



TOWN OF SOUTHBRIDGE

ZONING BYLAWS

ADOPTED BY TOWN COUNCIL
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Southbridge, Massachusetts*

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SOUTHBRIDGE ZONING BYLAWS

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SOUTHBRIDGE ZONING BYLAWS

SECTION 1. PURPOSE AND AUTHORITY

1.1. TITLE

- A. This Bylaw shall be the "Zoning Bylaw of the Town of Southbridge, Massachusetts" and it shall be referred to herein as "this Bylaw."
- B. Headings, subheadings, captions, and illustrations are for reference only and are not substantive provisions of this Bylaw. They are not legally adopted parts of this Bylaw as voted by the Town Council.

1.2. PURPOSES

This Bylaw is enacted in order to promote the general welfare of the Town of Southbridge; to protect the health and safety of its inhabitants; to conserve the value of land and buildings; to encourage an orderly expansion of the tax base through utilization, development, and redevelopment; to support the most appropriate use of land throughout the town; to further the goals and policies of the Southbridge Master Plan, and to preserve and increase the amenities of the town, consistent with but not limited by the provisions of the Zoning Act, G.L. c. 40A, as amended, and Section 2A of Chapter 808 of the Acts of 1975.

1.3. AUTHORITY

This Bylaw is enacted in accordance with the provisions of G.L. c. 40A, any and all amendments thereto, and Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

1.4. APPLICABILITY

All buildings or structures hereinafter erected, constructed, reconstructed, altered, enlarged, or modified, and the use of all premises in the Town, shall be in conformity with the provisions of this Bylaw. No building, structure, or land shall be used for any purpose or in any manner other than as expressly permitted within the district in which such building, structure, or land is located. Where the application of this Bylaw imposes greater restrictions than those imposed by any other regulations, permits, restrictions, easements, covenants, or agreements, the provisions of this Bylaw shall control.

1.5. AMENDMENT

This Bylaw may from time to time be changed by amendment, addition, or repeal by the Town Council in the manner provided for in G.L. c. 40A, Section 5.

1.6. SEVERABILITY

The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision herein.

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SECTION 2. ADMINISTRATION

2.1. ZONING ENFORCEMENT OFFICER; PERMITS

- A. The Zoning Enforcement Officer is the official charged with interpreting and enforcing this Zoning Bylaw.
- B. No person shall erect, construct, reconstruct, convert, or alter a structure, or change the use, increase the intensity of use, or extend or displace the use of any structure or lot without receiving the required permit from the Zoning Enforcement Officer. Application for a building permit shall be accompanied by a plan of the lot and the exact location and size of the buildings already on the lot, of the other buildings or structures to be constructed or changed, the intended use the buildings, the streets adjacent to the lot, and other information as the Zoning Enforcement Officer may require in order to determine compliance with this Bylaw.
- C. No premises, and no building erected, altered, or in any way changed as to construction or use under a permit or otherwise, shall be occupied or used without a certificate of occupancy from the Zoning Enforcement Officer. A certificate of occupancy shall not be issued until the premises, structure, and its uses and accessory uses comply in all respects with this Zoning Bylaw.

2.2. ENFORCEMENT, VIOLATIONS, AND PENALTIES

2.2.1. Enforcement.

- A. If the Zoning Enforcement Officer is informed or has reason to believe that any provision of these Bylaws is being violated, the Zoning Enforcement Officer shall notify the owner and the occupant and make or cause to be made an investigation of the facts and inspect the property where such violation may exist.
- B. If upon such investigation and inspection the Zoning Enforcement Officer finds evidence of a violation, the Zoning Enforcement Officer shall give notice thereof in writing to the owner and occupant of the premises and demand that the violation be abated within such time as the Zoning Enforcement Officer deems reasonable. The notice and demand may be given by mail, addressed to the owner at the owner's address as it then appears on the records of the Board of Assessors of the Town and to the occupant at the address of the premises.
- C. If after such notice and demand the violation has not been abated within the time specified therein, the Zoning Enforcement Officer shall institute appropriate action or proceedings in the name of the Town of Southbridge to prevent, correct, restrain, or abate such violation of this bylaw.
- D. Anyone who violates a provision of this Zoning Bylaw, or any condition of a variance, site plan review decision, or special permit, shall be punishable by a fine of not more than \$300 for each offense. Each day during which any portion of a violation continues under the provisions of this section shall constitute a separate offense.
- E. As an alternative means of enforcement, the Zoning Enforcement Officer may impose noncriminal penalties pursuant to G.L. c. 40, § 21D in accordance with the following schedule:
 - 1. First offense: warning (verbal or written)

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2. Second offense: \$100
3. Third offense: \$200
4. Fourth and each subsequent offense per violation: \$300

2.2.2. Appeal

As provided in G.L. c. 40A, § 8, any person aggrieved by reason of inability to obtain a permit or enforcement action from the Zoning Enforcement Officer may appeal to the Board of Appeals.

2.3. ZONING BOARD OF APPEALS

- A. Establishment. The Town Manager shall appoint the Board of Appeals, established pursuant to G.L. c. 40A, which shall consist of three members and two associate members. To be consistent with the Town Charter, in the Town of Southbridge, associates on the Zoning Board of Appeals are also known as alternates. The Chair may designate one associate to sit in the place of any member who has a conflict of interest or cannot attend the hearing, or to cover a vacancy on the Board. 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 July 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.
- B. Powers. The Board of Appeals shall have the following powers:
 1. To hear and decide appeals in accordance with G.L. c. 40A, § 8, as amended.
 2. To hear and decide, in accordance with the provisions of G.L. c. 40A, § 9, applications for special permits when the Board is designated as the special permit granting authority.
 3. To hear and decide, in accordance with the provisions of G.L. c. 40A, § 6, applications for special permits to change, alter, or extend lawfully pre-existing non-conforming uses and structures.
 4. To hear and decide petitions for variances in accordance with G.L. c. 40A, § 10.
 5. To hear and decide applications for comprehensive permits for construction of low- or moderate-income housing, as set forth in G.L. c. 40B, §§ 20-23.
- C. The Board of Appeals shall adopt rules and regulations for the administration of its powers and shall file a copy of such regulations with the Town Clerk.
- D. The Board of Appeals may adopt reasonable administrative fees and procedures and fees for employing outside consultants, consistent with G.L. c. 44, §53G, to assist the Board with its review of special permits, variances, administrative appeals, and applications for comprehensive permits in accordance with its regulations.

2.4. PLANNING BOARD

- A. There shall be a Planning Board consisting of seven members and two alternate members appointed by the Town Council in accordance with the Town Charter. Each member shall serve for a three-year term.

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- B. The Planning Board shall have and exercise all the powers granted to Planning Boards by the General Laws, including G.L. c. 40, c. 40A, and c. 41, and by the Town Bylaws and this Zoning Bylaw, including but not limited to the following:
 - 1. To hear and decide applications for special permits when designated as the special permit granting authority herein.
 - 2. To review site plans pursuant to Section 2.6.
- C. The Planning Board shall adopt rules and regulations not inconsistent with the provisions of the Zoning Bylaw for conduct of its business and otherwise carrying out the purposes of G.L. c. 40A and this Zoning Bylaw, and shall file a copy of such rules in the office of the Town Clerk.
- D. The Planning Board may adopt reasonable administrative fees for petitions for special permits and site plan review, and procedures and fees for employing outside consultants, consistent with G.L. c. 44, §53G, to assist the Board with its review of special permits in accordance with its regulations.

2.5. SPECIAL PERMITS

- A. The Planning Board shall serve as special permit granting authority unless otherwise designated in this Bylaw.
- B. The applicant shall file an application for a special permit with the Town Clerk and immediately thereafter shall file a copy of the application, including the date and time of filing certified by the Town Clerk, with the special permit granting authority. The form and contents of the application shall be in accordance with the rules and regulations of the special permit granting authority.
- C. The special permit granting authority shall hold a public hearing within 65 days of receipt of a special permit application and shall take final action no later than 90 days from the closing of the public hearing. Notification requirements for a public hearing shall be in accordance with G.L. c. 40A, § 11.
- D. Unless otherwise specified herein, special permits shall be granted by the special permit granting authority only upon its written determination that the beneficial effects of the proposed use outweigh its adverse impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. The determination shall include findings that all the following criteria for granting a special permit are met:
 - 1. The use is in harmony with the general purpose and intent of this Bylaw;
 - 2. The use is in an appropriate location and is not detrimental to the neighborhood and does not significantly alter the character of the zoning district;
 - 3. Adequate and appropriate facilities will be provided for the operation of the proposed use;
 - 4. The proposed use will not be detrimental or otherwise offensive to the adjoining zoning districts and neighboring properties due to the effects of lighting, odors, smoke, noise, sewage, refuse materials, or visual or other nuisances;
 - 5. The proposed use will not cause undue traffic congestion in the immediate area;

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6. The proposed use is consistent with the Southbridge Master Plan; and
7. Any other finding expressly required in this Bylaw for specific uses.

The special permit granting authority's findings shall be made part of the record of the public hearing.

- E. Special permits may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the special permit granting authority may deem necessary to serve the purposes of this Zoning Bylaw. Such conditions may include but shall not be limited to the following:
 1. Deadline to commence construction.
 2. Dimensional standards more restrictive than those set forth in this Bylaw.
 3. Limitations on signage, number of vehicles or parking spaces, noise, or hours of operation of construction equipment.
 4. Limitation of size, method or hours of operation, extent of facilities, or other operating characteristics of a use.
 5. Requirements pertaining to integrated emergency or alarm systems, maintenance, landscaping, dust control, wastewater disposal or water supply, bond or other performance guarantee.
 6. Requirements for independent monitoring, at the expense of the applicant, and reporting to the Zoning Enforcement Officer, if necessary to ensure continuing compliance with the conditions of a special permit or of this Bylaw.
 7. Term for years with or without automatic renewals, to the extent allowed by law.
 8. Requirements pertaining to tree protection, maintenance, or replacement.
 9. Other limitations as may be reasonably related to reducing any adverse impact on, or increasing the compatibility of the proposed use, structure or activity with, the surrounding area.
- F. Special permits shall lapse within two years, which shall not include such time required to pursue or await the determination of an appeal under G.L. c. 40A, § 17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause, or, in the case of a special permit for construction, if construction has not begun by such date except for good cause.
- G. Special permits shall not take effect until filed with the Town Clerk. Proof of recording with the Registry of Deeds or Registry District of the Land Court shall be presented to the Zoning Enforcement Officer.
- H. Any special permit granting authority may hire professional consultants at the applicant's expense pursuant to G.L. c. 44, § 53G to assist with review of a special permit application, provided that the procedures for hiring outside consultants are set forth in the applicable board's rules and regulations.

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2.6. SITE PLAN APPROVAL

2.6.1. Purposes

Site plan review is a means of managing the aesthetics and environmental impact of land use by the regulation of permitted uses, not their prohibition. Its purpose is to assure protection of the public interest consistent with a reasonable use of the site for the purposes permitted in the district. Accordingly, no building permit shall be issued for any use, site, or building alteration, or other improvement that is subject to this Section 2.6 unless an application for site plan review has been submitted in accordance with the following requirements.

2.6.2. Applicability

Site plan review shall apply to the following:

A. Major Site Plan Review by the Planning Board:

1. New construction or any alteration, reconstruction, or renovation of any multi-family, commercial, industrial, institutional, or municipal use involving 2,000 square feet or more of gross floor area, or
2. Any change in use or reactivation of a structure that has not been in use for two or more years; or
3. New construction or any alteration, reconstruction, or renovation of an existing building, or any change in use of an existing building requiring ten or more parking spaces; or
4. Construction, expansion, redesign, or alteration of an existing parking area involving the addition of ten or more new parking spaces.

B. Minor Site Plan Review by the Development Review Team (DRT):

1. New construction or any alteration, reconstruction, or renovation of any multi-family, commercial, industrial, institutional, or municipal use involving less than 2,000 square feet of gross floor area; or
2. New construction, expansion of an existing structure, or a change in use in an existing building requiring three or more but less than ten parking spaces; or
3. Construction or modification of a parking area involving the addition of three or more but less than ten new parking spaces.

C. The Zoning Enforcement Officer shall not issue a building permit or make a determination of zoning compliance for any project subject to this Section 2.6 unless a site plan has been approved by the applicable review authority or the review authority's decision period has lapsed, unless the applicant has requested an extension in writing. Any work done in deviation from an approved site plan shall be a violation of this Bylaw unless such deviation is approved in writing by the Board or DRT or determined by the Zoning Enforcement Officer to be an insubstantial change.

D. Exemptions. This Section 2.6 shall not apply to:

1. A single-family or two-family dwelling; or

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2. Restoration or reconstruction of a structure destroyed by fire or other natural cause provided that the restoration or reconstruction is limited to the footprint of the original structure;
3. Any project the scope of which is limited to removal, containment, or other clean-up of hazardous waste contamination on a site when carried out under a permit or other approval from a state or federal agency with legal authority for such review and approval.

2.6.3. Site Plan Rules and Regulations

- A. The Planning Board shall adopt site plan rules and regulations to administer this Section 2.6, including submission requirements and procedures for major or minor site plan review, modification of approved site plans, and standards of review consistent with Section 2.6.5 below.
- B. The Board may adopt reasonable administrative fees and technical review fees in accordance with G.L. c. 44, §53G for site plan approval.

2.6.4. Procedures

- A. The applicant shall file an application for site plan review with the Town Clerk and immediately thereafter shall file a copy of the application, including the date and time of filing certified by the Town Clerk, with the Planning Board or DRT, as applicable. The form and contents of the application shall be in accordance with the Planning Board's site plan rules and regulations.
- B. The site plan submission date shall be the date the site plan application is filed with the Town Clerk.
- C. Minor Site Plan Review. Any proposal requiring minor site plan review under Section 2.6.2(B) shall be subject to the following procedures.
 1. An application for minor plan review shall be in accordance with the Planning Board's rules and regulations.
 2. The DRT shall meet at a regularly scheduled time and place to review the site plan.
 3. The DRT's decision to approve, approve with conditions, or refer the plan to the Planning Board shall be in writing, and shall be made within 30 days of receipt of a complete application for minor plan review.
 4. Any dispute arising from the minor plan review process or any plan not receiving a majority vote of approval from the DRT shall be referred to the Planning Board for review and decision. The DRT may also refer any application for minor site plan review to the Planning Board for review and decision if it determines that, due to unusual circumstances or a unique situation, the plan warrants review by the Planning Board. In addition, any minor site plan review application involving a use that was previously approved by special permit from the Planning Board shall be referred to the Planning Board for review and approval even if the use became a permitted use after the special permit was issued. In the event that the DRT refers a minor site plan application to the Planning Board, the Planning Board shall issue a written decision to approve, approve with conditions, or deny the site plan within thirty (30) days of receipt from the DRT.

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- D. Major Site Plan Review. Any proposal requiring major site plan review by the Planning Board under Section 2.6.2(A) shall be subject to the following procedures.
1. The Board shall review the site plan at a duly posted open meeting. Any public notice to abutters and other parties of interest shall be conducted in accordance with the site plan rules and regulations.
 2. The Board shall review and act upon the site plan, requiring such conditions as necessary to satisfy the Site Plan Approval Standards under Section 2.6.5 below, and notify the applicant of its decision. The decision shall be in writing and shall be filed with the Town Clerk within 60 days of the application date. The applicant may request, and the Board may grant by majority vote of the membership, an extension of the time limit set forth herein.
 3. The Board may approve the site plan or approve it with the conditions, or deny a site plan only if the plan does not include adequate information as required by the site plan rules and regulations, or if the plan depicts a use or structure so contrary to health, safety and welfare of the public that no set of conditions would render the project tenable. The Board's decision shall be by majority vote of the membership, and the decision shall be in writing and filed with the Town Clerk.
 4. The applicant shall satisfy or comply with all conditions of the site plan review decision prior to the issuance of a building permit except for those conditions that by their terms are intended to be satisfied during construction or later.
 5. Unless specifically authorized by the terms of the site plan review decision, a final certificate of occupancy shall not be issued until the applicant has complied with or satisfied all conditions of the site plan review decision.
 6. The Planning Board may, upon written request of the applicant, waive any of the technical requirements of this Section 2.6 where the project involves relatively simple development plans as determined by the Board.
- E. Site plan approval shall lapse after one year from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. Such approval may, for good cause, be extended in writing by the Planning Board or DRT, as applicable, upon the written request of the applicant.

2.6.5. Site Plan Approval Criteria

- A. Site plan approval shall be granted if the Planning Board determines, after considering the qualities of the specific location, the proposed land use, the design of building form, grading, egress points, and other aspects of the project, that the proposed development:
1. Minimizes the volume of cut and fill, the number of removed trees 6-inch caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion, and threat of air and water pollution;
 2. Maximizes pedestrian and vehicular safety both on the site and egressing from it;
 3. Minimizes obstruction of scenic views from publicly accessible locations;
 4. Minimizes visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned;

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5. Minimizes glare from headlights and lighting intrusion;
 6. Minimizes unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places.
 7. Provides access to each structure for fire and service equipment and adequate provision for utilities and stormwater drainage consistent with the functional requirements of the Board's Subdivision Rules and Regulations;
 8. Minimizes contamination of groundwater from on-site waste-water disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances;
 9. Complies with all applicable provisions of this Bylaw; and
 10. Meets all applicable development review considerations and guidelines in Section 7.2 of this Bylaw.
- B. Approval for all commercial ground-mounted solar photovoltaic installations of up to 700 kilowatts on property of five acres or less shall be granted upon determination by the Planning Board that the plan also meets the objectives of Section 8.5 of this Bylaw.

2.6.6. Appeal

Appeal of a major site plan review decision of the Planning Board shall be in accordance with G.L. c. 40A, s. 17 to a court of competent jurisdiction.

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SECTION 3. ESTABLISHMENT OF DISTRICTS

3.1. DISTRICTS

For purposes of this Bylaw, the Town of Southbridge is divided into eight use districts, as follows:

A. Residence Districts

1. Residence 1 District (R1)
2. Residence 2 (R2)
3. Residence 3 (R3)

B. Business Districts

1. Central Core District (CC)
2. Retail Business District (RB)
3. General Business District (GB)

C. Office & Industrial Districts

1. Office Research District (OR)
2. Manufacturing District (M)

D. Overlay Districts

1. Flood Plain District (FPD)
2. Watershed Protection (WP)

3.2. ZONING MAP

The districts listed in Section 3.1 are as shown, defined, and bounded on the map and accompanying this Bylaw, 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", as hereafter amended from time to time by the Town Council. The Zoning Map and all explanatory matter are hereby made a part of this Bylaw.

3.3. BOUNDARIES OF DISTRICTS

- A. District boundaries are as shown upon the Zoning Map.
- B. Where the boundary lines are shown approximately on the location of property or lot lines and the exact location of property, lot, or boundary lines is not indicated by means of dimensions shown in figures, then the property or lot lines shall be the boundary lines.
- C. Where a boundary is indicated upon a street, the line shall be the center line of the street.

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- D. 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.
- E. Where a boundary is indicated otherwise than above, it is determined by its location on the Zoning Map.
- F. Where a district boundary line divides a lot existing as of the effective date of this Bylaw, the district in which the lot frontage is located shall determine the use regulations that apply to the entire lot, but the portion of the lot located in the less restrictive district shall conform to the dimensional regulations of that district.

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SECTION 4. USE REGULATIONS

4.1. GENERAL PROVISIONS

- A. No building or structure shall be erected and no building or structure, or land or water area shall be used for any purpose or in any manner except as provided in this Section 4.
- B. No building permit shall be issued for any use that is subject to Section 2.6 unless a site plan has been reviewed and approved by the Planning Board.
- C. An accessory use shall not alter the character of the premises on which it is located or have an adverse impact on the surrounding area.

4.2. PROHIBITED USES

- A. Any use not listed in Section 4.4, Schedule of Uses (Table 1), or otherwise allowable under other provisions of this Bylaw is prohibited.
- B. All uses that pose a present or potential hazard to human health, safety, welfare, or the environment through emission of smoke, particulate matter, noise or vibration, or through fire or explosive hazard, or glare, or release of toxic chemicals are expressly prohibited in all districts.
- C. Mobile homes are prohibited, except that pursuant to G.L. c. 40A, § 3, a mobile home or temporary manufactured home may be placed on the site of a residence destroyed by fire or natural disaster, for a period not to exceed 18 months while the residence is being rebuilt.
- D. Except where otherwise provided in this Bylaw, and except in the case of a licensed dealer in junk or used automobiles, it shall be prohibited to park or keep more than two motor vehicles or trailers unregistered or without a valid inspection sticker. This shall not apply to antique motor vehicles as defined in G.L. c. 90 § 1, whether or not they are registered for use on public ways.
- E. Common or shared driveways serving more than one single-family dwelling.

4.3. PERMITTED IN ALL DISTRICTS

The following uses are permitted in all districts:

- A. Federal government use
- B. State government uses to the extent that this Bylaw would prohibit the exercise of an essential government function.
- C. Uses protected or exempt pursuant to G.L. c. 40A, § 3 or other state law.

4.4. SCHEDULE OF USES

- A. Table 1 Legend:

- 1. Y: Permitted by right (but may be subject to site plan review under Section 2.6)
- 2. SP: Allowed by special permit

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3. N: Prohibited
 - B. Applicability of Site Plan Review. In the event that any permitted use is subject to a threshold under Section 2.6, no building permit or determination of zoning compliance shall be issued without an approved site plan.

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Table 1. Schedule of Uses

Use	R1	R2	R3	CC	RB	GB	OR	M
AGRICULTURE, CONSERVATION USES								
Agriculture, non-exempt	Y	SP	N	N	SP	SP	SP	SP
Farm stand accessory to an exempt or non-exempt agricultural use	Y	Y	Y	Y	Y	Y	Y	Y
Storage of motor vehicle fuel in above-ground tanks for farm vehicles and machinery, accessory to an exempt farm	Y	Y	Y	Y	Y	Y	Y	Y
Agriculturally related uses on a farm	SP	SP	N	N	N	N	N	N
Kennel	SP	N	N	N	N	SP	N	N
Commercial greenhouse	Y	Y	SP	SP	Y	Y	Y	Y
Conservation, wildlife preserve	Y	Y	Y	Y	Y	Y	Y	Y
RESIDENTIAL USES								
Single-family dwelling	Y	Y	Y	N	N	N	N	N
Two-family dwelling	N	Y	Y	N	Y	Y	N	N
Group home	Y	Y	Y	Y	Y	Y	N	N
Multifamily dwelling (limited to lots with public sewer service)	N	N	Y	SP	Y	Y	SP	N
Mixed-use building	N	N	N	Y	Y	Y	N	N
Senior housing	SP	SP	SP	SP	SP	SP	N	N
Assisted living residence	SP	SP	SP	N	N	N	SP	N
Continuing care retirement community	SP	SP	SP	N	N	N	N	N
Open space residential development	Y	Y	Y	N	N	N	N	N
EDUCATIONAL & INSTITUTIONAL USES								
Public or private non-profit educational use	Y	Y	Y	Y	Y	Y	Y	Y
Private for-profit educational use	N	N	N	Y	Y	Y	Y	Y
Religious use	Y	Y	Y	Y	Y	Y	Y	Y
Child care center	Y	Y	Y	Y	Y	Y	Y	Y
Library or museum	Y	Y	Y	Y	Y	Y	Y	Y
Hospital or nursing home	N	SP	N	N	SP	SP	SP	SP
GOVERNMENT, PUBLIC SERVICES, UTILITIES								
Municipal use	Y	Y	Y	Y	Y	Y	Y	Y
Public drinking water supply	Y	Y	Y	Y	Y	Y	Y	Y
Essential services	SP	SP	SP	SP	SP	SP	SP	SP
Power co-generation facility	N	N	N	N	N	N	N	SP
Commercial ground-mounted solar photovoltaic installation up to 700 kw or on less than 5 acres	Y	Y	Y	Y	Y	Y	Y	Y

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Use	R1	R2	R3	CC	RB	GB	OR	M
Commercial ground-mounted solar photovoltaic installation larger than 700 kw or on 5 or more acres	N	N	N	N	N	N	N	SP
RECREATIONAL & SOCIAL FACILITIES								
Public park, playground, or other outdoor recreational use	Y	Y	Y	Y	Y	Y	Y	Y
Reservation, wildlife preserve or other conservation use	Y	Y	Y	Y	Y	Y	Y	Y
Country club, fraternal lodge, or other social, civic, or recreational use of non-profit organization or membership club	SP	SP	SP	SP	SP	SP	SP	SP
Commercial recreational uses such as boat livery, ice skating rink, recreation camp, ski ground, riding academy stable, picnic grounds, campground, tourist or camp, swimming area, other commercial recreational and sporting facilities	SP	SP	SP	SP	SP	SP	SP	SP
Commercial golf course on at least 30 acres, the operation of which shall be restricted to daylight hours	SP	SP	SP	SP	SP	SP	SP	SP
Club, membership or fraternal	N	SP	SP	Y	Y	Y	N	N
BUSINESS USE								
Retail store								
Not exceeding 5,000 sq. ft. per retail establishment	N	N	N	Y	Y	Y	N	N
Between 5,001 sq. ft. and 20,000 sq. ft.	N	N	N	SP	Y	Y	N	N
More than 20,000 sq. ft.	N	N	N	N	SP	SP	N	N
Shopping center	N	N	N	SP	SP	SP	N	N
Retail sale of custom goods manufactured and sold exclusively on the premises, e.g., production and retail space for an artisan, craftsperson, or cabinet maker	N	N	N	Y	Y	SP	N	N
Sale of automobiles, boats, motorcycles, trailers, trucks or farm implements, monument sales, including showroom and outdoor display of merchandise for sale on the premises	N	N	N	SP	Y	Y	N	N
HOSPITALITY, FOOD SERVICES, ENTERTAINMENT USES								
Hotel or motel	N	N	N	SP	SP	SP	SP	SP

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Use	R1	R2	R3	CC	RB	GB	OR	M
Restaurant, full-service, which may include service at an adjacent outdoor seating area	N	N	N	Y	Y	Y	Y	Y
Take-out food service establishment such as a deli, pizza shop, bakery, ice cream shop; no drive-through service	N	SP	SP	Y	Y	Y	N	N
Refreshment stand, drive-in, or other food service establishment where food or beverages are served inside a building to persons standing or seated outside	N	N	N	Y	Y	Y	SP	SP
Drive-through food service	N	N	N	N	SP	SP	N	N
Indoor commercial entertainment facility such as a cinema, bowling alley, skating rink, or other enclosed place of assembly operated for profit	N	N	N	SP	Y	Y	SP	SP
Outdoor commercial recreation facility such as golf driving range, "miniature" golf course, amusement park, drive-in theater, stadium and other outdoor facility operated for profit for spectator sports or amusement use	N	N	N	N	SP	SP	SP	SP
OFFICES & RELATED USES								
Professional or business office	N	SP	N	Y	Y	Y	Y	Y
Medical or dental office or office of allied health care professional	N	SP	SP	SP	Y	Y	SP	N
Veterinarian	N	SP	SP	SP	SP	SP	SP	N
Bank	N	N	N	Y	Y	Y	Y	N
TRADE & SERVICE ESTABLISHMENTS								
Personal service establishment such as a barber or beauty shop, tailor or dressmaker, dry cleaning or laundry dropoff/pickup, photography studio	N	SP	SP	Y	Y	Y	SP	SP
Self-service laundromat	N	SP	SP	SP	N	SP	N	N
Repair shop for bicycles or small household appliances	N	N	SP	Y	Y	Y	N	N
Funeral home	N	N	N	N	SP	SP	SP	N
Licensed body arts establishment, including retail sales of directly associated items only	N	N	N	SP	SP	N	N	N
Place of business of a builder, carpenter, caterer, electrician, mason, painter, plumber, roofer, or other trade	N	N	N	N	N	Y	SP	Y
Adult oriented business	N	N	N	N	N	N	N	SP
WHOLESALE TRADE, STORAGE								

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Use	R1	R2	R3	CC	RB	GB	OR	M
Wholesale showroom, storage, or warehouse or distribution facility for contractor's equipment, heating fuel, lumber and other building supplies, livestock feed, fertilizer, food, furniture, hardware, metal, print, consumer commodities, or similar products	N	N	N	N	N	SP	SP	Y
Outdoor storage yard of any material or equipment of a type permitted to be stored in a warehouse in the same location	N	N	N	N	N	SP	SP	Y
AUTOMOTIVE & VEHICLE SERVICES & FACILITIES								
Automobile service station, including bays for routine auto maintenance services (e.g., oil change and tune-up), but not a repair garage or an auto body shop	N	N	N	N	SP	SP	SP	SP
Car wash	N	N	N	N	SP	SP	SP	SP
Automobile and vehicle repair garage	N	N	N	N	SP	SP	SP	SP
Sheltered bus stop	Y	Y	Y	Y	Y	Y	Y	Y
Bus or train station	N	N	N	Y	Y	Y	Y	Y
Commercial parking garage	N	N	N	Y	Y	Y	Y	Y
Truck terminal, or motor freight station, servicing or parking of trucks, buses, or semi-trailers	N	N	N	N	N	N	Y	Y
Airport, heliport, other aircraft landing and servicing facility	SP	SP	SP	N	SP	SP	SP	SP
MANUFACTURING & RELATED USES								
Office or industrial campus master plan	N	N	N	N	SP	SP	SP/Y	SP
Research, experimental, or testing laboratory	N	N	N	N	N	N	Y	SP
Processing, packaging, storage, assembly, or treatment of finished or semi-finished products from previously manufactured or processed materials, where such activities are carried out whole within an enclosed building; including incidental storage, sales, or distribution of such products.	N	N	N	N	SP	Y	SP	Y
Basic processing and manufacturing of materials or products predominately from extracted or raw materials	N	N	N	N	N	N	N	SP
ACCESSORY USES								
Home occupation	Y	Y	Y	Y	Y	Y	Y	Y

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Use	R1	R2	R3	CC	RB	GB	OR	M
Renting of rooms as transient guest quarters in an owner-occupied single-family dwelling	SP	SP	SP	SP	SP	SP	N	N
Bed & breakfast	SP	SP	SP	SP	SP	SP	N	N
Non-commercial greenhouse, tool shed, boat house, satellite dish, shelter for domestic pets or other similar accessory structure	Y	Y	Y	Y	Y	Y	N	N
Living quarters for domestic employees, provided that such quarters shall have no cooking facilities and are not rented or used as a separate dwelling	Y	Y	Y	N	N	N	N	N
Tennis court, swimming pool, similar accessory recreational use	Y	Y	Y	N	N	N	N	N
Non-commercial ground-mounted or otherwise mounted solar photovoltaic installation, 15-feet or less in height, accessory to an existing residential use	Y	Y	Y	Y	Y	Y	Y	Y
Watchperson's quarters	N	N	N	N	SP	SP	SP	SP
Cafeteria, snack bar, retail or personal services accessory to manufacturing or business use, operated primarily for the convenience of employees of the establishment	N	N	N	N	Y	Y	Y	Y
Outdoor storage of trucks, supplies, and equipment in good working order incidental to permitted uses. If on a lot abutting a residential district, the outdoor storage shall be screened from view from adjacent properties with evergreen vegetation of sufficient density and height to achieve year-round effective screening. Vegetation shall be maintained in living condition. Privacy fence or solid wall may substitute for vegetation subject to approval by the Town Planner.	N	N	N	N	SP	Y	Y	Y

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SECTION 5. DIMENSIONAL REGULATIONS

5.1. SCHEDULE OF DIMENSIONAL AND DENSITY REGULATIONS

No building or structure in any district shall be located, constructed, changed, enlarged or permitted and no use of premises or land in any district shall be permitted which does not conform to the density and dimensional regulations set forth in Table 2: Schedule of Dimensional and Density Regulations.

5.2. GENERAL PROVISIONS

- A. More than one principal use on a lot is prohibited unless the lot contains at least the basic minimum area and, in the case of residential uses, the required additional area for each unit in excess of one.
- B. Computation of Lot Area. In computing the area of any lot, no part of a public or private way and no part of a pond, certified vernal pool, or perennial stream or river shall be included. For every lot laid out for residential use, at least 50 percent of the required lot area shall be land exclusive of area subject to protection under the Wetlands Protection Act, G.L. c. 131, § 40.
- C. No lot shall be so reduced as to fail to satisfy any minimum dimension, area, or yard required for a permitted principal use except as provided in Section 8.1, Open Space Residential Development.

5.2.1. Supplemental Lot Regulations

- A. Lot Frontage.
 - 1. Minimum Lot Frontage Required. Every lot must have at least the minimum frontage set forth in Table 2 for the district in which the lot is located on a street as defined in Section 2 of this Bylaw.
 - 2. Measurement of Lot Frontage. Frontage is measured in a continuous line along the sideline of the street right-of-way between the points of intersection of the side lot lines with the street right-of-way line. The measurement of lot frontage excludes jogs in the street width, backup strips, and other irregularities in the street line.
 - 3. Access. An owner shall provide a means of access for vehicles from the frontage to a principal building for emergency services, for deliveries, and for off-street parking. All access to lots shall be through the lot frontage except the DPW Director or designee may approve access over another property line if the applicant demonstrates to the DPW Director or designee's satisfaction that such other access is a safer alternative.
- B. Lot Width. No lot shall at any point between the front building line of the principal building and the lot frontage have less width than 75 percent of the required lot frontage for the district in which the frontage is located.
- C. Yard Requirements.
 - 1. No part of a yard or other open space required in connection with any building shall be used to meet the requirements for any other building unless specifically permitted in this Bylaw.

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2. No required yard abutting a public street shall be used for the storage or display or abandonment of merchandise, lumber, building material, equipment, salvable secondhand items, or any type of junk, scrap, trash, rubble, or discarded or abandoned equipment or materials.

D. Corner Visibility.

1. Buildings: On a corner lot, there shall be erected no building or structure, fence, foliage, or other obstruction so as to impede traffic visibility within the space bounded as follows:
 - a) 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 times the setback required in that district, and
 - b) In a business or industrial district, the two intersecting street lines, and a straight line connecting the points on both street lines 10 feet from their point of intersection;
2. Provided that where the interior angle between the intersecting street lines is greater than 105 degrees, or where the street lines intersect in a curve having a radius greater than twice the setback required in that district, these regulations shall be waived, and the setback line established parallel to or concentric with the street lines.
3. 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 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.

E. **Maximum Building Height.** Building height shall be determined as defined in Section 10. Limitations of height 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 or municipal or institutional buildings.

F. **Appurtenant Open Space.** No building setback area or other open space required for a building under this Section 5 shall, during the life of such building, be occupied by or counted as open space for another building.

5.2.2. 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 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 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.

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Table 2. Table of Dimensional and Density Regulations

DISTRICT	Per Unit	Minimum Lot Area Sq. Ft.	Minimum Frontage Lin. Ft.	Minimum Setback (Ln. Ft.)			Maximum Setback Front	Maximum Building Height		Maximum Lot Coverage Percent
				Front ^a	Side ^b	Rear		Feet	Stories	
SINGLE FAMILY										
Lot		22,500	125	30	20	35		35	2.5	30%
Accessory structure				30	10	10		35	1.5	
TWO-FAMILY										
Lot		12,500	125	30	10	30		35	2.5	30%
Accessory structure				20	10	10		35	1.5	
MULTIFAMILY										
Allowed residential use	2,500	15,000	125	30	10	30		50	4	30%
CENTRAL CORE										
Multifamily		10,000	100	10	10	20	30	50	4.0	50%
Mixed use building		5,000	80	10	10	20	30	60	5.0	70%
All other uses		5,000	80	10	10	10	30	60	5.0	70%
RETAIL BUSINESS, GENERAL BUSINESS										
All uses		10,000	125	30	20	20	40	35	2.5	20%
Mixed use building		10,000	125	30	20	20	40	50	4.0	25%
OFFICE-INDUSTRIAL, MANUFACTURING										
Any allowed use		40,000	125	30	10	20		60	5.0	50%
Existing sewer										
Multi-family or other permitted residential use	2,500	25,000	125	30	10	20		50	4.0	40%
All other uses		20,000	125	30	10	20		60	5.0	50%

Notes to Table 2:

(^a) If a garage is constructed on the front or under the building, it must be set back the greater of (1) 20 feet or (2) the front building line.

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- (b) 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 the greater of (1) 20 feet or (2) the side building line of the principal building on the lot.
- (c) Front, side, and rear setbacks for commercial ground-mounted solar photovoltaic installations of up to 700 kilowatts on property of five acres or less are 7.

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SECTION 6. NONCONFORMING USES AND STRUCTURES

6.1. APPLICABILITY

- A. Except as otherwise provided herein, this Bylaw shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building permit or special permit issued before the first publication of notice of the public hearing on this Bylaw required by G.L. c. 40A, § 5. However, this Bylaw shall apply to the following:
1. any change or substantial extension of the use;
 2. to a building permit or special permit issued after the first notice of the public hearing;
 3. to any reconstruction, extension, or structural change of such structure: and
 4. to any alteration of a structure begun after the first notice of a public hearing to provide for its use in 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 a structural change to a one-family or two-family residential structure does not increase the nonconforming nature of said structure.
- B. Pre-existing nonconforming structures or uses may be extended or altered, provided that no extension or alteration shall be permitted unless there is a finding by the Board of Appeals that the change, extension, or alteration shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure or use. It is the purpose of this Bylaw to discourage the perpetuity of nonconforming structures and uses whenever possible.
- C. Construction or operations under a building permit or special permit shall conform to any subsequent amendments of this Bylaw unless the use or construction is commenced within a period of 12 months after the issuance of the permit and in cases involving construction, unless such construction is continued through to completion continuously and expeditiously as is reasonable.
- D. Anything to the contrary in this Bylaw notwithstanding, the residential use of two or more dwellings on a single lot shall be deemed a preexisting nonconforming use if commenced prior to March 25, 1958. This use may only be altered, extended, or modified by special permit pursuant to this section provided the Board of Appeals finds through a preponderance of credible evidence that the use commenced prior to March 25, 1958, and has not been abandoned or not used for a period of two years or more. In approving any alteration, extension, or modification, the Board of Appeals shall require that the number of dwelling units be limited to the same as in existence on March 25, 1958.
- E. Any residential structure in existence as of January 1, 1970, not protected by this Bylaw will be deemed to be conforming to the dimensional requirements of this Bylaw, but any alteration, reconstruction, extension, or structural change shall conform to the current Bylaw dimensional requirements.

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6.2. NONCONFORMING STRUCTURES

6.2.1. Single-Family or Two-Family Dwellings

- A. Alteration, reconstruction, extension, or structural change to a single or two-family residential structure that does not increase the nonconforming nature of that structure shall be permitted.
- B. No alteration, reconstruction, extension, or structural change to a single or two-family residential structure that increases the nonconforming nature of that structure shall be permitted unless there is a finding by the Board of Appeals that the proposed alteration, reconstruction, extension, or structural change will not be substantially more detrimental to the neighborhood.

6.2.2. Nonconforming Structures Other Than Single-Family or Two-Family Dwellings

Except as provided elsewhere in this Bylaw, the following provisions shall apply to nonconforming structures other than single-family or two-family dwellings:

- A. A nonconforming structure may be altered, and the conforming use extended throughout the altered portion, provided that the resulting alteration shall not cause the structure to further violate the dimensional regulations of the district in which it is located.
- B. No building area or floor area, where already nonconforming, shall be increased so as to create a greater non-conformity.
- C. A lawful nonconforming structure or portion thereof that has come into conformity shall not again become nonconforming.
- D. A nonconforming structure shall not be moved to any other location on the lot or any other lot unless every portion of the structure, the use thereof, and the lot, shall be conforming.

6.2.3. Nonconforming Structures in Existence; Enforcement

- A. If real property has been improved and used in accordance with the terms of the original building permit, no criminal or civil action intended to compel the abandonment, limitation or modification of the use allowed by the permit or the removal, alteration, or relocation of a structure erected in reliance upon the permit by reason of an alleged violation of G.L. c. 40A or of this Bylaw shall be maintained unless the action, suit, or proceeding is commenced and notice of the action, suit, or proceeding is recorded in the registry of deeds or, in the case of registered land, the notice is filed in the registry district of the Land Court, within six years of the commencement of the alleged violation.
- B. No criminal or civil action intended to compel the removal, alteration, or relocation of a structure by reason of an alleged violation of this chapter or this Bylaw or the conditions of a variance or special permit shall be maintained unless the action, suit, or proceeding is commenced and notice of the action, suit, or proceeding is recorded in the Registry of Deeds or, in the case of registered land, the notice is filed in the registry district of the Land Court, within 10 years of the commencement of the alleged violation.
- C. If real property has been improved by the erection or alteration of one or more structures and the structures or alterations have been in existence for a period of at least 10 years and no notice of an action, suit, or proceeding as to an alleged violation of G.L. c. 40A or of this Bylaw has been recorded in the Registry of Deeds or, in the case of registered land, has been filed in the registry

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district of the Land Court, within a period of 10 years from the date the structures were erected, then the structures shall be deemed, for zoning purposes, to be legally nonconforming structures subject to G. L. c. 40A, Section 6 and to this Bylaw. .

6.2.4. Unsafe Structures

Any nonconforming structure that has not been abandoned and is determined to be unsafe may be restored to a safe condition, provided such work on the structure shall be completed within two years of the determination that the structure is unsafe and it shall not place the structure in greater nonconformity. The Board of Appeals may by special permit waive this condition or extend the completion period.

6.3. NONCONFORMING USES

Unless the Board of Appeals has made the findings prescribed in G.L. c. 40A, § 6:

- A. A nonconforming use, except for agriculture, horticulture, or floriculture, as defined in G.L. c. 128, § 1A, of any open space on a lot outside a structure, or of a lot not occupied by a structure, shall not be extended.
- B. A nonconforming principal use of a structure shall not be extended. However, any nonconforming use of structure may be changed to another nonconforming use by special permit provided the Board of Appeals finds that the new use is not a substantially different use and not more detrimental to the neighborhood than the existing use.
- C. A nonconforming accessory use of a portion of a structure or any conforming accessory use of a portion of a nonconforming structure may be extended up to a maximum of 40 percent of the floor area of the existing structure.
- D. A nonconforming use which has been changed to a permitted use shall not again be changed to another nonconforming use.

6.4. NONCONFORMING LOTS; REDUCTION OR INCREASE

- A. Any lot, or open space on a lot, including yards and setbacks, shall not be reduced or changed in area or shape such that the lot, open space, yard, or setback is made nonconforming or more nonconforming unless a special permit has been granted under the provisions of this Bylaw. However, this Section 6.4 shall not apply in the case of a lot a portion of which is taken for a public purpose.
- B. A nonconforming lot which has come into conformity shall not again be changed to a nonconforming lot.
- C. Any off-street parking or loading spaces, if already equal to or less than the number required to serve their intended use, shall not be further reduced in number except as provided in Section 7.1.

6.5. RESTORATION, ABANDONMENT, NON-USE

- A. Reconstruction of a legally nonconforming structure damaged or destroyed by fire or other accidental or natural cause shall be allowed if the reconstruction is substantially in the form it

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had at the time of damage or destruction, or in any form if within applicable setback requirements and not larger than previously, and if reconstruction is started within 24 months and completed within 36 months of the damage or destruction.

- B. A nonconforming use shall be considered abandoned when the premises have been devoted to another use, or when the characteristic equipment and the furnishing of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within two years unless other facts show intention to resume the nonconforming use.
- C. A nonconforming use or structure that has been abandoned, demolished without reconstruction, or not used for a period of two years or more shall lose its protected status and shall be subject to all provisions of this Bylaw; however, the Planning Board may grant a special permit to authorize the reestablishment of a nonconforming use or structure where such reestablishment shall not result in substantial detriment to the neighborhood. The Planning Board shall consider the lot size, the existing building coverage, and available on-site parking, 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, except that any use so allowed shall not be more substantially detrimental to the neighborhood than the previous use.
- D. Any nonconforming use that has either been abandoned or that has not been used for two years or more shall lose the protections accorded under this Bylaw and shall be required to conform to the current Bylaw.
- E. A nonconforming structure determined by the Zoning Enforcement Officer to be unsafe may be restored to a safe condition, provided such work on any nonconforming structure shall be completed within one year of the determination that the structure is unsafe and it shall not place the structure in greater nonconformity. The Board of Appeals may by special permit extend the completion period.

6.6. EXEMPTIONS

Exempted from the requirement for a special permit under this Section 6.6 are the following:

- A. Alteration, reconstruction, extension, or structural change (collectively "alteration") of a nonconforming single- or two-family residential structure shall not be considered an increase in the nonconforming nature of the structure and shall be permitted as of right under the following circumstances:
 - 1. Normal repairs or replacement of parts of any nonconforming structure, provided that such repair or replacement does not constitute an extension of a nonconforming use of such structure.
 - 2. Alteration to a conforming structure where the alteration will also comply with all applicable sections of the zoning bylaws in effect at the time of application, if the existing structure is located on a lot which is nonconforming as the result of a zoning change.
 - 3. Alteration within the existing footprint of a nonconforming structure to comply with requirements of the Massachusetts Building Code.

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4. Alteration to a nonconforming structure where the alteration will comply with all applicable sections of the zoning bylaw in effect at the time of application and will not increase the habitable space.
 5. Alteration to a nonconforming structure on a lot of at least 20,000 square feet, where the alteration will comply with all applicable sections of the zoning bylaw in effect at the time of application, including, but not limited to setback, yard, building coverage, and height requirements.
 6. In cases where the applicant seeks to increase the height of any structure that encroaches on a required setback, where any increase in height will occur within such encroachment, there shall be no alteration as of right under this section.
- B. Interior alteration of any otherwise conforming structure that does not change the nature of, nor increase the intensity of, a nonconforming use, and interior alterations of preexisting nonconforming structures for a use or uses which are otherwise allowed by zoning.
 - C. Reconstruction of a legally nonconforming structure damaged or destroyed by fire or other accidental or natural cause, other than flood damage sustained to structure within any Floodplain shown on the Flood Insurance Rate Maps of Southbridge, if the reconstruction is substantially the form it had at the time of damage or destruction, or in any form if within applicable setback requirements and not larger than previously, and if reconstruction is started within 24 months and completed within 36 months of the damage or destruction.
 - D. Nonconforming 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 nonconforming use shall not be changed to another nonconforming use.
 - E. Reconstruction of any permitted commercial accommodation structure or unit(s), if for the purpose of rehabilitation or upgrade, and if the commercial accommodation was licensed and operational for the three years prior to the rehabilitation or upgrade. The reconstruction shall not allow rebuilding at a greater density, greater height, or at a different location than previously existed.
 - F. Not exempted under this subsection are accessory uses and structures.

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SECTION 7. GENERAL REGULATIONS

7.1. OFF-STREET PARKING AND LOADING

7.1.1. Purposes

The purposes of this Section 7.1 are to ensure the availability of safe and convenient vehicular parking areas; to encourage economic development; to promote safety for pedestrians, bicyclists, motor vehicle occupants, and property and business owners; to reduce impervious surfaces; and to protect adjoining lots and the general public from nuisances created by the noise, fumes and glare of headlights and hazards associated with off-street parking areas.

7.1.2. Applicability

- A. No building or structure shall be used or changed to a category of greater parking demand, determined in accordance with Table 3 below, except in accordance with this Section 7.1.1.
 - 1. This section shall not apply to any change in use of an existing structure as long as the change does not require an increase of more than 25 percent of the number of parking spaces required herein.
 - 2. Single-family and two-family dwellings shall be exempt from this Section 7.1.
- B. Administration. This Section 7.1 shall be administered by the Planning Board as part of site plan approval pursuant to Section 2.6 or the special permit process pursuant to Section 2.5, or for a use or activity not subject to site plan review or special permit, by the Building Commissioner.

7.1.3. Schedule of Off-Street Parking Requirements

The minimum number of off-street parking and loading spaces shall be as set forth in Table 3. Off-street parking requirements for a use not specifically listed in Table 3 shall be determined by the Building Commissioner based on a listed use of similar characteristics of parking demand generation.

Table 3. Schedule of Off-Street Parking Requirements

Use	Minimum or Maximum Number of Parking Spaces
Single-family or two-family dwelling	Minimum two spaces per unit
Dwelling units, excluding senior housing or other age-restricted residential uses	Minimum 1.5 spaces for units with up to 2 bedrooms; 2 spaces per unit for more than 2 bedrooms
Senior housing, independent living units	Minimum 1 space per dwelling unit plus 1 space per 4 units for visitor parking
Assisted living residence or nursing home	Minimum 0.5 space per room plus 1 space per 4 units for visitor parking
Dwelling units above the ground floor of a commercial building	Minimum 1.5 spaces per unit
Bed & breakfast, renting of rooms as transient guest quarters, or boarding house	Minimum 1 space per guest room

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Use	Minimum or Maximum Number of Parking Spaces
Place of assembly with fixed seating, such as a church, stadium, assembly hall	Minimum 1 space for every 3 seats or, when benches are used, 1 space per 8 lineal feet of bench.
Business, professional, or governmental office, bank	Minimum 1 space per 300 sq. ft. on the first floor; 1 space per 400 sq. ft. on the second floor
Retail store	Minimum 1 space per 300 sq. ft.
Shopping center	Maximum 1 space per 200 sq. ft.
Medical office or clinic	Minimum 1 space per 150 sq. ft.
Veterinary hospital	Minimum 1 space per 300 sq. ft.
Business or personal service establishment	Minimum 1 space per 300 sq. ft.
Hotel or motel	Minimum 1 space per guest room and 1 space per 2 employees on the largest shift (where restaurant is included, see below for restaurant parking)
Warehouse/distribution facility, wholesale showroom	Minimum 1 space per 1,000 sq. ft. plus 1 space per 300 sq. ft. for a showroom
Manufacturing	Minimum 1 space per 1,000 sq. ft.
Restaurant	Minimum 1 space for every 3 seats
Automobile service station	Minimum 1 space per fueling position plus 2 spaces per service bay plus 1 space per 300 sq. ft. including retail/convenience store areas. Temporary parking at fueling positions shall not count toward the sq. ft. parking requirement.
Vehicle repair shops	Minimum 1 space per 300 sq. ft. plus 2 spaces per service bay
Other uses not specified herein	Where a use is not specifically referenced in this table, the minimum parking requirement for the most nearly comparable use or industry standards shall apply as determined by the Building Commissioner
*In all instances in Table 3, sq. ft. shall mean <i>net</i> floor area.	

7.1.4. General Parking Requirements

Except as may be provided elsewhere in this Section 7.1, the following parking requirements shall be met:

A. Computation of Required Parking Spaces

1. The minimum number of parking spaces shall be the largest whole number obtained after calculating the parking requirements in accordance with Table 3. Any fractional parking space shall be rounded up to the next whole number.
2. For a parcel with two or more uses, the minimum number of parking spaces shall be the sum of the minimum number of spaces required for each use, determined in accordance with Table 3, except as may be authorized pursuant to Section 7.1.5 below.

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- B. On-Premises Parking Required. All required off-street parking spaces shall be located on the same premises as the uses they serve except as provided in Section 7.1.6 below.
- C. Dimensional Standards. An off-street parking space shall be an all-weather, surfaced area having a width of not less than nine feet and a length of not less than 18 feet for angle parking or 22 feet for parallel parking. The minimum dimensions for handicapped parking shall be in accordance with the State Building Code.
- D. Each required loading space shall be at least 10 feet wide, 40 feet long, and 14 feet high.
- E. Parking Area Design
 - 1. Surface. Parking areas shall have durable, all-weather paved surfaces and shall provide for the satisfactory management of surface water. Pavement materials shall be approved by the Department of Public Works. Parking areas composed of pervious or semi-pervious surfaces are encouraged in low traffic areas such as reserve parking and may be used to meet all or any part of the required parking, subject to environmental limitations.
 - 2. Parking areas shall be designed that no vehicle will be required to back onto a public way in order to enter or exit from a parking space.
- F. Location of Parking Spaces.
 - 1. For retail, office, and other commercial uses, no off-street parking shall be located between the front building line and the street without a special permit from the Planning Board and only if no other practical alternative exists.
 - 2. For residential uses, off-street parking between the front building line and the street is prohibited except for parking in a designated, paved driveway located on one side of the building or in a garage accessory to the residential use. When the off-street parking is located in a driveway and the closest abutter on the driveway side of the lot is a single-family or two-family dwelling, there shall be a minimum landscaped buffer at least five feet in width the full length of the driveway within ten feet of the lot line.
 - 3. In no event shall vehicular parking spaces be located within the minimum required setback in any district.
- G. Off-street parking areas shall be designed and constructed so as to maximize safety for pedestrians, bicyclists, motor vehicle occupants, and property and business owners and their customers. Impacts on scenic roads, historic districts, natural resources, and community character shall be minimized. 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.
- H. Illumination of Off-Street Parking Areas. Any fixture used to illuminate any parking area shall be so arranged as to direct the light away from the street and away from adjoining residential uses.

7.1.5. Reduced Parking

The number of parking spaces required pursuant to Table 3 may be reduced by special permit from the Planning Board, subject to the following or as otherwise provided for in Section 7.2.8(H).

- 1. The applicant shall demonstrate to the Board's satisfaction that a reduction is warranted due to circumstances such as but not limited to:

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- a) Peak parking needs generated by the proposed uses occur at different times. It shall be the applicant's burden to demonstrate to the Board's satisfaction that the proposed uses are non-competing. In mixed-use developments, applicants may propose a reduction in parking requirements based on an analysis of peak demand for non-competing uses. In these cases, the Planning Board may determine that the parking requirement for the largest of the uses (in terms of required parking spaces) is sufficient.
 - b) Demographic or other characteristics of site users.
 - c) Safe, convenient forms of pedestrian access between the proposed development and nearby residential uses.
 - d) The presence of a public or private parking facility within 400 feet of the proposed use.
 - e) The Board may grant a special permit for reduced parking only upon finding that:
 - f) The reduced number of parking spaces is consistent with the general purposes of this Section 7.1.
 - g) The proposed number of parking spaces will be sufficient for the proposed uses.
 - h) The decrease in required off-street parking is supported by a parking analysis prepared by a registered professional engineer. Such analysis shall consider existing and proposed uses on the site; rate of parking turnover for various uses; expected peak traffic and parking loads for various uses based on customary hours of operation; availability of public transportation; industry parking standards for various uses; and other factors.
2. In granting a special permit for reduced parking, the Board may impose reasonable conditions including but not limited to requiring additional parking should uses change over time, or requirements to designate an area on the site plan for reserve parking. Further, the Board may require the applicant to construct the reserve parking if, within one year of full occupancy of the development, the Building Commissioner determines that the parking constructed on the site is not adequate to meet the project's actual parking demand.

7.1.6. Shared Parking

By special permit from the Planning Board, the off-street parking required for two or more buildings or uses may be provided in combined facilities on adjacent lots, provided there is a legally enforceable shared parking agreement executed by all parties concerned and approved by the Planning Board as part of the special permit process and recorded with the Registry of Deeds.

7.2. REVIEW CONSIDERATIONS FOR MAJOR DEVELOPMENT

7.2.1. Purposes

The purpose of these project review considerations is to control the impact of development in the nonresidential districts on nearby single-family and two-family neighborhoods and the overall quality of life in Southbridge.

7.2.2. Applicability

- A. This Section 7.2 applies in any nonresidential use requiring a special permit or site plan review and to any multifamily use, as applicable. As applicable, the Planning Board or other approval

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authority shall consider and apply the following factors during its review of special permits and site plan applications for projects covered by this Section 7.2.

B. Exemptions:

1. Emergency responses performed by a private entity or a public agency and fire or burglar alarms.
2. Parades, fairs, or outdoor entertainment between the hours of 7:00 am. and 11:00 p.m. only provided that a permit for such activity has been granted by the Town Council and the permit is for not more than 10 days.

7.2.3. Outdoor Lighting

- A. The proposed development shall not produce lighting so as to unreasonably interfere with the use and enjoyment of property within the Town. Lighting practices and systems shall:
1. Reduce light pollution, light trespass and glare in order to preserve and enhance the natural, scenic, and aesthetic qualities of the Town;
 2. Conserve energy and decrease lighting cost without decreasing night time safety, security, and productivity, and
 3. Preserve the night sky as a natural resource to enhance nighttime enjoyment of property within the Town.
- B. All outdoor light fixtures shall be shielded so as to be consistent with the purposes of this Section 7.2.
- C. Direct light from the light source shall be confined within the property boundaries when the abutting property is used for residential purposes.
- D. Outdoor lighting shall be designed to provide the minimum intensity needed at any particular time.
- E. Preferred surfacing for lighted areas shall be of materials such as blacktop which reflect a relatively small fraction of incident light. Parking area lighting shall be reduced or eliminated outside business hours. The Planning Board may require an electrical configuration for parking lots which support shut-off for specific unused areas to reduce the glare from lighting.
- F. The operation of laser shows or searchlights for advertising purposes is prohibited; provided however, that same may be authorized for a period of not more than 14 days by special permit issued by the Planning Board.
- G. Indoor light sources will not be projected outside in a manner to defeat the intent of this Section.
- H. Outdoor light fixtures using sodium vapor or metal halide lamp or lamps shall be prohibited unless specifically authorized by special permit from the Planning Board.
- I. Outdoor light fixtures used to illuminate an outdoor sign shall be mounted on top of the sign structure or otherwise restricted to prevent up-light and light trespass.

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- J. No flickering or flashing lights shall be permitted. Processes, such as arc welding, which create light flashes shall be confined within buildings or shielded to prevent either direct glare or flashing.
- K. Height of Fixtures
 - 1. Luminaires attached to a building for area lighting shall be mounted on the wall no higher than 10 feet above grade unless waived by the Planning Board.
 - 2. Pole-mounted exterior lighting fixture types shall be mounted no higher than 15 feet above grade unless waived by the Planning Board.
- L. Except when necessary for site safety or security, all external lighting shall be extinguished one half hour after the facility is closed for the business day. Such lighting may be timed to resume one-half hour prior to the arrival of the first employee on the premises.
- M. Signs may be illuminated subject to conditions of the special permit or site plan approval.

7.2.4. Landscaping and Screening

- A. The proposed development shall:
 - 1. Maximize and retain open space;
 - 2. Be integrated into the natural landscape;
 - 3. Minimize adverse environmental impacts to such features as wetlands, floodplains, and water resource protection recharge areas, and
 - 4. Minimize tree, vegetation, and soil removal, and grade change.
- B. The proposed landscaping shall require native and drought-tolerant species and prohibit invasive or nonnative plants.
- C. Except for a required sidewalk, there shall be a landscaped buffer strip that is the lesser of 20 feet or the full front setback in the district, continuous except for approved driveways, adjacent to any public road to visually separate parking and other uses from the road. The buffer strip shall be planted with grass, medium height shrubs, evergreens and shade trees having a minimum 2½ - 3 inches in caliper measured four feet from ground level planted at least every 30 feet along the road frontage. Evergreens and shade trees shall be at least six feet in height at time of planting. Trees or shrubs shall be set back a sufficient distance from all street or driveway intersections so that they do not present an obstruction to sight lines.
- D. There shall be a continuous landscaped buffer strip at least 10 feet wide, maintained in perpetuity, between a Business District or an Industrial District and any Residential District or property line. Along the zoning district or property line, the landscaped buffer strip shall be of a density to substantially screen the proposed development from view. Plantings of various approved evergreen species are encouraged and shall be planted at a minimum height of six feet.
- E. Parking areas containing over 20 spaces shall have at least one shade tree per 10 parking spaces. Each shade tree shall be a minimum of 2½ inches in diameter and located either in the parking area or within 10 feet of it. At least 5 percent of the interior of the parking area shall be maintained with landscaping, including trees, in landscape islands or plots with no more than 20

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parking spaces between each island or plot. Trees shall be located to provide visual relief from sun and wind interruption within the parking area and assure safe patterns of internal pedestrian and vehicular traffic. Other traffic calming measures such as crosswalks, bike lanes, rumble-strips and landscape islands may be required as necessary.

- F. Fencing may be allowed in lieu of or in conjunction with plantings. The design and height of fencing, with accompanying landscaping, shall be subject to the approval of the Planning Board.
- G. Retaining walls shall be constructed to a maximum height of six feet unless waived by the Planning Board. If site conditions require elevation changes of greater than six feet, retaining walls shall be terraced and landscaped. Retaining walls facing residential districts shall be solid fieldstone or fieldstone veneer or other similar material. Unless used within the Manufacturing Districts, vertical cast in place concrete or concrete blocks shall not be permitted.
- H. Exposed storage areas, refuse disposal facilities, machinery, service areas, truck loading areas, utility buildings, and structures and other unsightly uses shall be screened from view from neighboring properties and streets using dense, hardy evergreen plantings or earthen berms, or wall or tight fence complemented by evergreen plantings.
- I. All landscaping features, structures, and areas shall be properly maintained. Dead shrubs or trees shall be replaced within two growing seasons as a condition of approval.

7.2.5. Stormwater Management

- A. The proposed development shall include adequate provisions or measures to prevent pollution of surface or groundwater, minimize erosion and sedimentation, prevent changes in groundwater levels, increased run-off, and potential for flooding, and minimize adverse impacts to neighboring properties by flooding from excessive run-off.
- B. All development shall comply with the Massachusetts Department of Environmental Protection's (DEP) Stormwater Management Policy (including Phase III Stormwater requirements), to ensure that the rate of surface water run-off from the site shall not be increased after construction.
- C. Dry wells shall be used only where other methods are unfeasible and shall require oil, grease, and sediment traps to facilitate removal of contaminants.
- D. The Planning Board shall refer any special permit application to the Department of Public Works for its determination that the storm drainage system is consistent with DEP Stormwater Management Policy and that there is sufficient storm drainage capacity to meet the flow demands of the proposed development on-site, and where applicable, without causing surge in those storm drainage lines which serve the project and are consistent with the standards of the Town.
- E. During the construction phase, temporary diversions, berms, grassed waterways, special culverts, shoulder dikes or such other mechanical measures as may be necessary may be required by the Board to intercept and divert surface water runoff. Runoff flow shall not be routed through areas of protected vegetation or re-vegetated slopes and other areas. Temporary runoff from erosion and sedimentation controls shall be directed according to BMPs, such as vegetated swales. Retaining walls may be required where side slopes are steeper than a ratio of 3:1.
- F. Erosion and sedimentation controls shall be constructed in accordance with the DEP Storm Water Guidance manual and the EPA's Stormwater Pollution Prevention Plan guidelines and requirements. Topsoil and loam storage areas shall be subject to these standards.

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7.2.6. Site Development Standards

- A. To the extent practical, the proposed development shall be located to preserve and enhance the natural features of the site, to avoid disturbances of environmentally sensitive areas, to minimize adverse impacts of development on adjoining properties, to minimize the alteration of the natural features of the site and to preserve and enhance scenic points, historic buildings and places and similar community assets which add value and attractiveness to the project and the Town.
- B. Site/building design shall preserve natural topography outside of the development footprint to reduce unnecessary land disturbance and to preserve natural drainage on the site.
- C. Clearing for utility trenching shall be limited to the minimum area necessary to maneuver a backhoe or other construction equipment. Tunneling for utilities installation other than water should be utilized wherever feasible to protect root systems of trees.
- D. Site Design
 - 1. Placement of buildings, structures, or parking facilities shall not detract from the site's scenic qualities and shall blend with the natural landscape.
 - 2. Building sites shall be directed away from the crest of hills so as not to break the ridgeline, and foundations shall be constructed to reflect the natural terrain.
 - 3. Sites shall be designed in such a way as to avoid impacts to rare and endangered species and wildlife habitat on a site, and to maintain contiguous forested areas.
- E. The Planning Board may require applicants to submit the proposed development plan to the Historical Commission /or the Massachusetts Historical Commission for review and comment regarding possible archaeological or historical resources on the site.
- F. Priority shall be given to the preservation of existing stands of trees, trees at site perimeter, contiguous vegetation with adjacent sites (particularly existing sites protected through conservation restrictions), and specimen trees.
 - 1. Understory vegetation beneath the drip line of preserved trees shall be retained in an undisturbed state.
 - 2. During clearing and/or construction activities, all vegetation to be retained shall be surrounded by temporary protective fencing or other measures before any clearing or grading occurs and maintained until all construction work is completed and the site is cleaned up. Barriers shall be large enough to encompass the essential root zone of all vegetation to be protected. All vegetation within the protective fencing shall be retained in an undisturbed state.
- G. Limit of Clearing. Development envelopes for structures, driveways, wastewater disposal, lawn areas and utility work shall be designated to limit clearing and grading.
 - 1. In order to minimize the clearing and grading on a site associated with construction activities such as parking of construction vehicles, offices/trailers, stockpiling of equipment/materials, such activities may be limited to areas already planned for permanent structures.

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2. Topsoil shall not be stockpiled in areas of protected trees or wetlands or their vegetated buffers.
- H. Finished grades no greater than a 3:1 slope are preferred, while preserving, matching, or blending with the natural contours and undulations of the land to the greatest extent possible. Finished grades of 1:1 slope or 2:1 slope are allowed with stabilization if approved by the Planning Board. Finished grade shall be no higher than the trunk flare(s) of trees to be retained. The design of grade changes at the base of existing large trees shall be subject to the approval of the Tree Warden or its agent.
- I. The Planning Board may limit the extent of a site exposed at any one time through phasing of construction operations. Effective sequencing shall occur within the boundaries of natural drainage areas.
- J. Proper re-vegetation techniques shall be employed during construction using native plant species, proper seed bed preparation, fertilizer and mulching to protect germinating plants. Re-vegetation shall occur on cleared sites within 7 (seven) calendar days of final grading and shall occur during the planting season appropriate to the selected plant species.
- K. A minimum of 6" of topsoil shall be placed on all disturbed surfaces which are proposed to be planted.
- L. The Planning Board may require that water for the purpose of irrigation shall be provided by an onsite well, after consultation with the Water Department.

7.2.7. Pedestrian and Vehicular Access: Traffic Management

- A. The proposed development shall be designed with a forecast for the next five years from the time of application to:
 1. Minimize hazards to public health and safety as a result of traffic;
 2. Provide safe access and circulation on the site for expected vehicles, pedestrians, and emergency vehicles;
 3. Provide off-site traffic mitigation, where required, to offset the impact of the development;
 4. Reduce the traffic impacts of the proposed development on the area and the Town by incorporating traffic management devices; and
 5. Minimize the impact on scenic roads, historic districts, natural resources, and community character. The development shall not degrade safety for pedestrians, bicyclists, motor vehicle occupants, or property.
- B. To the extent feasible, access to nonresidential uses and structures shall be provided via one of the following:
 1. Access via a common driveway serving adjacent lots or premises, which are hereby authorized for nonresidential uses provided there is a legally enforceable shared parking agreement executed by all parties concerned and approved by the Planning Board as part of the special permit process and recorded with the Registry of Deeds;

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2. Access via an existing side street;
 3. Access via a cul-de-sac or loop road shared by adjacent lots or premises.
- C. Access via roadways abutting residential districts shall be avoided where possible.
- D. Access and egress to a development with frontage on more than one street shall be in a manner that causes the least impact to the surrounding neighborhoods as determined by the Planning Board.
- E. Driveways. Each development shall be served by an adequate driveway.
1. The Planning Board may, in certain circumstances, allow additional driveways as a condition of approval where the access is shared or the project has frontage on two separate streets.
 2. All driveways shall be designed to afford adequate sight distance to pedestrians, bicyclists, and motorists exiting to public ways. Improvements may be required on the public way for vehicular turning movements in or out of the site and safe pedestrian access to adjoining sidewalks, paths, walking trails or bikeways.
 3. Curb Cuts. Curb cuts shall be limited to the minimum width for safe entering and exiting, and shall in no case exceed 30 feet in width unless waived by the Planning Board for industrial truck traffic. The location of driveway openings in relation to traffic and to adjacent streets shall provide for the convenience and safety of vehicular and pedestrian movement within the site. The number of curb cuts on state and local roads shall be minimized.
- F. Interior Circulation. The proposed development shall assure safe interior circulation on the site by separating pedestrian, bike ways, and vehicular traffic.
- G. Transportation Plan Approval. The proposed development shall be subject to Transportation Plan approval by the Planning Board. The Transportation Plan shall consist of the following information:
1. A plan showing the proposed parking, loading, and traffic circulation within the site; access and egress points; and other features related to traffic generated by the proposed use.
 2. A traffic study, prepared by a qualified traffic engineer, detailing the expected traffic impacts. For proposed development of 25,000 gross square feet or more, the traffic study shall substantially conform to the latest edition of the Institute of Transportation Engineers (ITE) *Traffic Access and Impact Studies for Site Development: A Recommended Practice*. The Planning Board shall approve the geographic scope and content of the study.
 3. Proposed mitigation measures, if any, such as left-turn lanes, roadway widening, signage, signalization of intersections.
 4. For proposed development of 25,000 gross square feet or more, the applicant shall submit a Transportation Demand Management (TDM) Plan. The TDM Plan shall provide information on the number of expected person trips to and from the site, broken down by various travel modes (e.g., single occupancy vehicle, carpool, walk, bicycle, commuter rail, shuttle bus, etc.). The TDM Plan shall also incorporate one or more of the following

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techniques to reduce the number of single occupancy vehicle trips by employees coming to and departing from the proposed use:

- a) Establishment of or contribution to a Traffic Management Association (TMA) within the region, which shall provide shuttle services for employees and other services as may be appropriate;
- b) Employee carpools or vanpools sponsored by the employer or the TDM;
- c) Monetary incentives to employees who do not use a parking space;
- d) On-site shower facilities and/or bicycle racks for employees who do not drive to work;
- e) Other techniques as may be deemed appropriate by the Planning Board or its traffic consultant.

H. Reduction in Parking. In consideration of the applicant providing one or more of the above measures to reduce vehicular traffic to and from the site, the Planning Board may reduce the number of required parking spaces below what would ordinarily be required under Section 7.1 of this Bylaw. To be considered for a reduction, the applicant's traffic engineer shall determine and justify the parking demand for the project, as well as reduction in needed parking spaces attributable to each traffic management measure.

I. Level of Service Maintenance or Improvement.

1. If the proposed project will result in an intersection level of service below a rating of LOS D, or result in a roadway volume to capacity rating greater than 1.0, the applicant may be required to provide detailed plans (including reconstruction concepts), that when implemented would result in an intersection level of service rating of D or better.
2. If the proposed project will result in a reduction in level-of-service of one letter grade or an increase of 10 seconds of delay to a signalized or un-signalized intersection, the applicant may be required to provide detailed plans that when implemented would result in a return to existing conditions.

J. Dangerous Intersections. The Planning Board may require mitigation for any net increase in traffic volumes of 10 percent or more at an intersection that has an accident history of more than five accidents in the last three years for which data is available.

K. Sight Distance. Acceptable sight distance shall be provided and maintained at all access locations, egress locations, and all intersections affected by the Development. At a minimum, these site distances shall meet the stricter of the Massachusetts Highway Department and American Association of State Highway Transportation Officials standards for safe-stopping sight distances.

L. Maximum Parking. The maximum parking allowed for a development shall be no more than the minimum number of spaces required under zoning, unless waived.

M. Mitigation. The Planning Board may require as a condition of any special permit off-site improvements to mitigate the impact of the proposed development. Such improvements include intersection widening and traffic signals or the components of the TMD Plan. All road and intersection improvements proposed as part of development and redevelopment shall be consistent with local plans.

N. Pedestrian and Bicycle Safety. Pedestrian and bicycle circulation, and the amenities required thereof, on and off site, shall be in accordance with the following requirements:

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1. All development and redevelopment shall provide for pedestrian and bicyclist connections on the property, and allow for possible future connections for pedestrians and bicycles with adjoining properties, where deemed appropriate by the Planning Board.
 2. Pedestrian access shall connect to all building entrances with further connections to local pedestrian arteries.
 3. All road and intersection widening and new traffic signals or modification of existing traffic signals required as part of a development or redevelopment shall include appropriate bicycle and pedestrian accommodation.
- O. Sidewalks, crosswalks, walkways, bike racks or other pedestrian access shall be provided to allow access to adjacent properties and between individual businesses within a development.
- P. Traffic calming measures such as crosswalks, bike lanes, rumble strips and landscaped islands may be required.

7.2.8. Aesthetics

- A. The location, size and design, building materials, and operating characteristics of the proposed development shall be compatible with abutting properties, the natural and built environments in the area, and the character of the surrounding area. Consideration will be given to the following:
1. Harmony in scale, bulk, massing, and density;
 2. Historical, cultural, and architectural features of nearby buildings or a master plan or other planning document, or any plan that has been adopted by the Town.

7.2.9. Utilities; Security; Emergency Systems

- A. The proposed development shall be adequately served by public or private utilities, security systems, and emergency systems.
- B. The Planning Board may require a report from the Board of Health confirming that the proposed site development provides for wastewater treatment and or disposal in a manner that is consistent with regulations of the Commonwealth of Massachusetts and the Board of Health.
- C. There shall be sufficient water capacity to meet the domestic and fire flow demands of the proposed use without causing municipal water flow characteristics off-site to fall below the standards adopted by the Town.
- D. All electrical, cable and telecommunications services shall be installed underground.

7.3. BUFFER AND SCREENING REQUIREMENTS

- A. Where a lot in the Retail Business, General Business, or any Industrial District abuts the side or rear boundary line of any Residence District (including any Residence District in an adjacent municipality), there shall be provided a landscaped buffer planted with evergreen trees or shrubs within 20 feet of the district boundary.

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- B. In all Industrial Districts, the outdoor 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 screened from such view.

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SECTION 8. SPECIAL REGULATIONS

8.1. OPEN SPACE RESIDENTIAL DEVELOPMENT

8.1.1. Purposes

The purposes of this Section 8.1 are to:

- A. Promote efficient use of land in harmony with the Town's natural and heritage landscapes;
- B. Preserve valuable open space;
- C. Foster compact development patterns using flexible density and lot dimensional and to promote and encourage creativity in neighborhood design;
- D. Provide diverse and energy-efficient housing at all market levels;
- E. Protect surface water and groundwater, wetlands, floodplains, agricultural lands, wildlife, and other natural resources; and
- F. Promote aesthetics and the amenities of the Town.

8.1.2. Applicability

To encourage open space design, OSRD is allowed by right, subject only to the requirements of the Planning Board's Subdivision Rules and Regulations ("Subdivision Regulations") and this Section 8.1. An OSRD that does not require approval under subdivision control is allowed by right subject to Site Plan Approval by the Planning Board in accordance with this Section and Section 2.6. There is no minimum tract size for an OSRD.

An Open Space Residential Design (OSRD) may be proposed in any residential district. All subdivisions shall comply with the open space design provisions of this Section 8.1 unless the Planning Board grants a special permit to allow a development that deviates from the requirements herein. Such deviations may be approved if the applicant demonstrates that the proposed alternative development configuration provides adequate protection of the site's environmental resources and fulfills the purposes of this Section 8.1 as well as or better than an OSRD.

This Section 8.1 above applies only to subdivisions of land as defined in G.L. c. 41, § 81L, and not to construction of homes or businesses on individual lots that existed prior to September 14, 2018 or to lots created through the Approval Not Required (ANR) process with frontage on public ways existing as such as of September 14, 2018 described in the Subdivision Regulations.

If the proposed Open Space Design also involves one or more common driveways, density bonuses, or any other use or purpose that requires a special permit, the proceedings for all special permits and the site plan review for the lot configuration shall occur in one consolidated special permit process with the Planning Board.

8.1.3. Development Impact Statement and Conservation Analysis

The applicant shall present enough information about the site's environmental and open space resources to enable the Planning Board to determine whether a proposed OSRD (or development by special permit that deviates from the requirements for an OSRD) satisfies the purposes and standards

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of this Section 8.1. Accordingly, the applicant shall prepare and submit a Development Impact Statement (DIS) including a conservation analysis as described in the Planning Board's Subdivision Regulations. For an OSRD that is not a subdivision, and that is presented as a site plan review application under Section 2.6, the applicant shall not be required to submit a full DIS. However, the Planning Board may require the submission of all or part of a conservation analysis as described in the Subdivision Regulations.

8.1.4. Conservation Analysis and Findings

- A. Prior to filing an application, an applicant is encouraged to meet with the Planning Board to discuss the conservation resources on the site. At this meeting, the Planning Board shall indicate to the applicant which land is likely to have the most conservation value and be most important to preserve and where development may be most appropriately located.
- B. In the case of a proposed plan that deviates from the requirements of this Section 8.1, if the Planning Board determines that the land with the greatest conservation value cannot be protected except by use of an OSRD, the Planning Board shall deny the special permit and require that the applicant submit a plan that complies with this Section 8.1.
- C. The Planning Board, in consultation with the Conservation Commission, shall study the conservation analysis, may conduct field visits, and shall formally determine which land should be preserved and where development may be located. The Planning Board shall make written findings supporting this determination (the "conservation findings"). The Planning Board shall deny any application that does not include sufficient information to make conservation findings or that does not preserve land that the Planning Board determines should be preserved from development as a result of the conservation analysis and findings.
- D. The Planning Board's conservation findings shall be incorporated into its decision to approve, approve with conditions, or deny an application. The conservation findings shall show land to be permanently preserved by a conservation restriction, as well as recommended conservation uses, ownership, and management guidelines for such land. The conservation findings shall also indicate preferred locations for development if the plan is denied based upon such findings.

8.1.5. Basic Requirements

- A. The proposed OSRD plan shall show that at least 50 percent total acreage on the site will be preserved by conservation restriction, based upon the conservation findings.
- B. The maximum number of dwelling units in an OSRD shall be calculated by a formula based on the net acreage of the property. The formula is intended to take into account certain development limitations that make some land less developable than other land. This calculation involves two steps, calculating the net acreage and dividing by the base allowed density.
 - 1. To determine net acreage, subtract the following from the total (gross) acreage of the site:
 - a) Half of the acreage of land with slopes of 20 percent or greater (2000 square feet or more of contiguous sloped area at least 10 feet in width); and
 - b) The total acreage of lakes, ponds, land subject to easements or restrictions prohibiting development, 100-year floodplains, and all freshwater wetlands as defined in G.L. c. 131, § 40, as delineated by an accredited wetlands specialist and approved by the Southbridge Conservation Commission.

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Documentation of wetlands and site constraints shall be submitted in accordance with the Planning Board's OSRD regulations.

2. To determine the base maximum number of allowable dwelling units on the site, divide the net acreage by 2 in the R1 or TF district for a project that will be connected to sewer, and by 1.5 for a project that will not be connected to the sewer system; and in the R3 district, divide the net acreage by 3. Fractional units of less than 0.5 shall be rounded down and 0.5 or more shall be rounded up.
- C. The unit count determined above may be increased through density bonuses designed to advance important goals of the Southbridge Master Plan. Density bonuses are given by special permit at the discretion of the Planning Board based upon the expected public benefit. They are calculated by first determining the base allowable unit count without rounding fractional units up or down, and then multiplying that number by 100 percent plus the percentages listed below. Resulting fractional units, if any, shall be rounded up or down as in Section 8.1.5(B)(2).
1. If the applicant allows deeded public access to the open space portion of the property and the Planning Board finds that such public access provides a significant recreational benefit to the Town: a maximum of 10 percent.
 2. If the applicant restricts ownership or rental and occupancy of units allowed by §8.1.5(B) as affordable housing and makes a binding commitment to construct such affordable dwellings: a maximum of 50 percent. For every unit dedicated as an affordable unit, the Planning Board may approve up to two bonus market rate units, up to the maximum 50 percent.
 3. If the applicant preserves as permanent open space more than the minimum required percentage: a maximum 10 percent density bonus per additional 5 percent of the parcel preserved as open space.
- D. The housing types allowed in an OSRD include single-family, two-family, or multi-family dwellings. The subdivision approval and special permit/site plan requirements shall be fulfilled concurrently in one proceeding to the extent practical. Any OSRD application involving two-family or multi-family dwellings shall include a site plan that shows the location, layout, height, and setbacks of such dwellings. Accessory apartments shall be permitted in OSRD developments and shall not be counted toward the total maximum number of units in the development.

8.1.6. Dimensional and Design Requirements

- A. Minimum Lot Sizes in Open Space Designs. The limiting factor on lot size in an OSRD is the need for adequate water supply and sewage disposal. Accordingly, there is no required minimum lot size for zoning purposes. This does not affect the power of the Board of Health to require areas on a lot for the disposal of sewage and the protection of water supply.
- B. Setbacks, Road Frontage, and Road Requirements. The minimum setback shall be 10 feet from any property line. There shall be no numerical requirements for lot frontage in an OSRD, provided that each lot has legally and practically adequate vehicular access to a public way or a way approved under the Subdivision Regulations across its own frontage or via a shared driveway approved by the Planning Board. All dwellings must comply with applicable Board of Health requirements. The Planning Board may modify the applicable road construction requirements for new roads within an OSRD as provided in the Subdivision Regulations if it finds

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that such modifications will be consistent with the purposes of this Section 8.1 and the Master Plan.

C. Arrangement of Lots

1. Lots shall be located and arranged in a manner that protects views from roads and other publicly accessible points; farmland; wildlife habitat; large intact forest areas; hilltops; ponds; steep slopes; and other sensitive environmental resources, while facilitating pedestrian circulation. Generally, residential lots shall be located the minimum feasible distance from existing public roadways. The Planning Board shall take into consideration the conservation analysis and findings in approving the arrangement of lots.
2. Lot, roadway, and driveway layouts, land alterations, and placement of structures shall follow any design guidelines for OSRD which may be adopted by the Planning Board.

8.1.7. Open Space

- A. Open space set aside in an OSRD or as a condition of any special permit or site plan approval shall be permanently preserved from development as required by this Section 8.1. The Planning Board may not require such open space to be accessible to the public unless a density bonus is allowed under Section 8.1.6(C). Any development permitted in connection with the setting aside of open space land shall not compromise the conservation value of such open space land, based on the conservation findings of the Planning Board.
- B. All land required to be set aside as open space in connection with any OSRD shall be so noted on any approved plans and shall be protected by a permanent conservation restriction to be held by the Town of Southbridge, the Commonwealth of Massachusetts, or a non-profit conservation organization qualified to hold conservation restrictions under G.L. c. 184, § 31, and also qualified to hold tax-deductible conservation easements under Section 170(h) of the Internal Revenue Code. The restriction shall specify the permitted uses of the restricted land which may otherwise constitute development. The restriction may permit, but the Planning Board may not require, public access or access by residents of the development to the protected open space land.
- C. Protected open space may be held in private ownership, owned in common by a homeowner's association (HOA), dedicated to the Town of Southbridge or State government with their consent, transferred to a non-profit organization acceptable to the Planning Board, or held in such other form of ownership as the Planning Board finds appropriate to manage the open space land and protect its conservation value.

If the land is owned in common by an HOA, such HOA shall be established in accordance with the following:

1. The HOA must be created before final approval of the development and must comply with all applicable provisions of state law.
2. Membership must be mandatory for each lot owner, who must be required by recorded covenants and restrictions to pay fees to the HOA for taxes, insurance, and maintenance of common open space, private roads, and other common facilities.
3. The HOA must be responsible for liability insurance, property taxes, the maintenance of recreational and other facilities, private roads, and any shared driveways.

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4. Property owners must pay their pro rata share of the costs in Subsection c above, and the assessment levied by the HOA must be able to become a lien on the property.
5. The HOA must be able to adjust the assessment to meet changed needs.
6. Ownership shall be structured in such a manner that real property taxing authorities may satisfy property tax claims against the open space lands by proceeding against individual owners in the HOA and the dwelling units they each own.
7. The Town Attorney shall find that the HOA documents satisfy the conditions listed above and such other conditions as the Planning Board shall deem necessary.

D. Maintenance Standards

1. Ongoing maintenance standards shall be established as a condition of development approval to ensure that the open space land is not used for storage or dumping of refuse, junk, or other offensive or hazardous materials. Such standards shall be enforceable by the Town against any owner of open space land, including an HOA.
2. If the Board of Selectmen finds that the provisions of Subsection 1 above are being violated to the extent that the condition of the land constitutes a public nuisance, it may, upon 30 days written notice to the owner, enter the premises for necessary maintenance, and the cost of such maintenance by the Town shall be assessed ratably against the landowner or, in the case of an HOA, the owners of properties within the development, and shall, if unpaid, become a property tax lien on such property or properties.

8.1.8. OSRD Rules and Regulations

The Planning Board may adopt rules and regulations, including administrative procedures and design guidelines, to implement this Section 8.1.

8.2. AGRICULTURALLY RELATED USES

8.2.1. Purposes

The purpose of this Section 8.2 is to promote and maintain local farming. Toward that end, this Section 8.2 provides for a variety of agriculturally related uses and farm-affiliated businesses that are not explicitly exempt under G.L. c. 40A, § 3 but which the Town of Southbridge deems important for the preservation of a rural economy in order to:

1. Maintain and promote agriculture and its related activities, such as agricultural tourism;
2. Preserve open space and farmland;
3. Maintain both an agricultural heritage and a rural character;
4. Increase community benefits by having fresh, local produce for sale; and
5. Increase positive growing businesses that contribute to the economy of the region and the Commonwealth.

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8.2.2. Applicability.

The provisions of this Section 8.2 shall apply to any farm as defined in this Bylaw.

8.2.3. Use Regulations

A. The following agriculturally related uses are permitted in any district:

1. Seasonal outdoors mazes of agricultural origin such as straw bales or corn.
2. Petting farm, animal display, and pony rides.
3. Wagon, sleigh and hayrides.
4. Nature trails.
5. Open air or covered picnic area with restrooms.
6. Educational classes, lectures, seminars.

B. The following farm-affiliated businesses and uses are permitted in any district, subject to Site Plan Approval by the Planning Board in accordance with Section 2.6 and this Section 8.2:

1. Storage, retail or wholesale marketing, or processing of agricultural products into a value-added agricultural product is permitted if more than 50 percent of the stored, processed, or merchandised products are produced by the farm operator for at least 3 of the immediately preceding 5 years.
2. Cider mill or winery selling product, in a tasting room, derived from crops grown primarily on site for at least 3 of the immediately preceding 5 years.
3. Historical agricultural exhibits.
4. Gift shop for the sale of agricultural products and agriculturally related products.
5. Designated parking for 20 or more vehicles.
6. Commercial or cooperative kitchen, cannery, or co-packing facility.

C. The following uses are allowed only by special permit from the Planning Board:

1. Restaurant related to the agricultural use on the site.
2. Non-agriculturally related uses, such as small-scale entertainment venue or organized meeting space made available for rent for weddings, corporate picnics, birthday parties, and the like.

8.3. SENIOR RESIDENTIAL DEVELOPMENT

8.3.1. Purposes

The purpose of this Section 8.3 is to provide for a variety of housing types, settings, and residential services to meet the needs of people as they age.

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8.3.2. Applicability

- A. The Planning Board may grant a Special Permit for a Senior Residential Development in accordance with this Section 8.3 on any tract of land meeting the following requirements:
 - 1. Two or more acres of land;
 - 2. Minimum of 100 feet of frontage on a public way; and
 - 3. Public water available at the street frontage.
- B. A Senior Residential Development is intended for people age 55 or over. As such, buildings and site improvements in a Senior Residential Development shall provide for visitability and universal design in accordance with the provisions of this Section 8.3.

8.3.3. Uses

- A. A Senior Residential Development shall include one or more of the following uses:
 - 1. Cottage dwellings
 - 2. Two-family dwellings
 - 3. Townhouse dwellings
 - 4. Independent living units
 - 5. Assisted living residence, with or without memory care units
- B. Continuing care retirement community, which shall include an assisted living residence and one or more of the other uses listed above, and may include a skilled nursing facility or physical rehabilitation facility with not more than 100 beds.
- C. An assisted living residence or continuing care retirement community may include the following nonresidential uses for the benefit of its residents and their guests, provided that aggregate floor area for the nonresidential uses shall not exceed 10 percent of the total gross floor area of the buildings in the development.
 - 1. Retail, up to a maximum of 2,500 sq. ft.
 - 2. Personal services
 - 3. Medical office or clinic
 - 4. Community center or senior center
- D. A Senior Residential Development may also include the following uses:
 - 1. Adult day care center
 - 2. Accessory uses for residents, employees, and guests, such as central or common dining facilities or laundry facilities, or indoor or outdoor recreation facilities
 - 3. Conservation or agricultural uses

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8.3.4. Basic Requirements

A. A Senior Residential Development shall comply with the following density regulations:

Use	Maximum Density	Maximum Building Height (Feet)
Cottage dwellings or two-family dwellings	4 units/acre	32
Townhouse dwellings	8 units/acre	32
Independent living units	20 units/acre	55
Assisted living residence	16 units/acre	40

- B. Maximum building coverage shall not exceed 35 percent of the lot area for new construction or expansion of existing structures.
- C. For detached single-family dwellings, two-family dwellings, and townhouses, the minimum setback shall be 30 feet from all property lines unless the Planning Board determines that a reduced setback is necessary to achieve the purposes of this section and will not have a detrimental impact on the neighborhood. The minimum setback for an assisted living residence, independent living units, or any buildings in a continuing care retirement community shall be 50 feet in all districts.
- D. No dwelling unit in a Senior Residential Development shall have more than two bedrooms without approval from the Planning Board.
- E. The minimum common open space in the development shall be 30 percent of the lot area, and not more than 25 percent of the required minimum common open space shall consist of wetlands. A permanent conservation restriction running to or enforceable by the Town shall be recorded for the common open space area and shall include restrictions that the land be retained in perpetuity for conservation or passive recreation.

8.3.5. Age-Appropriate Design

- A. A Senior Residential Development shall be designed to provide senior housing services in a setting that encourages and supports aging in community. Units must be “visitable” and age-appropriate by design. At minimum, these terms mean that a Senior Residential Development shall have the following features:
- B. Single-family, two-family, and townhouse units shall provide for:
1. At least one zero-step entrance,
 2. Doorways with a 36-inch clear passage space,
 3. Master bedroom and an accessible en suite bathroom located on the same floor as the kitchen, living room, and dining room, all being on the same floor as the zero- step entrance,
 4. Master bedroom and en suite bathroom designed and equipped for seniors and people mobility impairments, and

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5. Indoor or structured parking.
- C. Independent living units and assisted living facilities shall comply with the accessibility requirements of the Massachusetts Architectural Access Board.
- D. Outdoor facilities, such as walkways, gardens, and recreation areas, shall be designed for universal access.

8.3.6. Development Standards.

As part of the Planning Board's special permit review process, the Board shall evaluate the proposed Senior Residential Development for conformance to the following minimum design standards.

- A. Architectural planning and design shall incorporate energy efficient design techniques, such as natural heating and cooling systems, use of sun and wind energy generation systems, and so forth.
- B. Structures located near the project property lines shall be designed and located in a manner that reflects consistency and compatibility with neighboring areas, and shall include appropriate use of building density, heights and design to minimize any intrusion on neighbors.
- C. Outdoor recreation or gathering areas, particularly those that may generate significant noise and/or light and glare, shall be located to minimize intrusion on neighboring properties.
- D. Structures shall be clustered to reduce site disturbance and protect open spaces, natural and environmentally sensitive areas.
- E. Building design shall avoid use of long, unbroken facades, and shall include use of balconies, offset walls, trellises and other design features.
- F. Building design, colors, and materials shall generally correspond to the natural setting of the project site, and to any prevalent design styles that may occur in neighborhoods within the general project area.
- G. The development shall be served by public water.

8.3.7. Procedures

- A. The special permit application, public hearing, and decision procedures shall be in accordance with this Section 8.3, the Planning Board's Rules and Regulations, and Section 2.6 of this Bylaw.
- B. The Applicant shall submit a Senior Residential Development special permit application together with the size, form, number, and contents of the required plans and any supplemental information as required in the Planning Board's Rules and Regulations.

8.3.8. Decision

- A. The Planning Board may grant a Senior Residential Development special permit with any conditions, safeguards, and limitations it deems necessary to mitigate the project's impact on the surrounding area and to ensure compliance with this article, only upon finding that:
 1. That the Senior Residential Development meets the purposes, requirements, and development standards of this Section 8.3, and

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2. That the Senior Residential Development is consistent with the goals of the Southbridge Master Plan.

8.4. HOME OCCUPATION

8.4.1. Purposes

The purpose of this Section 8.4 is to provide for the conduct of home occupations while preserving the residential character of the premises and preventing adverse effects on the neighborhood.

8.4.2. Basic Requirements

A Home Occupation shall be allowed by right as shown in Table 1, Schedule of Uses, if it meets the requirements of this Section 8.4:

1. It is incidental to a permitted principal use on the same premises;
2. It is not detrimental to a residential or rural neighborhood, and the existing character of the neighborhood is preserved;
3. It is clearly secondary and subordinate to the residential use of the premises;
4. It has no more than 2 non-resident employees working primarily on the premises;
5. Adequate off-street parking is available;
6. There are no exterior alterations that change the residential appearance of the dwelling;
7. Except as provided in (8) and (9) below, there is no exterior indication of the accessory use and no exterior display of merchandise of greater than 100 square feet in total area;
8. All storage of materials, supplies, or equipment is within the principal building, suitable accessory buildings, and/or within no greater than 500 square feet of total outdoor yard area; and
9. There shall be no sign to identify the home occupation.

8.4.3. Special Permits

A home occupation that does not comply with all of the above standards shall only be allowed by special permit from the Planning Board. Special permits granted hereunder shall be based upon the criteria in Section 2.5.

8.5. SOLAR AS OF RIGHT

8.5.1. Purposes

The purpose of this bylaw is to promote the creation of new commercial ground-mounted solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the

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eventual decommissioning of such installations. The Town encourages solar installations in the Industrial Districts.

8.5.2. Applicability

This section applies to commercial ground-mounted solar photovoltaic installations proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment. This bylaw shall apply to the construction, operation, and/or repair of commercial ground-mounted solar photovoltaic installations greater than 50 kilowatts and up to 700 kilowatts that occupy no more than five acres of land. Any facility larger than 700 kilowatts, or occupying more than five acres of land on one or more adjacent parcels in common ownership – including those separated by a roadway, shall require a Special Permit in accordance with Section 2.5 of this Bylaw. Smaller scale or non-commercial ground-mounted solar photovoltaic installations that are an accessory structure to an existing residential or non-residential use do not need to comply with this Section, but shall require a building permit and must comply with all other applicable provisions of the Southbridge Zoning Bylaw.

8.5.3. General Requirements for all Commercial Ground-Mounted Solar Power Generation Installations

- A. Compliance with Laws, Ordinances, and Regulations. The construction and operation of all commercial ground-mounted solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photo voltaic installation shall be constructed in accordance with the current state Building Code.
- B. Building Permit and Building Inspection. No commercial solar photo voltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit. The application for a building permit must be accompanied by the fee required. The Zoning Enforcement Officer shall determine the number and dates of the inspections.
- C. Site Plan Review. Commercial solar photovoltaic installations (250 KW or larger of rated nameplate capacity) shall undergo site plan review by the Planning Board prior to construction, installation or modification as provided in this section. The contents of the site plan approval submission shall be in accordance with the Planning Board's rules and regulations.
- D. Utility Notification. No commercial ground-mounted solar photo-voltaic installation shall be constructed until evidence has been given to the Planning Board that the utility company that operates the electrical grid where the installation is to be located has been informed of the proposed installation's owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

8.5.4. Dimensional and Density Requirements

- A. Setbacks. For large-scale ground-mounted solar photovoltaic installations, front, side and rear setbacks shall be as follows:
 - 1. The front setback shall be at least 75 feet;
 - 2. Each side setback shall be at least 75 feet;

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3. The rear setback shall be at least 75 feet;
- B. Appurtenant Structures. All appurtenant structures to commercial ground-mounted solar photovoltaic installations shall be considered accessory uses and shall be subject to Sections 4 and 5 of this Bylaw regarding bulk, height, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation and or joined or clustered to avoid adverse visual impacts.

8.5.5. Design Standards

All commercial ground-mounted solar photovoltaic installations shall be in compliance with Section 2.6 of this Bylaw.

- A. Lighting. Lighting of solar photovoltaic installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar photo-voltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.
- B. Signage. Signs on commercial ground-mounted solar photovoltaic installations shall conform to the Town of Southbridge Sign Bylaw. A sign consistent with the Sign Bylaw shall identify the owner and provide a 24-hour emergency contact phone number. Solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar photovoltaic installation.
- C. Utility Connections. Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

8.5.6. Safety and Environmental Standards

- A. Emergency Services. The commercial solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Southbridge Fire Department. Upon request, the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the site of the installation.
- B. Land Clearing, Soil Erosion, and Habitat Impacts. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the commercial ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws.
- C. Monitoring and Maintenance
 1. Solar Photovoltaic Installation Conditions. The commercial ground-mounted solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, snow plowing, access road

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maintenance, mowing, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Southbridge Fire and Police departments. The owner or operator shall be responsible for the cost of maintaining the commercial solar photovoltaic installation and any access road(s), unless accepted as a public way.

8.5.7. Modifications

All material modifications to a solar photovoltaic installation made after issuance of the required building permit shall require approval by the Planning Board.

8.5.8. Abandonment or Decommissioning

- A. Removal Requirements. Any commercial ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned consistent with Subsection B below shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
1. Physical removal of all ground-mounted solar photovoltaic installations, structures, equipment, security barriers, and transmission lines from the site.
 2. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
 3. Stabilization or re-vegetation of the site as necessary to minimize erosion and revert to the state and condition of the site prior to the ground-mounted photovoltaic installation, including planting of trees. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
- B. Abandonment. The Planning Board shall require surety for decommissioning to ensure that removal requirements are met in the event the Town must remove the installation and remediate the landscape. Applicants shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal. The amount and form of surety shall be determined to be reasonable by the Planning Board, but in no event shall exceed 125% of the cost of removal and compliance as determined by the Applicant and the Town. The applicant shall submit a fully inclusive estimate of the costs associated with removal, as prepared by a qualified, professional engineer. The estimate shall include the cost of removal of underground construction. The amount shall be no less than 10% of the expected construction costs, exclusive of panel purchase costs, and shall include a mechanism for calculating increased removal costs due to inflation. This surety may also be used to recover license fees or any other debt to the Town that the owner or operator might owe at the time of decommissioning.

8.6. MEDICAL MARIJUANA AND REGISTERED MARIJUANA DISPENSARIES

8.6.1. Purposes

The purpose and intent of Section 8.6 is to provide for the limited establishment of Registered Marijuana Dispensaries, known hereafter as "RMD", as Registered Medical Marijuana Cultivation Centers (RMMCC) and Registered Medical Marijuana Dispensary Centers (RMMDC), in locations

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suitable for lawful RMDs; to minimize any adverse impacts on adjacent properties, residential neighborhoods, schools, playgrounds and other areas where children commonly congregate, local historic districts and other areas that are incompatible with such uses; and for the location of RMDs where they may be readily monitored by law enforcement for health and public safety purposes.

Subject to the provisions of this Zoning Bylaw, Chapter 40A of the Massachusetts General Laws, and 105 CMR 725.000, Registered Medical Marijuana Cultivation Centers and Registered Medical Marijuana Dispensary Centers will be permitted to provide medical support, security, and physician oversight that meet or exceed state regulations as established by the Massachusetts Department of Public Health (DPH).

It is neither the purpose nor intent of this Section of the Bylaw to supersede any federal or state laws governing the sale or distribution of narcotic drugs.

8.6.2. Applicability

This section applies to Registered Marijuana Dispensaries (RMD) to be constructed after the effective date of this section. The commercial cultivation, production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of Marijuana for Medical Use is prohibited unless permitted or established as an RMD under this Section 8.6. An RMD may be permitted upon application to and the granting of a Special Permit and Site Plan Approval by the Planning Board, acting as the Special Permit Granting Authority, as specified in the Planning Board's rules and regulations.

8.6.3. Requirements for Registered Marijuana Dispensaries

In addition to the standard requirements for uses permitted By-right or requiring a Special Permit or Site Plan Approval, the following shall also apply to all Registered Medical Marijuana Cultivation Centers and Registered Medical Marijuana Dispensary Centers:

A. Application Requirements

1. The special permit application, public hearing, and decision procedures shall be in accordance with this Section 8.6, the Planning Board's Rules and Regulations, and Section 2.6 of this Bylaw.
2. In addition to those materials required for Special Permit and Site Plan Approval as listed in the Planning Board's rules and regulations, no Special Permit will be granted by the Planning Board for an RMD unless an application containing the following is submitted:
 - a) A copy of its certificate of registration to operate a RMD issued by the Massachusetts Department of Public Health.
 - b) A proposed timeline for achieving operation of the RMD and evidence that the applicant will be ready to operate within that proposed timeline.
 - c) A statement indicating the need for a RMD in the Town of Southbridge and the projected service area including the current patient population amounts in that service area.
 - d) Evidence that the applicant has adequate liability insurance.
 - e) A Copy of the detailed written operating procedures as required by the Massachusetts Department of Public Health in 105 CMR 725.105 (or its successor regulation) and as otherwise required by other applicable law or regulation.
 - f) Locations of all other RMDs in Worcester County.

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- g) A copy of the policies and procedures for patient or personal caregiver home delivery required by the Massachusetts Department of Public Health for the RMD.
- h) A copy of the policies and procedures for the transfer, acquisition, or sale of marijuana between the RMD and another or independent testing laboratory as required by the Massachusetts Department of Public Health.
- i) A copy of the policies and procedures for patient or personal caregiver home delivery required by the Massachusetts Department of Public Health for the RMD.
- j) A copy of proposed waste disposal procedures.
- k) A description and list of any waivers granted by the Massachusetts Department of Public Health for the RMD.
- l) Details of proposed fertilizer, pesticide, water usage, and wastewater plans for any site that will include cultivation.
- m) Evidence of the applicant's right to use the proposed site of the RMD facility such as a deed, lease or other real estate instrument. Additionally, if a cultivation facility, evidence of contract or agreement to grow marijuana for a certified dispensary.
- n) If the applicant is a business organization, a statement under oath disclosing all of its owners, shareholders, partners, members, managers, directors, officers, or other similarly-situated individuals and entities and their addresses. If any of these above entities are business organizations rather than individuals, the applicant must disclose the identity of the owners of such entities or business organizations for each level of ownership until the disclosure contains the names of all individuals and their addresses.
- o) A detailed floor plan of the premises of the proposed RMD that identifies the square footage available and describes the functional areas of the RMD, including areas for any preparation of marijuana-infused products or open-air cultivation.
- p) A description of the security measures, including employee security policies, required by the Massachusetts Department of Public Health for the RMD.
- q) Proposed security measures for the RMD, including lighting, fencing, storage, gates, and alarms to ensure the safety of persons and to protect the premises from theft.
- r) Detailed site plans that include all of the information required under rules and regulations of the Planning Board, including distances to any of the uses identified in §8.6.3(D) below.

B. Use

1. RMMCC and RMMDC facilities may only be involved in the uses permitted by its definition and may not include other businesses or services.
2. No smoking, burning, application, or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises.
3. Hours of operation for any RMD shall be established by the Planning Board, but in no event shall said facilities be open and/or operating between the hours of 9:00 PM and 8:00 AM, including delivery services.
4. RMD facilities that can demonstrate that they comply with the agricultural exemption under M.G.L. Chapter 40A, Section 3 must still apply for Site Plan Approval.

C. Physical Requirements

1. No RMD shall have drive-thru services.

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2. Ventilation. All RMMCC and RMMDC facilities shall be ventilated in such a manner that no:
 - a) Pesticides, insecticides or other chemicals or products used in the cultivation or processing are dispersed into the outside atmosphere, and
 - b) No odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the medical marijuana business or at any adjoining use or property.
3. Exterior signs shall identify only the name of the RMD, but shall not display advertisements for marijuana or any brand name, nor shall marijuana, marijuana-infused products, or associated products be displayed or clearly visible to a person from the exterior of the RMD.
4. All exterior building openings, entries and windows shall be screened in such a manner as to prevent the public's view of the interior from any public or private way or from any abutting property.
5. If cultivation facility, a 6 foot fence or screening with security top should be erected.

D. Location Requirements

1. No RMD facility shall be located within five hundred feet (500') of the following, or two hundred fifty feet (250') if located in the Central Core, as measured in a straight line from the building and/or area actively used;
 - a) Public or private pre-school, primary or secondary school, dance or gymnastics school, martial arts school, licensed day care center, or any other facility where children commonly congregate in an organized ongoing formal basis under 105 CMR 725.110(A)(14); or
 - b) A public library; or
 - c) A playground, athletic field, or any other recreational areas where children commonly congregate under CMR 725.110(A)(14) that are not contained within a building
2. No RMMCC is to be located within:
 - a) One hundred feet (100') of any abutting, occupied residence in a residential zoning district, as measured in a straight line from existing structure to proposed development.
 - b) Two hundred fifty feet (250') of any non-conforming residential structures in non-residential districts, as measured in a straight line from existing structure to proposed development.
3. No RMMDC is to be located within two hundred fifty feet (250') of any Residential Zoning District, residential structure, or any non-conforming residential structures in non-residential districts. Distance shall be measured in a straight line from residential zone boundary line or from existing structure to proposed development.
4. No marijuana or marijuana-based products shall be sold or grown or cultivated in motels and dormitories, or inside a mobile structure such as a cargo container, motor vehicle or other similar non-permanent enclosure.

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5. The distance requirements may be reduced at the discretion of the Planning Board through the Special Permit application, if the applicant demonstrates that the Marijuana Establishment will employ adequate security measures to prevent diversion of marijuana to minors.

E. Reporting Requirements

1. All Special Permit and Site Plan Approval holders for an RMMCC or RMMDC facility shall provide the Police Department, Fire Department, Department of Inspections Services and the Planning Board with the names, phone numbers and email addresses of all management staff and key-holders, including a minimum of two (2) operators or managers of the facility identified as contact persons to whom one can provide notice if there are operating problems associated with the establishment. All such contact information shall be updated as needed to keep it current and accurate.
2. The permit holder shall file a copy of any Incident Report required under 105 CMR 725.110(F) with the Department of Inspections Services, Board of Health, Police Department, Fire Department, and the Planning Board within 24 hours of creation by the RMD. Such reports may be redacted as necessary to comply with any applicable state or federal laws and regulations.
3. The permit holder shall file a copy of any deficiency statement, plan of correction, summary cease and desist order, quarantine order, summary suspension order, order limiting sales, notice of a hearing, or final action issued by DPH or the Division of Administrative Law Appeals, as applicable, regarding the RMD with the Department of Inspection Services, Police Department, and Planning Board within 48 hours of receipt by the RMD.
4. Each RMD permitted under this Zoning Bylaw shall as a condition of its Special Permit file an annual report to the Planning Board and the Town Clerk and providing a copy of all current applicable state licenses and registrations for the RMD and/or its owners, any updated operating policies required under 105 CMR 725.105 or by the Department of Public Health, the current insurance policies for the RMD, and demonstrated compliance with the conditions of the Special Permit.
5. The owner or manager is required to respond by phone or email within twenty-four hours of contact by a city official concerning their RMMCC or RMMDC at the phone number or email address provided to the City as the contact for the business.

8.6.4. Approval/Transfer/Discontinuance of Use

- A. The Special Permit shall remain exclusively with the applicant (who shall also be known as "permit holder" after the granting of the Special Permit), who shall be the owner or lessee of the premises described in the application as the site for the proposed RMD, and shall terminate automatically on the date there is a voluntary or involuntary separation of the applicant's title or leasehold interest in the premises or the applicant's right to occupy the premises terminates for any reason.
- B. A Special Permit granted under this Section is non-transferable and shall have a term limited to the duration of the applicant's ownership or leasing of the premises as an RMD, dependent on the

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applicant's continued existence as the same legal entity. Any violation of §8.6.4(E) shall be considered a "transfer" for purposes of this Bylaw.

- C. The special permit shall lapse upon the expiration or termination of the applicant's registration by DPH.
- D. The permit holder shall notify the Department of Inspection Services and Police Department, and Planning Board in writing within 48 hours of the cessation of operation of the RMD or the expiration or termination of the permit holder's registration with DPH.
- E. The legal entity and structure of the applicant/permit holder shall not change, as represented in compliance §8.6.3(A)(14).
- F. An RMD shall be required to remove all material, plants, equipment, and other paraphernalia, in compliance with 105 CMR 725.105 (J) and (O), prior to surrendering state issued licenses or permits; or within six months of ceasing operations, whichever comes first.

8.6.5. Findings

In addition to the standard Findings for a Special Permit or Site Plan Approval the Special Permit Granting Authority must also find all the following:

- A. That the RMMCC or RMMDC facility demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations;
- B. That the applicant has satisfied all of the conditions and requirements of this Section and other applicable Sections of this Bylaw/Ordinance;
- C. That the RMMCC or RMMDC facility is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest;
- D. That the RMMCC or RMMDC facility provides adequate security measures to ensure that no individual participant will pose a direct threat to the health or safety of other individuals, and that the storage and/or location of cultivation is adequately secured;
- E. That the RMMCC or RMMDC facility adequately addresses issues of traffic demand, circulation flow, parking and queuing, particularly at peak periods at the facility, and its impact on neighboring uses.

8.7. ADULT-ORIENTED BUSINESSES

- A. No special permit for an Adult Bookstore, Adult Cabaret, Adult Motion Picture Theater, Adult Paraphernalia Store or Adult Video Store may be issued to any person convicted of violating the provisions of G.L. c. 119 § 63 or G.L. c. 272 § 28.
- B. Adult Oriented Businesses shall be permitted only when located outside the area circumscribed by a circle which has a radius consisting of the following distances from the specified uses or zoning districts:
 - 1. Seven hundred feet (700') from any residence zone;
 - 2. Seven hundred feet (700') from any public or private school;

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3. Seven hundred feet (700') from any church or other religious facility or institution;
4. Seven hundred feet (700') from any public park;
5. Seven hundred feet (700') from any day care center, nursery school, or kindergarten.

The radius distance shall be measured by following a straight line, without regard to intervening buildings or structures, from the nearest point of the property parcel upon which the proposed use is to be located, to the nearest point of the parcel of property or the land use district boundary line from which the proposed Adult Oriented Business is to be separated.

- C. Any existing Adult Bookstore, Adult Cabaret, Adult Motion Picture Theater, Adult Paraphernalia Store or Adult Video Store shall apply for a special permit within 90 days following the adoption of this bylaw.

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SECTION 9. SPECIAL DISTRICTS

9.1. FLOOD PLAIN OVERLAY DISTRICT

9.1.1. Purposes

The purposes of the Flood Plain District are to:

- A. Ensure public safety through reducing the threats to life and personal injury.
- B. Eliminate new hazards to emergency response officials;
- C. Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;
- D. Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
- E. Eliminate costs associated with the response and cleanup of flooding conditions;
- F. Reduce damage to public and private property resulting from flooding waters.

9.1.2. Overlay District Defined

The Flood Plain District is herein established as an overlay district. The underlying permitted uses are allowed provided that they meet the requirements of this Section 9.1 and 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 Zoning Enforcement Officer. These maps as well as the accompanying Southbridge Flood Insurance Study are incorporated herein by reference.

9.1.3. Base Flood Elevation and Floodway Data

- A. Floodway data. In Zone A and AE along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- B. Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lessor, within unnumbered A zones.

9.1.4. Notification of Watercourse Alteration

Notify, in a riverine situation, the following of any alteration or relocation of a watercourse:

- A. Adjacent Communities,
- B. NFIP State Coordinator-Massachusetts Department of Conservation and Recreation
- C. NFIP Program Specialist- FEMA Region 1

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9.1.5. Development Regulations

- A. 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 Planning Board. A Special Permit may be issued under this Section 9.1 (subject to other applicable provisions of this Bylaw) if the application complies with all of the following provisions:
1. The proposed use shall comply in all respects with the provisions of the underlying District.
 2. Within 10 days of receipt of the application, the Planning Board shall transmit one copy of the development plan to the Conservation Commission, Planning Board, Board of Health, DPW Director or designee and Zoning Enforcement Officer. Final action shall not be taken until reports have been received from the above Boards or until 35 days have elapsed.
 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.
 4. The Planning Board may specify such additional requirements and conditions it finds necessary to protect the health, safety and welfare of the public and the occupants of the proposed use.
- B. All development in the Floodplain District, including structural and non-structural activities, whether permitted by right or by special permit, must comply with G.L. c. 131, § 40 and the following:
1. 780 CMR (Massachusetts State Building Code);
 2. 310 CMR (Commonwealth of Massachusetts Regulations), Department of Environmental Protection, Wetlands Protection Regulations (currently Section 10.00);
 3. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5).

Any variances from the provisions and requirements of the above-referenced state regulations may only be granted in accordance with the required variance procedures of those regulations.

9.2. WATERSHED PROTECTION DISTRICT

9.2.1. Purposes

The purposes of this Section 9.2 are to protect 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 to preserve and protect the Town's drinking water supplies from the

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detrimental use and development of land and waters within the watershed of the Town's water supply reservoirs.

9.2.2. Scope of Authority

- A. The Watershed Protection District is an overlay district and shall be superimposed on other zoning districts established by this Bylaw. 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.
- B. 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, which is hereby made a part of this Bylaw 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.
- C. 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. Applicants are encouraged to locate uses and activities outside the district and as far from the watershed boundary as is feasible.

9.2.3. Resolution of Disputes

- A. 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 applicant and Zoning Enforcement Officer shall conduct an on-site investigation to determine where the drainage divide lies.
- B. If agreement cannot be reached based on the on-site investigation, the burden of proof shall lie with the applicant to provide the Planning Board with information from a registered land surveyor showing where the drainage divide lies. The Director of Public Works shall review such information and submit a recommendation to the Planning Board. The Planning Board, by a simple majority vote, shall determine whether the regulations of the Watershed Protection District apply to the land in question.
- C. If agreement is reached regarding the location of the watershed boundary, the Zoning Enforcement Officer 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.
- D. When a Building Permit is requested for any proposed use within 100 feet of the watershed boundary, the Zoning Enforcement Officer shall forward to the Planning Board and Director of Public Works a copy of the application along with a map showing the proposed use in relation to the watershed boundary. Such officials may submit a recommendation to the Zoning Enforcement Officer whether or not they believe the use lies within the Watershed Protection District. The Zoning Enforcement Officer shall forward a copy of his decision on the matter to such officials, and the Zoning Enforcement Officer's decision may be appealed pursuant to Section 2.2 of this Bylaw.

9.2.4. Use Regulations

- A. Permitted Uses

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Uses permitted in the Residence 1 District (R1) are permitted in the same manner in the Watershed Protection District unless prohibited under Subsection B below.

B. Prohibited Uses

1. OSRD
2. Library or museum
3. Licensed hospital, sanitarium, nursing, rest, or convalescent home, boarding home for the aged or orphanage, other institution not for correctional purposes
4. Country club, fraternal lodge, or other social, civic, or recreational use of a non-profit organization or membership club
5. 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:
6. Commercial golf courses
7. A dwelling or motel type unit complete with kitchen facilities erected for temporary or permanent residence
8. Commercial kennel, animal or veterinary hospital
9. Mortuary, undertaking or funeral establishment
10. Airport or other landing and servicing facility
11. Plant or structure for bulk processing of wood or lumber
12. Underground storage of oil, gasoline or other petroleum products
13. The dumping of snow containing salt or de-icing chemicals
14. The rendering impervious by any means of more than either 25 percent 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.
15. The removal of more than 25 percent of the natural and existing vegetation of a lot, except when necessary for an agricultural operation or pursuant to a state-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.
16. Privately owned sewage treatment facilities treating more than 15,000 gallons per day
17. Landfills and open dumps; landfilling of sludge and septage; and automobile graveyards and junkyards
18. Home occupations involving the use or storage of hazardous materials in excess of normal residential use

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- C. Special Permit Uses. The Planning Board may, in its discretion, grant a special permit for any of the following uses.
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.
 2. The use of road salt for ice control shall be minimized, consistent with public safety requirements.
 3. Above-ground storage tanks for oil, gasoline or other petroleum products shall be within a building, or in a free-standing 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.

9.2.5. Minimum Lot Size

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

9.2.6. Non-Conforming Uses and Structures

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.

9.2.7. Erosion and Sedimentation Control

- A. 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.
- B. Soil erosion and sedimentation shall be minimized by the following erosion control management practices:
 1. Areas stripped of vegetation, graded, or otherwise disturbed shall be kept to the minimum size necessary for the use or activity. Sediment control measures shall be installed to remove sediment from runoff waters leaving the site.
 2. 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.
 3. Topsoil stripped from disturbed areas shall be stock-piled 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.

9.2.8. Setbacks

- A. 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.

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Driveways are permitted, and selective thinning and pruning is allowed to enhance views of the water.

- B. 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.

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SECTION 10. DEFINITIONS

For purposes of this Bylaw and unless the context of usage clearly indicates another meaning, the following terms shall have the meanings indicated herein. Words used in the present tense include the future. The singular includes the plural and the plural includes the singular. The word "and" includes "or" unless the contrary is evident from the text. The word "includes" or "including" shall not limit a term to specified examples, but is intended to extend its meaning to all other instances, circumstances, or items of like character or kind. The words "used" or "occupied" include the words "designed," "arranged," "intended," or "offered," to be used or occupied; the words "building," "structure," "lot," "land," or "premises" shall be construed as though followed by the words "or any portion thereof"; and the words "shall" is always mandatory and not merely directory.

Terms and words not defined herein but defined in the State Building Code shall have meanings given therein unless a contrary intention clearly appears in this Bylaw. Words not defined in either place shall have the meaning given in the most recent edition of Webster's Unabridged Dictionary.

ACCESSORY STRUCTURE: A structure located on the same lot with the main building, detached or attached, and customarily incidental and subordinate to the use of the main building.

ACCESSORY USE: A use that is customarily incidental and subordinate to that of the main building or use of land and that is located on the same lot and under the same ownership in all respects.

ADULT DAY CARE: A social day care or adult day health facility as those terms are defined by the Massachusetts Department of Elder Affairs.

AS OF RIGHT SITING: A use designated as YES (Y) in the Table of Use Regulations that may proceed without the need for a special permit, amendment, waiver, variance, or other discretionary approval, but may be subject to site plan review to determine conformance with these bylaws. Such uses can be reasonably regulated by site plan approval and Inspections staff.

ADULT USES. The following terms are associated with Adult Uses.

ADULT USE ESTABLISHMENT: An establishment having a substantial or significant portion of its business activity, stock in trade, or other materials for sale, rental or display, which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual conduct as defined in G.L. c. 272, § 31, including but not limited to the following: any adult bookstore, adult cabaret, adult motion picture theater, adult paraphernalia store or adult video store as defined below:

ADULT BOOKSTORE: An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other matter which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in G.L. c. 272, § 31.

ADULT CABARET: A nightclub, bar, restaurant, tavern, dance hall, or similar commercial establishment which present: (a) persons who appear in a state of nudity as defined in G.L. c. 272, § 31; or (b) live performances which are characterized by an emphasis depicting anatomical areas specified as less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola, and human genitals in a state of sexual arousal, or relating to sexual conduct or sexual excitement as defined in G.L. c. 272, § 31; or (c) films, motion pictures, video cassettes, slides, photographic reproductions or any other visual media which are characterized by the depiction or description of anatomical areas specified as above, or relating to sexual conduct or sexual excitement as defined in G.L. c. 272, § 31.

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ADULT MOTION PICTURE THEATER: An enclosed building used for presenting material (including, but not limited to, motion picture films, video cassettes, cable television, slides or any other such visual media) distinguished by an emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in G.L. c. 272, § 31.

ADULT PARAPHERNALIA STORE: An establishment having as a portion of its stock devices, objects, tools, or toys which are distinguished by their association with sexual activity, including sexual intercourse, sexual conduct or sexual excitement as defined in G.L. c. 272, § 31.

ADULT VIDEO STORE: An establishment having as a substantial or significant portion of its stock in trade - for sale or rent - motion picture films, video cassettes, and similar audio/visual media, which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in G.L. c. 272, § 31.

SUBSTANTIAL OR SIGNIFICANT PORTION: The terms "substantial or significant portion" as used herein shall mean any of the following: (a) 20 percent or more of the business inventory or stock of merchandise for sale, rental distribution, or exhibition during any period of time; or (b) 20 percent or more of the annual number of gross sales, rentals, or other business transactions; or (c) 20 percent or more of the annual gross business revenue; or (d) 20 percent or more of the hours during which the establishment is open.

AGRICULTURE, EXEMPT: As defined in G.L. c. 40A, § 3.

AGRICULTURE, NON-EXEMPT: The keeping of livestock on a non-exempt farm in a manner that complies with regulations of the Board of Health, including chickens, turkeys, ducks, cows, goats, sheep, alpaca, llamas, donkeys, burros and mules, wild rabbits, and emu, and excludes roosters, pigs, geese, bulls, and oxen, and other non-domestic animals.

AUTO-RELATED USES. The following terms relate to auto services and sales.

AUTOMOBILE REPAIR GARAGE: An establishment, garage or work areas enclosed within a building for the servicing and repair of motor vehicles, but not including (1) installing new parts or accessories that are not replacements for existing parts or accessories (e.g., customizing), or (2) towing or storing a motor vehicle, or (3) storage of vehicles for the cannibalization of vehicle parts, or (4) fuel sales, or (5) indoor or outdoor sale and rental of motor vehicles, box truck, cargo van, motorcycle, trailer, all-terrain vehicle, snowmobile, boat or personal water craft.

AUTOMOBILE SERVICE STATION: Any building, structure, or area of land used for the retail sale of automobile fuels, oils, and accessories, where repair service, if any, is incidental; excluding storage of abandoned motor vehicles on the premises. May include the sale of propane or kerosene as accessory uses.

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.

BED AND BREAKFAST: An owner-occupied dwelling providing overnight accommodations for transient guests, where only breakfast is served.

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BILLBOARD: A sign which directs attention to a business, commodity, service entertainment or attraction, sold, offered or located elsewhere than upon the same lot where such sign is displayed or only incidentally upon such lot.

BODY ART: The practice of physical adornment by permitted establishments and practitioners using, but not limited to, the following techniques: Body piercing, tattooing, cosmetic tattooing, branding, and scarification. This definition does not include practices that are considered medical procedures by the Board of Registration in medicine, such as implants under the skin, which are prohibited.

BUILDING-RELATED TERMS. The following terms apply to buildings.

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 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".

BUILDING AREA: The ground area enclosed by the walls of a building together with the area of all covered porches and other roofed portions.

BUILDING HEIGHT: 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.

STORY: A "story" is that portion of a building between a floor and the ceiling next above it.

STORY, GROUND: 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.

STORY, HALF: 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.

BUILDING COMMISSIONER: The administrative chief of the building department, meeting the minimum qualifications in G.L. c. 143, § 3 and certified in accordance with 780 CMR R7, with responsibility for administering and enforcing 780 CMR in the Town of Southbridge.

CAFETERIA: A type of food service establishment where food is provided for consumption on the premises on a self-serve or limited-service basis where customers select food from a buffet-style display, and with tables or group seating arrangements in a common dining room.

CAMP, VACATION: Land used, or intended to be used, let, or rented for occupancy by campers traveling by automobile or otherwise; or for occupancy by house trailers, tents, or moveable or temporary dwellings, rooms or sleeping quarters of any kind.

CHILD CARE CENTER: As defined in G.L. c. 15D, s. 1A.

CLEARING: The removal and/or cutting of trees, shrubs, bushes, or bush; or grubbing.

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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.

COMMERCIAL RECREATION, INDOOR: A structure for recreational, social, or amusement purposes, which may include as an accessory use the consumption of food and drink, including all connected rooms or space with a common means of egress and entrance. Places of assembly shall include theatres, concert halls, dance halls, skating rinks, bowling alleys, health clubs, dance studios, or other commercial recreational centers conducted for or not for profit.

COMMERCIAL RECREATION, OUTDOOR: Drive-in theatre, golf course/driving range, bathing beach, sports club, horseback riding stable, boathouse, game preserve, marina or other commercial recreation carried on in whole or in part outdoors, except those activities more specifically designated in this Bylaw.

CONTRACTOR'S YARD: Land used for the storage of commercial construction equipment, materials, and supplies and for the parking of registered commercial vehicles.

CORNER LOT: See LOT.

DORMITORY: Housing for students and faculty of educational institutions.

DWELLING- AND RESIDENCE-RELATED TERMS. The following terms relate to dwellings and types of dwellings. (See also, SENIOR HOUSING.)

DWELLING, MULTIFAMILY: A building designed or intended or used as the residence of three or more families, each occupying a separate dwelling unit and living independently of each other, and who may have a common right in halls and stairways; with the number of families in residence not exceeding the number of dwelling units provided.

DWELLING, SINGLE-FAMILY DETACHED: A dwelling other than a mobile home, singly and apart from any other building, designed or intended or used exclusively as the residence of one family.

DWELLING, TOWNHOUSE OR SINGLE-FAMILY ATTACHED: A residential building of at least three but not more than eight single-family dwelling units sharing at least one common or party or fire wall, and with each building having at least one floor at ground level with a separate entrance.

DWELLING, TWO_FAMILY: A detached residential building designed or intended or used exclusively as the residence of two families. A two-family dwelling shall not include a detached single-family dwelling with an accessory apartment.

GROUP HOME: A premise licensed by or operated by an agency of the Commonwealth of Massachusetts or subdivision thereof as a special residence for people with disabilities.

FAMILY: Any number of persons related to one another by blood, marriage, or adoption, all residing together as a single integral housekeeping unit; or not more than three unrelated persons residing together as a single, integral housekeeping unit. This definition shall not preclude more than three unrelated people with disabilities, as defined in the Americans with Disabilities Act of 1990, as amended, occupying a group home.

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FARM: Any parcel of land which is used primarily for the raising of agricultural products, livestock, poultry and dairy products. It includes farm structures within the prescribed limits, and the storage of equipment used. (See also, AGRICULTURE)

FAST ORDER FOOD: Food which is primarily intended for immediate consumption; available upon a short waiting time; packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold.

FLOOR AREA, GROSS: 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.

FLOOR AREA, NET: The interior floor area of a dwelling unit exclusive of basements, stairwells, halls, bathrooms, corridors, attics, walls, partitions and attached accessory buildings.

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.

GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION: A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted and has a minimum output of electric power of 250 Kilowatts, direct current.

GROUP HOME: A premise licensed by or operated by an agency of the Commonwealth of Massachusetts or subdivision thereof as a special residence for people with disabilities.

HOME OCCUPATION: Any activity conducted as a residential accessory use by a resident within the dwelling for financial gain. A home occupation is incidental to, and clearly subordinate to, the residential use of the property.

HOTEL: A building intended and designed primarily for transient or overnight occupancy, divided into separate units within the same building, with or without public dining facilities, with access to units primarily from interior lobbies, courts, or halls. (See also, MOTEL)

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.

LOT-RELATED TERMS. The following terms apply to the regulation of lots.

LOT: A single tract of land held in single ownership throughout and which is bounded by streets, ponds, waterways, or by land of other owners.

LOT DEPTH: 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.

LOT FRONTAGE: The continuous portion of the line separating a lot from a street to which the owner of the lot can provide the physical access to a principal building on the lot, in compliance with applicable bylaws, regulations or laws, for motor vehicles to reach required off-street parking spaces

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or loading bays, and for emergency services such as fire protection or ambulance service, and for other vehicles to gain access to the principal building for deliveries, such as mail.

LOT LINE, REAR: 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.

LOT, CORNER: A lot at the junction of and fronting on two or more intersecting streets 20 feet or more in width.

YARD, FRONT: 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.

YARD, REAR: 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.

YARD, SIDE: 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.

MANUFACTURING: The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.

MIXED-USE BUILDING: A building or group of buildings under one or single ownership which contains dwellings located above the ground floor of an institutional, civic, office, commercial, or retail use.

MOBILE HOME: Any structure 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.

MOTEL: A building intended and designed primarily for transient or overnight occupancy, divided into separate units within the same building, with or without public dining facilities, and characterized by direct access to every unit from an automobile, parking spaces or facility. (See also, HOTEL.)

NON-CONFORMING USE OR STRUCTURE: A lawfully existing use or structure which does not conform to the provisions of this Bylaw.

OPEN LAND: Any space on a lot not occupied by a building.

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.

PREMISES: That portion of a lot, structure or building actually in use for the specific purpose or use under consideration.

PROFESSIONAL OR BUSINESS OFFICE: A building or part thereof for the transaction of business or the provision of services exclusive of the receipt, sale, storage, or processing of merchandise,

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including, but not limited to, offices of banks and financial institutions, medical offices, medical clinics, and others.

RESTAURANT: A place where the primary function is the serving of food and beverages.

ROOMING HOUSE: An owner-occupied dwelling providing rooms for rent to not more than four unrelated people paying rent on a weekly or monthly basis, with shared cooking, eating, and sanitation facilities and adequate means of emergency egress as determined by the Zoning Enforcement Officer and subject to annual licensure by the Town Council.

SAFE/SOBER HOUSE: A single-family dwelling, certified by the National Alliance for Recovery Residences, Massachusetts Alliance of Sober Houses, or other recognized professional organization, providing temporary accommodations to individuals recovering from substance abuse and addiction.

SENIOR HOUSING. The following uses are associated with senior residential development.

ASSISTED LIVING RESIDENCE: An assisted living residence is a long-term senior residential facility that provides personal care support services such as meals, medication management, bathing, dressing, and transportation, principally for people age 55 years and over, and certified by the Massachusetts Office of Elder Affairs.

CONTINUING CARE RETIREMENT COMMUNITY: A Senior Residential Development that provides a continuum of senior housing and care services principally for people age 55 years and over, operated or sponsored as a coordinated unit by a corporation or organization, having among its principal purposes the provision of housing and associated services for senior citizens. A CCRC shall include a variety of housing types and may also include semi-institutional facilities such as skilled nursing care or a rehabilitation facility.

INDEPENDENT LIVING UNITS: Multifamily buildings in a Senior Residential Development that are designed and intended for occupancy principally by people age 55 years and over, with units that include some basic services such as meals, housekeeping, grounds maintenance, security, and common areas and common facilities for events and activities benefiting residents of the development.

SHOPPING CENTER: A group of retail and other commercial tenants that is planned, owned, and managed as a single property, with on-site parking for patrons of the tenant establishments.

SIGN: The term "sign" shall include 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.

STREET LINE: The "street line" is the dividing line between a street and a lot.

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 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 A way shown on a definitive plan approved and endorsed in accordance with the Subdivision Control Laws; or 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

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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.

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".

USE: The purpose for which land or building is occupied, or maintained, arranged, designed or intended.

ZONING ENFORCEMENT OFFICER: The Building Inspector unless otherwise designated by the Town Manager.