, livestock, poultry and dairy products. It includes necessary farm structures within the prescribed limits, and the storage of equipment used.
- .401 Flea Market, Yard Sales, and Garage Sales: A commercial enterprise conducted as a retail basis at which merchandise such as antiques, used goods, works of art, curios, handcrafted items or similar items are displayed and offered for sale to the general public from various booths; provided that the term "Flea Market" shall not include the sale of such items, no more than three times per year, by a (a) natural person at his residence if he owns such items and did not acquire them solely for resale; (b) civic, charitable, education or religious groups.
- .41 Floor Area: (Net Floor Area): The interior floor area of a dwelling unit exclusive of basements, stairwells, halls, bathrooms, corridors, attics, walls, partitions and attached accessory buildings.
- (Gross Floor Area): The sum of the areas of the several floors of a building, including areas used for human occupancy in basements, attics and penthouses as measured about the exterior face of the exterior walls.
- .411 Frontage, Lot: A boundary between a lot and an abutting street between lot lines, or in the case of a corner lot, between a lot line and the intersection of street lines or of street lines extended.
- .412 Frontage, Street: A street which provides the required lot frontage for a building. When a lot is bounded by more than one street, any one of them but only one, may be designated as the frontage street by the owner, provided that the street meets the frontage requirement and that the principal permitted building on the lot is numbered on such frontage street. However, in the case of a lot bounded by two streets forming an interior angle of more than 135 degrees, their combined frontage between lot lines may be used to satisfy the lot frontage requirement.
- .42 Garage, Private: Covered space for the housing of motor vehicles, but not for commercial storage or rental of more than two (2) stalls.
- Garage, Public or Storage. A building or part thereof, other than private garage, for the storage of motor vehicles and in which repairs or service station activities are or may be carried on.
- .43 Ground Story: A "ground" story or "first" story is the lowest story entirely above the established or natural grade, whichever level is higher, except that if any basement or cellar is used for residence purposes by more than one person, such basement or cellar shall be deemed to be the first story. A "half story" is the space used for residence purposes above the highest full story provided the roof plate is not higher than four (4) feet above the floor. An "attic" is the space between the top story and a pitched roof.
- .431 Group Residence Home: A premise licensed by or operated by an agency of the Commonwealth of Massachusetts or subdivision thereof as a special residence for those capable, both physically or mentally, of taking action to preserve one's own life in the following categories:
- (1) Not more than 12 unrelated persons between the ages of 7 and 15 years of age; or
- (2) Not more than 25 unrelated persons 16 years of age or over; and

(3) A combination of Category 1 and 2 above consisting of not more than 25 unrelated persons over seven (7) years of age calculated at the rate of two such persons or portion thereof from Category 2 being equal to one such person in Category 1 all in accordance with the following table:

	Category 1										12	11	10	9	
8	7	6	5	4	3	2	1	0							
Category 2	0	2	4	6	8	10	12	13	14	15	16	17	25		
Max. Total Residents	12	13	14	15	16	17	18	18	18	18	18	18	25		

- .432 Guest houses: Overnight accommodations in a dwelling for tourists where only breakfast is served; also known as "Bed and Breakfast" establishments.
- .44 Height: The "height of a building" is the vertical distance measured from the established grade in business or industry districts, or from the natural grade in residence districts if higher than the established grade or if no grade has been established, to the level of the highest point of the roof beams in the case of flat roofs or roofs inclining not more than one inch to the foot, and to the mean height level between the top of the main plate and the highest ridge in the case of other roofs. Where the lot faces on two or more streets the "established grade" is the average level of the grade on that street frontage where the average grade is highest.
- .45 Home Occupation: Use of a portion of a dwelling or accessory building as a workroom of a resident of the premises engaged in a customary home profession or occupation, provided that:
 - (a) Such use is clearly secondary to the use of the premises for dwelling purposes;
 - (b) Not more than two persons other than residents of the premises are employed on the premises in connection with such home profession or occupation;
 - (c) No trading in merchandise is regularly conducted except for products made on the premises and parts or other items customarily used in connection with and incidental to such products;
 - (d) No external change is made which alters the residential appearance of the buildings on the lot;
 - (e) All operations including incidental storage are carried on within the dwelling or accessory building and there are no external evidence that the premises are being used for any purpose other than residential;
 - (f) No traffic shall be generated by such occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in the required set backs; and
 - (g) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence.
- .46 Loading Space, Off-Street: An off-street space or berth, on the same lot with a building, for the temporary parking of vehicles while loading or unloading merchandise or material, which has access to a street, alley or other appropriate means of ingress and egress.
- .461 Lodging House: A house where lodgings are let to four or more persons not within the second degree of kindred to the persons conducting such house and shall include fraternity houses and dormitories of educational institutions.
- .47 Lot: A "lot" is a single tract of land held in identical ownership throughout and which is bounded by streets, ponds, waterways, or by land of other owners. A "corner lot" is a lot at the junction of and fronting on two or more intersecting streets twenty (20) feet or more in width.

- .48 Minimum and Average Distance: The "minimum distance" and the "average distance" from a building to a lot line are always measured at right angles to such line.
- .49 Non-Conforming Use or Structure: A lawfully existing use or structure which does not conform to the regulations for the district in which such use or structure exists.
- .50 Open Land: Any space on a lot not occupied by a building.
- .51 Parking Area: Any open space used for parking motor vehicles exclusively, and in which no gasoline or fuel or motor vehicle accessories are sold or no other business is conducted.
- .52 Premises: That portion of a lot, structure or building actually in use for the specific purpose or use under consideration.
- .53 Professional Occupation: Any recognized profession, such as a doctor, lawyer or dentist.
- .54 Rear Lot Line: A "rear lot line" is the lot line opposite to the street line or in the case of a corner lot the rear lot line may be elected by the owner, provided that it be indicated on the "Application for Permit to Build".
- .55 Restaurant: A place where the primary function is the serving of food and beverages.
- .56 Sign: The term "sign" shall include signs, outdoor structures for advertising, letters, words, models, devices, symbols, revolving or flashing lights, trademarks, and shall include every kind of structure that is arranged, designed or used as an outdoor advertisement, announcement or direction.
- .57 Story: A "story" is that portion of a building between a floor and the ceiling next above it.
- .58 Street Line: The "street line" is the dividing line between a street and a lot.
- .581 Street, Road or Way: An area of land dedicated, approved by the Planning Board or legally open for public travel under at least one of the following classifications:
- (a) A public way duly laid out by the Town of Southbridge, the Worcester County Commissioners, the Commonwealth of Massachusetts, or a way which the Southbridge Town Clerk certifies is maintained by public authority and used as a public way excluding, however, limited access highway; or
 - (b) A way shown on a definitive plan approved and endorsed in accordance with the Subdivision Control Laws; or
 - (c) A way in existence prior to said Subdivision Control Law having become effective in the Town of Southbridge (March 11, 1940), 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 the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the building erected or to be erected thereon.
- A public or private way as stated above shall not be deemed to be a "street" as to any lot of land that does not have right of access to or passage over said way.
- .59 Structure: A combination of materials assembled at a fixed location to give support or shelter, such as a building, framework, retaining wall, tent, reviewing stand, platform, bin, fence, sign, flagpole, mast for radio antenna or the like. The word "structure" shall be construed, where the context allows, as though followed by the words "or part or parts thereof".
- .591 Townhouse: A row of not less than three nor more than seven attached single-family dwellings contained in one building in which each unit has its own front and rear access to the outside, no unit is located over another unit and each unit is separated from any other unit by one or more common fire resistant walls.
- .60 Tourist Camps or Camp Sites: Land used, or intended to be used, let, or rented for occupancy by campers travelling by automobile or otherwise; or for occupancy by house trailers, tents, or moveable or temporary dwellings, rooms or sleeping quarters of any kind.

- .61 Trailers, House and Mobile Homes: Any structure provided with wheels or designed for the attachment of wheels built on a chassis, enabling it to be conveyed upon the public streets or highways, and is duly licensable as a vehicle, designed and constructed in such manner as will permit occupancy thereof as a dwelling or a sleeping place for one or more persons and is equipped with bath facilities, flush toilet and designed to be connected to a water supply and to a sewage disposal system, whether resting on wheels, jacks, or other foundations.
- .62 Use: The purpose for which land or building is occupied, or maintained, arranged, designed or intended.
- .63 Front Yard: A "front yard" is a space across the full width of the lot and extending from the street line of such lot to that point on the building nearest to such street line.
- .64 Side Yard: A "side yard" is a space extending from the front yard to the rear yard between a building and the adjacent side line of the lot on which the building is located.
- .65 Rear Yard: A "rear yard" is a space across the full width of the lot and extending from the rear lot line to that point on the building nearest to such rear lot line. In the case of a triangular lot with only one side fronting on a street, the rear yard shall be the open unoccupied space between the rear wall of the building and a line half-way between such rear wall and the point of intersection of the side lines of the lot.
- .66 Automobile Oriented Food Service Establishments: A food service establishment which provides a greater number of parking spaces than is required by the Zoning By-Law.
- .67 Fast Order Food: Food which is
 - (a) Primarily intended for immediate consumption;
 - (b) Available upon a short waiting time;
 - (c) Packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.

IV. General Regulations

Section 401 - Regulations Applying to all Districts:

- 401.1 Offensive Uses: No use or occupancy of buildings, structures or premises shall be hereafter permitted which is liable, when conducted under proper conditions and safeguards, to be currently and frequently noxious or offensive by reason of the emission of dust, odor, fumes, smoke, gas, wastes, refuse matter, noise or excessive vibrations, so as to be detrimental to public health, safety, comfort or general welfare.
- 401.2 Trailer Laws:
 - (a) No house trailer or mobile home may be permanently located on any lot within the Town of Southbridge, except as provided in Section 401.2 (b);
 - (b) The owner-occupier of a residence which has been destroyed by fire or other natural holocaust may place on the land thereof a mobile home and after securing an occupancy permit from the Building Inspector, may reside in such home for a period of eighteen (18) months or until such home has been rebuilt, whichever occurs first. Any such mobile home shall be subject to the provisions of the state sanitary code. For no other purpose may a trailer or mobile home be situated within the Town of Southbridge for more than thirty (30) days for the purpose of occupancy in any twelve month period.

- 401.3 Location of Automobile Services: No public garage, automobile repair shop, greasing station, storage battery service station, nor any of their appurtenances or accessory uses, shall hereafter be erected or placed within fifty (50) feet of any residence district, unless the space so used is entirely enclosed, on the sides facing the street and residence zone, within masonry or concrete walls and a roof without openings of any kind except windows, doors or skylights having metal frames and fixed metal sash, glazed with wire glass. No driveway or door to such premises shall be in any part within twenty-five (25) feet of any residence district.

No automobile service building shall have at the street line any entrance or exit for motor vehicles within a radius of two hundred (200) feet of any entrance or exit at the street line, of any public or private school, public library, church, playground or institution for the sick, dependent, or for children under sixteen years of age.

- 401.4 Unregistered Motor Vehicles and Trailers: Except where otherwise provided in these By-Laws, and except in the case of a licensed dealer in junk or used automobiles, the parking or keeping of more than two (2) unregistered motor vehicles or trailers upon any lot shall be prohibited. This section shall not apply to antique motor vehicles, as defined in M.G.L.c. 90 § 1, whether or not said vehicle is registered for use on the public ways.

Section 402 - Regulations applying to Specific Districts:

- 402.1 Garden Apartment Districts: No more than 24 dwelling units are allowed per building, and Garden Apartments must be served by Municipal Sanitary Sewage System.
- 402.2 Planned Industry Districts: Where a lot in a Planned Industry District abuts, or is within one hundred and fifty (150) feet to the side or rear boundary line of any Residence District (including any Residence District in an adjacent municipality), there shall be provided on all portions of said lot within one hundred and fifty (150) feet of said boundary line a buffer strip as follows:
- (a) The portion of each strip within fifty (50) feet of the district boundary shall be planted with trees, shrubs, or other landscape materials.
 - (b) The remaining one hundred (100) feet of space may be used for off-street parking.
- 402.21 General Business, Retail Business, Light or Heavy Industry Districts: Where a lot in said general business, retail business, light or heavy industry districts abuts the side or rear boundary line of any Residence District (including any Residence District in an adjacent municipality), there shall be provided on all portions of said lot a buffer strip, as follows:
- (a) The portion of such strip within twenty (20) feet of the district boundary shall be planted with evergreen trees and/or shrubs.
- 402.3 All Industrial Districts: In all Industrial Districts, the open lot storage and display of goods, products, materials or equipment shall, if visible at normal eye level from any point beyond the boundaries of the premises be suitably screened from such view.

V. Use Regulations

Section 501 - Use Regulations Defined:

- 501.1 In each zoning district the use of land, buildings and structures shall be as set forth in Section 502 - Table of Use Regulations and as provided elsewhere in this By-Law. Any use not listed is prohibited except that such a use may be allowed on Special Permit if the SPGA determines that it clearly resembles in its neighborhood impact a use allowed or allowed on Special Permit in that district.
- 501.2 A use listed in the "Use" column of Section 502 - Table of Use Regulations is permitted as a matter of right in any district under which it is denoted by the word "Yes" in said Table, subject only to any limitations set forth therein and to the other provisions of this By-Law.

- 501.3 If denoted by the letters "SP" in Section 502 - Table of Use Regulations the use may be permitted in the district only if the Special Permit Granting Authority so determines and grants a special permit therefore as provided in Article VII, Section 701.1 subject to such restrictions or conditions as said Board may determine.
- 501.4 If denoted by the letters "PA" in Section 502 - Table of Use Regulations the use is permitted as of right but is subject to site plan approval requirements of Section 701.2 of this By-Law.
- 501.5 No building structure or land in any district may be used, erected or designed to be used in whole or in part for any use which is denoted by the word "NO" in Section 502 - Table of Use Regulations.

SECTION 502 - TABLE OF USE REGULATIONS (Continued)

<u>USE</u>	SF	2F	GA MF	RO	RB	GB	LI	HI	PI	CC
<u>502.4 GOVERNMENT AND PUBLIC SERVICE</u>										
.41 Municipal governmental administration building; municipal public works garage or fire or police station, other protective uses of a municipal agency	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
.411 Federal, State or County governmental administration building; Federal, State or County public works garage or fire or police station, other protective uses.	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
.42 Reservoir, pumping station or other water supply.	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
.43 Transformer station, sub-station, telephone exchange or other public utility or communications use, but not including any office, storage or repair use in connection therewith unless otherwise allowed by the regulations of the district in which located.	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
.44 Any other use of a Town of Southbridge agency not specifically listed herein.	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
<u>502.5 RECREATIONAL & SOCIAL FACILITIES</u>										
.51 Public park, playground or other recreational use operated by the town or other governmental agency.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	SP	Yes
Adopted TCM 8/26/91 .51A Exterior lighting support structure greater than 25 feet in height for a public park, playground or other recreational use within 1,000 feet of a residential district.	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
.52 Reservation, wildlife preserve or other conservation area.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	SP	Yes

SECTION 502 - TABLE OF USE REGULATIONS (Continued)

<u>USE</u>	SF	2F	GA MF	RO	RB	GB	LI	HI	PI	CC
.53 Country club, fraternal lodge or other social, civic or recreational use of a non-profit organization or membership club.	SP	SP	SP	SP	SP	SP	SP	SP	No	SP
.54 Any of the following commercial recreational uses, boat livery, ice skating rink, recreation camp, ski ground, riding academy or stable, picnic grounds, campground, tourist camp, swimming area, sporting events, other recreational and sporting facilities.	SP	SP	SP	SP	SP	SP	SP	SP	No	SP
.55 Commercial golf courses with a minimum area of 30 acres and all golf course activities to be restricted to daylight hours.	SP	SP	SP	SP	SP	SP	SP	SP	No	SP
.56 A dwelling or motel type unit complete with kitchen facilities may be erected for temporary or permanent residence, provided that such use has a green buffer area of 200 feet (no parking lots or disturbing activity in buffer zone), from all abutting property line. An area of 20 acres suitable for recreation or sport must be set aside to qualify for the first basic dwelling, plus an additional area of 2 acres for any additional dwelling. (Water area may constitute 50 percent of the area).										
A master site plan must be submitted showing proposed layout. Approval of such site plan or expansion or alternation thereof shall be endorsed by the SPGA in writing on the plan and proposal with such conditions as the Planning Board may impose in the best interest of the Town.										

SECTION 502 - TABLE OF USE REGULATIONS (Continued)

USE

SF 2F GA
MF RO RB GB LI HI PI CC

.56 (continued)

Applicants for a Special Permit, under this section shall submit, in addition to the application required by section 701.12 of these regulations, the details of a plan or financial arrangement by which recreation areas shall be maintained in safe and usable condition during the time in which the use described herein is continued. No special permit shall be issued pursuant to this section unless the SPGA finds that said plan or arrangement adequately ensures the continued maintenance of the recreation areas required hereunder.

Buildings may be constructed under Section 705 of these by-laws (Cluster Development) . A special permit issued pursuant to this section may authorize the construction of buildings for accessory commercial or recreational uses, provided that business uses shall be subject to the condition set forth in the last paragraph of this section.

Notwithstanding the provisions of this section, no special permit shall be issued hereunder for a building or use which creates a disturbing noise, or which endangers the health or safety of abutting residents. The Building Inspector may order the discontinuance of any such disturbing or dangerous use commenced in violation of this section, or any special permit issued hereunder.

SECTION 502 - TABLE OF USE REGULATIONS (Continued)

<u>USE</u>	SF	2F	GA MF	RO	RB	GB	LI	HI	PI	CC
.641 Keeping of horses for non-commercial use, accessory to the use of a parcel of land for multifamily, cluster or Planned Unit Development, provided that not more than one horse may be kept for each dwelling unit within the parcel, and subject to such conditions or regulations as are endorsed upon any special permit.	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
.65 Raising of fowl, sheep, goats, horses, pigs, fur bearing animals and all other animals, provided that the parcel of land so used is of a size of no less than five acres, and that pastures, fences, and buildings accessory to such use be located at least 150 feet from property and street lines.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<u>502.7 RETAIL BUSINESS</u>										
.71 Stores for retail sales or merchandise serving the needs of residents of the vicinity and where no manufacturing, assembly or packaging of products occurs on the premises except if at least 50% of such products are sold at retail on the premises.	No*	No*	No*	No*	Yes	Yes	PA	PA	No	Yes
.72 Salesroom for automobiles, boats, motorcycles, trailers, trucks, or farm implements, provided the use shall be conducted wholly within a completely enclosed building unless an open-lot sales area is authorized by Plan Approval as indicated in 502.74.	No	No	No	No	No	Yes	Yes	Yes	SP	Yes

* See next page

SECTION 502 - TABLE OF USE REGULATIONS

<u>USE</u>	<u>DISTRICT</u>									
	SF	2F	GA MF	RO	RB	GB	LI	HI	PI	CC
.73 Showroom for building supplies, including plumbing, heating and ventilating equipment.	No	No	No	No	Yes	Yes	Yes	Yes	SP	Yes
.74 Sales lot for automobiles, boats, motorcycles, trailers, trucks or farm implements, monument sales lot; other open lot sales area.	No	No	No	No	No	PA	PA	PA	SP	PA
.75 Flea markets, yard sales and garage sales	No	No	No	No	Yes	Yes	PA	PA	No	PA

* Except retail activities are allowed exclusively to serve residents of at least 50 dwelling units as part of a subdivision or apartment development. However, buildings devoted to retail uses are not to exceed 6,000 total square feet of gross floor space per subdivision or apartment development.

502.8 EATING PLACES & ENTERTAINMENT

.81 Restaurant, lunchroom, cafeteria, snack bar or similar place for the serving of food or beverage but only to persons in an enclosed building.	No*	No*	No*	No*	Yes	Yes	Yes	Yes	SP	Yes
.82 Refreshment stand, drive-in or other place for the serving of food or beverage from inside of a building to persons standing or seated outside.	No	No	No	No	PA	PA	PA	PA	SP	PA
.83 Theater, bowling alley, dance hall, pool room, skating rink or other enclosed place of assembly operated for a profit.	No	No	No	No	Yes	Yes	SP	SP	No	Yes
.84 Golf driving range, "miniature" golf course, amusement park, drive-in theater, stadium and other outdoor facility for spectator sports or amusement use, unless it qualifies under 502.56.	No	No	No	No	SP	SP	SP	SP	SP	SP

* See Special Provisions under 502.56

SECTION 502 - TABLE OF USE REGULATIONS

<u>USE</u>	<u>DISTRICT</u>									
	SF	2F	GA MF	RO	RB	GB	LI	HI	PI	CC
.85 Fast Order Food	No	No	No	No	PA	PA	Yes	Yes	No	SP
<u>502.9 OFFICE USES</u>										
.91 Business or agency office; bank or other monetary institution	No	No	No	Yes	Yes	Yes	Yes	SP	SP	Yes
.92 office for administrative, executive or professional purposes.	No	No	No	Yes						
.93 Place of business of a builder, carpenter, caterer, electrician, mason, painter, plumber, roofer, or other trade.	No	No	No	Yes	Yes	Yes	Yes	Yes	No	Yes
<u>502.10 TRADE & SERVICE ESTABLISHMENT</u>										
.101 Any of the following personal or consumer service establishments: barber or beauty shop, collection station for laundry or dry cleaning, bakery, shoe or hat repair, self-service laundry or dry cleaning.	No	No	No	No	Yes	Yes	SP	SP	No	Yes
.102 Hand laundry, tailor shop, dressmaking or millinery shop, photography studio, repair shop for bicycles, household appliances, radio or television.	No	No	No	No	Yes	Yes	SP	SP	No	Yes
.103 Mortuary, undertaking or funeral establishment.	SP	SP	SP	Yes	Yes	Yes	SP	SP	No	Yes
.104 Shop of a cabinetmaker, sign painter, job printer or upholsterer.	No	No	No	No	SP	Yes	Yes	Yes	No	SP
.105 Printing or publishing establishment.	No	No	No	No	SP	Yes	Yes	Yes	SP	SP

SECTION 502 - TABLE OF USE REGULATIONS

USE

DISTRICT

	SF	2F	GA MF	RO	RB	GB	LI	HI	PI	CC
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.106 Power laundry, dry cleaning plant or dyeing works, carpet or rug cleaning plant.

No	No	No	No	SP	PA	PA	Yes	SP	SP
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502.11 WHOLESALE BUSINESS AND STORAGE

.111 Wholesale showroom, storage warehouse or distribution plant for contractor's equipment, heating fuel, lumber and other building supplies, livestock feed, fertilizer, food, furniture, hardware, metal, paint, consumer commodities, and other products and materials which are not dangerous to the vicinity through fire, explosion, emission of waste or any other causes.

No	No	No	No	SP	Yes	Yes	Yes	SP	Yes
----	----	----	----	----	-----	-----	-----	----	-----

.112 Open-lot storage yard of any material or equipment of a type permitted to be stored in a warehouse in the same district

No	No	No	No	No	No	SP	SP	SP	No
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502.120 VEHICULAR SERVICE AND TRANSPORTATION USES

.121 Commercial or public parking lot or parking garage

No	No	No	No	PA	PA	Yes	Yes	PA	PA
----	----	----	----	----	----	-----	-----	----	----

.122 Community or group parking lot or garage solely for the parking of noncommercial motor vehicles of residents of nearby buildings.

No	PA	PA	PA	PA	PA	Yes	Yes	PA	PA
----	----	----	----	----	----	-----	-----	----	----

.123 Automobile service station with provision for making minor changes and adjustments to automobiles (such as motor tune-up) , but not structural changes such as automobile repair.

No	No	No	No	SP	SP	SP	SP	No	SP
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SECTION 502 - TABLE OF USE REGULATIONS

<u>USE</u>	<u>DISTRICT</u>									
	SF	2F	GA MF	RO	RB	GB	LI	HI	PI	CC
.124 Automobile and vehicle repair garage	No	No	No	No	SP	SP	SP	SP	No	SP
.125 Bus depot or railroad passenger station	No	No	No	No	Yes	Yes	Yes	Yes	No	Yes
.126 Taxi office or stand	No	No	No	No	Yes	Yes	Yes	Yes	No	Yes
.127 Truck terminal, or motor freight station, servicing or parking of trucks, buses, or semi-trailers.	No	No	No	No	No	No	PA	PA	PA	No
.128 Airport or other landing and servicing facility	SP	No	No	No	No	No	SP	SP	SP	No
.129 An establishment devoted to washing and cleaning motor vehicles	No	No	No	No	SP	SP	SP	SP	No	SP
.1291 Land or building used by public service corporation	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP

502.130 MANUFACTURING, PROCESSING & RELATED USES

.131 Laboratory engaged in research, experimental or testing activities (but not including any use which is dangerous to the vicinity through fire, explosion, emission of wastes or other causes, or detrimental to adjacent property by reason of noise, vibration, smoke, dust, odors, heat, glare or other effects observable at the lot line).	No	No	No	No	SP	SP	PA	PA	SP	SP
.132 Plant for manufacturing of medical, dental or drafting instruments, optical goods, watches or other instruments.	No	No	No	No	No	No	PA	PA	SP	No

SECTION 502 - TABLE OF USE REGULATIONS

USE

DISTRICT

		GA								
	SF	2F	MF	RO	RB	GB	LI	HI	PI	CC

.133 Plant for manufacturing of electrical devices,appliances, apparatus or supplies	No	No	No	No	No	No	PA	PA	SP	No
.134 Plant for the manufacturing, processing, assembly and/or packaging of household furniture and supplies, apparel and textile products, sporting goods, toys, plastic and wood products, small machine tools, and other light manufactured products.	No	No	No	No	No	No	PA	PA	SP	No
.135 Plant for the bottling of beverages or packaging of food products.	No	No	No	No	No	No	PA	PA	SP	No
.136 Plant for light metal fabrication or finishing.	No	No	No	No	No	No	PA	PA	SP	No
.137 Plant for manufacturing of structural products from clay or cement	No	PA	SP	No						
.138 Plant for bulk processing of wood or lumber	SP	No	No	No	No	No	No	PA	SP	No
.139 Plant for manufacturing of heavy machinery, metal foundry products or stone products	No	PA	SP	No						
.140 Other lawful assembling, extracting, packaging, repairing, finishing, reducing, rendering , processing, manufacturing or related use not substantially different in its effect on adjacent property than any of the uses permitted as of right in the same district (but not including any use dangerous to the vicinity through fire, explosion, emission of wastes or other causes).	No	No	No	No	No	No	SP	PA	SP	No

SECTION 502 - TABLE OF USE REGULATIONS

<u>USE</u>	<u>DISTRICT</u>									
	SF	2F	GA MF	RO	RB	GB	LI	HI	PI	CC
<u>502.1401 POWER CO-GENERATION FACILITY</u>										

AdditionThe SPGA shall determine that the TCM existing public sewer, water, road 11/26/90access and location are deemed adequate to support any related industrial traffic and use.	No	No	No	No	No	No	No	SP	No	No
<u>502.14 PERMITTED ACCESSORY USES & STRUCTURES</u>										
(Any use which is customarily accessory subsidiary and incidental to a permitted principal use shall be permitted on the same lot with said principal use.)										
.141 Office: within his/her place of residence of a physician, dentist, lawyer, architect, engineer or other professional occupation, occupying not more than 25% of the floor area of the dwelling.	SP	SP	SP	Yes	Yes	Yes	Yes	Yes	No	Yes
.142 The use of a portion of a dwelling by a resident engaged in a customary home occupation (see definition).	SP	SP	SP	Yes	Yes	Yes	Yes	Yes	No	Yes
.143 The use of a portion of a dwelling by a resident therein as a guest house (see definition).	SP	SP	SP	Yes	Yes	Yes	SP	SP	No	Yes
.144 The use of a portion of a dwelling by a resident therein for the day care of children provided that there is a limit of 6 children cared for, including the children of the resident and only two children under the age of 2 years.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
.145 The parking of not more than 3 motor vehicles per dwelling unit, not more than one of which shall be a light panel, small delivery or pick-up type truck.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes

SECTION 502 - TABLE OF USE REGULATIONS

USE

DISTRICT

	SF	2F	GA MF	RO	RB	GB	LI	HI	PI	CC
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.146 Non-commercial greenhouse, tool shed, boat house, satellite disc, shelter for domestic pets or other similar accessory structure and which is not injurious, noxious or offensive to, nor inconsistent with the character of the residential district.	Yes	Yes	Yes	Yes	Yes	Yes	SP	SP	No	Yes
.147 Living quarters for domestic employees, containing no kitchen facilities, provided that such quarters are not rented or used as a separate dwelling.	Yes	Yes	Yes	Yes	Yes	Yes	SP	SP	No	Yes
.148 An uncovered swimming pool provided: 1. Such pool is used only by the residents of the premises and their guests. 2. No portion of the water shall be within a required setback area. 3. A fence or protective barrier not less than 5 feet in height having self-latching devices on all gates shall be installed and maintained so as to completely enclose all in ground swimming pools. All latches shall be located 4 feet above ground. 4. A covered or indoor pool must met all requirements pertinent to any building or structure. 5. Uncovered, exterior swimming pools shall be considered open area for the purposes of computations under Article VI. 6. The pool shall not be filled with water or used by any person until a Certificate of Occupancy has been issued.	Yes	Yes	Yes	Yes	Yes	Yes	SP	SP	No	Yes

SECTION 502 - TABLE OF USE REGULATIONS

USE

DISTRICT

GA

SF 2F MF RO RB GB LI HI PI CC

.149 Tennis courts, provided no portion of the playing surfaces including fences shall be within the required front, side or rear setbacks.	Yes	Yes	Yes	Yes	Yes	Yes	SP	SP	No	Yes
.150 Where clearly secondary and incidental to a manufacturing business establishment, retail uses such as cafeteria, soda or dairy bars, wholly within the building as the principal permitted use, conducted primarily for the convenience of employees and with no exterior advertising display.	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes
.151 Any use customarily incidental and accessory to a business or office use and which is not injurious, noxious or offensive to nor inconsistent with the character of the district such as a workshop, file room, storage room or laboratory.	No	No	No	Yes						
.152 Outdoor storage of trucks, supplies and equipment incidental to permitted uses, subject to appropriate requirements for location, lighting, screening, fencing, cover and safety.	No	No	No	No	SP	Yes	Yes	Yes	Yes	No
.153 Any use accessory to a principal use or uses necessary in connection with scientific research or scientific development or related production.	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes

VI. Dimensional Regulations

Section 601 - Dimensional Regulations Defined:

601.1 Minimum lot area, frontage, set back and yard regulations, and maximum coverage and height limitations shall be prescribed in the following Table 602 - Table of Dimensional Regulations. No requirement of area frontage, width, yard or depth in these By-Laws which is an increase of requirement of earlier By-Laws shall apply to lots in ALL DISTRICTS which at the time of recording the Deed, or endorsement of the Plan whichever occurred sooner, conformed to the then existing requirements and had less than the present requirement but at least five thousand square feet of area and fifty feet of frontage.

601.2 Except as herein specified, no dwelling or other principal building shall be constructed or used on a lot having less than the prescribed basic minimum area, and no dwelling for use by more than one family shall be constructed, converted, or occupied unless the lot contains at least the basic minimum area plus the prescribed additional area per family for each family in excess of one.

A lot may not be so reduced as to fail to satisfy any minimum dimension, area or yard required for a permitted principal use except as specified in Section 705 - Cluster Development.

601.3 Transition between districts:

(a) Side Yards and Rear Yards - For that portion of a lot which adjoins the boundary line of a more restricted district than that in which the lot is located, side yard and rear yard requirements shall be the same as those which apply to lots in the more restricted district.

(b) Setback - For that portion of a lot which fronts on the same street within one hundred (100) feet of the boundary line of a more restricted district than that in which the lot is located, set back requirements shall be the average between the requirement for the less restricted district and that which applies to lots in the more restricted district.

(c) Building Height - A building on a lot adjoining or within fifty (50) feet of the boundary line of a more restricted district than that in which the lot is located shall conform to the height regulations of the more restricted district.

601.4 Height Exemptions: The provisions of these By-Laws governing the height of buildings in all districts shall not apply to cupolas, belfries, chimneys, flag or radio poles, gas holders, grain elevators, water towers, nor to bulkheads, hose towers, elevator enclosures, water tanks, scenery lofts, or scenery towers nor to churches, municipal or institutional buildings.

601.5 Corner Visibility:

(a) Buildings: On a corner lot there shall be erected no building or structure so as to obstruct traffic visibility, within the space bounded as follows:

Zoning By-Laws for the Town of Southbridge - VI Dimensional Regulations (Cont'd.)

Section 601 - Dimensional Regulations Defined (Cont'd.)

601.5 Corner Visibility (Cont'd.):

In a residence district, the two intersecting street lines and a circular curve about the point of intersection of the two street lines and having a radius equal to one and two-thirds (1-2/3) times the setback required in that district; and in a business or industry district, the two intersecting street lines, and a straight line connecting the points on both street lines ten (10) feet from their point of intersection; provided that where the interior angle between the intersecting street lines is greater than one hundred five (105) degrees, or where the street lines intersect in a curve having a radius greater than twice the setback required in that district, the foregoing regulations shall be waived, and the setback line established parallel to or concentric with the street lines.

(b) Vegetation: Between the street lines of intersecting streets, and a circular curve about the point of intersection of the two street lines and having a radius equal to twice the setback required in that district, no vegetation other than shade trees may be maintained in any residence district above a height three (3) feet above the plane through the established grades at the street lines; nor in any other district, within the corner space as described in the foregoing paragraph.

Amended
TCM
Oct. 24, 1988

SECTION 602 - TABLE OF DIMENSIONAL REGULATIONS

<u>Zoning District</u>	Min. Lot Area Per Each Add'l Dwelling Unit In Excess Of <u>One; Sq. Ft.</u>	<u>"Min. Sq.Ft.</u>	<u>Lot Size" Frontage(D)</u>	<u>Setbacks</u>			<u>Max. Stories</u>	<u>Height of Lot</u>	<u>Max. Bldg. Coverage</u>
				<u>Front (C)</u>	<u>Side —</u>	<u>Rear Feet</u>			
SINGLE FAMILY									
Not served by sewer		30,000	125	30	20	35	35	2.5	20%
With existing sewer		22,500	100	30	20	30	35	2.5	20%
Accessory Structure				30	10	10	35	2.5	20%
TWO FAMILY									
Not served by sewer									
Single Family	30,000	125	30	20	35	35	2.5	20%	
Two Family		45,000	150	30	20	20	35	2.5	20%
Accessory Structure				20	10	10	35	2.5	30%
With existing sewer									
Single Family	22,500	100	30	20	30	35	2.5	20%	
Two Family		25,000	125	30	20	20	35	2.5	20%
Accessory Structure				20	10	10	35	2.5	30%
MULTI FAMILY (*)									
With existing sewer									
Single Family	22,500	100	30	20	30	35	2.5	20%	
Two Family		25,000	125	30	20	20	35	2.5	20%
Accessory Structure				15	10	10	35	2.5	35%
Multi Family (*)	5,000	25,000	100	30	20	20	50	2.5	20%
RETAIL AND GENERAL BUSINESS (E)									
Not served by sewer									
Single Family	30,000	125	30	20	35	35	2.5	20%	
Two Family		45,000	150	30	20	20	35	2.5	20%
Accessory Structure									
w/house lot			10	10	10	35	2.5	25%	
All other uses	20,000	100	30	10	20	60	4.0	70%	
With existing sewer									
Single Family	22,000	100	30	20	30	35	2.5	20%	
Two Family		25,000	125	30	20	20	35	2.5	20%
Accessory Structure									
w/house lot			10	10	10	35	2.5	25%	
All other uses	10,000	80	10	10	20	60	4.0	70%	
Multi Family (*)	5,000	25,000	100	30	20	20	50	4.0	20%

Amended
TCM
Oct. 24, 1988

SECTION 602 - TABLE OF DIMENSIONAL REGULATIONS (Cont'd)

<u>Zoning District</u>	Min. Lot Area Per Each Add'l Dwelling Unit In Excess Of		"Min. Lot Size"		Front	Setbacks			Max. Bldg. Height	Coverage
	<u>One; Sq. Ft.</u>	<u>Sq.Ft.</u>	<u>Frontage(D)</u>	<u>(C)</u>		<u>Side Feet</u>	<u>Rear Stories</u>	<u>Max. of Lot</u>		
LIGHT AND HEAVY INDUSTRY										
Not served by sewer										
Single Family	30,000	125	30		20	35	35	2.5	20%	
Two Family		45,000	150		30	20	20	35	2.5	20%
Accessory Structure w/house lot					20	10	10	35	2.5	25%
All other uses	20,000	100	30		20	20	60	6.0	50%	
With existing sewer										
Single Family	22,500	100	30		20	30	60	2.5	20%	
Two Family		25,000	125		30	20	20	35	2.5	20%
Accessory Structure w/house lot					20	10	10	35	2.5	25%
All other uses	20,000	100	30		20	20	60	6.0	50%	
Multifamily (*)	5,000	25,000	100		30	20	20	50	4.0	20%

(*) Multi Family and Uses in a Multi Family Zone must be on sewer
Central Core: See next page - Notes (e) and (f)

Zoning By-Laws for the Town of Southbridge - VI Dimensional Regulations (Cont'd.)

Section 602 - Table of Dimensional Regulations (Cont'd.)

Note (a) Measured along the street lot line, except that a lot which conforms to all other requirements and which is in a curve with a radius of three hundred feet (300) or less, can be measured at the building line provided a minimum of fifty (50) feet is maintained at the street line in a single family district and forty (40) feet in other districts.

Note (b) Deleted

Note (c) On a corner lot only the front of the building must meet requirements, the side street line shall be considered the side property line, however, if a garage is constructed on the side street, it must be set back twenty (20) feet.

Note (d) If a garage is constructed on the front or under the building, it must be set back twenty (20) feet.

Note (e) The District known as the Central Core "General Business District" shall be defined as indicated on the official zoning maps located in the Town Clerk's Office.

Note (f) CENTRAL CORE: No new use or any addition to an existing structure may be commenced in this district, except as authorized by Special Permit. The SPGA shall determine minimum lot size, maximum building coverage, parking requirements, access requirements and setback dimensions, based upon review of the specific characteristics of the site, including but not limited to, available area, traffic, patterns, access to public ways, intended use of the site, and protection of public safety and convenience. Maximum height shall be four stories or 40 feet.

VII. Special Regulations

701.1 Special Permits: The Special Permit Granting Authority shall hear and decide only such special permits as are authorized under this By-Law. The SPGA may grant Special Permits only where the conditions of this By-Law have been met and only after a determination that such grant would comply with all other provisions of this By-Law and it finds:

(a) That the premises in question are appropriately located and reasonably adapted to the proposed use.

(b) That, in Residence Districts, the use will be reasonably compatible with other uses permitted as of right in the same district.

(c) That the use will not be a nuisance or a serious hazard to vehicles and pedestrians.

(d) That adequate and appropriate facilities will be provided for the proper operation of the proposed use.

Zoning By-Laws for the Town of Southbridge - VII Special Regulations (Cont'd.)

701.1 Special Permits (Cont'd.)

701.11 Site Plan Review - General: Except in those cases in which a majority of the Special Permit Granting Authority finds that the public welfare and the purposes of these By-Laws may be promoted without such review, every application for a Special Permit shall be subjected to a site plan review. Such site plan shall be in accordance with the standards set forth below and in other sections of this Zoning By-Law. Approval of such site plan, expansion or alteration thereof shall be given only after a public hearing by the Special Permit Granting Authority. Such approval, if granted, shall be endorsed by said Authority on the plan and/or notice of decision.

701.12 Application: A written application for a Special Permit shall be submitted to the Town Clerk and the Special Permit Granting Authority indicating the specific sections of this By-Law under which the Special Permit is sought and stating the grounds on which it is requested. Each application for a Special Permit which requires site plan review shall include the following information which is to be prepared by a Registered Engineer, Registered Land Surveyor, Registered Architect or Registered Landscape Architect. Five (5) copies of the application shall be submitted to the SPGA.

(a) A diagram and a statement of the ownership, area, dimensions, boundaries and principal elevations of land for which site plan review is sought, with the names of all adjoining owners as found in the most recent tax list and the locations of existing public or private ways nearest such land.

(b) A plan, profile and representative cross-sections of all proposed driveways and parking areas.

(c) A diagram (which may be the same plan) showing to scale the true location, ground coverage outline and dimensions of buildings or structures then proposed to be erected together with generalized indications of all future additions or expansions then contemplated; other information shall be shown as may be required to insure compliance with all the provisions of this By-Law and the purposes of the Site Plan Review.

(d) Plan showing proposed circulation of traffic within the proposed development and in all public ways adjacent thereto.

Addition(e) The fee for a Special Permit Application should be \$500, except Special Permit TCM Applications for customary home occupations shall be \$250.

9/26/88

701.13 Notice of Hearing: Notice of public hearing on each such application shall be given by the Special Permit Granting Authority in the manner prescribed in Chapter 40A of the General Laws as revised.

Zoning By-Laws for the Town of Southbridge - VII Special Regulations (Cont'd.)

701.1 Special Permits (Cont'd.)

701.14 Review: In reviewing each such application, the Special Permit Granting Authority shall study the application and the site plan with reference to the health, safety and welfare of the prospective occupants, the occupants of neighboring properties, and users of the adjoining streets or highways, and the welfare of the Town generally including its amenities.

In addition to compliance with all of the land space and building space requirements set forth herein, the applicant shall demonstrate adequate provisions for:

(a) Traffic safety and ease of access at street and highway entrances and exits of driveways, taking account of grades, sight distances and distances between such driveway entrances, exits and the nearest existing street or highway intersections.

(b) Safety and adequacy of driveway layout, off-street loading areas for materials and products, off-street loading sites for customers and sufficiency of access for service vehicles such as electricity, gas, fuel, telephone, laundry rubbish removal, water, sewer, fire, police, ambulance or other routine or emergency vehicles.

(c) Safe and adequate means of disposal of sewage, of garbage and rubbish, safety and adequacy of water supply and distribution, and of fire fighting facilities on the site, safety and adequacy of heating and ventilating as proposed, also of cooking facilities, if such are to be furnished.

(d) Assurance of positive stormwater drainage and snow melt runoff from all driveways and from all parking and loading areas on the site.

(e) Compliance with off-street parking and loading requirements as specified in Section 703.

(f) Protection from flood hazards as stated in Article XV, considering such factors as: elevation of buildings, drainage, adequacy of sewage disposal; erosion and sedimentation control; equipment location; refuse disposal; storage of buoyant material, extent of paving, effect of fill, roadways or other encroachments on floor runoff and flow storage of chemicals and other hazardous substances.

701.15 Report by the Special Permit Granting Authority: The Special Permit Granting Authority shall within seven (7) days of receiving the application and the plan, submit notice to the Planning Board, The Town Manager, Town Engineer and if affected, the Conservation Commission, Board of Health or any other Town agency that may want to review the proposal for comments. Any such board or agency may make recommendations as they deem appropriate and shall send copies thereof to the Special Permit Granting Authority and to the applicant, provided however, that failure of any such board or agency to make recommendations within thirty-five (35) days of receipt by such board or agency shall be deemed lack of opposition thereof.

Zoning By-Laws for the Town of Southbridge - VII Special Regulations (Cont'd.)

701.1 Special Permits (Cont'd.)

701.15 Report by the Special Permit Granting Authority (Cont'd.)

Upon the granting of a Special Permit, or any extension, modification or renewal thereof, the Special Permit Granting Authority shall issue to the owner and to the applicant if other than the owner, a copy of its decision, certified by the Special Permit Granting Authority containing the name and address of the owner, identifying the land affected, setting forth compliance with the statutory requirements for the issuance of such permit and certifying that copies of the decision and all plans referred to in the decision have been filed with the Planning Board and Town Clerk. No Special Permit or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the Town Clerk that twenty (20) days have elapsed and no appeal has been filed or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Registry of Deeds for the county or district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. A copy certified by the Registrar of Deeds of the recorded notice of decision shall be submitted to the SPGA. The fee for recording or registering shall be paid by the owner or applicant.

701.151 A Special Permit granted under these By-Laws shall lapse within two (2) years from the date of granting unless construction or use under said permit is substantially commenced, except that said two-year period may be extended for good cause shown, or for such period of time as is required to pursue or await the decision of an appeal under General Laws Chapter 40A, Section 17.

701.16 Building Permit: No permit to build or alter or expand any structure or use requiring a Special Permit under this By-Law shall be issued by the Building Inspector until he shall have received from the Special Permit Granting Authority a written statement of final approval by said Authority. The Building Inspector shall enforce the fulfillment of any condition or revisions which the Special Permit Granting Authority may impose in order to satisfy any of the factors upon which the Special Permit is based.

701.17 Modification of Permit: The Special Permit Granting Authority shall have the power to modify or amend its approval of a Special Permit and of a site plan upon application of the owner, lessee or mortgagee of the premises, after a hearing held in conformity with General Laws Chapter 40A.

Zoning By-Laws for the Town of Southbridge - VII Special Regulations (Cont'd.)

701.1 Special Permits (Cont'd.)

701.2 Plan Approval: In all instances specified in Article V, Section 502, Use Regulations, indicating that Plan Approval is required, no Building Permit shall be issued in any case where a building is to be erected or externally enlarged and no area for parking, loading or vehicular service (including driveways giving access thereto) shall be established or changed except in conformity with a site plan bearing an endorsement of approval by the Building Inspector after review by the Planning Board.

701.21 Application: Each application for the plan approval shall be submitted to the Town Clerk and Building Inspector with five (5) copies of the site plan. The Building Inspector shall, within five (5) days, transmit one copy to the Planning Board. The Building Inspector also may submit copies to any other Town agency to review the proposal. The site plan shall show, among other things, zoning district boundaries, existing and proposed topography, all existing and proposed buildings and structures, their uses, elevations, parking area, loading areas, driveways and driveway openings, service areas and all other open space areas, all facilities for sewage, refuse and other waste disposal and for surface water drainage and all landscape features (such as walks, planting areas, trees and fences), lighting and signs.

701.22 Period of Review: If the Planning Board fails to submit its recommendation to the Building Inspector within thirty-five days of its receipt of plans filed in accordance with this section, the Building Inspector may take action as may be deemed appropriate under this section without being required to report the reasons in each decision. In any case, any application for Plan Approval which has not been acted upon by the Building Inspector within forty-five (45) days of proper filing shall be deemed to have been granted approval, and a certificate to this effect shall be issued to any such applicant by the Town Clerk.

701.23 In reviewing a site plan under this section, the Building Inspector shall give due consideration to the Planning Board's report and shall communicate all subsequent decisions to said Board. The Building Inspector shall study the site plan with reference to the health, safety and welfare of the prospective occupants, the occupants of neighboring properties, and users of the adjoining streets or highways and the welfare of the town generally including its amenities.

In addition to compliance with all the land space and building space requirements set forth herein, the applicant shall demonstrate adequate provisions for the requirements set forth in Section 701.14 (a) - (f).

Zoning By-Laws for the Town of Southbridge - VII Special Regulations (Cont'd.)

702. Performance Standards: No land or building in Industrial Districts shall be used or occupied for any of the purposes except in conformity with the performance standards enumerated below.
- 702.1 For manufacturing uses permitted in the Light Industry, Heavy Industry, and Planned Industrial District all resulting cinders, dust, flashing, glare, fumes, gases, odors, refuse matter, smoke, vapor, electromagnetic transmission, or radioactive emission shall be completely and effectively confined within the building, or so regulated as to prevent any nuisance or hazard to the public health or safety and further no noise, vibration, or other disturbance shall be perceptible (without the use of instruments) at any lot line of the premises on which the use is located.
- 702.2 The proposed use shall not emit any smoke of a shade darker than No. 2 on the Ringelmann Smoke Chart as published by the U. S. Bureau of Mines, no air pollution particle concentrations shall exceed 0.3 grains per cubic feet.
- 702.3 All flammable and radioactive liquids shall be stored underground; the discharge of wastes shall be into a public sewer or a private on-lot system subject to the written approval of the Massachusetts Department of Public Health.
- 702.4 Vibration shall not exceed the safe range Table 7, U. S. Bureau of Mines, Bulletin No. 442; there shall be no unusual or objectionable odor; and no direct or sky reflected glare shall be permitted.
- 702.5 In such cases as there is reasonable doubt as to the likelihood of conformance, the Planning Board may require an investigation and report within thirty (30) days, by one or more qualified experts, a copy of such report being provided by the applicant.

The Building Inspector shall investigate any alleged violation of performance standards and if there are reasonable grounds to believe that a violation exists or did occur, shall inform the Planning Board. The Planning Board shall investigate the alleged violation and may hire qualified experts. If after public hearing and due notice, it is found that a violation exists or did occur, the fine hereinafter provided for any zoning violation shall apply, said violation shall be remedied within sixty (60) days and the costs of the investigation shall be paid by the violator. Failure to remedy a violation will result in revocation of the pertinent certificate of occupancy.

703. Off-Street Parking and Loading

- 703.1 Intent: It is the intent of this section of the By-Law that any use of land involving the arrival, departure, storage or entry upon the land of motor vehicles be so designed and operated so as to reduce hazard of pedestrians upon the public sidewalks, to protect the use of adjoining property from nuisance created by the noise, fumes and glare of headlights which may result from the operation of cars parking off the street and at the same time, to reduce congestion in the streets and contribute to traffic safety by assuring adequate places for the standing and storing off the street of motor vehicles associated with the use of a lot of be considered as part of the parking requirements.

Zoning By-Laws for the Town of Southbridge - VII Special Regulations (Cont'd.)

703. Off-Street Parking and Loading (Cont'd.)

703.2 General Requirements:

(a) Structures and uses in existence or for which Building Permits have been issued at the date of adoption of this By-Law shall not be subject to the requirements of this Section so long as the kind or extent of use is not changed so that the change or enlarged use would require an increase of more than 25% of the parking facilities required in this section; provided that any parking facilities now serving such structures or uses shall not in the future be reduced below such requirement.

(b) Whenever there is an alteration of a structure, addition of a new structure, or a change or extension of use which increases the parking requirements by 25% or more according to the standards of this section, the total parking required for the entire structure or use shall be provided in accordance with the requirements of this section.

(c) The parking spaces required herein shall be on the same lot as the use they are intended to serve, or when practical difficulties prevent their establishment upon the same lot, they shall be established no further than 300 feet from the premises or use to which they are appurtenant.

(d) In the Central Core District, parking shall conform to this Section 703. Parking requirements may be lessened or waived upon application to the SPGA for a Special Permit where the SPGA finds that adequate parking including municipal parking exists in the Central Core District for the use proposed. In no case shall the required loading spaces be part of the area used to satisfy the parking requirements of this section.

(e) The minimums of this section may be reduced on Special Permit upon the determination that special circumstances render a lesser provision adequate for all parking needs such as:

(1) Use of a common parking lot including municipal parking lots for separate uses having peak demands occurring at different times.

(2) Peculiarities of the use which render usual measures of demand invalid.

703.3 Off-Street Parking and Loading Spaces

(a) Residential dwelling units with more than two bedrooms - two (2) parking spaces for each dwelling unit.

Zoning By-Laws for the Town of Southbridge - VII Special Regulations (Cont'd.)

703. Off-Street Parking and Loading (Cont'd)

703.3 Off-Street Parking and Loading Spaces (Cont'd.)

(b) Residential dwelling unit having 1 or 2 bedrooms - one(1) parking space for each dwelling unit.

(c) Permitted home occupations (except professional offices) - two (2) parking spaces for each room so used.

(d) For all other places with sleeping accommodations, including nursing, rest and convalescent homes, hospitals, hotels, motels, rooming and guest houses - one (1) parking space for every two beds, plus one additional space for every two employees, and adequate space for delivery vehicles.

(e) Places of public assembly - one (1) parking space for each 3 seats, or where benches are used, one (1) space for each eight lineal feet of bench plus one (1) space for every two employees.

(f) Retail stores and personal service shops - one (1) parking space for each one hundred and fifty (150) square feet of gross floor area exclusive of basement storage.

(g) Restaurants, lounges, bars, night clubs and meeting rooms - one (1) parking space for every three (3) seats.

(h) Offices - one (1) space for each two hundred (200) square feet of gross floor area, and loading space for all deliveries and shipping.

(i) For storage, manufacturing and industrial buildings, including warehouses, distribution plants, truck terminals, manufacturing and processing plants, automobile service stations and repair garages - one (1) parking space for each one thousand (1,000) square feet of gross floor area on all floors or a ratio of parking spaces to employees of one (1) to one and eight tenth (1.8) whichever is less.

(j) For all other permitted or permissible uses, including day nurseries, veterinary hospitals, country clubs, farm stands, outdoor recreational uses, open-lot storage yards and open-lot sales areas - adequate parking spaces to accommodate under all normal conditions, the cars of occupants, employees, customers, clients or visitors premises. Such space shall be deemed inadequate if, off-street parking area is substantially full, there frequent parking of such cars on the street near the premises in question.

(k) In case of mixed use - the requirements for the predominant use shall apply to the entire premises.

703.4 Design of Off-Street Parking and Loading Spaces

(a) No parking area containing or requiring five or more parking spaces, no open lot greater than 5,000 square feet in area for the storage of inventory or equipment, no loading space and no access road or driveway greater than 250 feet in length shall be constructed or used in any district, except pursuant to the following requirements:

Zoning By-Laws for the Town of Southbridge - VII Special Regulations (Cont'd.)

703.4 Design of Off-Street Parking and Loading Spaces (Cont'd.)

(1) A space of 9 feet wide by 18 feet long for the parking of an automobile (exclusive of access drives or aisles) shall be considered as one (1) parking space, with the exception of handicapped parking spaces as required by law.

(2) Each required loading space shall be at least ten (10) feet wide, forty (40) feet long and fourteen (14) feet high.

(3) All off-street parking and loading areas, except for dwellings, which are located within or adjacent to any single family, two family, garden apartment or apartment district shall be effectively screened from all adjoining lots in said district.

(4) The parking area, loading space, access road or driveway shall be designed, constructed and provided with proper drainage as detailed in "Paved Area Design and Construction Regulations - November 24, 1980" which are here incorporated by reference and made a part hereof.

(5) Parking spaces shall not be located within the required (set back) area in any District.

(6) Parking and loading spaces shall be so arranged so as not to permit or require the backing of motor vehicles into a public way or street.

(b) Drainage - The Building Inspector shall issue no permits for the construction or use of premises unless he has first determined, by plans or drawings which he deems adequate, that provisions shall be made for the safe disposal of surface water or drainage into sufficient public or private drains. No premises shall be constructed or used in such a manner that a threat to health, safety or convenience of the occupants or the public is created by the failure to adequately install or maintain a drainage system. In the enforcement of this section, the Building Inspector may call upon the head of the Department of Public Works for such advice or approval as is necessary to ensure the protection of the public safety.

(c) Before any land is constructed for parking or loading, the Building Inspector shall issue a Certificate of Zoning Compliance stating that the plans meet the requirements of this Section 703.4.

(d) Any parking lot built after the effective date of this By-Law shall be designed in accordance with the regulations of this Section 703.4. If any parking lot is increased in capacity after the effective date of this By-Law, the expanded portion thereof shall be designed in accordance with this Section 703.4.

Zoning By-Laws for the Town of Southbridge - VII Special Regulations (Cont'd.)

705 - Cluster and Planned Unit Development

- 705.1 Purpose - A cluster and planned unit development, for the purposes of this By-Law is a division of land into lots which encourage the preservation of open space thus promoting the more efficient use of land in harmony with natural features.
- 705.2 Any owner of a tract of land may, in conjunction with the submission of a subdivision plan for Planning Board approval under Subdivision Control Regulations or if approval of such Plan is not required by the Planning Board may make application to the Special Permit Granting Authority for a Special Permit requesting a reduction in dimensional regulations as described in Section 602 - Table of Dimensional Regulations for his plan.
- 705.3 The Special Permit Granting Authority may grant a Special Permit for a cluster or planned unit development after a notice and public hearing in accordance with the following regulations.

DEFINITIONS:

- (1) CLUSTER DEVELOPMENT: An option which permits an applicant to build single-family, and multi-family dwellings with reduced lot area and frontage requirements so as to create a development in which the buildings and accessory uses are clustered together into one or more groups with adjacent common open land.
- (2) HOMES ASSOCIATION: A corporation or trust owned or to be owned by the owners of lots or residential units within a tract approved for cluster development, which holds the title to open land and which is responsible for the costs and maintenance of said open land and any other facilities to be held in common.
- (3) OPEN LAND: Open space within a cluster, prohibited from development as set out in
- (4) WETLANDS: Areas characterized by vegetation described in Chapter 131 § 40.
- (5) MULTI-FAMILY: Attached dwelling units or buildings designed for or occupied by two or more families.

The SPGA may grant a Special Permit for cluster development in all Districts upon the following terms and conditions:

A. PURPOSES:

- Promoting the more efficient use of land in harmony with its natural features
- Encouraging the preservation of valuable open space
- Promoting diverse and energy-efficient housing at a variety of costs
- Protecting water bodies and supplies, wetlands, floodplains, agricultural lands, wildlife and other natural resources.
- Promoting aesthetics and other amenities

Zoning By-Laws for the Town of Southbridge - VII Special Regulations (Cont'd.)

705 Cluster and Planned Unit Development (Cont'd)

705.3 (Cont'd.)

B. REGULATIONS: The SPGA shall adopt Regulations for carrying out its duties under this section.

C. PROCEDURES:

1. Filing of Application: Each application for a Special Permit to cluster shall be filed with the SPGA with a copy filed forthwith with the Town Clerk, and shall be accompanied by nine (9) copies of a preliminary plan of the entire tract under consideration, prepared by a professional architect, engineer or landscape architect.

2. Contents of Application: Said application and plan shall be prepared in accordance with requirements for a preliminary subdivision plan in the Rules and Regulations of the Planning Board governing subdivision of land, whether or not the development constitutes a subdivision, and shall include proposed location, bulk and height of all proposed buildings. In addition, the applicant shall provide the following information:

(a) The number of dwellings which could be constructed under this By-Law by means of a conventional development plan, considering the whole tract, exclusive of waterbodies and land prohibited from development by legally enforceable restrictions, easements or covenants.

(b) An analysis of the site, including wetlands, slopes, soil conditions, areas within the 100 year flood, trees over fifteen inches (15") dbh and such other natural features as the Planning Board may request.

(c) A summary of the environmental concerns relating to the proposed plan.

(d) A description of the neighborhood in which the tract lies, including utilities and other public facilities, and the impact of the proposed plan upon them.

(e) Evaluation of the open land proposed within the cluster, with respect to size, shape, location, natural resource value, and accessibility by residents of the Town or of the cluster.

(f) A fee of \$500 and \$100/unit for each cluster/PUD

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3. Review of Other Boards: Before acting upon the application, the board shall submit it with the plan to the following boards, which may review it jointly or separately; the Board of Health, the Town Engineer, the Conservation Commission and the Town Manager. Any such board or agency to which petitions are referred for review shall submit such recommendations as it deems appropriate to the Planning Board and the applicant. Failure to make recommendations within thirty-five (35) days of receipt shall be deemed lack of opposition.

705.3 C. PROCEDURES (Cont'd.):

4. Public Hearing: After the opportunity for review by other boards has taken place, the Special Permit Granting Authority shall hold a hearing under this section, in conformity with the provisions of G.L.c.40A and of the Zoning By-Law and regulations of the Planning Board. The hearing shall be held within sixty-five (65) days after filing of the application with the Board and the Clerk. Notice shall be given by publication and posting and by first class mailings to "parties in interest" as defined in G.L.c. 40A 11. The decision of the Board and any extension, modification or renewal thereof, shall be filed with the Board and Clerk within ninety (90) days following the closing of the public hearing. Failure of the Board to act within 90 days shall be deemed a grant of the permit applied for.

5. Relation to Subdivision Control Act: Special Permit Granting Authority approval of a Special Permit hereunder shall not substitute for compliance with the Subdivision Control Act, nor oblige the Planning Board to approve any related definitive plan for subdivision, nor reduce any time periods for board consideration under that law. However, in order to facilitate processing, the Special Permit Granting Authority shall, insofar as practical under existing law, adopt regulations establishing procedures for submission of a combined plan and application which shall satisfy this section and the Planning Board's regulations under the Subdivision Control Act.

D. FINDINGS OF BOARD: The SPGA may grant a Special Permit under this section only if it finds that the applicant has demonstrated the following: That the cluster plan will be in harmony with the general purpose of the By-Law and the requirements of G.L.c 40A and the long range plan of the Town (if any); that it will not have a detrimental impact on the neighborhood, will be designed with due consideration for health and safety, and is superior to a conventional plan in preserving open space, minimizing environmental disruption, allowing for more efficient provision of services, or allowing for greater variety in prices or types of housing. In addition, the plan must meet the specific requirements of Sections E and F.

E. MINIMUM DIMENSIONAL REQUIREMENTS:

1. The area of the tract to be developed is not less than 3 acres.

2. Every single family detached dwelling is placed upon a lot with the following height, frontage, side and rear yard requirements: 30' set-back; 10' side yard; 20' rear yard; 50' frontage; 35' height or 2-1/2 stories.

3. Every two-family or multi-family building is built with the following set-backs from lot lines and other buildings, and the following limitations as to size and height:

Two-family; 20' set-back; 10' side yard; 20' rear yard; 50' frontage; 2 1/2 stories height; Multifamily; 20' set-back; 10' side yard; 20' rear yard; 50' frontage; 4 stories height; Garden Apartments; 20' set-back; 10' side yard; 20' rear yard; 50' frontage; 3 stories height.

Zoning By-Laws for the Town of Southbridge - VII Special Regulations (Cont'd.)
705 Cluster and Planned Unit Development (Cont'd.)

705.3 E. MINIMUM DIMENSIONAL REQUIREMENTS (Cont'd.)

4. Minimum width of open land between any group of lots and adjacent property is 50 feet and between each group of clustered buildings is 20 feet.
5. Except as specified in a special permit granted under this section, all requirements of the Zoning By-Law shall continue to apply.

F. REQUIRED OPEN LAND:

1. At least 25% of the tract, exclusive of land set aside for roads and parking, shall be open land. At least 25% of the open land shall be suitable for passive or active recreational use.
2. Such open land, together with the areas in the building lots not devoted to buildings, roads or parking, shall equal or exceed the area otherwise required under this Zoning By-Law for the total number of units contemplated in the development, except that water bodies and land already subject to legally enforceable covenants or easements shall not be included in this computation.
3. The open land and such other facilities as may be held in common shall be conveyed to one of the following, as determined by the Special Permit Granting Authority subject to the following guidelines:

In general, valuable natural resource land such as wetlands not suitable for any public use, or suitable for extensive public recreational use, should be conveyed to the Town or to a trust; whereas land which will be principally used by the residents of the cluster should be conveyed to a homes association.

(a) To a corporation or trust comprising a home association whose membership includes the owners of all lots or units contained in the tract. The developer shall include in the deed to owners of individual lots beneficial rights in said open land, and shall grant a conservation restriction to the Town of Southbridge over such land pursuant to M.G.L.c 184 §31-33, to insure that such land be kept in an open or natural state and not be built upon the residential use or developed for accessory uses such as parking or roadways. This restriction shall be enforceable by the Town through its Conservation Commission in any proceeding authorized by M.G.L.c 184 §33.

In addition, the developer shall be responsible for the maintenance of the common land and any other facilities to be held in common until such time as the homes association is capable of assuming said responsibility. In order to ensure that the association will

705.3 F. REQUIRED OPEN LAND (Cont'd.)

(a)(Cont'd.) properly maintain the land deeded to it under this section, the developer shall cause to be recorded at the Worcester District Registry of Deeds, a Declaration of Covenants and Restrictions which shall, at a minimum, provide for the following:

(1) Mandatory membership in an established homes association, as a requirement of ownership of any lot in the tract.

(2) Provisions for maintenance assessments of all lots in order to ensure that the open land is maintained in a condition suitable for the uses approved by the homes association. Failure to pay such assessment shall create a lien on the property assessed, enforceable by either the homes association or the owner of any lot.

(3) Provision which, so far as possible under the existing law, will ensure that the restrictions placed on the use of the open land will not terminate by operation of law.

(b) To a non-profit organization, the principal purpose of which is the conservation of open space. The developer or charity shall grant a conservation restriction as set out in (a) above.

(c) To the Conservation Commission of the town for park or open space use, subject to the approval of the Town Manager with a trust clause insuring that it be maintained as open space.

4. Subject to the above, the open space may be used for recreational purposes including golf courses, riding trails, tennis courts, gardens, swimming pools and temporary structures. The board may permit open land owned by a homes association to be used for individual septic systems, or for communal septic systems if it and the Board of Health are convinced that proper legal safeguards exist for proper management of a communally owned system.

G. PERMITTED USES: Only those uses allowed by right in the affected zone may be clustered.

H. FURTHER REQUIREMENTS:

1. No use other than residential or recreational shall be permitted.

2. No lot shown on a plan for which a permit is granted under this section may be further subdivided, and a notation to this effect shall be shown on the plan.

3. No certificate of occupancy shall be issued by the Building Inspector until he has certified to the SPGA that the premises have been built in accordance with the plan approved by board hereunder.

705.3 H. FURTHER REQUIREMENTS (Cont'd)

4. The SPGA may impose other conditions, safeguards, limitations on time and use, pursuant to its regulations.

5. The SPGA may grant a Special Permit hereunder for clustering even if the proposed development is not subject to the Subdivision Control Law.

6. Except insofar as the subdivision is given 5 years' protection under G.L.c. 40A §6, the Special Permit granted under this section shall lapse within two years excluding time required to pursue or await the determination of an appeal, from the grant thereof, if substantial use has not sooner commenced or if construction has not begun, except that the SPGA may grant an extension for good cause and shall grant an extension if the delay was caused by the need to seek other permits.

7. Subsequent to granting of the permit, the SPGA may permit relocation of lot lines within the cluster. However, any change in overall density, street layout, or open space layout will require further hearings.

PLANNED UNIT DEVELOPMENT

DEFINITIONS:

1. PLANNED UNIT DEVELOPMENT (PUD): A Planned Unit Development shall mean development of an area of land as a single entity, in which a mixture of residential, open space, commercial, and/or industrial uses, and a variety of building types and designs, are determined to be sufficiently advantageous to render it appropriate to grant a Special Permit to depart from the normal requirements of the district in which the PUD is to be located to the extent authorized by this Zoning By-Law.
2. USEABLE OPEN SPACE: The part or parts of land or structures within a PUD which are reserved for active or passive recreation use. This space shall exclude parking areas, driveways, and walkways and open areas in commercial areas such as cafes and shall be open and unobstructed to the sky. Trees, plantings, arbors, fences, flagpoles, sculpture, fountains, swimming pools, open air recreational facilities, laundry apparatus and similar objects shall not be considered destruction.

1. PERMIT AUTHORITY: The Special Permit Granting Authority may grant a Special Permit for construction of a PUD in all districts. The Special Permit shall conform to this By-Law and to G.L.c 40A §9, and to Regulations which the SPGA shall adopt for carrying out its duties hereunder. Except as set out hereunder, or in the SPGA's regulations, or in a Special Permit granted hereunder, the provisions of the Zoning By-Law shall continue to govern.
2. PURPOSE: The purpose of the PUD district is to provide for a mixture of land usage at designated locations at greater density and intensity than would normally be allowed provided that said land usage:
 - (a) Does not detract from the livability and aesthetic qualities of the environment.
 - (b) Is consistent with the objectives of the Zoning By-Law.
 - (c) Promotes more efficient use of land while protecting natural resources, such as water resources, wetlands, floodplains and wildlife.
 - (d) Promotes diverse, energy-efficient housing at a variety of costs.
3. PROCEDURES:
 - A. PRE-APPLICATION CONFERENCE: Prior to the submission of an application for a Special Permit, the applicant at his option may confer with the one or more local agencies to obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of plans, surveys, and other data.

PLANNED UNIT DEVELOPMENT (Cont'd.)

DEFINITIONS (Cont'd.)

3. PROCEDURES (Cont'd.)

B. SUBMISSION OF PRELIMINARY PLAN: The applicant shall file a preliminary plan accompanied by the form entitled "Submission of Preliminary Plan, Planned Unit Development" to the SPGA at a regularly scheduled meeting. A copy of the Preliminary Plan and the above form shall also be filed in the Town Clerk's Office. A fee of \$100.00 (certified check) made out to the Town of Southbridge shall accompany the submission of the preliminary plan. The fee shall include the cost of advertisement and notification of all parties in interest" as defined in G.L.c 40A §11.

The SPGA within 20 days from receipt of the Plan by the Town Clerk shall review and determine whether the proposed project is consistent with the most suitable development of the Town. The SPGA may suggest modifications and changes to the preliminary plan in anticipation of the filing of the Definitive Plan. If the SPGA fails to act within 20 days, the applicant may proceed to file his Definitive Plan.

1.0 CONTENTS OF THE PRELIMINARY PLAN: PLANNED UNIT DEVELOPMENT

- (a) Planned Unit Development Boundaries, north point, date, scale, legend, and title "Preliminary Plan: Planned Unit Development:, the name or names of applicants and engineer or designer."
- (b) Names of all abutters, land uses, and approximate location and width of all adjacent streets.
- (c) In a general manner the existing and proposed lines of streets, ways, easements and of any public areas within or next to the Planned Unit Development.
- (d) The approximate boundary lines of existing and proposed lots with approximate areas and dimensions.
- (e) The proposed system of drainage, including adjacent existing natural waterways and the topography of the land in a general manner.
- (f) Existing and proposed buildings, significant structures and proposed open space in a general manner.
- (g) An analysis of the natural features of the site, including wetlands, floodplains, slopes over 12%, soil conditions and other features requested or required by the regulations of the Special Permit Granting Authority.
- (h) A description of the neighborhood in which the tract lies, including utilities and other public facilities and the general impact of the proposed PUD upon them.
- (i) A summary of environmental concerns relating to the PUD.

Town of Southbridge Zoning By-Laws (Cont'd.)

PLANNED UNIT DEVELOPMENT (Cont'd.)

DEFINITIONS (Cont'd):

3. PROCEDURES (Cont'd.):

C. SUBMISSION OF DEFINITIVE PLAN:

- 1.0 The applicant shall submit an application for a Special Permit accompanied by the original of the Definitive Plan plus three copies thereof.
- 1.1 The Town Clerk shall transmit the original and copy of the Definitive Plan to the SPGA. A copy shall be forwarded to the Town Manager, Department Head of the Department of Public Works, Health Department and Fire Department.
- 1.2 The agencies receiving copies of the Definitive Plan shall submit to the SPGA written recommendations on the proposed project within 20 days of filing. Failure to comment shall be deemed lack of objection.
- 1.3 The Special Permit Granting Authority within 65 days of the filing of the Definitive Plan, shall hold a public hearing, notice of which shall be published in a local newspaper once in each of two successive weeks with the first publication to be not less than fourteen (14) days before the date of the hearing and shall be mailed to all "parties in interest" as defined in G.L.c 40A §11.
- 1.4 The Special Permit Granting Authority shall within ninety (90) days following the Public hearing certify in writing that the application is approved as submitted, approved subject to modification, or denied. If the SPGA fails to issue its findings within (90) days the plan shall be deemed approved. However, no building permit shall be issued until the plan, signed by the appropriate numbers of members of the SPGA shall be recorded in the Registry of Deeds.
- 1.5 If the project is denied, the developer shall not submit substantially the same proposal for two years, except as provided under G.L.c. 40A §16.
- 1.6 Special Permits granted under this section shall lapse within two years, excluding time required to pursue or await the determination of an appeal, from the grant thereof, if a substantial use has not sooner commenced or if construction has not been begun. The SPGA may grant an extension for good cause, and shall grant an extension if the delay has been caused on account of the need to seek other permits.
- 1.7 No construction or reconstruction except as shown on the recorded plan shall occur without a further submission of plans to the SPGA and a notation to this effect shall appear upon the recorded plan and upon deeds to any property within the PUD.

Town of Southbridge Zoning By-Laws (Cont'd.)

PLANNED UNIT DEVELOPMENT (Cont'd.)

DEFINITIONS (Cont'd.)

3. PROCEDURES (Cont'd.):

C. SUBMISSION OF DEFINITIVE PLAN (Cont'd.):

- 1.8 Contents of Definitive Plan: The application for a Special Permit and site plan review shall be accompanied by the original copy of the Definitive Plan and other data required to be submitted in triplicate and shall contain the following data:
- (a) It shall be drawn at a scale of one inch equals forty feet unless another scale is requested and found suitable by the SPGA or Engineering Department.
 - (b) The plan shall be prepared by a land surveyor, professional engineer, or architect or other qualified person in the opinion of the SPGA.
 - (c) The scale, date, and north arrow shall be shown.
 - (d) The plan shall be certified by the land surveyor doing the boundary survey and the professional engineer or architect on the location of the buildings, set-backs, and all other required dimensions, elevations, and measurements and shall be signed under the penalties of perjury.
 - (e) The corner points of the lot and change of direction of lines shall be marked by stone monuments, cut in stone, stake and nail, iron pin, or other marker and shall be so marked.
 - (f) Lot number, dimensions of lot in feet, size of lot in square feet, and width of abutting streets and ways.
 - (g) Easements within the lot and abutting thereon.
 - (h) The location of existing or proposed buildings on lot.
 - (i) The location of existing wetlands, water bodies, wells, 100-year floodplain elevation and other natural features requested by the SPGA.
 - (j) The dimensions of the existing and proposed buildings in feet.
 - (k) The distance of existing and proposed buildings from the lot lines and the distance between buildings on the same lot.
 - (l) Percent of the lot coverage.
 - (m) Average finished grade of each building.
 - (n) The elevation above average finished grade of the floor and ceiling of the lowest floor of each building.
 - (o) Existing and proposed topographical lines at two-foot intervals.
 - (p) The use designation of each building or part thereof, and of each section of open ground, plaza or usable roof space.

Town of Southbridge Zoning By-Laws (Cont'd.)

PLANNED UNIT DEVELOPMENT (Cont'd.)

DEFINITIONS (Cont'd.):

3. PROCEDURES (Cont'd.)

C. SUBMISSION OF DEFINITIVE PLAN (Cont'd.)

1.8 Contents of Definitive Plan (Cont'd.)

(q) Numbering of parking spaces.

(r) Height of all buildings, above average finished grade of abutting streets.

(s) Number of apartment, hotel rooms, meeting rooms, and restaurant and theater.

(t) Total square feet of floor space of all landscape and recreation areas, and depiction of materials to be used (grass, 5-foot shrubs, etc.)

(u) Deed or other recorded instrument that shows the applicant to be the owner or owner under option of the land to be designated as a Planned Unit Development.

4. MINIMUM REQUIREMENTS:

A. The plan shall be subject to the following conditions, and the SPGA shall make a determination that the project meets all the following conditions:

1. The project is consistent with the purposes set out in s. 2.

2. If more than 25% of the PUD is located within a residential district, at least 51% of the building area and accessory facilities in the PUD shall be used for residential purposes.

3. Ingress and egress for traffic flow is designed properly so that there will be no serious hazard to vehicles or pedestrians.

4. Adequate parking facilities are provided for each use and structure in the development.

5. Major facilities or functions which require siting within scenic areas are designed to be visually compatible with the natural or historical characteristics.

6. The project does not adversely affect the natural environment to the detriment of community character and public health and safety.

5. PERMITTED USES: In a Planned Unit Development, the following uses are permitted:

A. Residential

1. Detached, 1, 2 or 3-family residential structures

2. Apartment Houses

3. Town Houses

B. Business

1. Hotel, Motel

2. Restaurant

Town of Southbridge Zoning By-Laws (Cont'd.)

PLANNED UNIT DEVELOPMENT (Cont'd.)

DEFINITIONS (Cont'd.)

5. PERMITTED USES (Cont'd.)

B. Business (Cont'd.)

3. Theater

4. General Retail Sales and Service (except retail sales of automobiles, mobile homes, house trailers and except automobile service station)

5. Banks and financial services

6. Business and Professional Offices

7. Personal Services

C. Industrial Use

1. Any uses which the SPGA determines are not injurious to the safety or general welfare of the area.

6. AREA REGULATIONS:

1.0 PUD Site Area

No PUD shall be permitted on a site of less than 100,000 square feet.

2.0 Usable Open Space

In all PUDs, at least 25% of the land shall be set aside as permanent usable open space, for the use of the PUD residents, or for all PUD users, or for the community. The required open space shall, at the option of the SPGA be conveyed to the Conservation Commission or to a non-profit conservation organization, or to a corporation or trust representing persons responsible for the PUD, and shall be protected by a conservation restriction as required by G.L.c 40A §9 for common open space in cluster developments. A covenant shall be placed on the land such that no part of the PUD can be built, sold or occupied until such time as a satisfactory written agreement has been executed for protection of the open space.

3.0 Setback Requirements

Insofar as the PUD abuts a residential district, all structures and facilities within the PUD shall be set back not less than (25 feet from adjacent property lines or adjacent street lines where the PUD is bounded by a street. All structures and facilities within the PUD shall be separated or shielded from adjacent property lines by means of a buffer, fencing, setbacks or appropriate landscaping. Every building shall be set back from the boundary of the PUD by a distance equal at least to one quarter of its height, up to maximum required setback of 100 feet.

4.0 Floor Area Ratio

The floor area in all buildings in a Planned Unit Development shall not exceed ratio of (3) excluding parking structures, malls and plazas.

5.0 Height

No building in the PUD shall exceed 60 feet in height and the average of the principal buildings in the PUD shall not exceed 40 feet in height.

Town of Southbridge Zoning By-Laws (Cont'd.)

PLANNED UNIT DEVELOPMENT (Cont'd.)

DEFINITIONS (Cont'd.):

7. PARKING REQUIREMENTS:

1.0 In all unit developments, adequate off-street parking shall be provided for all vehicles normally visiting the property at any one time. The parking may be ground level, underground, or in a garage structure. Parking shall be provided at the following rates for the different types of use within the Planned Unit Development on land in the same ownership or on a separate parcel, provided the nearest parking space is within three hundred feet of a principal entrance to the building that the parking lot will serve, and further provided that an agreement will be recorded dedicating the parcel to parking use for the reasonable life of the building.

USE	MINIMUM REQUIRED SPACES IN ACCORDANCE WITH SECTION 703 EXCEPT RESTAURANTS SHALL HAVE ONE SPACE FOR EVERY THREE SEATS
(a) Apartments	1.0 spaces per unit
(b) Hotels and Motels	1 space for every 2 beds and 1 space for every 3 seats in restaurant and meeting rooms and 1 space for every 2 employees
(c) Retail stores, financial institutions, consumer services, etc.	1 space for each 150 square feet of floor space or fraction thereof
(d) Restaurants, theaters or places of public assembly	1 space for every three seats
(e) Offices, wholesale showrooms	1 space for each 200 square feet of floor space
(f) Industrial Use	For storage, manufacturing and industrial buildings, etc. - one parking space for each (1,000) square feet or a ratio of parking spaces to employees of 1 to 1.8 whichever is less.

1.1 The design standards for off-street parking shall be in compliance with Section 703.4 of the Zoning By-Law.

1.2 The off-street loading requirements for all uses located with a Planned Unit Development shall comply with Section 703.4 of the Zoning By-Law.

8. RELATION TO SUBDIVISION CONTROL ACT: Approval of a Special Permit hereunder shall not substitute for compliance with the Subdivision Control Act, nor oblige the Planning Board to approve any related definitive plan for subdivision, nor reduce any time periods for board consideration under that law. However, in order to facilitate processing, the Planning Board may, insofar as practical under existing law, adopt regulations establishing procedures for submission of a combined plan and application which shall satisfy this section and the Board's regulations under the Subdivision Control Act.

Town of Southbridge Zoning By-Laws (Cont'd.)

PLANNED UNIT DEVELOPMENT (Cont'd.)

DEFINITIONS (Cont'd.):

9. OPEN LAND: All open land hereunder shall be either:
1. Dedicated to the Town of Southbridge for either historic, recreational, or conservation purposes as recommended by the SPGA, or
 2. In common by the owners of the lots in the tract, by a membership corporation, trust, or homes association provided that the developer shall include in the deed to the owners the rights in said open land and an easement conveyed to the Town of Southbridge against development of said land and the erection thereon of any structures other than for neighborhood non-commercial recreational use.
- 705.4 Each application form, when submitted for a Special Permit, shall be accompanied by a plan, in duplicate, of the cluster development prepared in accordance with the specifications as stated in this Section and for preliminary subdivision plans as stated in the Southbridge Subdivision Control Regulations. In conjunction with an application for a Special Permit from the SPGA under this Section, the Planning Board shall submit in writing, prior to the public hearing, its recommendations and report to the SPGA.

VIII. Non-Conforming Buildings and Uses:

801. Except as hereinafter provided, a Zoning By-Law shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or Special Permit issued before the first publication of notice of the public hearing on such By-Law, but shall apply to any change or substantial extension of such use, to a building or Special Permit issued after the first notice of said public hearing, to any reconstruction, extension or structural change of such structure and to any alteration of a structure begun after the first notice of said public hearing to provide for its use for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent except where alteration, reconstruction, extension or structural change to a single or two-family residential structure does not increase the non-conforming nature of said structure.

Pre-existing, non-conforming structures or uses may be extended or altered, provided, that no such extension or alteration shall be permitted unless there is a finding by the Special Permit Granting Authority that such change, extension or alteration shall not be substantially more detrimental than the existing non-conforming use to the neighborhood. For the purposes of this section only, the SPGA shall be the Zoning Board of Appeals. Proceedings for such a determination shall be governed by General Laws Chapter 40A, Section 11.

Town of Southbridge Zoning By-Laws -VIII Non-Conforming Buildings and Uses (Cont'd).

- 801.1 ABANDONMENT: Notwithstanding the provisions of Section 801, a pre-existing non-conforming use or structure shall be subject to these By-Laws if, for any cause, it is either abandoned or not used for a continuous period of two years or more.
802. DAMAGED BUILDINGS: Nothing in these By-Laws shall prevent the reconstruction and resumption of use of any nonconforming building which may hereafter be accidentally or criminally damaged; provided the extent of damage be less than fifty (50) percent of the fair market value of such building, and provided that the reconstruction be effected within two (2) years from the occurrence of said damage.
803. UNSAFE BUILDINGS: Nothing in these By-Laws shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Building Inspector or other officer designated by the Town Manager, provided that in the case of non-conforming buildings, such restoration shall not exceed fifty (50) percent of the fair market value of the building or structure at the time of such declaration.
804. BUILDING PERMITS - EFFECT OF CHANGE IN BY-LAWS: Construction or operation under a Building Permit or a Special Permit shall conform to any amendment or addition to these By-Laws, made subsequent to the issuance of such permit, unless such construction or specially permitted use was begun within a period of six months after the issuance of the permit, and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

No pre-existing, non-conforming building or use may be altered or enlarged to a height greater than that of the existing structure or than the maximum height allowable in the district, whichever shall be lower. Such alteration or enlargement shall also comply with the minimum setback, minimum sideyard and minimum rear yard provisions of the district in which it is located.

IX. Administration

901. ENFORCEMENT: These By-Laws shall be enforced by the Building Inspector, appointed under the Building Regulations of the Town of Southbridge, who shall grant no permit for the construction or alteration of any building or structure, if the building or structure as constructed or altered would be in violation of any provision of these By-Laws. No municipal officer shall grant any permit or license for the use of buildings, structures, or land which use would be in violation of any provision of these By-Laws. Whenever such permit or license is refused because of some provisions of these By-Laws, the reason therefore shall be clearly stated in writing.

Town of Southbridge Zoning By-Laws - IX - Administration (Cont'd.)

901. ENFORCEMENT (Cont'd.): Upon the request of any person, in writing, that the Inspector enforce these By-Laws against any person allegedly in violation thereof, the Building Inspector shall investigate such request, and within 14 days, notify the person requesting enforcement of his intended action thereon or of his refusal to so act. From such decision, the party seeking enforcement, or the party against whom enforcement is sought, may appeal to the Zoning Board of Appeals.

The Building Inspector, with the approval of the Town Manager, may and if required by them, shall institute appropriate legal proceedings to enforce these By-Laws and to restrain by injunction any violation thereof.

902. ZONING (BUILDING PERMITS): Applications for permits shall be accompanied by a plan, submitted in duplicate, of the lot and the exact location and size of the buildings already upon the lot, of the other buildings or structures to be constructed or changed, the intended use thereof, together with the streets adjacent to the lot, and such other information as the Inspector may specify.
903. OCCUPANCY PERMIT: No buildings erected, altered or in any way changed as to construction or use under a permit or otherwise, and no premises used, shall be occupied or used without an Occupancy Permit signed by the Building Inspector, which permit shall not be issued until the building and its uses and accessory uses and the use of all premises comply in all respects with these By-Laws.
904. SPECIAL PERMIT GRANTING AUTHORITY: Special Permit Granting Authority shall consist of the 7 members of the Planning Board, appointed by the Town Manager and confirmed by the Council.
905. BOARD OF APPEALS: The Town Manager shall make appointments to a Board of Appeals, established pursuant to Chapter 40A of the General Laws and all amendments thereto, which shall consist of three members and two associate members; one associate to be designated by the Chairman of the Board to sit in the place of any member, incapacitated by personal interest or absence. The first appointments shall be made for one, two and three-year terms, respectively, and thereafter one appointment for a three-year term shall be made on or before the first day of February in each year. Associate members shall be appointed for two-year terms, the first appointments being for a one-year and a two-year term.
- 905.1 APPEALS: Any person aggrieved by the refusal of the Building Inspector to issue a permit or license on the grounds of noncompliance with these By-Laws may appeal to the Board of Appeals, within thirty (30) days as provided in Chapter 40A of the General Laws and any amendments thereto.

Any person aggrieved by an enforcement action of the Building Inspector, or by the refusal of the Building Inspector to act upon a request, may appeal to the Board of Appeals within 30 days of the date upon which notice of the Building Inspector's decision is received by the appellant. In the event that the Building Inspector fails to notify an aggrieved party of an enforcement decision or a refusal to enforce within 14 days of the request of an enforcement action, appeal may be taken within 45 days of the date of the request for enforcement.

Town of Southbridge Zoning By-Laws - IX. Administration (Cont'd.)

905.1 APPEALS (Cont'd.):

Within thirty (30) days from the date of the filing of a claim of appeal as provided herein, the Board of Appeals shall hold a public hearing thereon. The appellant shall file in advance of the hearing such plans and information as the Board of Appeals shall deem necessary, and give notice of the hearing by causing a notice thereof to be posted in a conspicuous location upon the property in respect to which the appeal is claimed.

905.2 VARIANCES: Petitions for variances from the terms of the applicable zoning provisions shall be dealt with by the Board of Appeals in accordance with Chapter 40A of the General Laws as amended. The Board shall grant no use variances or other variances which would amount to an amendment of this By-Law.

906. PENALTY: Whosoever violates any of the provisions of these By-Laws shall, upon conviction, be punished by a fine not exceeding two hundred dollars (\$200.00) for each day of such violation.

X. Conflict with Other Laws

The provisions of this By-Law shall be construed as being additional to and not as annulling, limiting or lessening to any extent whatsoever the requirements of any other law, By-Law, rule or regulation; provided that, unless specifically excepted, where this By-Law is more stringent it shall control.

XI. Amendments

The Planning Board, upon petition of not less than ten citizens of the Town, or upon its own initiative, shall, from time to time hold public hearings, fourteen days published notice of which shall be given, for the consideration of proposed amendments to the Zoning Map or to these By-Laws and report to the Town Council its recommendations as to what action should be taken.

XII. Validity

The invalidity of any Section or provision of these By-Laws shall not invalidate any other section or provisions thereof.

XIII. Effective Date

These By-Laws shall take effect upon their passage by the Town Council, publication according to law, and approval by the Attorney General, if necessary.

Town of Southbridge Zoning By-Laws (Cont'd.)

XIV. Repealer

The Southbridge Zoning By-Laws adopted in 1941 with all subsequent amendments thereto, prior to March 1, 1974 is repealed in whole. All amendments thereafter and up to the adoption of this By-Law are made a part thereof.

XV. Flood Plain District

1501. The Flood Plain District is herein established as an overlay district. The underlying permitted uses are allowed provided that they meet the following additional requirements as well as those of the Massachusetts State Building Code dealing with construction in flood plains. The Flood Plain District includes all special flood hazard areas designated as Zone A, A/1-30 on the Southbridge Flood Insurance Rate Maps (FIRM), and the Flood Boundary and Floodway Maps, dated March 15, 1982 on file with the Town Clerk, Planning Board and Building Inspector. These maps as well as the accompanying Southbridge Flood Insurance Study are incorporated herein by reference.

1502. Development Regulations: The following requirements apply in the Flood Plain District:

A. Within Zone A, where the base flood elevation is not provided on the FIRM, the applicant shall obtain any existing base flood elevation date and it shall be reviewed by the Building Inspector for its reasonable utilization toward meeting the elevation or floodproofing requirements, as appropriate, of the State Building Code. Design requirements in Zone A shall meet the requirements of Section 744 of the State Building Code.

B. Special Permits: In the floodway, designated on the Flood Boundary and Floodway Map, no structure or building shall be erected, constructed, substantially improved, or otherwise created or moved; no earth or other materials dumped, filled, or otherwise created or moved; no earth or other materials dumped, filled, excavated, or transferred, unless a Special Permit is granted by the Special Permit Granting Authority. Said Board may issue a Special Permit hereunder (subject to other applicable provisions of this By-Law) if the application is compliant with the following provisions:

1. The proposed use shall comply in all respects with the provisions of the underlying District; and
2. Within 10 days of receipt of the application, the Board shall transmit one copy of the development plan to the Conservation Commission, Planning Board, Board of Health, Town Engineer and Building Inspector. Final action shall not be taken until reports have been received from the above Boards or until 35 days have elapsed, and
3. All encroachments, including fill, new construction, substantial improvements to existing structures, and other development 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
4. The 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.

PAVED AREA DESIGN AND CONSTRUCTION REGULATIONS

I. PLAN REQUIRED

(1) An applicant for a permit to construct or maintain a parking, loading or access area shall be required to submit, along with an application for a Special Permit, a plan, drawn by a Registered Land Surveyor or Registered Professional Engineer, which shall be legibly drawn in ink on mylar, at a scale of one inch to forty feet.

(2) Said plan shall contain or be supplemented by the following:

1. Owners name, boundaries, north point, zoning classification, date, scale, legend.
2. Name and address of owner of record, subdivider, and Registered Land Surveyor or Registered Engineer with registration numbers.
3. Location and names of all abutters as determined from the latest local tax list.
4. Existing and proposed lines of streets, ways, lots, easements and public areas within the plan and their connection by distance and direction from the nearest monumented highway and/or established existing property corner monuments.
5. Sufficient data to determine readily the locations direction and length of every street line, boundary line and easement line and same on the ground, in accordance with the Massachusetts Department of Public Works practice.
6. The location of all permanent monuments by appropriate symbols.
7. Topography, with two foot interval of contours, existing and proposed for the entire parcel of land on which the development is proposed.
8. Proposed system of water supply and sewer, when applicable, including size, location and elevation of all storm drains and water mains and their appurtenances existing if, or proposed for each street, if requested by the Board.
9. Directly above or below the plan of each street or access road, a profile shall show existing proposed grades along the center line of that street, together with figures of elevations at fifty (50) foot stations of all uniform grades and at twenty-five (25) foot intervals along vertical curves. Profile shall be plotted at forty (40) feet to the inch horizontally and either four (4) feet or eight (8) feet to the inch vertically, or other scale acceptable to the Board. The drainage system shall be shown on the profile and the inverts of all manholes, catchbasins and culverts shall be given to one one-hundredth (1/100) of a foot.

All elevations given shall be referred from either the U.S Geodetic Base or from another standard base.

Town of Southbridge Zoning By-Laws (Cont'd.) - Paved Area Design and Construction Regulations (Cont'd.)

I. PLAN REQUIRED (Cont'd.)

10. Proposed system of drainage, including existing natural waterways and existing and proposed natural waterways or drainage systems on adjacent property, direction of flow of drainage systems and natural waterways shall be indicated.

11. Water elevations of adjoining lake, streams and wetlands and approximate high and low water elevation of such features.

12. Sufficient data to indicate that the applicant has perfected arrangements which will make possible service by the usual utilities, including water.

13. Subsurface conditions on the tract, location and results of tests made so as to ascertain in a general manner, subsurface soil, rock and ground water conditions.

14. Location of all buildings, loading areas, parking areas, driveways and sidewalks in sufficient detail to determine drainage patterns and traffic flow.

(3) Subsequent to the granting of a Special Permit for a use of land subject to these regulations, the applicant for such permit shall cause to be added to his plans such endorsements, additions or changes as are required by conditions imposed on the Special Permit by the Special Permit Granting Authority.

II. ACCESS WAYS

(1) **WIDTH** - The minimum layout for a vehicular access way shall be forty (40) feet in width.

(2) **INTERSECTIONS** - Access ways shall be so laid out as to:

(a) enter the adjoining public or private way at an angle as close to 90 degrees as is practicable, and in no case at an angle less than 70 degrees.

(b) enter the adjoining public or private way at a point which is directly opposite any other intersecting street or access way unless the distance to the centerline of such opposite street or way is greater than 125 feet.

(c) enter the adjoining public or private way in such a manner as to maximize visibility and traffic safety.

(3) **CONSTRUCTION** - shall be in accordance with the Typical Cross Section for Approved Streets attached and made a part hereof.

(a) **Clearing and Grubbing** -

1. The entire area of each street and proposed street extension shall be cleared of all stumps, brush, roots and all trees not designated for preservation. The clearing and grubbing shall be performed in accordance with M.D.P.W. Std. Specs. Upon completion of the above work, the applicant shall be required to have a first inspection of the roadway made by the Department of Public Works Head, or qualified agent, before proceeding with further construction.

Town of Southbridge Zoning By-Laws (Cont'd.) - Paved Area Design and Construction Regulations (Cont'd.)

II. ACCESS WAYS (Cont'd.)

(3) CONSTRUCTION (Cont'd.)

(b) Subgrade -

i. The entire area of the proposed roadway pavement, including proposed street extensions, shall be excavated or filled to a proposed twelve (12) inches below the finished surface and in conformance with the typical road section. All soft or spongy material occurring in the subgrade shall be removed to such depth as exposes unyielding material, and shall be replaced with a suitable granular material. In lieu of full depth excavation, appropriate filter fabrics may be used. Stone in excess of six (6) inches in its greatest dimension shall be removed from the surface of the subgrade.

ii. The subgrade for grass plots and loamed areas shall be four (4) inches below the proposed finished grade.

Upon completion of the above work, the applicant shall be required to have a second inspection of the roadway made by the Department of Public Works Head, or qualified agent, before proceeding with further construction.

(c) Gravel Base Course -

i. All roadway pavement shall be provided with a foundation consisting of a minimum of twelve (12) inches of compacted gravel, applied in layers of six (6) inches, each layer compacted before the application of the subsequent layer. The gravel base course shall be fine graded and rolled, true to grade.

Upon completion of the above work, the applicant shall be required to have the third inspection of the roadway made by the Department of Public Works Head, or qualified agent, before proceeding with further construction.

(d) Pavement -

i. The completed gravel surface shall be treated for the full width of the roadway with one application of asphalt or tar as specified by the Department of Public Works Head, or qualified agent, at the rate of three-quarters (3/4) gallon per square yard or area of roadway. After being subjected to traffic for a period of at least twenty-one (21) days, a second application at the rate of one-quarter (1/4) gallon per square yard shall be used as a seal coat. Additional applications at the rate of one quarter (1/4) gallon per square yard shall be applied should the Department of Public Works Head deem them necessary. The initial and seal applications shall be covered with sand evenly distributed. At the builder's option, 3 inches of pug mix, with a stone seal top, or two courses of bituminous concrete, totaling 1-1/2 inches in depth may be used.

No road shall be surfaced any later than the twentieth (20th) of October in any year, without the approval of the Department of Public Works Head.

Town of Southbridge Zoning By-Laws (Cont'd.) - Paved Area Design and Construction regulations (Cont'd.)

II. ACCESS WAYS Cont'd)

(3) CONSTRUCTION (Cont'd.)

(d) Pavement (Cont'd.)

ii. The final surfacing must be acceptable to the Department of Public Works Head, or qualified agent.

iii. All driveway aprons shall be constructed of Bituminous Concrete and installed in such a manner so as to butt the road paving at the gutter line and match the street centerline grade at the property line.

(e) Loaming and Seeding -

(a) All unpaved areas, within the roadway right-of-way, and all slopes immediately adjacent to the roadway shall be loamed with a minimum compacted thickness of four (4) inches of loam. The type of loam and its application shall be in conformance with M.D.P.W. Std. Specs.

(b) All loamed areas shall be fertilized and seeded in conformance with M.D.P.W. Std. Specs.

(4) GRADES -

(a) Grades of all streets shall not be less than 0.5% nor more than 12%.

(b) All changes in grade exceeding 1/2% shall be connected by vertical curves of sufficient length to afford, in the opinion of the Board, adequate sight distance.

(c) Streets and lots shall be aligned and graded to facilitate connection with the existing and proposed sewerage and drainage system where applicable.

(5) DRAINAGE DESIGN -

(a) Design Analysis -

Each plan submitted for approval shall be accompanied by a drainage design analysis prepared on a design computation form. The drainage plan shall show all profiles, typical sections and details, pipe sizes and slopes, elevations, grades and other pertinent data necessary to the support of the design analysis, and the analysis shall clearly indicate all the computations for the drain including determination of pipe size and strength, and a statement concerning the disposition of flow. If the flow is discharged to the ground surface on land not belonging to the applicant, then a flowage easement over the ground subject to flow shall be obtained by the applicant, and a statement to that effect shall be included with the design analysis. No flow shall be discharged into or onto a public way or private way of the Town, except where discharge into the town drainage system is approved by the D.P.W. Head.

(b) Design Storm -

A rainfall having a frequency of occurrence of one in ten (10) years in normal cases, and fifty (50) years for bridge openings and named waterways, has been selected for design computations. Intensities for small areas correspond to the time of concentration for the area. Maximum time of concentration for rural areas in thirty minutes and urban areas is twenty minutes.

II. ACCESS WAYS (Cont'd.)

(5) DRAINAGE DESIGN (Cont'd.)

- (c) Computation of Runoff -
Runoff to each inlet on the drainage system or to a culvert shall assume full development of the tributary area and be based upon the "Rational Method", unless the developer's engineer shows that another approach is more appropriate in a specific case. Computations shall be based upon full development of the tributary area. Runoff coefficients shall be as follows:

VALUES OF RELATIVE IMPERVIOUSNESS

Roof Surfaces	0.80 to 0.90
Asphalt Pavement	0.85 to 0.90
Parks, Lawns, Meadows *	0.20 to 0.40
Wooded Areas *	0.10 to 0.25
Urban Built-Up Area	0.70 to 0.90

* Depending on surface slope and characteristics of subsoil.

- (d) Selection of Drain Size -
The proper drain size may be calculated by using "Manning's Formula" with a "Kutter's 'n'" value of .013 for concrete pipe, and .024 for corrugated metal pipe. Other "n" values may be easily obtained from the pipe manufacturers or Engineering manuals. For culverts less than 30 feet in length and all drains, the minimum size of pipe shall be 12 inches in diameter. Drains shall be large enough to pass the design storm without surcharge.

Culverts shall be sized in accordance with accepted culvert design formulas taking into account headwater and tailwater conditions for which the culvert is designed.

- (e) Slope of Pipe -
All pipes shall be laid on a slope so that the minimum velocity with the pipe flowing full shall be 2.5 feet per second. Consideration will be given to flatter slopes if adequate provisions are made for cleaning the pipes. All plans having drains with slopes which will produce pipe velocities less than 2.5 feet per second, flowing full, shall be accompanied by a letter stating the reason for the flat slope.
- (f) Type of Pipe -
All storm drains shall be reinforced concrete of adequate strength except that in off-street locations bituminous coated, galvanized corrugated metal pipe or pipe arch may be used, if approved by the Director. Concrete pipe shall conform to the State of Massachusetts Standard Specifications for Highways, Bridges, and Waterways as amended.

Town of Southbridge Zoning By-Laws (Cont'd.) - Paved Area Design and Construction Regulations (Cont'd.)

II. ACCESS WAYS (Cont'd.)

(5) DRAINAGE DESIGN (Cont'd.)

(g) Inlets -

Inlets shall have an adequate waterway opening to pass the design runoff with not more than 0.2 feet of surcharge.

(h) Drains -

Drains shall have a minimum diameter of 12". Catch basins shall be installed on both sides of the roadway on continuous grades at intervals of not more than 400 feet, at low points and sags in the roadway, near corners of the roadway, at intersecting streets, or other such locations as required by the Director. At least 2 feet of cover will be required over all drains.

(6) DRAINAGE CONSTRUCTION

(a) Connection to Existing Drains

Proper connection shall be made with any existing drains. Where adjacent property is to be used, a provision shall be made for proper projection of the drainage system by continuing appropriate easements to the exterior boundaries as will allow for such projection.

(b) Inlets -

Inlets shall have an adequate waterway opening to pass the design runoff with not more than 0.2 feet of surcharge. Grates and frames shall be cast iron suitable for the loads which can occur either during the construction or afterward. Inlets shall be constructed either of brick and mortar with 8" thick walls, precast segmental concrete blocks not less than 6" thick mortared in place, or of precast pipe sections. Inlets shall be set on a base of either poured concrete 8" in thickness, or precast segmental base blocks not less than 4" in thickness. Inlets shall be used in off-street locations and the grate frame shall be mortared in position with the top 0.2 feet below the grade of the finished ground surface. Side openings may be used in lieu of a grate if the quantity of runoff exceeds the capacity of a grate of reasonable size as approved by the S.P.G.A. Inlets shall be 4.0 feet inside diameter below the corbelling and shall not be required but the bottom of the inlet shall be finished at the same grade as the lowest pipe invert.

At inlets where the outlet pipe is larger than the inlet pipe, the crown of the outlet pipe shall be at the same elevation or lower than the crown of the inlet pipe.

(c) Catchbasins -

Drain inlets located in streets shall be catch basins with a sump 24 inches or more lower than the invert of the outlet pipe. The grate shall be cast iron designed for the same loading as the street. Catch basins shall be constructed of one of the materials specified herein under INLETS, and shall be 4.0 feet in diameter below the corbelling. Catch basins shall be located as required to collect this runoff but shall not be spaced more than 400 feet apart on each side of the road unless otherwise approved by the S.P.G.A. The top of the grate shall be set 0.1 feet lower than the finished road surface, and the road surface shall be shaped to the grate in a smooth uniform transition. The crown of the outlet pipe shall be at or below the crown of the inlet pipe.

II. ACCESS WAYS (Cont'd.)

(6) DRAINAGE CONSTRUCTION (Cont'd.)

(d) Manholes -

Manholes shall be constructed similar to an inlet, except that a solid cast iron cover of adequate strength shall be provided in lieu of a grate. The top of the cover shall be at the same elevation or above the adjacent ground or street surface as directed.

A manhole shall be used at every change in pipe size or of direction, vertical or horizontal. Manholes shall be spaced not over 400 feet apart. Catch basins may be constructed on the drain, with all inlets discharging into the drain directly. Manhole covers shall have the letter "D" cast into the cover at least 3 inches in size.

(e) Excavation -

The trench for the pipe shall be excavated to the required line and grade, including earth boulders and ledge. Width of trench for storm drains shall be equal to the diameter of the pipe plus 24". This trench width shall apply from the top of the pipe to the bottom of the trench. Above the top of the pipe the trench may be as necessary to properly install the pipe. Trenches with side slopes steeper than the natural angle of repose of the soil shall be sheeted in an approved manner, as necessary, to avoid cave-ins and sloughing. All excavations shall be properly barricaded and lighted at night where they are near pedestrian or vehicular traffic. Before any pipe is placed in a newly constructed fill, the contractor shall, as directed, place the filling 2 feet above the top of the pipe after which the pipe trench may be excavated. If any cross pipes, conduits, drains or other unforeseen obstacles are encountered in the excavation, which cannot be relocated, the drain shall be redesigned to avoid the obstruction in a manner suitable to the D.P.W. Head. Possible obstructions to the line shall be investigated prior to the construction of the drain in its immediate vicinity.

(f) Bedding -

Trenches may be excavated with a flat bottom, but the full length of the pipe, except the bell, must rest upon undisturbed soil, except as hereinafter specified. Where trenches have been over-excavated, a selected earth or gravel foundation, thoroughly compacted, shall be provided for proper pipe bedding. Soil, which is considered to be unstable by the D.P.W. Head shall be removed to a depth of not less than 2 feet below the bottom of the pipe. Unstable soil or other unsuitable material shall be disposed of off-site, as directed by the D.P.W. Head.

II. ACCESS WAYS (Cont'd.)

(6) DRAINAGE CONSTRUCTION (Cont'd.)

- (g) Pipe Laying -
Pipe shall be laid starting with the downstream end. Grade boards or other approved devices shall be provided to insure that the pipe is laid true to line and grade. Reference bench marks shall be clearly marked to enable the D.P.W. Head to quickly check the grade and invert elevations. The joints of all pipes shall be filled with mortar composed of one part Portland Cement to three parts clean sharp sand. Lime may be added up to 25 percent of the cement and enough water to make a workable mix. The downstream pipe shall be laid with groove and bell and facing upstream in the proper position, and a dab of mortar shall be placed in the bell or groove, such that the inverts match and the peripheral space shall be filled with stiff mortar. All mortar squeezed out on the inside of the pipe shall be removed before it sets.

- (h) Backfilling -
After the pipe has been laid and inspected by a representative of the D.P.W., the trench shall be backfilled. The space under the pipe haunches shall be carefully filled with selected material, free from stones or frozen earth, and compacted carefully to prevent the pipe from moving. The layer of backfill, up to 12 inches over the top of the pipe, shall also be of selected material free from stones and frozen earth, well compacted. The remainder of the trench shall be backfilled in 6-inch layers with each layer compacted to the density of the surrounding soil. Pavement and base course materials removed during the excavation process shall be replaced with pavement and base course to match those removed. When, in the opinion of the Board, the excavation is deep enough to warrant it, temporary pavement shall be provided as directed. Trenches not in pavement shall be left in a mounded condition as directed by the Director.

- (i) Debris Grates -
Debris Grates at the entrance to culverts or open pipe drains as directed may be required. The grate shall be constructed of steel bars not less than 1/2 inch in diameter, welded together to provide a grate not smaller than the pipe opening. The vertical bars shall be placed with 2-inch clear openings between them, and the horizontal bars shall be 12 inches on centers. The grate shall be installed not closer than one pipe diameter upstream from the entrance in approved manner. A suitable sketch of the grate and method of installation shall be submitted for approval with the plans for the drains and appurtenances.

- (j) Headwalls -
Concrete or rubble masonry headwalls shall be provided at both ends of culverts and the discharge ends of storm drains. They shall conform in all respects to standards of the Commonwealth of Massachusetts, Department of Public Works.

Town of Southbridge Zoning By-Laws (Cont'd.) - Paved Area Design and Construction Regulations (Cont'd.)

II. ACCESS WAYS (Cont'd.)

(6) DRAINAGE CONSTRUCTION (Cont'd.)

(k) Scour Protection -

The discharge ends of all drains with flowing full velocities of 10 feet per second or more shall be protected with a rip-rap apron of a width not less than three times the nominal diameter of the pipe. The rip-rap apron shall extend for a distance of not less than 10 times the nominal pipe diameter from the end of the discharge pipe. The rip-rap for exit velocities of 10 feet per second or less shall be composed of a layer of stones 12 inches in thickness or more, placed upon a bed of sand and gravel 6 inches in thickness. The stones shall be sized so that not less than 60 per cent shall have one dimension 12 inches or more. The stones, after being laid, shall be carefully chinked by hand to make a reasonable smooth and shaped surface. Where exit velocities are greater than 10 feet per second, the thickness of stones and the dimensions of the individual pieces shall be sized to prevent displacement by the flow. In this case, details shall be submitted to the S.P.G.A.

(l) Inspection -

Drains and catch basins shall not be back-filled until inspected.

III. PARKING LOTS, PAVED AREAS, LOADING AREAS

Parking lots, paved storage and display areas, loading areas and all other improved areas subject to these regulations shall conform to the following specifications:

(1) CONSTRUCTION:

The construction of such areas shall conform, in all applicable respects, to the standards set forth in II (3) above.

(2) DRAINAGE:

Design and construction of drainage systems for such areas shall conform in all applicable respects, to the standards set forth in II (5) and II (6), above.

IV. EXCEPTIONS:

When, in the opinion of the Special Permit Granting Authority, any of the specifications herein may be modified or waived without causing harm to the public, or substantial detriment to the purposes of the Zoning By-Laws, such modification or waiver may be endorsed upon the Special Permit as a condition thereof.

V. ENFORCEMENT:

The Building Inspector may, after consultation with the D.P.W Head, use all lawful means necessary to enforce these specifications. Any inspections required hereunder shall be conducted by the D.P.W. Head, the Building Inspector or their designee.

ARTICLE XVI

Amend.
TCM
4/23/93

WATERSHED PROTECTION DISTRICT

Section 1601. Purposes:

The purposes of the Watershed Protection District are:

- A. To promote the health, safety, and general welfare of the Town by ensuring an adequate quality and quantity of drinking water for the residents, institutions, and businesses of Southbridge; and
- B. To preserve and protect the Town's drinking water supplies from the detrimental use and development of land and waters within the watershed of the Town's water supply reservoirs.

Section 1602. Scope of Authority:

The Watershed Protection District is an overlay district and shall be superimposed on other zoning districts established by this By-Law. The regulations applicable to the underlying districts shall remain in effect, except that where the Watershed Protection District imposes additional regulations, such regulations shall prevail.

Section 1603. Establishment and Delineation of Watershed Protection District:

The Watershed Protection District includes all lands within the Town of Southbridge in which the topography of the land causes surface waters to drain into public water supply reservoirs. These areas are delineated on a map entitled "Watershed Protection District", dated January 25, 1993. This map is hereby made a part of the Zoning By-Law and is on file in the Office of the Town Clerk. The source map for the district is the Southbridge 7.5 X 15 minute quadrangle map prepared by the U.S. Geological Survey, 1982.

- 1603.1 When a lot is partially located within the Watershed Protection District, the regulations of this district shall only apply to the portion of the lot that lies within the district. Landowners are encouraged to locate uses and activities outside the district and as far from the watershed boundary as is feasible.

Section 1604. Resolution of Disputes:

Due to the scale of the map, there may be small inaccuracies in the delineation of the watershed boundary. Where the bounds delineated are in doubt or in dispute, the landowner and Building Inspector shall conduct an on-site investigation to determine where the drainage divide lies. If agreement cannot be reached based on the on-site investigation, the burden of proof shall lie with the landowner to provide the Planning Board with information from a registered land surveyor showing where the drainage divide lies.

The Head of the Department of Public Works shall review such information and submit a recommendation to the Planning Board. The Planning Board, by a simple majority vote, shall rule whether the regulations of the Watershed Protection District apply to the land in question.

If agreement is reached regarding the location of the watershed boundary, the Building Inspector shall notify the Planning Board on how the matter was resolved and include a map showing the location of the proposed use in relation to the boundary.

Town of Southbridge Zoning By-Laws (Cont'd.) -
ARTICLE XVI. WATERSHED PROTECTION DISTRICT (Cont'd)
Section 1604. Resolution of Disputes (Cont'd.)

1604.1 When a Building Permit is requested for any proposed use within one hundred (100) feet of the watershed boundary, the Building Inspector shall forward to the Planning Board and Head of the Department of Public Works a copy of the proposed application along with a map showing the proposed use in relation to the watershed boundary. Such officials may submit a recommendation to the Building Inspector whether or not they believe the use lies within the Watershed Protection District. The Building Inspector shall forward a copy of his decision on the matter to such officials, and said decision may be appealed pursuant to Section 905.1 of this By-Law.

Section 1605. Permitted and Prohibited Uses:

Uses permitted in the Single Family Residence District (SF) according to Section 502, Table of Use Regulations, are permitted in the same manner in the Watershed Protection District, except the following uses permitted in the SF district are prohibited in the Watershed Protection District:

- 502.17 Cluster development
- 502.321 Library or museum other than as described in Section 502.32
- 502.33 Licensed hospital, sanitarium, nursing, rest, or convalescent home, boarding home for the aged or orphanage, other institution not for correctional purposes.
- 502.53 Country club, fraternal lodge, or other social, civic, or recreational use of a non-profit organization or membership club.
- 502.54 Any of the following commercial recreational uses: boat, livery, ice skating rink, recreation camp, ski ground, riding academy or stable, picnic grounds, campground, tourist camp, swimming area, sporting events, other recreational and sporting facilities.
- 502.55 Commercial golf courses
- 502.56 A dwelling or motel type unit complete with kitchen facilities erected for temporary or permanent residence etc.
- 502.63 Commercial kennel, animal or veterinary hospital.
- 502.103 Mortuary, undertaking or funeral establishment.
- 502.128 Airport or other landing and servicing facility.
- 502.138 Plant or structure for bulk processing of wood or lumber.

Town of Southbridge Zoning-By-Laws (Cont'd.)

ARTICLE XVI. WATERSHED PROTECTION DISTRICT (Cont'd.)

Section 1606. Other Prohibited Uses:

- 1606.1 Underground storage of oil, gasoline or other petroleum products.
- 1606.2 The dumping of snow containing salt or de-icing chemicals.
- 1606.3 The rendering impervious by any means of more than either 25% of the area of a lot or 5,000 square feet. The Planning Board may grant a Special Permit to exceed this standard if it determines that a system for controlling runoff is installed that will maintain the quality of runoff to that prior to development.
- 1606.4 The removal of more than 25% of the natural and existing vegetation of a lot, except when necessary for an agricultural operation, or pursuant to a DEM approved forest cutting practices plan. The Planning Board may grant a Special Permit to exceed this standard if it determines that best management practices will be used during and after construction to prevent sediment laden waters from leaving the site.
- 1606.5 Privately owned sewage treatment facilities treating more than 15,000 gallons per day.
- 1606.6 Landfills and open dumps; landfilling of sludge and septage; and automobile graveyards and junkyards.
- 1606.7 Home occupations involving the use or storage of hazardous materials in excess of normal residential use.

Section 1607. Restricted Uses:

- 1607.1 Storage of salt and other de-icing chemicals, fertilizers, pesticides, and herbicides, and manure shall be within a structure designed to prevent the generation and escape of contaminated runoff or leachate.
- 1607.2 The use of road salt for ice control shall be minimized, consistent with public safety requirements.
- 1607.3 Above-ground storage tanks for oil, gasoline or other petroleum products shall be within a building, or in a freestanding container above ground level, on an impervious surface with protection adequate to contain a spill the size of the container's total storage capacity. Floor drains shall be plugged to prevent discharges of leaks and spills.

Section 1608. Minimum Lot Size:

The minimum lot size for all permitted uses shall be three (3) acres.

Section 1609. Non-Conforming Uses and Structures:

In lieu of Article VIII. Section 801, paragraph 2, non-conforming uses and structures in the Watershed Protection District may be extended or altered through the issuance of a Special Permit by the Planning Board upon a finding that such extension or alteration shall not be substantially more detrimental to the water supply than the existing use. A non-conforming use shall not be changed to another non-conforming use.

Town of Southbridge Zoning By-Laws (Cont'd.)

ARTICLE XVI. WATERSHED PROTECTION DISTRICT (Cont'd.)

Section 1610. Erosion and Sedimentation Control:

- 1610.1 When the vegetative cover is to be changed or removed on over five acres, a soil erosion and sedimentation control plan for the activity must be approved by the Planning Board.
- 1610.2 Soil erosion and sedimentation shall be minimized by the following erosion control management practices:
- .21 Areas stripped of vegetation, graded, or otherwise disturbed shall be kept to the minimum size necessary for the use or activity.
- .22 Sediment control measures shall be installed to remove sediment from runoff waters leaving the site.
- .23 Vegetative stabilization measures shall also be employed. The banks of all dikes, slopes, basins or traps shall be stabilized with sod, seed, and anchored straw mulch within seven calendar days of disturbance. All other disturbed areas upon which active construction is not being undertaken shall be stabilized within 14 days.
- .24 Topsoil stripped from disturbed areas shall be stockpiled in an approved area and stabilized with temporary vegetative cover if left for more than 30 days. Perimeter sediment controls shall be installed around the stockpiled topsoil.

Section 1611. Setbacks:

- 1611.1 Natural vegetation shall be retained in a buffer strip extending 150 feet inland from the bank of a public water supply or tributary. No new structures shall be constructed or located within the buffer strip except for structures required for operation of the municipal water supply. Driveways are permitted, and selective thinning and pruning is allowed to enhance views of the water.
- 1611.2 Wastewater disposal systems are prohibited within 200 feet of a public water supply and within 100 feet of a tributary to a public water supply. Replacement or repair of an existing septic system is permitted, subject to the approval of the Board of Health.

Amend.
TCM
3/12/90

EARTH REMOVAL

.100 EFFECT

No person, firm or corporation shall excavate, process, or treat in any one year more than 50 cubic yards of soil, rock, sod, loam, peat, humus, clay, sand, earth, gravel or other minerals or materials from any land within the town without first obtaining a permit from the Special Permit Granting Authority of the town as provided in the following sections.

.200 AUTHORITY AND APPLICABILITY

.210 Authority. This By-Law is adopted under authority of M.G.L. Ch. 40A, Section 9 and M.G.L. Ch. 40, Section 21 (17).

.220 Applicability. The Special Permit Granting Authority under this By-Law shall be the Planning Board. A permit shall be granted only by an affirmative vote of two-thirds of the members of the SPGA. Permits shall only be granted in accordance with the procedures for notice, hearings, decisions and appeals set forth in M.G.L. Ch. 40A, S. 9 and 11. Any permit granted hereunder shall lapse within one year if substantial use has not sooner commenced.

.300 ADMINISTRATION

.310 Enforcement. This By-Law shall be administered and enforced by the Planning Board through the Building Inspector. Written notice of any violation shall be provided to the owner of the premises, specifying a time for compliance, which shall not be less than one day or more than two weeks, depending upon the feasibility of quick compliance and the hazard or damage risk involved. Violation shall be subject to the maximum penalty allowed under M.G.L. Ch 40, Section 21 (17), with each day that the violation continues beyond the specified time for compliance considered a separate offense. Thus, the penalties shall be: \$50 for the first offense, \$100 for the second offense, \$200 for every further offense.

.400 EXCEPTIONS TO THE BY-LAW

.410 A Special Permit shall not be required under this By-Law for the following types of excavation:

- 1) Excavations for new structures, for which a valid Building Permit is in force.
- 2) The construction or reconstruction of any driveway if otherwise permitted.
- 3) Excavation in the course of normal and customary agricultural use of land.
- 4) Excavation in the normal use of a cemetery.
- 5) Excavation in the normal and customary maintenance of utilities.
- 6) Subdivisions shall not be exempted from the operation of this By-Law. However, they may apply for an earth removal permit at the time of application for definitive subdivision approval, and a public hearing may be held jointly for the purpose of obtaining an Earth Removal Permit and subdivision approval. Security for site restoration purposes shall be provided per the requirements of this By-Law, which shall be in addition to that required for the completion of public improvements as required in the Southbridge Subdivision Rules and Regulations.

.500 LIMITED OPERATIONS

.510 Permitted Activities. The following activities may be authorized by a Limited Operations Permit issued by the enforcement agent, which shall be the Southbridge Building Inspector unless otherwise provided for, without a Public Hearing, unless such hearing is requested by the Applicant. The Building Inspector may determine at any time that a public hearing by the Planning Board is required, and may require that any applicant for a Limited Operation Permit shall first present his application to the Planning Board.

- 1) Removal of less than 200 cubic yards of material from any one or more sites on a one time basis by any one applicant within any twelve month period.
- 2) Removal necessarily incidental to construction on the premises under a currently valid Building Permit.

.520 Application. Application for a Limited Operations Permit shall identify the location, the owner, the volume of material to be removed, and the period during which removal will take place. The application fee shall be \$20. The SPGA or Building Inspector shall act on such application within thirty days of application.

The application shall be accompanied by a plan showing:

- A. The property lines.
- B. The area to be excavated.
- C. The distance from the property lines to the area to be excavated.
- D. The approximate contours before and after excavating.

.530 Requirements. All requirements of Section .671 REMOVAL OPERATIONS AND SECTION .672 RESTORATION may be complied with by Limited Operations.

.540 Permit. A Limited Operations Permit may set conditions regarding such things as time of completion, transport routes, and hours of operation, and if the operation entails having topsoil displaced from more than two acres simultaneously, security may be required assuring restoration within six months of expiration of the permit.

.600 STANDARD OPERATIONS

.610 Permits Required. All earth removal, process, or treating operation except those qualifying under Section .500 Limited Operations require a Special Permit (Removal Permit) to be acted on by the SPGA following a Public Hearing with published notice in a newspaper of general circulation in the Town at least 14 and 7 days prior to the hearing and with written notice by certified return receipt mail, sent to all abutters and to all owners of property on both sides of a servicing street if having frontage within three hundred feet of the centerline of any proposed egress.

For existing operations, applications for Removal Permits are required 30 days from the adoption of this By-Law. Removal Permits shall normally expire one year from the date of issue except that they may be granted for three years for operations which are located in an Industrial District. Removal permits may be renewed upon application without hearing for the same length of time as originally issued, following notice that renewal is contemplated, published in a newspaper of general circulation in the Town.

.600 STANDARD OPERATIONS (Cont'd.)

.620 Application. The application for an original or renewal Removal Permit shall be in writing and shall contain an accurate description of the portion of land in which the excavation will take place, shall state fully the purpose of the excavation, shall include the required fee, shall include an Assessor's certified list of abutters in cases where a hearing is required, and shall include site plans drawn by a registered surveyor or engineer containing the following information:

- 1) Property lines, and names of all abutters including those across any way;
- 2) Existing contours at two-foot intervals in the area from which materials are to be excavated and in surrounding areas at least 100 feet from any point in the area of excavation.
- 3) Natural features such as wetlands, the 100-year floodplain, ground cover and groundwater. Water table elevation shall be determined by test pits and soil borings. A log of soil borings shall be included, taken to the depth of the proposed excavation, congruent with the size and geological make up of the site;
- 4) A topographical map showing drainage facilities, final grades, and proposed vegetation and trees;
- 5) Erosion and sediment-control plan;
- 6) The amount and cost of proposed restoration materials, and where the applicant intends to get them.
- 7) The application shall authorize the SPGA or Building Inspector access to the premises at any time in administration of this By-Law.

.630 Fees. Application or renewal fee shall be \$300 per year of permit validity, plus any costs of advertising and notice.

.640 Authorization. A Removal Permit may authorize having topsoil removed from (and not yet restored to) a total of no more than five acres at any one time and at no more than five separate locations simultaneously. Additional acres may be authorized for operations which are located in an Industrial District and which involve substantial on-site investment in fixed processing equipment.

.650 Security. The Applicant shall provide security which will be forfeited to the Town in the event of failure to comply with the requirements of this By-Law or the Removal Permit issued. Such security shall equal \$5000 per acre authorized for removal at any one time or such larger amount determined by the SPGA to be necessary in view of site conditions and proposals. Irrevocable security shall be provided in the form of a certified check, or other form satisfactory to the Town counsel and Town Treasurer. The security shall not be released until the surveyor or engineer has filed with the SPGA an "as-built" plan and has also certified that the restoration has been completed in compliance with the permit and the plans.

.600 STANDARD OPERATIONS (Cont'd.)

.660 Approval. The SPGA shall exercise its powers with due regard to:

- 1) The health, safety, and general welfare of the inhabitants of the town;
- 2) Detriment to the neighborhood;
- 3) Effect on natural resources, including but not limited to the recharge of the water table or condition of the surface water.

Permits shall be granted only upon determination that the proposed operation will create no substantial hazard, will not cause environmental degradation outside the premises, and will not permanently impair the utility of abutting properties for uses allowed under the Zoning By-Law. The SPGA may impose on any permit conditions including but not limited to conditions upon methods of removal, type and location of structures, fencing, hours of operation, area, location and depth of excavation, steepness of slopes, drainage, disposition of boulders and stumps, restoration and planting.

Every permit shall contain the condition that inspection of the operation may be made at any reasonable hours by an agent of the SPGA to determine if conditions of the permit are being enforced.

.670 Standards of Operation. The following standards of operation shall apply to every permitted operation, in addition to conditions imposed under Section .660 Approval:

.671 Removal Operations:

- 1) No removal, processing, or treating shall take place for mining operations within:
 - a) 100 feet of an existing public way.
 - b) 300 feet of a residential property line unless specifically authorized in the Permit.
 - c) 100 feet of stream or pond.
 - d) 5 feet of the annual high water table, as established by test pits and soil borings. Observation wells shall be monitored for one year to establish this elevation. The information shall show on the topographic plan and on a permanent monument erected upon the property.
- 2) All topsoil displaced shall be stockpiled on the site until termination of the operation or restoration, subject to condition of the SPGA.

.600 STANDARD OPERATIONS (Cont'd.)

.671 Removal Operations (Cont'd.)

- 3) The active excavation operation area shall not exceed a total of five acres in more than five separate sites at any one time. Natural vegetation shall be left and maintained on undisturbed land for screening and noise reduction purposes.
- 4) Any work or bank that slopes more than thirty (30) degrees downward adjacent to a public street shall be adequately fenced at the top.
- 5) A substantial fence shall be provided enclosing the excavation or quarry where any excavation or quarry will extend under original ground level or will have a depth of ten (10) feet or more and create a slope of more than one (1) foot vertical to two (2) feet horizontal. Such fence shall be located ten (10) feet or more from the edge of the excavation or quarry, and shall be at least six (6) feet in height, or subject to condition of the SPGA.
- 6) Adequate provision is to be made for drainage during and after the completion of operations.
- 7) Adequate lateral support shall be maintained for all adjacent properties.
- 8) The use of explosives shall be done in accordance with the regulations for storage and handling of explosive as published by the Massachusetts Department of Public Safety, the Southbridge Fire Department, and the SPGA.
- 9) Any access to excavated area or areas in the process of excavation shall be adequately posted with KEEP OUT - DANGER signs.
- 10) Operation hours shall be only between 7 a.m. and 5 p.m. on weekdays excluding holidays, and trucks may enter and leave the premises only within such hours. All loaded vehicles shall be suitably covered to prevent dust and contents from spilling and blowing from the load.
- 11) Trucking routes and methods shall be subject to approval of the SPGA.
- 12) All access roads leading to public ways shall be treated with calcium chloride, stone or other suitable nonpolluting material to reduce dust and mud for a distance of 200 feet back from the way. The operator shall clean up any spillage on public ways.
- 13) Access roads shall be constructed at an angle to the public way or with a curve so as to help screen the operation from public view.

.672 Restoration Operations: Immediately following the expiration or withdrawal of a Limited Operation or Removal Permit, or upon voluntary cessation of the operations, or upon completion of removal in a substantial area as in one (1) following, all unbuilt-upon land area shall be restored as follows:

- 1) Restoration shall be carried on simultaneously with excavation, so that when any five acre operation area has been excavated, at least three acres shall be restored before work commences (including building haul roads) on the next contiguous five acres. Final restoration work shall be complete within sixty (60) days after expiration or withdrawal of a permit or upon cessation of operations.

Town of Southbridge Zoning By-Laws - Article XVII Earth Removal (Cont'd.)

.600 STANDARD OPERATIONS (Cont'd.)

.672 Restoration Operations (Cont'd.)

2) No finished grade shall be steeper than 3:1 (33%); 4:1 is preferred for erosion control and shall be required in sensitive areas.

3) Retained topsoil shall be spread over the disturbed area to minimum depth of four inches and treated with one and one-half tons of lime per acre and 300 pounds of 10-10-10 fertilizer per acre (unless otherwise determined by the permit conditions) and seeded with a grass or legume mixture prescribed by the Conservation District or Massachusetts Department of Public Works for slope erosion control. Trees or shrubs of prescribed species will be planted to provide screening and reduce erosion during the establishment period.

4) All debris, stumps, boulders, etc. shall be removed from the site and disposed of in an approved location or, in the case of inorganic material, buried and covered with at least two feet of soil.

5) Unless the permit 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 point, is not increased; and so that the hydrograph of any post-development stream is the same as that of the predevelopment stream.

6) All equipment, buildings and structures shall be removed from the area.

7) Security release. Security shall not be released until sufficient time has lapsed to ascertain that the vegetation planted has successfully been established and that drainage is satisfactory.

.680 Revocation of Permits. The SPGA may revoke any permit which it has issued for good cause, and may take other action as shall be necessary either against the permittee or surety in the bond, to cause completion of the work forthwith in accordance with the terms of the application and permit, provided that it shall offer to the operator an opportunity for a hearing within fourteen (14) days after the revocation.