



Town of Northbridge
2040 Providence Road PDA (216-7):
2040 Providence Road Reuse Plan

Purpose of Analysis

2040 Providence Road was identified by the Town of Northbridge as a Priority Development Area within the 2012 Blackstone Valley Prioritization Project (PDA# 216-7). Priority Development Areas (PDAs) are areas within a municipality that have been identified as capable of supporting additional development or as candidates for redevelopment. These are areas on which a town is focusing its energy to promote thoughtful economic development that is closely tied to the community's goals.

PDA assistance projects are intended as a "next step" following the completion of a prioritization project. Planning funds from the District Local Technical Assistance (DLTA) Program support the effort and up to 25 hours of technical assistance may be provided to each interested community. Specifically, the objective of this project is to provide participating communities with a packet of information for a PDA that can be used to guide them in identifying possible zoning changes, development of a Chapter 43D application¹ or other grant applications (MassWorks; DHCD's Downtown Technical Assistance), promotion to developers, as a template for future analysis of additional PDAs, etc. CMRPC staff worked with each participating community to ensure that the technical assistance provided was tailored to the town's specific needs.

Reuse Plan

The Town of Northbridge's DLTA request for the PDA analysis was submitted by Theodore D. Kozak, Town Manager, "for the preparation of a Reuse Plan (study) for 2040 Providence Road." Northbridge Town Planner, Gary Bechtoldt, acted as the primary contact on behalf of the Town. CMRPC Principal Planner, Eric R. Smith, AICP, served as the CMRPC Staff Project Manager for this initiative. Based on an agreed to Scope of Services between CMRPC and the Town of Northbridge, the 2040 Providence Road PDA Project for 2014 involved preparing a "Reuse Plan" that addressed the following issues:

- Site Overview (e.g., history & background)
- Goals & Objectives
- Planning Process (e.g., community input)
- Site Characteristics (subject property itself & regional context, WRTA route, access to river, BVR bikeway, etc.)
- Zoning (existing land use(s) permitted, Floodplain, etc.)
- Clean-up & Mitigation
- Reuse Potential (redevelopment benefits, open space, natural resource protection, etc.)
- Local, Regional, State partners
- Findings and Recommendations

¹ www.mass.gov/hed/business/licensing/43d

Therefore the remainder of this Report consists of the Reuse Plan addressing each component above.

Site Overview

The 2040 Providence Road Site consists of three (3) properties. These properties, with information as provided by the Northbridge Board of Assessors, are as follows (with Map/Parcel info, property owner and acreage of each):

- Map 22 Parcel 25, D & G Recycling. 0.71 acres
- Map 22 Parcel 34, Klocek, Paul D., Trustee; co-owner L & P Realty Trust. 25.15 acres.
- Map 22 Parcel 27, Town of Northbridge. 0.21 acres

The total of the three (3) properties consists of a total of 26.07 acres. This information is based on the 2006 site plan submittal for a commercial building on approximately 2-3 acres of land of the total site located near Providence Road. Although approved by the Northbridge Planning Board, due to the recent economic recession, this building was never built. Map 1 below shows the site in relation to surrounding properties in the Rockdale Village section of the Town of Northbridge. Map 2 on the following page shows ownership by private versus public.

Map 1: 2040 Providence Road Site Map

**Northbridge Priority Development Area Project: 2040 Providence Road
Site Location Map**



The three (3) parcels that comprise the 2040 Providence Road site make up the majority of land area of the 2040 Providence Road PDA boundary. However, the PDA boundary, as shown in Map 1 is more expansive. The boundary of this PDA actually is similar to the B-2 Zoning District located in this area (see Map 8 for zoning of the

PDA and surrounding areas).

Map 2: Site Ownership: Private versus Public

Northbridge Priority Development Area Project: 2040 Providence Road Site Ownership



View of the 2040 Providence Road Site as viewed from Providence Road

History and background: The property is a former auto-salvage yard that has had a Phase I and Phase II Environmental Site Assessment completed in 2011 and 2012 (Fuss & O’Neill), as part of CMRPC’s Brownfield Assessment Grant Program that was funded by the U.S. Environmental Protection Agency (EPA). According to information provided in the July 2012 Phase II Environmental Site Assessment, “Based on information previously

provided by the site owner and sole proprietor of Northbridge Auto Wrecking, Mr. Paul Klocek, and MassDEP files, the site was initially developed in approximately 1945 for use as a fueling station, automotive repair facility, and salvaging operation. Four underground storage tanks (USTs) with a combined capacity of 30,000 gallons were located near the site building and were used for vehicle fueling until approximately 1998, at which time they were cleaned, rendered inert (i.e. filled with dry ice), and abandoned in place. In addition, a 500 gallon waste oil UST may have been located near the southeastern corner of the automotive repair garage. However, the exact location and condition of the waste oil UST were not documented in the records reviewed by Fuss & O'Neill. Vehicle salvaging operations ceased in approximately 2005 following administrative proceedings between MassDEP and Northbridge Auto Wrecking. Tires and solid waste were removed from the site at that time and a portion of the building was leased as storage space. The Town has identified the subject site as a potential location for a commercial development. In 2007, the Town Zoning and Planning Boards approved a redevelopment plan involving the construction of a 10,000 square foot commercial building on the western portion of the subject site. However, to date, this redevelopment has not been completed."

The two Environmental Site Assessment documents are available at the Northbridge Planning Board Office or at CMRPC for those who wish to review more of the history and brownfield assessment process associated of this site. David Foss of Fuss & O'Neill provides a summary of existing conditions and remaining actions required for full clean-up to allow for property reuse on page 14 of this report.

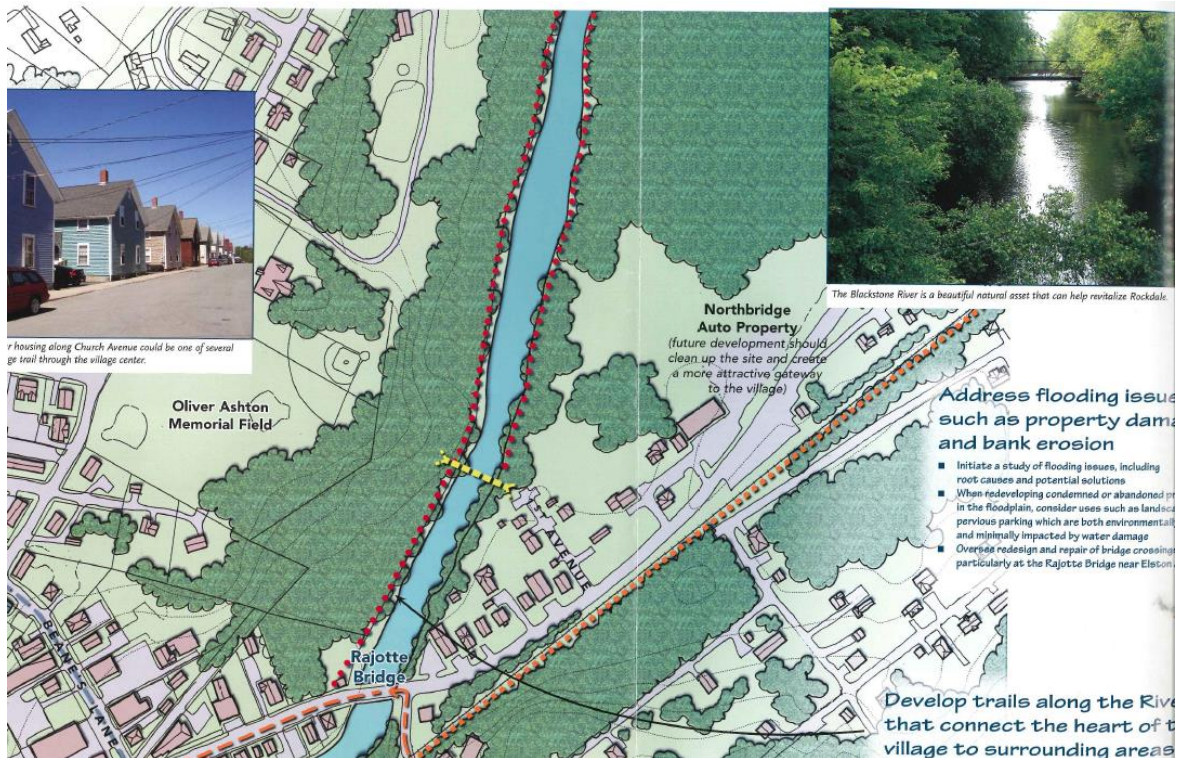
The site was also identified as part of the Town of Northbridge's UrbanRivers Charrette held in the Spring of 2007. The Charrette, which was focused on the Village of Rockdale, led to a Report Summary that provided a series of goals and implementation recommendations. The 2040 Providence Road Site is identified as the "Northbridge Auto Property" and the Charrette Report indicated that "*future development should clean up the site and create a more attractive gateway to the village.*" The Charrette Report also had made recommendations to "*develop trails along the River that connect the heart of the Village to surrounding areas*", "*Connect the Future Blackstone River Bikeway to Rockdale's Village Center in order to capitalize on the trail's economic potential*" and "*Establish water access point for canoes, kayaks, and other recreational opportunities.*"

Goals & Objectives

The goals and objectives for this project were identified based on the Town's desire to have this property be cleaned up and placed back on the tax rolls. This desire of the Town's becomes an important goal: "Seek redevelopment of 2040 Providence Road by having the property cleaned up and back as a tax revenue-generating property." Goals and Objectives related to this Site are found in the Urban Rivers Charrette summary (see page 5) and the 1994 Master Plan discussion (see pages 5-6).

Planning Process

CMRPC Staff met with the Northbridge Town Planner on July 17, 2014 to begin to learn about the background and history associated with the 2040 Providence Road Site. Beyond learning what was important from the Town Planner's perspective, it was agreed to allow for direct community input by facilitating a planning process and the Scope of Services for this Project included one Public Workshop.



Excerpt from the 2007 Urban Rivers Vision 2 Charrette Report

On Tuesday, August 26, 2014, this Public Workshop was held as part of a Northbridge Planning Board meeting. Based on a review of the meeting sign-in sheet, approximately twenty (20) people attended the workshop. This number included CMRPC's Principal Planner, who began with a presentation with background information on the property and findings to date, the Northbridge Planning Board, Town Planner, a number of Rockdale Village residents, and a property owner representative (Jerry Caya).

Key themes from the workshop were: a) residents want to see the property cleaned up, b) there is support for reuse/redevelopment of the property that includes a mixed-use development, c) would like to have elements of recreation/open space associated with such reuse/redevelopment, and d) include preservation of historical elements, particularly with the remnants of the Blackstone Canal.

CMRPC Staff also conducted a Site Visit on Tuesday, September 23rd that included the participation of the current property owner, past property owner and the Town Planner. This allowed Staff the ability to get on-site and see the potential location for the walking trail and boat ramp/canoe launch and where the developable area is located.

CMRPC then presented a Project Summary with Findings and Recommendations at the December 15th Board of Selectmen meeting. This presentation was part of delivering the draft report to the Town and allowing for review and input before the report was finalized by the December 31, 2014 project deadline.

Master Plan: The Town of Northbridge's 1994 Master Plan provided community input in the form of goals, objectives, and a vision statement. Those items that are relevant to the 2040 Providence Road Site are provided below.

Master Plan Vision Statement: *“In the year 2005...Rockdale (identified as 1 of the 3 main village centers)...is an attractive, vibrant center with mixed residential, commercial and light industrial uses....the Blackstone (1 of 3 identified rivers) has been cleaned up and now provides numerous...recreational opportunities...”*

There was the following Housing and Population Goal: *“To Protect and Enhance the Existing Growth Pattern of the Town by Allowing Higher Density and Encouraging In-fill Development in the Village Centers...”* One Objective was to *“Allow by Special Permit, mixed / commercial / residential uses in the downtown area...of...Rockdale.”*

Within the Economic Development section it was noted that: *“Mixed-use on a Main Street is a good idea because it keeps people around. **Current zoning does not permit residential uses in the business zones** (emphasis added). There are residential units in the downtown area (particularly in the Rockdale section) only because they were pre-existing units. Apartments should be permitted over storefronts in these areas.”*

The theme of lack of parking in Rockdale was identified in the Master Plan: *“Parking is a problem in Rockdale. Merchants should be encouraged to park behind their buildings to open up parking on their street for their customer and the town should work with the merchants to find alternate off-street parking.”* The Theme of providing municipal parking appears in more than one Economic Development-related Goal/Objective.

Community Services and Facilities section included a Goal for the Town to *“Increase its Recreational Opportunities.”* One relevant objective with this Goal was to *“Create bike paths and pedestrian paths.”*

CMRPC Staff notes that the 1994 Master Plan and the August 28th Public Workshop provide support for the Town to move forward with development of mixed-use zoning for not only 2040 Providence Road but the Rockdale Village as a whole. The workshop also identified support for recreational uses in this area.

Site Characteristics

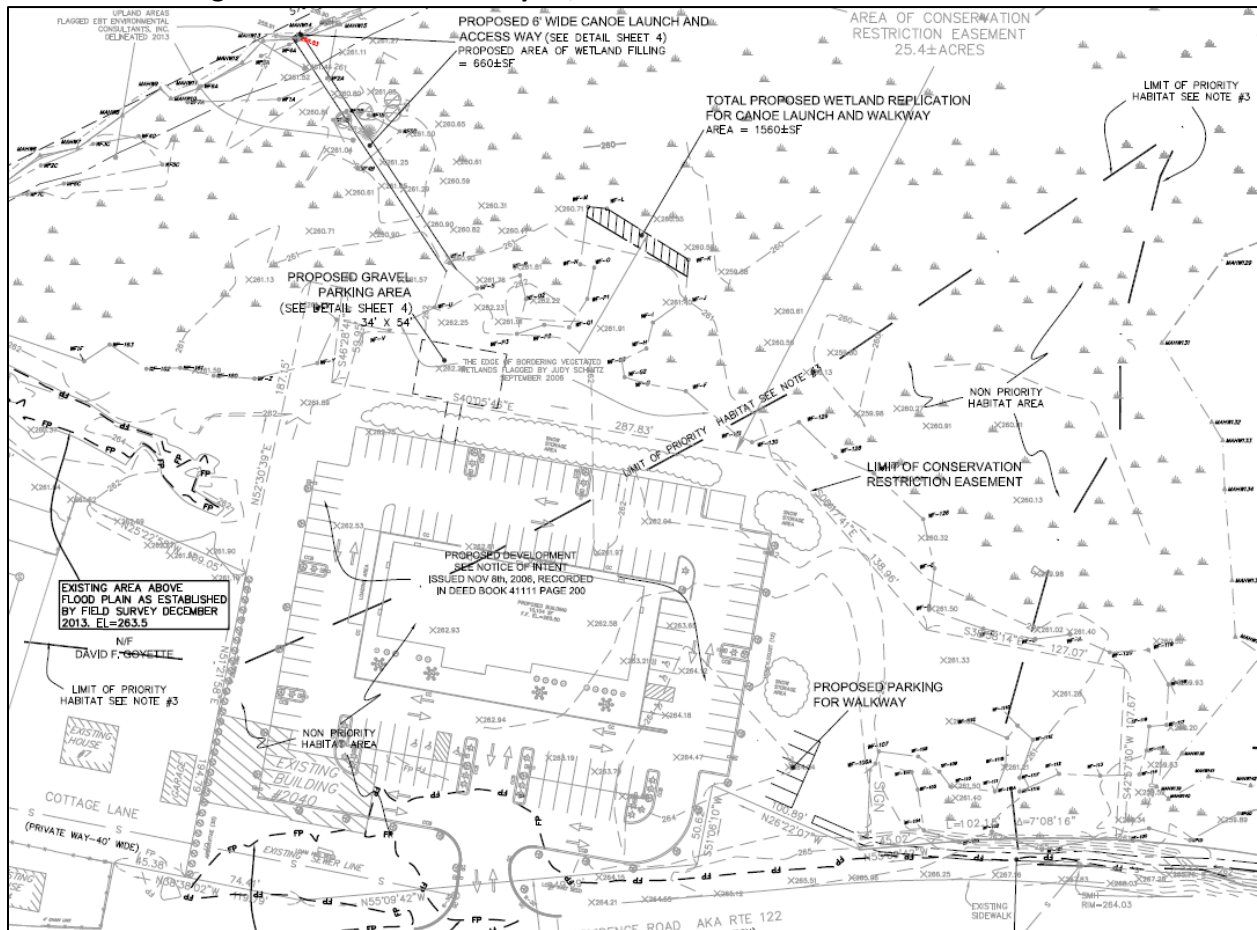
The Site and its Regional Context: As introduced on Page 2, the 2040 Providence Road Site is part of the Rockdale Village section of the Town of Northbridge. It is an important gateway site, especially approaching the Village from the South along Providence Road (Route 122). The site has extensive access to the Blackstone River, as it forms the rear boundary of the Site. 2040 Providence Road is located about 13 miles southeast of The City of Worcester.

As indicated on pages 3-4, the Site had been a former auto-salvage yard that has seen recent actions towards the clean-up of past contamination. An important element of this site, especially related to the clean-up of the past contamination introduced on pages 3-4, is the Consent Order between the property owner and the Massachusetts Department of Conservation and Recreation (DCR). The current owners, D&G Recycling, have signed a Consent Order with the Massachusetts Department of Environmental Protection (MA DEP) that spell out the terms for taking the site through final clean-up and the Consent Order states that: *“As of November 16, 2012, D&G as the owner of the Site, has assumed all responsibility for the Site, including, but not limited to responsibility for operating and maintaining the Site in compliance with all applicable status and regulations enforced by the Department (of Environmental Protection.”* Attachment A of the Consent Order is the Supplemental Environmental Project Proposal (SEPP).

The SEPP includes a requirement for the property owner to put the site into a Conservation Restriction, develop a walking trail down to the Blackstone River, develop a canoe launch and construct a parking lot for users of the trail and canoe launch. Speaking to the property owner’s environmental consultant, CMRPC has learned that

the buildable area as indicated in the 2006 Site Plan is still allowed to be buildable area under the Consent Order and SEPP. The property owner is working with the Metacomet Land Trust to be the entity to hold the Conservation Restriction. Both the Consent Order and the SEPP identify the Site as Map 22 Lot 34 consisting of 25 acres. A portion of a Site Plan prepared on May 16, 2014 is provided below, which shows the proposed location of the gravel parking area, walkway and the canoe launch. It also indicates where the buildable area is, based on the 2006 Site Plan. Any development (this includes the trail/canoe launch/parking area and the proposed building and associated parking) will have to go through the local permitting process. More on this status is discussed under the "Local, Regional, State Partners" Section that begins on page 18.

Figure 1: Portion of the May 16, 2014 Site Plan for 2040 Providence Road



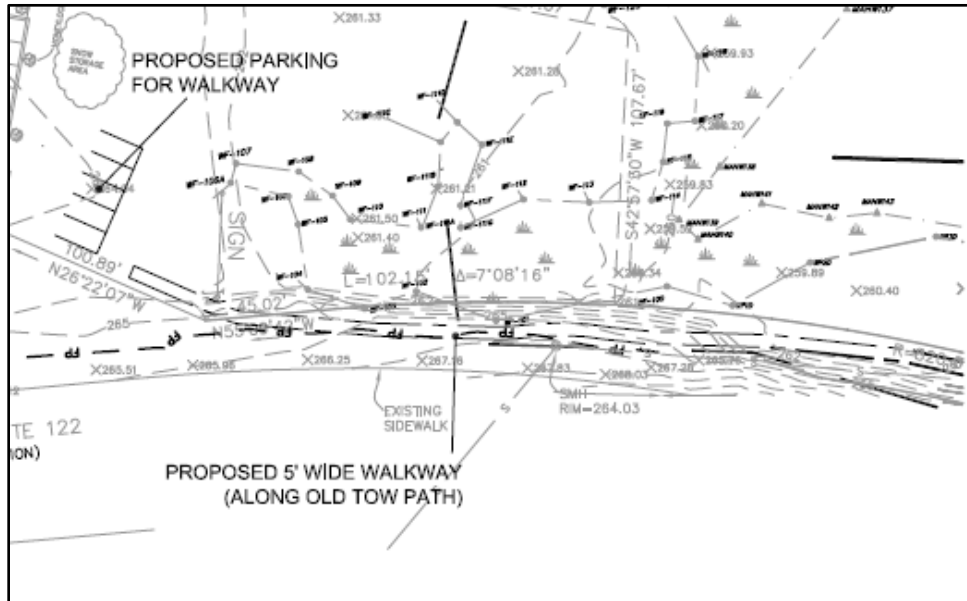
Infrastructure: The site benefits from readily-available public water and sewer services. The site is on the recently established WRTA bus route, servicing the towns of Northbridge, Grafton & Millbury, known as Route A. This bus route helps connect Rockdale to Worcester via Millbury at the Blackstone Valley Shoppes. For more information on the Route A see the following link: <http://www.therta.com/routea/>.

The planned Blackstone River Bikeway would pass nearby the Site as part of the Bikeway’s Vision to connect Providence and Worcester with a continuous off-road multi-use path. As part of the SEPP agreement, the property owner will also be constructing a 5-foot wide walkway along the old tow path associated with the former Blackstone Canal, remnants of which still remain on a portion of the Site. As shown above in Figure 1 and also in more detail below in Figure 2, parking will be provided on-site for the walkway as part of the SEPP

terms. Future planning and implementation of the Blackstone Bikeway may be able to benefit from this walkway that will be installed on the Site.

For more information, including the current status of the Blackstone Valley Bikeway initiative, see the following link: <http://www.blackstonevalleycorridor.org/explore/bikeway/comprehensive-overview-11-2014.pdf>

Figure 2: Location of Proposed Walkway near Blackstone Canal Remnants



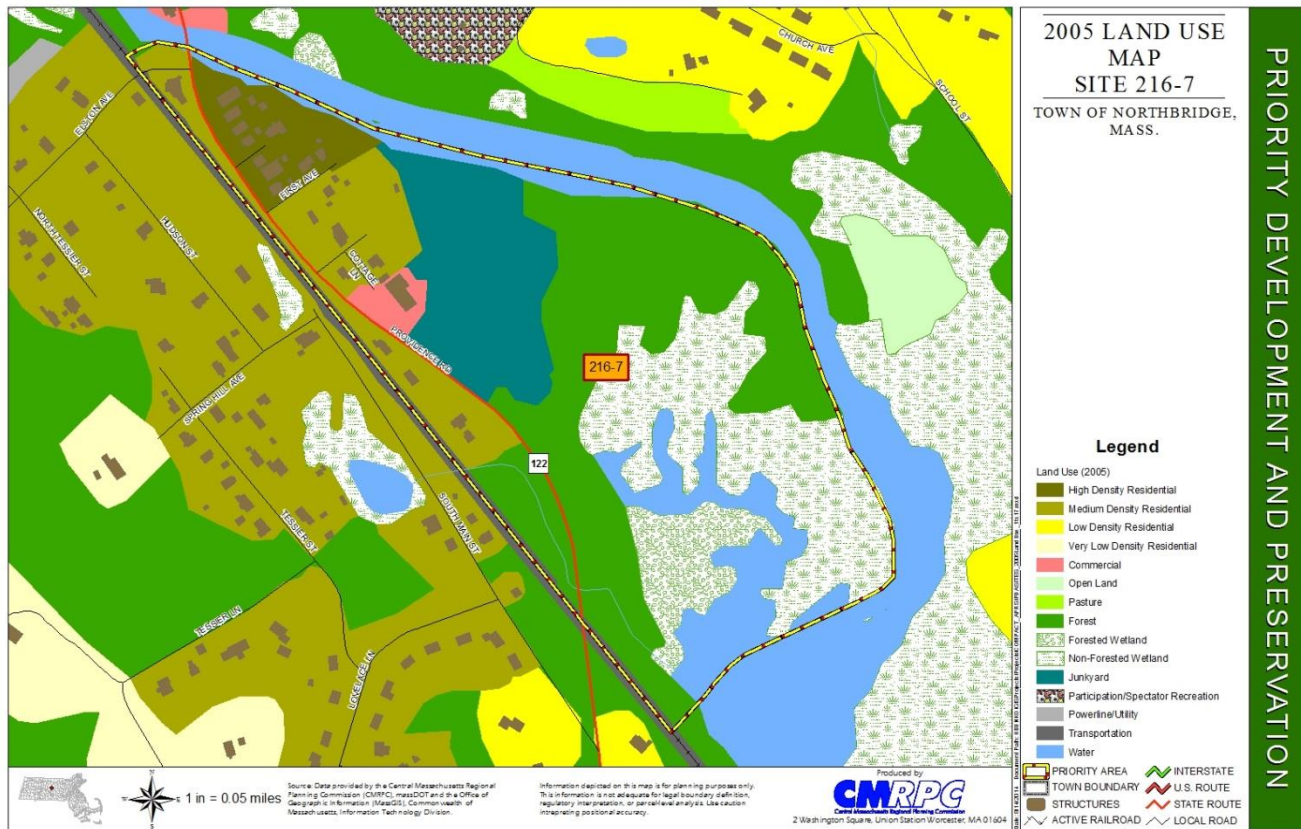
Land Use: According to the 2005 Land Use GIS Datalayer provided by MassGIS, the site is a mixture of commercial development, which is located up front near the existing building, a junkyard (in the area behind the building, which has since been subject of clean-up as noted in this Report), forest and then a mix of forested and non-forested wetlands. The other parcels associated with the 2040 Providence Road PDA, are a mix of medium and high-density residential. Although zoned B-2, CMRPC Staff notes these residential uses are non-conforming uses, though likely grandfathered. More discussion on this land use / zoning conflict is found on page 12. The 2005 land use of the site and vicinity is shown on Map 3 on the following page.

Environmental Constraints, Floodplain: Based on CMRPC's review and analysis of available GIS, the site is subject to a number of environmental constraints. The most significant of these constraints is the floodplain associated with the Blackstone River. Map 4 on the following page shows the various environmental constraints while Map 5, also on the following page, focuses on the 100-year floodplain and associated floodway². Presence of the 100-year floodplain and the floodway, in particular, limit development of the site in those areas. The Town has adopted a Floodway and Floodplain Overlay District, which spells out what sorts of limited developments are allowed in these areas. Given that the floodway involves the channel of the river (not only presently, but also past based on historical records and potential, based on geological and hydrological forces), the Floodway provisions are much more prohibitive than any allowed used in the Floodplain. See pages 13-14 for greater discussion of this matter.

² FEMA defines the Floodplain as "Any land area susceptible to being inundated by flood waters from any source." Whereas the Floodway is "the channel of a river and the portion of the overbank floodplain that must be reserved in order discharge the base flood without cumulatively increasing the water surface elevation by a designated height."

Other constraints include wetlands, priority habitat and being located within a Zone II associated with drinking water resources.

Map 3: 2005 Land Use of the 2040 Providence Road



Endangered / Priority Habitat Environment

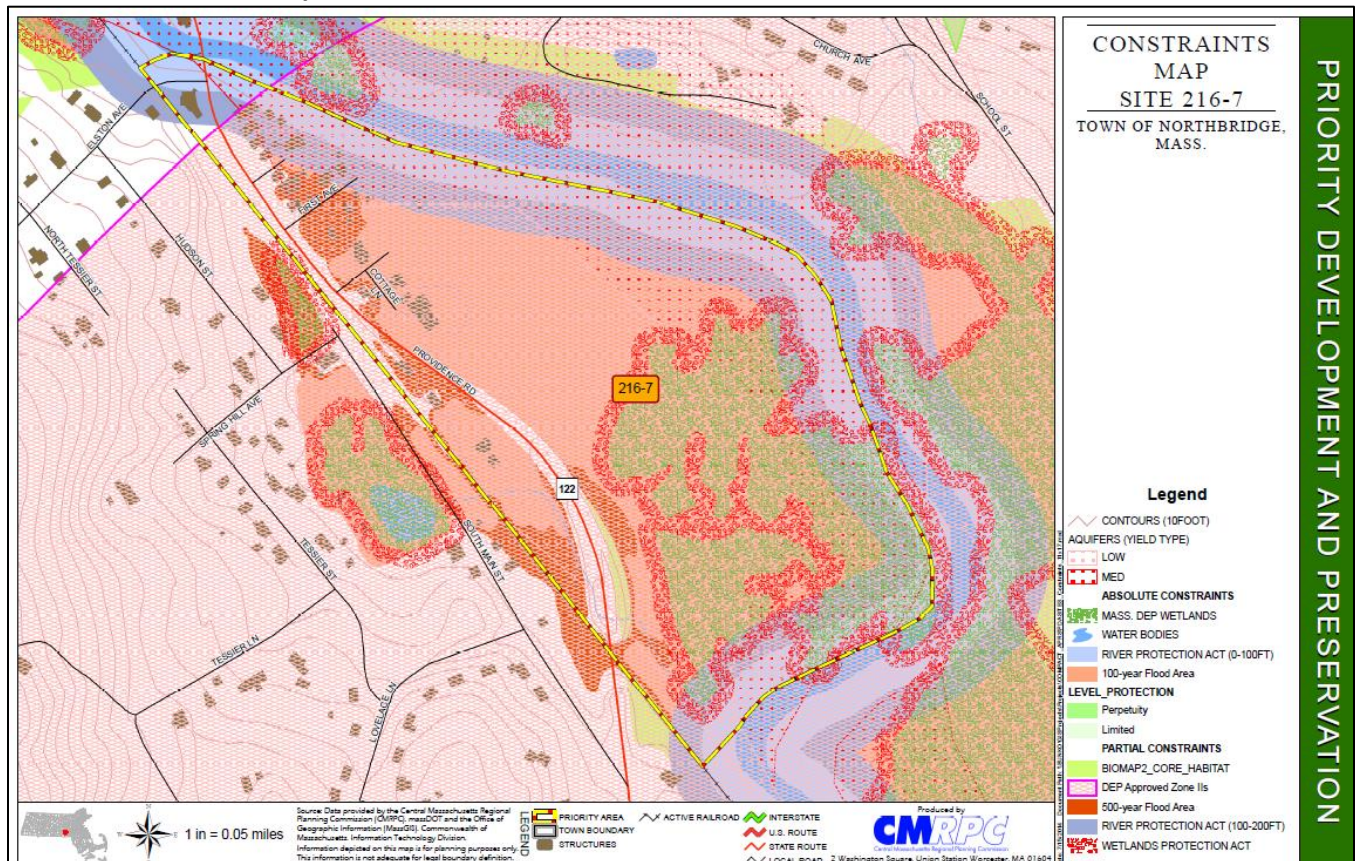
BioMap 2 Habitat Identified: According to BioMap2, there is one core habitat located in the study area. This core habitat area is identified as Core 1285 that is “a 353-acre Core Habitat featuring Species of Conservation Concern.” See Map 6 on page 11. There are two specific dragonfly species that have been identified in this core habitat area. The Arrow Clubtail is a large dragonfly whose aquatic nymphs inhabit medium to large, swift-flowing, sandy-bottomed rivers and occasionally large lakes. The terrestrial adults inhabit riparian areas and the surrounding uplands, and return to the water body to mate and lay eggs. Brook Snaketails are dragonflies whose nymphs can be found in clear, sand-bottomed streams with intermittent rapids, often flowing through dense woodland.

For more information on the BioMap2 Program visit: <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/land-protection-and-management/biomap2/>

Priority Habitat Identified: In addition to the BioCore Habitat area, the 2040 Providence Road area appears to be mostly in a State-identified Priority Habitat Area, as indicated in the Map 7 on page 12 (PH 445). Priority Habitats are for use with the MA Endangered Species Act Regulations (321 CMR 10). A primary responsibility of the Natural Heritage and Endangered Species Program is the regulatory protection of rare species and their habitats as codified under the Massachusetts Endangered Species Act (MESA) (M.G.L. c.131A) and Wetlands

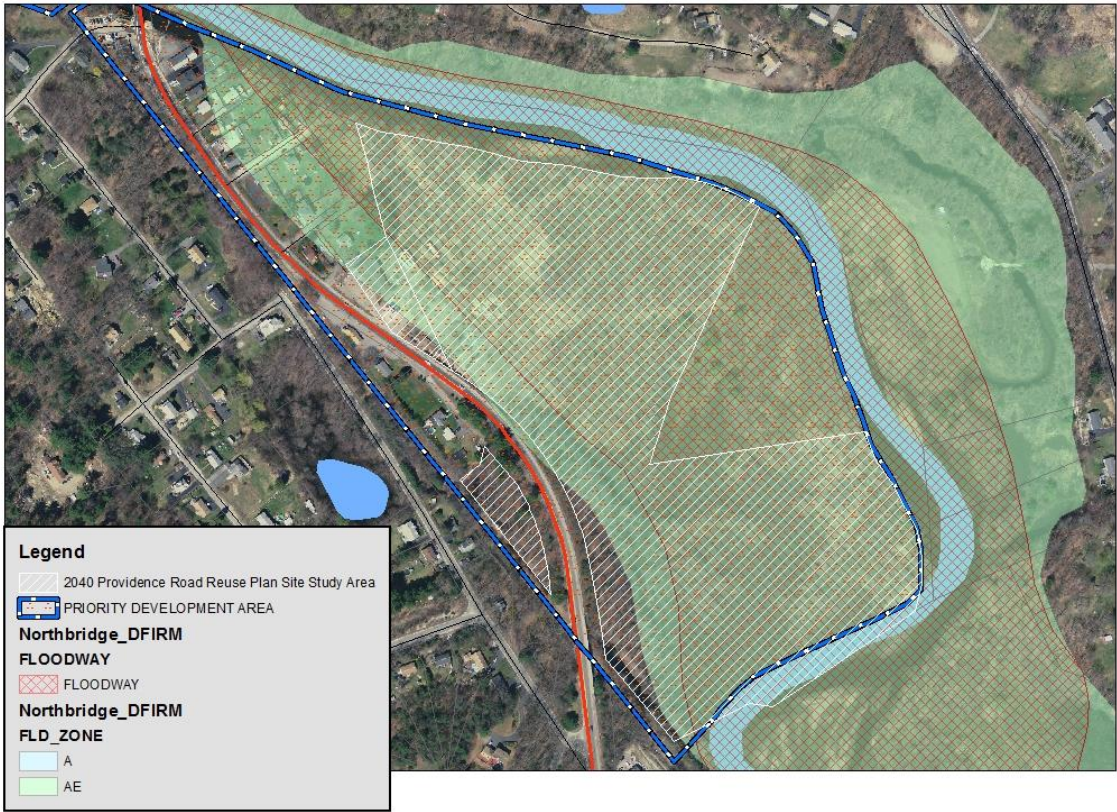
Protection Act (WPA) (M.G.L. c.131 s.40). In order to protect rare species and their habitats NHESP reviews projects and activities proposed within Estimated or Priority Habitat. Glenn Krevosky of EBT Environmental Consultants, who has been acting as the wetlands and environmental consultant for the property owner, noted that “from our research we found out through the Conservation Commission (as the commission had a bridge construction filing at the beginning of this D&G Recycling Project) it was the Brook Snaketail Dragonfly; we believe it is nothing we can’t overcome – we are very familiar with Rare Species- as soon as the plans have been finalized we will be filing (with) the Rare Species program and the Northbridge Conservation Commission.” CMRPC Staff’s review of the Priority Habitat Map shows that the Dragonfly habitat seems to be mostly on the unbuildable area at least. Although the trail and canoe launch/boat ramp as well as the Canal Tow Path walkway will have to address the priority habitat considerations as part of the permitting process.

Map 4: Environmental Constraints in the 2040 Providence Road PDA

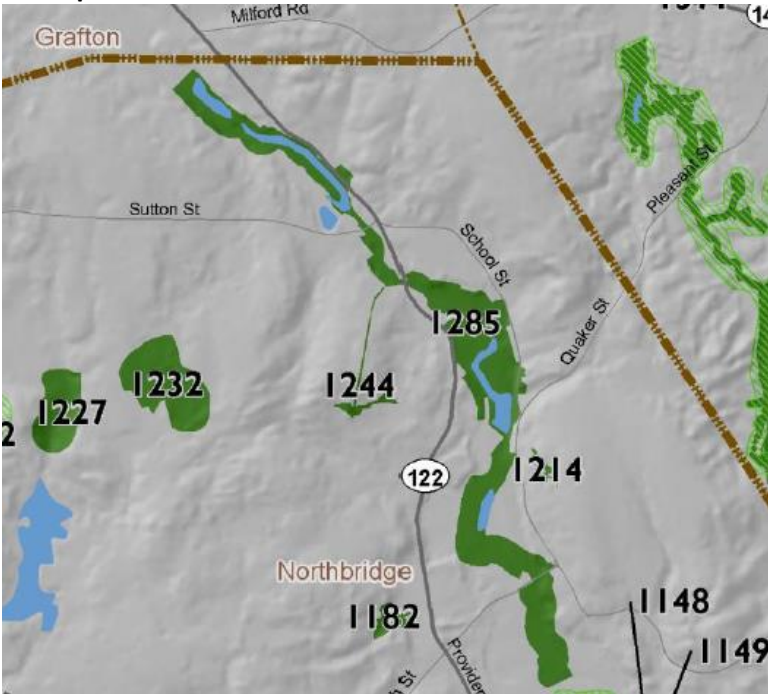


Map 5: 2040 Providence Road and Location of the 100-Year Floodplain and Floodway

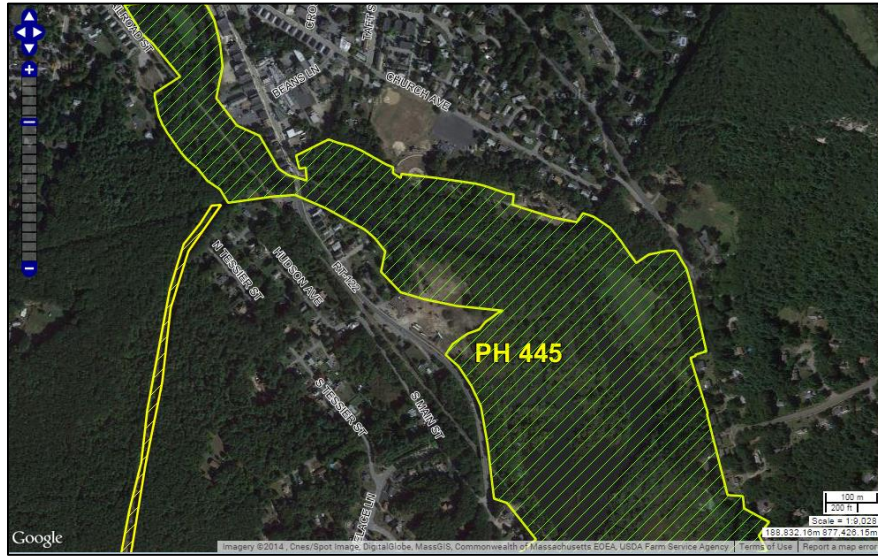
2040 Providence Road: Location of the 100-Year Floodplain and Floodway



Map 6: BioCore Habitat in the 2040 Providence Road PDA



Map 7: Priority Habitat in the 2040 Providence Road PDA



Zoning (existing land use(s) permitted, Floodplain, etc.)

Zoning of Site and Vicinity: The Property is in the Town's B-2 Zoning District, which is one (1) of the Town's three (3) Business/Commercial-related Zoning Districts. See Map 8 on page 13 for zoning in the vicinity of the 2040 Providence Road site.

Zoning Use Assessment:

Residential uses are currently not allowed on the subject property. This prohibition of residential uses under existing B-2 zoning poses a land use conflict with some of the existing residential land uses located in vicinity of 2040 Providence Road, which have been part of the fabric of this area for many years, in most cases predating the adoption of zoning. The prohibition is also problematic in that the mixed-use development desired for this site could not be built under current zoning. Hence a recommendation do re-zone the area is a key recommendation that is found on page 18 of this Report. Rezoning to allow mixed use is also consisted with the Vision of the 1994 Master Plan.

To follow are a summary of uses that are either permitted on the site by-right or by Special Permit, based on the existing B-2 Zoning District use requirements (Section 173-12 of the Zoning Bylaw).

A summary of uses that are allowed by-right in the B-2 Zone is as follows:

- Community uses such as: Churches, Educational, Municipal Buildings and Utilities (except Power Plant, Sewer Treatment and Refuse Facility).
- Agricultural uses such as: various agricultural uses (crops, forestry), along with allowance of both a year-round greenhouse or stand for sale of agricultural products and a temporary stand (not to exceed three months in any one year) for such products raised on the same premises.
- Retail and Sales uses such as: Vending Machines, Auto Sales/Repair (not including junkyard), Hotels and Motels, Movie Theatre, Agri-Tourism Farm, Taxi/Bus Terminals and Commercial Parking Lot.

A summary of uses that are allowed by Special Permit in the B-2 Zone is as follows:

- Community uses such as: Nonprofit Recreational Facility (excluding Membership Clubs) and Town Cemetery.
- Retail and Sales uses such as: Stores selling a combo of two (2) more or more of Dry Goods, Apparel, Furniture, Hardware, and Food; Restaurants; Personal Service Establishments; Funeral Home; Business Office; Auto Junkyard; Commercial Recreation, Exercise and Athletic Facilities³; Membership Clubs; and, Communications and Television Towers.
- Wholesale and Manufacturing uses such as: Manufacturing and light industries; Railroads and railway express service; Trucking service and warehousing; and Wholesale trade.

Map 8: Zoning Districts in the 2040 Providence Road PDA and Vicinity

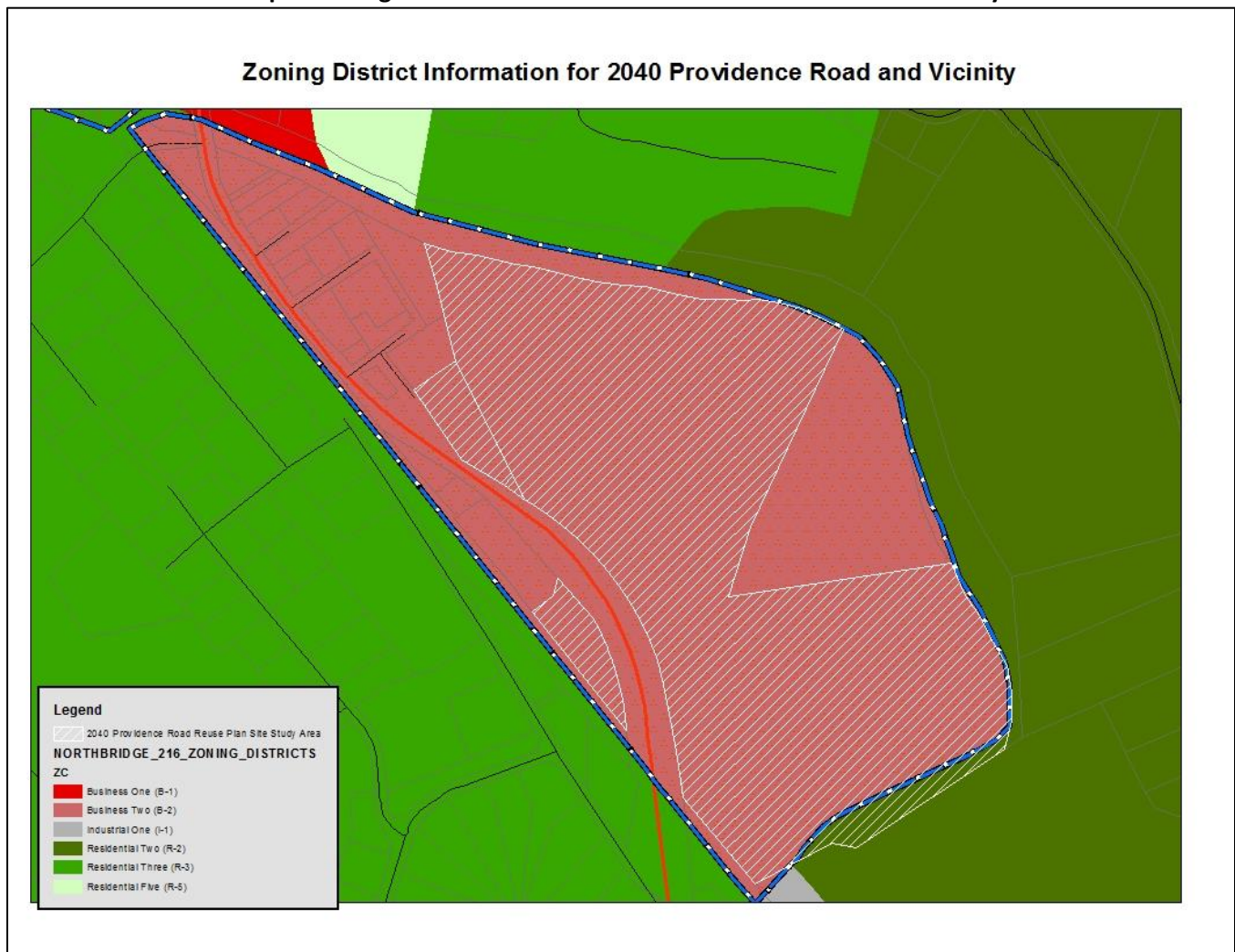


Table 1 on the following page shows the current dimensional requirements for lots within the B-2 Zoning District. CMRPC Staff notes that the minimum requirements are the same if public sewer is available or not, in this case at 2040 Providence Road public sewer is available. The Town has provided different requirements

³ No special permit shall be required for commercial recreation, exercise and athletic facilities in the B-2 District when the square-footage of the building designated for such use is less than or equal to 3,000 square feet.

depending on use, with motion picture and recreational-related uses requiring 20,000 square feet per lot, automotive-related uses requiring 10,000 square feet per lot and all other requiring 5,000 square feet per lot

Table 1: Northbridge B-2 Zoning District Dimensional Requirements

USE	ZONING DISTRICT	MIN. LOT AREA (Sq. Ft.)	MIN. LOT WIDTH (Ft.)	MIN. FRONT YARD (Feet)	MIN. SIDE YARD (Feet)	MIN. REAR YARD (Feet)
Automotive sales, service or repair establishment	B-2	10,000	100	25	10	25
Motion-picture or amusement & recreation establishment	B-2	20,000	125	25	12	25
Any other permitted structure or principal use	B-2	5,000	40	10	8	10

Floodway and Floodplain Districts: As indicated on page 8, a significant portion of the 2040 Providence Road PDA (outside the buildable area) is either within a 100-year floodplain or a floodway. Section 173-18 guides what is permitted and prohibited in each of these respective areas. The Town has adopted a corresponding Floodway and Floodplain Overlay District that is superimposed over the existing underlying B-2 Zoning District (see Map 9 on page 15).

Section 173-18(C) provides the set of Floodway Use Regulations, which indicates that *“Only the following uses of low flood damage potential and causing no obstructions to flood flows shall be allowed, provided that they do not require structures, fill or storage of materials or equipment:*

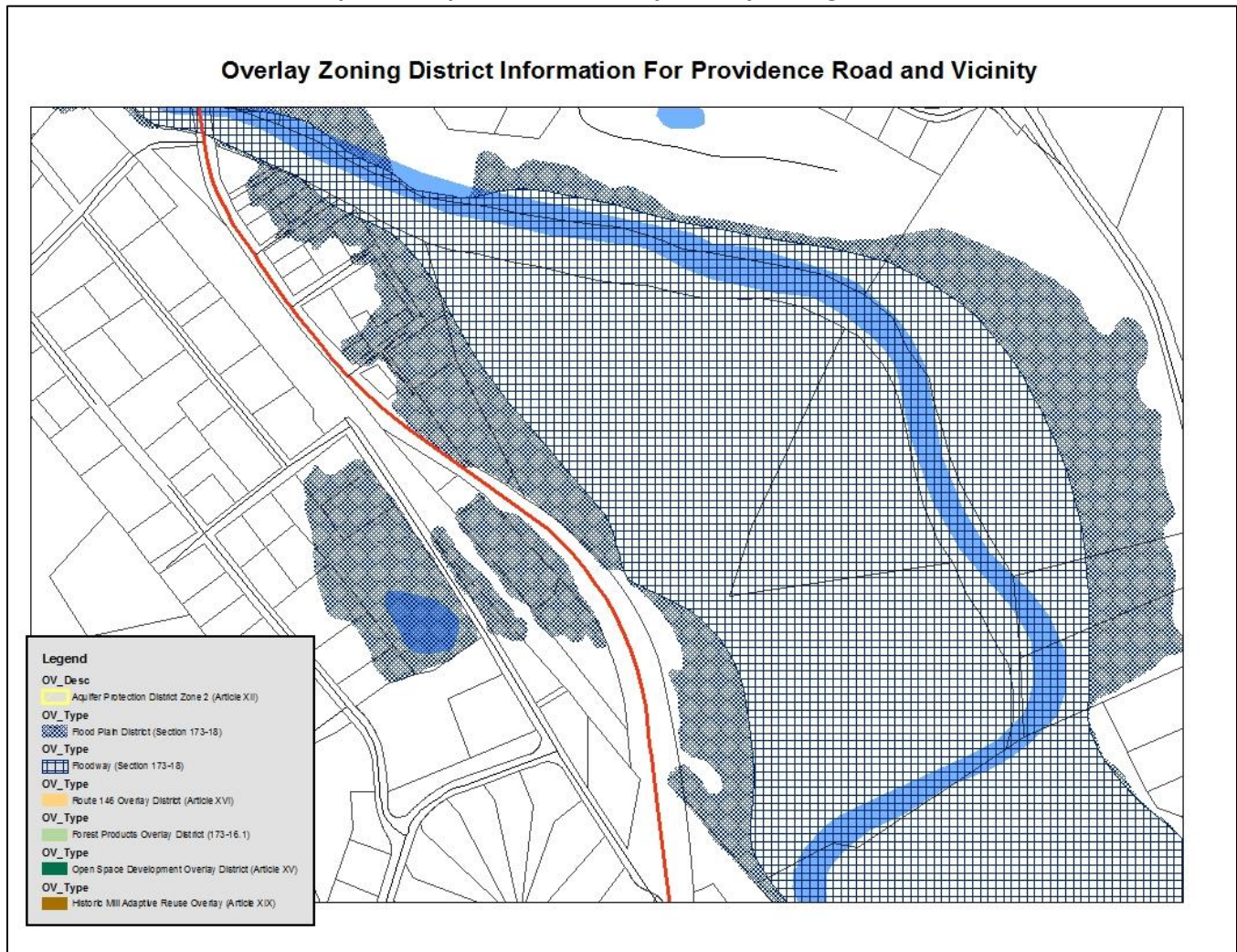
- 1) *Agricultural uses such as farming, grazing, truck farming, horticulture and forestry and nursery uses.*
- 2) *Outdoor recreational uses, including fishing, boating and play areas, etc.*
- 3) *Conservation of water, plants and wildlife; wildlife management; and foot-, bicycle and horse paths.*
- 4) *Temporary nonresidential structures used in connection with fishing or with growing, harvesting or storage of crops raised on the premises.*
- 5) *Buildings lawfully existing prior to May 10, 1983.”*

The Floodway area is more restrictive than the 100-year floodplain and within the Floodplain there are some/greater development provisions (notwithstanding the fact that the DEP Consent Order further limits most of the 2040 Providence Road Site outside the development area that was approved back in 2007). Section 173-18(D) provides the set of Floodplain District Use Regulations, which state that all development must comply with:

- 1) The Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas.
- 2) Wetlands Protection Regulations, Department of Environmental Protection (DEP).
- 3) Inland Wetlands Restriction, DEP.
- 4) Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP.

In addition, any building in the Floodplain would require a Zoning Board of Appeals Special Permit, subject to set of performance standards per Section 173-18(D)(2) and (3) of Northbridge’s Zoning Bylaw. Along with meeting these set of Zoning Regulations, the proposed land use would have to address National Flood Insurance Program (NFIP) Standards.

Map 9: Floodplain and Floodway Overlay Zoning Districts



Clean-up & Mitigation

Based on information provided by David Foss of Fuss & O’Neal, a summary of existing site conditions along with required remaining cleanup actions are provided in the text that follows:

“(The 2040 Providence Road)...site is currently classified by MassDEP as a Tier 1D disposal site, meaning that MassDEP is aware of a release of oil or hazardous materials at the site but the responsible party has not completed submittals required by MassDEP. Before additional remedial actions can be conducted at the site, the site must be Tier Classified, a process involving the evaluation of the general level of environmental risk associated with the Site based on the contaminants of concern, the site setting, and the number and type of potential receptors. The Tier Classification affects the types of submittals required and MassDEP’s level of direct involvement in the cleanup of the site.

Based on our review of the data, it is our understanding that the site will categorically be a Tier 1 site as it meets minimum inclusionary requirements for Tier 1 (groundwater contamination in a mapped wellhead protection area).

Actions required to bring the site back into compliance with MassDEP and MCP requirements include the following:

1. *RAM Completion Report*

During Spring 2014, a volume of soil was excavated and disposed of off-site by asphalt-batch recycling. That work was conducted as a Release Abatement Measure (RAM). A RAM Plan was submitted to MassDEP. The soil was managed off-site under a Bill-of-Lading. The RAM Completion report has been drafted. Pending resolution of contract obligations the RAM Completion report shall be submitted to MassDEP.

2. *MCP Phase I Initial Site Investigation (ISI) and Tier Classification Report*

The Site is currently classified as a Tier 1D Disposal Site. The MCP requires that a Tier Classification report be submitted. A review of site conditions and available data indicates that the site will be classified as a Tier 1 Disposal Site. A draft Tier Classification report has been prepared. Pending resolution of contract obligations the Tier 1 Classification report will be updated, finalized and may then be submitted to MassDEP.

3. *MCP Phase II Comprehensive Site Assessment*

The MCP requires that the full nature and extent of the disposal site be characterized, and that all potential sources of releases to the environment be identified and mitigated. To date, significant assessment of environmental media has been performed including testing of soil, groundwater, sediment, and surface water. A review of the existing data set shall be conducted and data gaps will be evaluated. If warranted, a supplemental sampling program will be designed and implemented. In addition to addressing data gaps, the sampling will support remedial design and planning. Based on changes to the MCP regulatory program (promulgated in July 2014) it is anticipated that additional delineation of groundwater contamination will be warranted to satisfy MCP Phase II requirements.

4. *MCP Phase III Remediation Design and Planning*

Once the full nature and extent of the release(s) to the environment have been characterized, a comprehensive remediation program will be designed for submittal to MassDEP. It is anticipated that a primary component of the remediation strategy will be to design and install an engineered barrier - - a cap - - over regulated soil at the site, and the preservation of that cap with a deed restriction called an

Activity and Use Limitation (AUL). Capping the regulated soil may allow for commercial and/or mixed use development, while restricting direct contact to soil containing regulated levels of compounds of concern. The full range of remedial technologies to be implemented at the site cannot be defined until the MCP Phase II report is prepared. In addition to capping other techniques that will be evaluated include: groundwater treatment, soil removal and off-site disposal, and design of future buildings to mitigate potential exposures.

5. MassDEP Coordination

It is recommended that the Responsible Parties coordinate and meet with the appropriate MassDEP Staff. Given the site history - - past noncompliance - - and overlapping jurisdictions between the MassDEP Bureau of Waste Site Cleanup and Wetlands Sections, it will be valuable to maintain open lines of communication between the stakeholders to ensure that the selected remedy and site design mutually agreeable.

6. Regulatory Closure

Following the implementation of the remedial plan, a summary report called a "Permanent Solution Statement" will be prepared and submitted to MassDEP. The Permanent Solution will include an evaluation of risk to human health and the environment. In order to achieve a Permanent Solution, the response actions implemented will have to document that a condition of "No Significant Risk" has been achieved at the site."

Fuss & O'Neill note that the following two additional items may be required prior to site development, but were excluded from the summary of MCP requirements:

- a) *"If warranted, we anticipate that the property owner will separately address building demolition associated with the former filling and maintenance facility. Issues related to state and local permitting, asbestos and lead management within the building, air quality monitoring or similar activities are not included herein.*
- b) *We understand that up to four petroleum underground storage tanks (USTs) may still be located on the southwestern side of the garage building near the entrance to the site. MassDEP and Fire Prevention Regulations require removal of these USTs. A Release Abatement Measure (RAM) Plan or Phase IV Remedy Implementation Plan (RIP) for submittal to MassDEP may be warranted prior to UST removal. The appropriate regulatory submittal will be determined after the property owners indicate their strategy to manage the USTs, and are not included herein."*

MassDevelopment is a potential source of funding in the form of brownfields remediation loans available to assist in the cleanup of the 2040 Providence Road site. See the Local, Regional, State Partners section on page 19 for more information.

Reuse Potential (redevelopment benefits, open space, natural resource protection, etc.)

The full reuse potential of the site, based on the vision expressed by the Town through this planning process can only be realized by a) allowing the mixed-use zoning, b) the property owner completing the required clean-up actions and c) the property owner meeting the requirements of the Consent Order and SEPP. The Town can

assist in all items of the above, as the Town is an important Partner, as noted in the Section that follows. There are the benefits to the Town of getting this property back on the tax roll by redevelopment of the allowable land that can be developed.

If realized, this site, when redeveloped, could become an excellent model of mixed-use development for other areas in Rockdale and in other mill villages of Northbridge (and even for other Blackstone River Valley communities). It will preserve over 20 acres of land and wetlands as permanent open space, provide access to the Blackstone River for citizens of the Rockdale area and other citizens in the region and allow for a walking area adjacent to the remnants of the Blackstone Canal that are found on this site.

Local, Regional, State Partners

The Town of Northbridge is a partner in the process of seeking redevelopment of the site. Town Meeting will need to approve any rezoning initiatives to allow mixed uses on the site, as residential is currently not allowed. The Town's Conservation Commission and Planning Board will be the local permitting authorities to allow any construction on the site, including the planned trail and canoe launch. The Town needs to be a supportive of the grant applications that could help offset the cost of the recreational improvements. See below for more information on potential grant funding sources.

The Metacomet Land Trust is also a partner, as they will be the entity, once the agreement is finalized, to hold the Conservation Restriction on the open space at 2040 Providence Road. For more information: <http://www.metacometlandtrust.net/>.

State Resources

The Massachusetts Department of Conservation and Recreation (DCR)'s Recreational Trails Program (RTP), represents a source of funding for walking trail to the Blackstone River and the canoe ramp. The Massachusetts Department of Conservation and Recreation (DCR) accepts applications for Recreational Trails Grants on an annual basis. The next deadline for all RTP grants is February 2, 2015. The Massachusetts Recreational Trails Program generally provides grants ranging from \$2,000 to \$50,000, however, grant proposals will be accepted, considered and awarded for larger amounts up to \$100,000, based on need, breadth and reach of the trail project. Recreational Trails grants are 80-20 challenge grants. In other words, 80% of the project costs are reimbursed to grantees, but at least 20% of the total project value must come from other sources.

For more information visit:

<http://www.mass.gov/eea/agencies/dcr/services-and-assistance/grants-and-technical-assistance/recreational-trails-grants-program.html>. Program contact is Amanda Lewis, amanda.lewis@state.ma.us. CMRPC spoke with Ms. Lewis who has confirmed that the walking trail and canoe launch are eligible for funding under the RTP.

MA DCR is important state partner as besides the entity who administers the RTP grants, DCR administers the State Park system. This includes the Blackstone River and Canal Heritage Park. Currently the park includes the River Bend Farm Site in Uxbridge with its Visitor Center located there. But there are also a set of trails that extend north from the River Bend Farm to Plummers Corner in Northbridge. One idea identified at the August 26th Planning Workshop is to extend trails up from Plummers Corner to Rockdale Village and the 2040 Providence Road Site as the opportunity to be a part of this initiative.

The Blackstone River and Canal Heritage Park website link:

<http://www.mass.gov/eea/agencies/dcr/massparks/region-central/blackstone-river-and-canal-heritage-state-park.html>

MA DCR's Greenway and Trails Program website:

<http://www.mass.gov/eea/agencies/dcr/services-and-assistance/grants-and-technical-assistance/greenways-and-trails-program.html>. Program contact is Jennifer Howard, jennifer.howard@state.ma.us. CMRPC Staff did discuss this Project with Ms. Howard.

MassDevelopment: The Brownfields Remediation Loan.

Since the Town of Northbridge is listed as an "Economic Distressed Area (EDA)" by the Commonwealth of Massachusetts, the site becomes eligible for loans under the MassDevelopment Redevelopment Fund Program. Another key factor for eligibility is that the current private owners were not the responsible parties contributing to the environmental contamination. The Brownfields Remediation Loan Program provides flexible loans up to \$500,000 for environmental clean-up of brownfields.

For more information visit: <http://www.massdevelopment.com/financing/specialty-loan-programs/brownfields-redevelopment-fund/>.

The Blackstone River and Canal Commission:

The Blackstone River and Canal Commission was established based on Chapter 155 of the Acts of State Legislature in 1988, as amended. The Commission had been chaired by longtime State Senator Richard T. Moore, D-Uxbridge. However, Sen. Moore lost the election in November 2014. State Rep. Ryan C. Fattman, R-Webster, won the seat, so in 2015 there will be new leadership of the Blackstone River and Canal Commission.

For any development or construction that occurs on land abutting the route of the Blackstone Canal, the Commission needs to be notified at least seven (7) days prior to any local board/commission action on such proposed development/construction. The Commission can also act as a clearinghouse of information for potential grant sources.

Massachusetts Department of Environmental Protection (DEP) is also an important state partner. DEP is the State agency charged with overseeing the Consent Order for 2040 Providence Road.

Blackstone Heritage Corridor Resources

The Town of Northbridge is a part of the Blackstone Heritage Corridor, which does represent some potential funding opportunities:

- The Blackstone Heritage Corridor has developed a new Partnership Grant Program. Although the Town missed out on an initial round, the Corridor hopes to initiate a second round in the early part of 2015. CMRPC Staff met with the Executive Director, Charlene Cutler, about potential use of the Partnership Grant Funds for implementation associated with the 2040 Providence Road PDA, especially related to the canoe launch. Ms. Cutler indicated that a detailed cost estimate of the canoe launch would be required to be submitted with the grant application. The good news is that canoe launch initiative is eligible for this founding source. The grant award ranges from \$5,000 - \$30,000 and does require a 1:1 match. CMRPC Staff will notify Northbridge Officials when we become aware of the next grant cycle when it is announced in early near year.

http://blackstoneheritagecorridor.org/about/news/press-release-new-grant-program.html?utm_source=New+Grant+Program&utm_campaign=Announcement%3A+New+Grant+Program&utm_medium=email

- All of the communities within the Blackstone Heritage Corridor have been designated **Preserve America** communities, making them eligible to receive technical assistance and matching grants related to heritage tourism. Eligible grant activities include research, documentation (e.g., historic resource surveys and National Register nominations), interpretation and education (e.g., signage, exhibits and itineraries), planning, marketing and training. More details about this Program are available from the website: <http://www.nps.gov/preservation-grants/PreserveAmerica/>. However, according to the program status on the website: *“Although not currently funded the program is authorized in legislation.”*

CMRPC-related Resources

DLTA funds will be available in 2015, which can offer the opportunity for CMRPC Staff to build on the 2040 Providence Road Re-use Plan, perhaps by assisting with the development of a mixed-use zoning bylaw. CMRPC could also assist the Town with a broader analysis of the Rockdale PDA, which is located to the northwest of the 2040 Providence Road PDA.

CMRPC Transportation Staff may be able to help with some of the transportation planning issues. Contact Mary Ellen Blunt, Program Manager, at (p) 508-459-3337 or email @ mblunt@cmrpc.org.

Findings and Recommendations

Mixed use zoning is not permitted on the subject site. The Town should consider adopting a zoning provision that allows for the desired mixed use. Given the Master Plan’s goal for the entire village to have mixed use zoning, this rezoning initiative should not be limited to 2040 Providence Road. But in the short term perhaps it is a place to start. Below are a few examples of more rural, village-based zoning initiatives that allow for mixed-use development.

Besides zoning, the Town should support the property owner by assisting in completing grant application to assist in the development of the walking trail and boat ramp. The property owner is willing to have any required match be in the form of the use of his equipment and labor to run the equipment, but the grants will require a public sector entity to act as a fiscal agent to administer the grant funds. The Town should take on this responsibility as part of showing its support for the grants. The Town should work with DCR to see about the potential for the trail network to be extended north of Plummers Corner to Rockdale.

Mixed Use Developments and Zoning Bylaw Examples

Town of Rutland

The Town of Rutland has two small scale mixed use developments within the Rutland Center Village. They were developed under the Town’s Village Center and Town Center Zoning Provisions. CMRPC Staff does not recommend the Town of Northbridge adopt the specific provisions as they seem overly complex, but the development they have yielded in these two case studies, which are provided below, show how development of mixed use zoning

The first mixed use development in Rutland is on Route 56 (Pommogussett Road) across from the Rutland DPW and is called Colonial Village. It was built in 2004. One the first floors are commercial tenants such as Rutland Marketplace and GFA Federal Credit Union with condominiums located on the upper floors (access to the condo units is provided to the rear of the site). This development is located on 1.54 acres (66,908 square feet).



Colonial Village, Route 56, Rutland

The second mixed use development is Rutland Commons, which is located on Route 122A. This development is on 0.91 acres (39635.24 square feet). This development is just a little older, having been constructed in 2003. There is a gas station/convenience store as the anchor commercial tenant. Other commercial enterprises on the first floor are a Chinese Restaurant and a Barber Shop. The residential units are located on the upper floors. There is shared parking found on the sides of the building.



Rutland Commons, Route 122A, Rutland

Town of Clinton

The Town of Clinton adopted a Mixed Use Overlay District (MUOD) Zoning Bylaw to provide for alternative development proposals for two 5+-acre surplus church properties, located in older neighborhoods. The Bylaw provides the opportunity for a single development proposal to contain a mix of residential, exempt or institutional, and/or commercial uses as allowed in a single property. Town Meeting Voters adopted the Bylaw for the two properties noted above and the Town of Northbridge could adopt a similar Bylaw to cover the

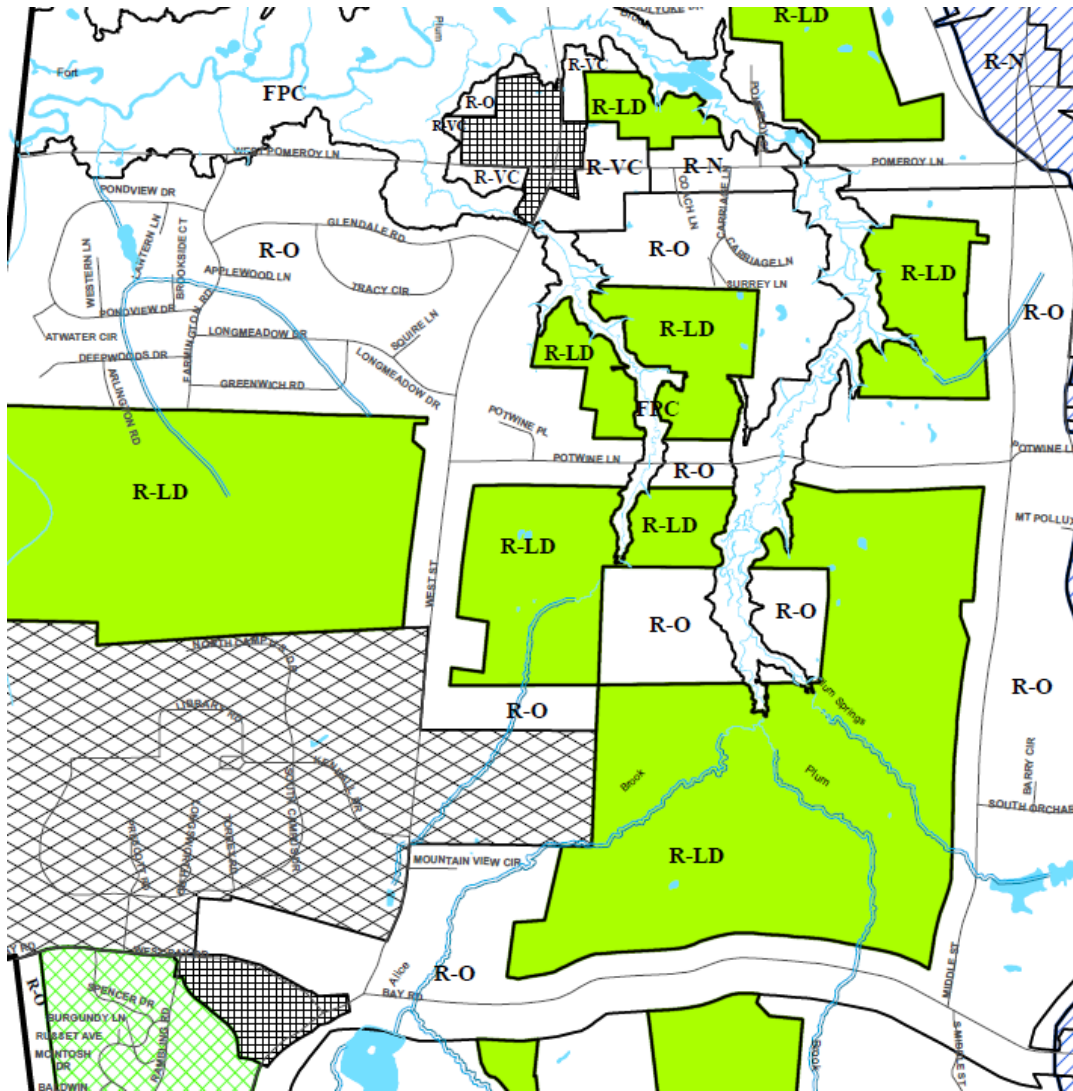
properties that make up the 2040 Providence Road site. A copy of this Bylaw has been included as Appendix A of this Report.

Of interest to the Town of Northbridge should be how the MUOD Bylaw provides the Planning Board the flexibility to waive the minimum frontage, lot width, or setback, or building height requirements of the underlying zoning district.

Today, one former parochial school is now headquarters for a 14-person software development firm, the other has been developed in 39 dwelling units.

Town of Amherst

Outside of the traditional Amherst Center, the Town of Amherst has developed Village-based Zoning Districts to encourage mixed-use in the Town's outlying villages. South of Amherst Center is one such area, which is at the crossroads of West Street and Pomeroy Lane. Here the Town adopted a Village Center Business Zone (B-VC) where the two roads come together and then a Village Center Residence Zone (R-VC) in the lands behind the B-VC Zone. See the figure on the following page for the Town of Amherst's zoning map in this area.



Amherst Zoning Map in area of Pomeroy Village

A mixed-use building has since been built in this area. Known as Pomeroy Commons, this two and half story building has offices on the first floor and residential units above. It is located at 495 West Street in Amherst and a photo of the building is provided for on the following page.



Pomeroy Commons, 495 West Street, Amherst

CMRPC Staff provide a summary of the various requirements associated with the Town of Amherst’s Village Center zoning districts in the text that follows. For a copy of the full set of relevant requirements, please see Appendix B for excerpts of the Town of Amherst Zoning Bylaw related to the two Village Center zoning districts.

As indicated on page 22, the Town adopted two Village Center zoning districts: Village Center Business Zone (B-VC) and then a Village Center Residence (R-VC). These are two standalone zoning districts, which contrasts to the approach the Town of Clinton took with adopting an overlay district on properties they wanted to allow for a mixed of land uses (including commercial and residential) and providing their Planning Board with the authority to grant flexible dimensional requirements based on a specific development proposal.

The Town of Amherst Village Center Residence Zone (R-VC) was created for the purpose *“to provide for residential neighborhoods, within and adjacent to village centers, that are of medium densities and that allow a limited mix of residential and office uses. The R-VC is, in general, intended to provide for a transition between the Business Village Center District and surrounding residential districts.”*

The Town of Amherst Village Center Business Zone (B-VC) was created for the purpose *“to provide areas within the village centers of Amherst that allow for a mix of uses, including retail, commercial, office and housing of moderate to high density.”*

Within Section 3.3 of Amherst’s Zoning Bylaw is the Town’s Table of Uses similar to Section 173-12 of the Town of Northbridge’s Table of Uses Regulations. Here the Town of Amherst provides for the opportunity for a mix of land uses in both the R-VC and the B-VC. Of interest to the Town of Northbridge should be the “mixed-use building” use provision. The Town of Amherst defines a “mixed-use building” as a *“building containing dwelling unit(s) in combination with permitted retail, business, institutional, government, public service, consumer service, office or similar principal use(s) and lawful accessory use(s).”* Such buildings are allowed by Site Plan Review approval in the B-VC zones and by Special Permit in the R-VC zones. Appendix B provides the full set of allowed land uses in the two zones including whether they are permitted by-right, via Site Plan Review or subject to Special Permit approval.

Located within Section 6 of the Amherst Zoning Bylaw, Table 3 provides the set of dimensional requirements for the Town of Amherst. The minimum lot area is 12,000 square feet in the B-VC zone and 15,000 for the R-VC; this compares to the 5,000 square feet for most uses in the existing B-2 Zoning District. Each additional family dwelling would require an additional 2,500 square feet in the B-VC zone and 4,000 square feet in the R-VC. The approach of requiring additional lot area for additional housing units is common in multi-residential use provisions in zoning bylaws. For example, the Town of Northbridge does this currently for multi-family dwellings in the R-4 and R-5 zoning districts. Amherst does provide the opportunity for the Planning Board to modify the requirement for additional family unit lot area, for properties in the B-VC zone, as noted in footnote a. of Table 3. In general it appears that the B-VC allows for a great density of land uses compared to the R-VC zone.

Appendix A:

**Town of Clinton
Mixed Use Overlay District (MUOD)**

8400. MIXED USE OVERLAY DISTRICT

8410. Purpose. The purpose of the Mixed Use Overlay District (MUOD) is to:

- 8411. Encourage redevelopment of existing historic properties;
- 8412. Preserve and enhance district and community character;
- 8413. Encourage appropriate new development of a scale and type consistent with district characteristics;
- 8414. Encourage investment and to promote economic development; and
- 8415. Provide for mixed use development.

8420. Definitions. In the MUOD, the following terms shall be defined as set forth:

Mixed Use Project (MUP): Mixed Use Project shall mean a single development proposal containing a mix of residential, exempt or institutional, and/or commercial uses as allowed in Section 8450.

8430. Overlay District. The MUOD shall be construed as an overlay district. Within the MUOD, the requirements of the underlying zoning district(s) shall remain in full force and effect until a special permit for an MUP has been granted, except where the requirements herein are more restrictive or provide for uses or structures not otherwise available in the underlying district; in such cases, the requirements herein shall supersede the underlying zoning regulations.

8440. Location. The MUOD District shall consist of the following properties:

[Insert Assessor’s Map/Parcel information]

8450. Use Regulations. A MUP may be developed upon the issuance of a special permit by the Planning Board (SPGA). A MUP may be composed of the following available uses. All others are prohibited.

8451. Residential Uses.

- Two family dwelling
- Multifamily dwelling, three to four units
- Multi family dwelling, five or more units
- Artist live/work unit
- Assisted living residence
- Congregate residence for the elderly
- Extended stay facility

8452. Exempt and Institutional Uses

Adult day care
Child care facility
Cultural use
Municipal facilities

8453 Commercial Uses

Retail stores
Restaurant
Personal service establishment
Business or professional office
Bank, financial agency or institution
Medical office building or clinic
Nursing or convalescent home
Membership club, civic, social, professional, or fraternal organization
Nonexempt educational use
Wireless communications facility in or on existing structure

8460. Dimensional Regulations. A MUP shall be permitted to exceed the density and dimensional requirements that normally apply in the underlying district(s) provided that the SPGA determines that such development complies generally with the requirements of this Section and all other applicable requirements of the By-law. In granting any special permit, the SPGA may waive the minimum frontage, lot width, or setback, or building height requirements of the underlying district.

8470. Application and Scoping Session.

8471. Scoping Session. Prior to filing a special permit application in accordance with Section 9300 and this Section, the Applicant shall submit five copies of a concept plan and an accompanying narrative to the SPGA. The concept plan and narrative shall describe the proposed uses and existing conditions of the site, and show existing and proposed buildings and structures, access roads, off-street parking areas and pedestrian facilities, and landscaping. No later than thirty (30) days from the submission of the concept plan, the Applicant shall meet with the SPGA for a scoping session. The purposes of the scoping session shall be to facilitate the permitting processes by identifying information that may be needed in the special permit application and waivers, if any, from procedural requirements of this by-law. No special permit application shall be submitted to the SPGA until a scoping session has been held unless the proponent specifically requests a waiver from the SPGA.

8472 Application. An application for a special permit shall be submitted to the SPGA on forms furnished by the SPGA. Each such application shall be accompanied, if applicable, by a preliminary plan of land pursuant to the provisions of G.L. c. 41, s. 81S and the Regulations of the Planning Board and a filing fee determined in accordance with said Regulations. In addition, the applicant shall submit:

1. a plan at a scale of 1" = 40' showing the topography of the site at a minimum of two foot intervals, as well as vegetation and special features, including wetlands, perennial streams and ponds, trees of more than 8" caliper, rock outcroppings, slopes in excess of 15%, existing and proposed trails and paths, open vistas, structures of historical importance and biological or wildlife habitats, and proposed conservation and recreation easement areas;
2. a plan illustrating preliminary landscaping and architectural design, showing types, location and layout of buildings, and typical elevations, as well as the general height, bulk and appearance of structures. Perspective drawings may be subsequently required by the SPGA.
3. a proposed development schedule showing the beginning of construction, the rate of construction and development, including stages, if applicable, and the estimated date of completion;
4. a development impact statement prepared by qualified professionals, detailing the impact of the development on the Town's capacity to furnish services including, but not limited to, roads, police, fire, emergency services and water;
5. information pertaining to any organization which the Applicant proposes to form where the development is to be a condominium development, including forms and plans to be used to organize and manage the same, for approval as to form by Town Counsel;
6. copies of all proposed covenants, easements, and other restrictions which the Applicant proposes to grant to the Town, the Conservation Commission, utility companies, any condominium organization and the owners thereof, including plans of land to which they are intended to apply, for approval as to form by Town Counsel;
7. any and all other information that the SPGA may reasonably require in a form acceptable to it to assist in determining whether the Applicant's proposed development plan meets the objectives of this Section.

8480 Standards. In order to be eligible for consideration for a special permit pursuant to this Section, the proposed MUP shall meet all of the following standards:

8481. More than one building may be located on a lot.

8482. Buffer. The SPGA may require a buffer area of at least 20 feet at the perimeter of the property where it abuts residentially zoned or occupied properties, except for driveways necessary for access and egress to and from the site. No vegetation in this buffer area will be disturbed, destroyed or removed, except for normal maintenance. The SPGA may waive the buffer requirement (i) where the land abutting the site is the subject of a permanent restriction for conservation or recreation; or (ii) where the land abutting the site is held by the Town for conservation or recreation purposes; or (iii) the SPGA determines that a smaller buffer will suffice to accomplish the objectives set forth herein.

8483. Roadways. The principal roadway(s) serving the site shall be designed to conform with the standards of the Town where the roadway is or may be ultimately intended for dedication and acceptance by the Town. Private ways shall be adequate for the intended use and vehicular traffic and shall be maintained by an association of unit owners or by the Applicant.

8484. Parking and Loading. The applicant shall provide adequate parking to serve all anticipated uses on the property, with information detailing the method of computation of parking spaces. All parking areas shall be screened from view from adjacent residentially zoned or occupied premises located outside the site, including public ways, by a landscaped border at least 20 feet in width. Screening and landscaping shall be provided to block all views of loading areas (except those specifically designated for emergency vehicles) from the public right-of-way and adjacent properties.

8485. Stormwater Management. The stormwater management system shall be designed in accordance with the Regulations of the Planning Board.

8486. Utilities. All electric, gas, telephone, and cable lines shall be placed underground, except upon a demonstration of exceptional circumstances.

8487. Sidewalks and Paths. Sidewalks shall be required to connect parking areas and buildings to nearby buildings. Paths for the use of residents shall be attractively designed with proper regard for convenience, separation of vehicular, bicycle and pedestrian traffic, adequate connectivity, completeness of access to the various amenities and facilities on the site and to pathways on adjacent sites.

8488. Emergency Systems. The MUP shall have an integrated emergency call, telephone and other communications system to provide monitoring for its residents. There shall be sufficient site access for public safety vehicles. A plan shall be approved by the Fire Department for the emergency evacuation of the residents with emphasis on ensuring the safety of residents with physical impairments.

8489. Architecture. Applicants are encouraged to propose the appropriate reuse of land and buildings that are no longer needed or suitable for their original use, where such

conversion is compatible with the character of the neighborhood. When new construction is proposed, the following design guidelines are applicable:

a. **Massing and Style:** Building massing and style must be distinctively residential in character, drawing on the historical design elements that are contextually consistent with regional New England architecture. Historical and traditional design elements are encouraged.

b. **Roofs.** Preference shall be given to roof pitches consistent with New England traditional styles. Material must be consistent with the architecture of the building.

c. **Materials and Design elements.** Material chosen for exterior elements should be consistent with the intent and use of materials traditionally found in residential design in New England. Siding materials such as brick, clapboard and shingle are preferred, and the use of new materials which reduce maintenance, but emulate the look and feel of traditional materials is encouraged. The use of a variety of trim material to provide detail at the eaves, comers, gables, pediments, lintels, sills, quoins, and balustrades is encouraged. The use of bays, towers, cupolas, cross gables, and dormers to provide unique character to a building and provide articulation of the facade is encouraged.

8490. Action by the SPGA. The SPGA may grant a special permit for an MUP where it makes the following findings, in addition to those set forth elsewhere in the by-law:

8491. The proposed MUP complies with the requirements of this Section;

8492. The proposed MUP does not cause substantial detriment to the neighborhood from noise or light pollution

8493. The proposed MUP does not produce offensive visual impacts caused by the character and scale of the proposed structure(s).

Appendix B:

**Excerpts from Town of Amherst Zoning Bylaw:
Village Center Business Zone (B-VC) and
Village Center Residence Zone (R-VC)
Zoning District Requirements**

ARTICLE 1 PURPOSE

This **Zoning Bylaw** is enacted pursuant to, and under the authority of, Chapter 40A of the General Laws as amended, for the purpose of promoting the health, safety, convenience and general welfare of the inhabitants of the Town of Amherst, and to encourage the most appropriate use of land throughout Amherst. This Zoning Bylaw is in accordance with the recommendations of the Master Plan adopted by the Planning Board and is consistent with the comprehensive plan of the regional planning agency.

ARTICLE 2 ZONING DISTRICTS

- SECTION 2.0 ZONING DISTRICTS**
- SECTION 2.1 ZONING MAP**
- SECTION 2.2 BOUNDARY INTERPRETATIONS**

SECTION 2.0 ZONING DISTRICTS

For the purpose of this Bylaw, the Town of Amherst is hereby divided into the following classes of zoning districts:

2.01 Residential Districts

The purpose of all residential zones is to promote a suitable environment for residential life through the provision of recreational, religious and educational facilities as basic elements of a balanced neighborhood, to stabilize and protect the essential characteristics of existing residential development, and to foster development that is compatible with the other natural and built characteristics of the area.

R-LD Low Density Residence

The purpose of the R-LD District is to provide for residential areas that allow limited development, while providing protection for environmentally sensitive areas, agricultural resources, and other similar lands. To this end, this is the lowest density residential district.

R-F Fraternity Residence

The purpose of the R-F District is to provide for residential areas dedicated to the specific residential requirements of fraternities, sororities and similar residential facilities associated with educational institutions. To this end, uses other than sororities, fraternities and the like are restricted in this district.

R-O Outlying Residence

The purpose of the R-O District is to provide for lower density residential areas. In general, the R-O District is intended to be a transitional area between the low density R-LD District and medium density R-N District.

R-N Neighborhood Residence

The purpose of the R-N District is to provide for residential areas of medium densities. In general, the R-N District is appropriate for lands adjacent to higher density residential districts, near arterial or primary residential streets, or in areas transitional between the lower density districts and other districts.

R-VC Village Center Residence

The purpose of the R-VC District is to provide for residential neighborhoods, within and adjacent to village centers, that are of medium densities and that allow a limited mix of residential and office uses. The R-VC is, in general, intended to provide for a transition between the Business Village Center District and surrounding residential districts.

R-G General Residence

The purpose of the R-G District is to provide for residential neighborhoods of medium to higher density in areas both near the Town Center and between the University and the Town Center. Such areas are convenient to the services, facilities, institutions and/or employment opportunities provided in the Town Center or by the University.

PURD Planned Unit Residential Development

The purpose of the PURD District is to provide for a mixture of housing types and open space, with variations in dimensional requirements, in appropriate areas within the Town, at greater densities than would otherwise be allowed by the underlying zoning. The PURD is an overlay district. The requirements of this District are intended to encourage design of creative development, protection of the natural resources, and compatibility with surrounding areas.

2.02 Business Districts

B-G General Business

The purpose of the B-G District is to provide for a mixed use area, of high density, containing a wide variety of commercial, office, residential, institutional, civic, and cultural uses. To this end, it is intended that this district be applied within the Town Center of Amherst.

B-VC Village Center Business

The purpose of the B-VC District is to provide areas within the village centers of Amherst that allow for a mix of uses, including retail, commercial, office and housing of moderate to high density.

B-N Neighborhood Business

The purpose of the B-N District is to provide for areas of mixed use and moderate density to serve as small centers providing goods and services within or near residential neighborhoods, or as a transitional zone between more densely-developed business areas and residential neighborhoods.

B-L Limited Business

The purpose of the B-L District is to provide areas for moderate density, office, commercial and multifamily developments. It is intended to be located in transitional areas between high density business districts and high density residential districts or in appropriate areas along arterial or primary roads.

OP Office Park

The purpose of the OP District is to provide areas for office and limited research activities. To this end, the standards and regulations are intended to limit the types of uses and to provide for a clean, open and quiet environment that will not adversely impact adjoining residential areas.

COM Commercial

The purpose of the COM District is to provide areas for a wide range of retail uses and services and commercial activities in appropriate locations along primary roads within the Town.

2.03 Industrial/Research Park Districts

PRP Professional and Research Park

The purpose of the PRP District is to provide an open and attractive environment for office, research and low intensity industrial activities. The standards and regulations are intended to limit development to those activities that are non-commercial in nature and that operate in a clean and quiet manner.

SECTION 3.3 USE CLASSIFICATION AND STANDARDS

For the purposes of this Bylaw, existing and future uses of land, buildings and other structures shall be allocated among the following categories. It is intended that every possible use be included in some category, and a use that does not readily fall into any category listed shall be included in the one to which it is most similar. Each use is assigned a number which is found in the left hand column of the following pages.

The Standards and Conditions column which is located to the right of the Use Classification column contains specific requirements which shall be met if the Use is to be permitted in any Zoning District by right, by Special Permit, or by Site Plan Review.

The column located to the right of the Standards and Conditions column indicates the Zoning Districts in which the specific Uses are permitted or prohibited. The following code is used in those columns:

- Y = Yes The Use is permitted by right in that Zoning District.
- N = No The Use is not permitted in that Zoning District.
- SPR = The Use is permitted by right with Site Plan Review (See Section 11.2)¹
- SP = The Use is permitted with a Special Permit, by the Zoning Board of Appeals (See Section 10.3)
- SPP = The Use is permitted with a Special Permit, by the Planning Board (See Section 10.3)
- () = The Use, if located within the Aquifer Recharge Protection District (ARP) shall be subject to the code designation within the parenthesis.

¹No Site Plan Review shall be required in those instances where a use change is proposed and no substantial physical changes (other than signs) will occur to the site or building exterior and where no new or additional requirements of the Zoning Bylaw must be met for the proposed use.

Bylaw Number	Land Use Classifications	Standards & Conditions	Zoning Districts														
			R-O	R-LD	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	B-N	COM	OP	LI	PRP	FPC
3.321	Two family detached dwelling (duplex)	<p>Except as may otherwise be authorized under this section, a two-family detached dwelling (duplex) shall have an external appearance and footprint compatible in terms of design with those of single family dwellings in the surrounding neighborhood. In all districts, the Special Permit Granting Authority or Permit Granting Board, as applicable, shall apply the provisions of Sections 3.2040 and 3.2041 to any construction, renovation, or expansion resulting in the creation of a new two-family detached dwelling or the addition of a single new dwelling unit to an existing single family residence such that a two-family detached dwelling (duplex) is created.</p> <p>Where the two dwelling units are arranged side by side, said units shall either: 1) share a significant portion of at least one common wall or floor abutting habitable space, or 2) the Special Permit Granting Authority or Permit Granting Board, as applicable, may allow a duplex where the two units do not share a common wall abutting habitable space but are instead connected structurally and continuously by a shared foundation, walls and roof. The Special Permit Granting Authority or Permit Granting Board may make such an allowance only upon a determination that the design of the proposed duplex is compatible with the architecture and building and site layout of other residential buildings in the surrounding neighborhood.</p>															
3.3210	Owner occupied duplex	<p>For an owner occupied duplex, one (1) or both of the dwelling units serve as the principal residences of one or more owner(s) of the property.</p>	SP	SP	SP	SPR	SPR	SPR	N	N	N	N	N	N	N	N	N
3.3211	Non-owner occupied duplex	<p>For a non-owner occupied duplex, one (1) or both dwelling units are rented and neither unit serves as the principal residence of one or more owner(s) of the property. No dwelling unit under this use category may be occupied by a total of more than four (4) unrelated persons.</p> <p>The Special Permit Granting Authority shall require the ongoing services of a qualified professional management company, the presence of an on-site manager, or similar provisions for proper management of the rental use as a condition of approval.</p> <ol style="list-style-type: none"> 1 Name(s) and contact information shall be provided for the owner, any responsible rental property management entity, and at least one on-site resident. 2 A management plan as defined in the Rules and Regulations adopted by the Special Permit Granting Authority, shall be included as an integral part of any application. Also included shall be a Response Plan describing the concrete steps to be taken by the property owner or management in response to complaints about the operation of the use or the conduct of the tenants. 3 In the R-G and R-VC Districts, a Special Permit granted under this section shall lapse upon any change in ownership of the subject property, and the Special Permit Granting Authority may impose a review of compliance with special permit conditions at such intervals as it deems reasonable. 	SP	SP	SP	SP	SP	SP	N	N	N	N	N	N	N	N	N
3.3212	Affordable Duplex	<p>An affordable duplex shall be defined as a two family detached dwelling in which at least one (1) unit shall be affordable in perpetuity or to the greatest extent allowed by law, and eligible to be counted on the Commonwealth's 40B Subsidized Housing Inventory (SHI) under the provisions of 760 CMR 50.03 (2) (a) and (b) as amended. Affordable units as described above need not be owner-occupied.</p>	SPR	SPR	SPR	SPR	SPR	SPR	N	N	N	N	SPR	N	N	N	N
3.322	Town House	<p>Each building shall be separated from other such buildings by a minimum of twenty (20) feet, and have no more than ten (10) dwelling units.</p> <p>The building(s) shall be connected with the public sewer system prior to occupancy, and its lot, if in a Residence District, shall fall within one of the following areas: 1) areas close to heavily traveled streets, 2) areas close to business, commercial, and educational districts, or 3) areas already developed for multi-family use.</p> <p>A management plan, as defined in terms of form and content in the Rules and Regulations adopted by the Permit Granting Board or Special Permit Granting Authority, shall be included as an integral part of any application made under this section. All dimensional regulations in Article 6 shall be observed. In all districts, the Permit Granting Board or Special Permit Granting Authority shall apply the provisions of Sections 3.2040 and 3.2041 to any construction, renovation, or expansion resulting in the creation of new dwelling units under this section.</p>	N	N	N	SP	SP	N	N	SPR	SP	SP	N	N	N	N	N
3.323	Apartments	<p>The site or lot upon which one or more apartment buildings are proposed shall be located: 1) close to a heavily traveled street or streets, 2) close to a business, commercial or educational district, or 3) in an area already developed for multi-family use.</p> <p>Each building shall have no fewer than 3, nor more than 24 dwelling units. Each building shall be connected to the public sewer system prior to occupancy. Dimensional regulations in Article 6 shall be observed. In addition, the following requirements shall apply:</p>	N	N	N	SP	SP	N	N	SPR	SP	SP	N	N	N	N	N

Bylaw Number	Land Use Classifications	Standards & Conditions	Zoning Districts											
			R-O	R-LD	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	B-N	COM	OP
			Minimum Landscaped or Natural Open Space											
			40%											
			NOTE: "Minimum Landscaped or Natural Open Space" shall include (a) those portions of the lot devoted to plantings, including lawns and grass areas (b) wooded land, and pedestrian-oriented paved or unpaved areas devoted to social or recreational use in common by the residents of the building or complex provided that such areas are kept essentially open to the out-of-doors and are at ground level.											
			Specifically excluded from this definition are those areas devoted to parking, access, and service drives.											
			No more than 50% of the total number of dwelling units shall be of any one size (i.e. # of bedrooms). A management plan, as defined in terms of form and content in the rules and Regulations adopted by the Permit Granting Board or Special Permit Granting Authority shall be included as an integral part of any application under this section. In all districts, the Permit Granting Board or Special Permit Granting Authority shall apply the provisions of Sections 3.2040 and 3.2041 to any construction, renovation, or expansion resulting in the creation of new dwelling units under this section.											

Bylaw Number	Land Use Classifications	Standards & Conditions	R-O	R-LD	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	B-N	COM	OP	LI	PRP	FPC
3.324	Subdividable/Converted Dwellings																
3.3240	Subdividable Dwelling (See Section 12.33, Definitions)		SP	SP	SP	SP	SP	N	SP	SP	SP	SP	N	N	N	N	N
		1	(N)	(N)	(N)	(N)	(N)	(N)	(N)	(N)	(N)	(N)	(N)	(N)	(N)	(N)	(N)
		2	A subdividable dwelling shall meet all zoning requirements applicable to a multi-family dwelling of the maximum number of units allowed under the Special Permit. All requirements of Table 3 (Dimensional Regulations) of Article 6 and parking requirements in Article 7 shall be met at the time of construction.														
		3	At least one of the dwelling units shall be and shall remain owner-occupied, which requirement shall be made a condition of any Special Permit issued under this section.														
		4	This use shall not be permitted in the Aquifer Recharge Protection (ARP) or Watershed Protection (WP) overlay districts.														
		5	Prior to issuing a Special Permit for this use in the B-G, B-L, B-VC, and B-N districts, the Special Permit Granting Authority shall find that the proposed multiple dwelling use and the non-residential uses, both existing and permitted, in the district will be mutually compatible.														
		6	A subdividable dwelling shall be connected to the public sewer. However, the Special Permit Granting Authority may authorize the construction of a two-family subdividable dwelling on a lot serviced by a septic system approved by the Board of Health for such a dwelling.														
		7	A management plan as defined in the applicable regulations issued by the Special Permit Granting Authority shall be included as an integral part of any application under this section. The management plan shall be subject to review and reapproval at a public hearing held by said Authority prior to the issuance of a building permit to increase the number of dwelling units within a subdividable dwelling, which review shall be made a condition of any Special Permit issued under this section. The sole purpose of said review shall be the consideration of any changes in circumstances pertinent to said management plan that have occurred from the time of issuance of the Special Permit or any subsequent review pursuant to this requirement, and the extent to which the management plan should be modified as a result. Notice of hearing shall be provided in accordance with Mass. Gen. Laws, Chapter 40A. In addition to such notice, parties in interest as defined in Chapter 40A shall be provided with a summary of the approved management plan then in effect and any changes proposed thereto.														
		8	A landscape plan appropriate for the project shall be included in the application.														
		9	Subdividable dwellings in the R-O, R-LD, and R-N districts shall provide the following minimum areas of usable open space per dwelling unit on the same lot as said dwelling units, for the use of occupants: R-N 1,000 sq. ft. R-O, R-LD 2,000 sq. ft.														

Bylaw Number	Land Use Classifications	Standards & Conditions												
		R-O	R-LD	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	B-N	COM	OP	LI

10 Provided all other requirements are met, a subdividable dwelling shall be eligible for subsequent proceedings in accordance with Section 3.3241, (Converted Dwelling) of this Bylaw.

11 For a subdividable dwelling proposed on a lot within a Definitive Subdivision Plan, or on a Subdivision Approval Not Required lot, the Special Permit Granting Authority shall be the Planning Board. For all other subdividable dwellings, the Special Permit Granting Authority shall be the Zoning Board of Appeals.

3.3241	Converted Dwelling (See Section 12.07, Definitions)	Zoning Districts																	
		SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP

1 An existing residence, a structure attached to an existing residence, or a detached structure, may be converted into a dwelling unit or units provided all other zoning requirements which would apply to converted dwellings are met.

2 A converted dwelling use may involve the conversion of one or more structures on a given property but shall not result in a total number of dwelling units on the lot exceeding what would otherwise be allowed under the provisions of Table 3, Dimensional Regulations, for the zoning district(s) in question. Further, the total number of dwelling units on a given property shall not exceed 4 in the R-G, R-VC, R-N, R-O, and R-LD districts and shall not exceed 6 in the B-G, B-L and B-VC districts. Conversion in the Aquifer Recharge Protection (ARP) or Watershed Protection (WP) overlay districts shall not be permitted.

3 In the B-L, B-VC and B-N districts, the Special Permit Granting Authority shall issue a Special Permit in accordance with the provisions of this section only after finding that the converted dwelling use would be mutually compatible with existing uses and structures, and with uses and structures permitted on adjacent parcels.

4 There shall be no significant change in the exterior of the building, except that the Special Permit Granting Authority or Permit Granting Board may authorize modification or alteration of a building if such modification or alteration does not substantially change the building's character or its effect on the neighborhood or on property in the vicinity.

5 Except as hereinafter provided, no converted dwelling use shall involve the demolition and removal of an existing structure proposed for conversion. Conversion may involve an entire residential structure, except that no more than twenty percent (20%) of the gross square footage of resulting habitable space in any converted dwelling use, whether in one or more buildings, may result from new building footprint as well as demolition and subsequent reconstruction of an existing structure, including structural elements or foundation. An exception shall be that up to forty percent (40%) of gross square footage of resulting habitable space may be permitted, including no more than 20% of new building footprint with the remainder being the result of demolition and reconstruction with salvaged and new building materials, when it is determined by the Special Permit Granting Authority or Permit Granting Board that two (2) or more of the following criteria are met:

- a. The conversion addresses urgent and compelling issues of public safety or health.
 - b. The conversion results in the creation of a minimum of one (1) dwelling unit that is fully handicapped accessible under the provisions of the AAB and ADA.
 - c. The conversion results in the creation of a minimum of one (1) dwelling unit permanently affordable under the provisions of Sections 15.12 or 15.13, and is eligible to be counted on the Commonwealth's 408 Subsidized Housing Inventory (SHI) under the provisions of 760 CMR 50.03 (2) (a) and (b) as amended.
 - d. The conversion is predominantly the result of sustainable construction practices, including but not limited to significant improvements in energy efficiency, retention or reuse of significant amounts of existing structural members and architectural elements, and solar orientation and design.
 - e. If the conversion is proposed for one or more historic buildings which are: 1) on a property listed on, or 2) within area listed on, or 3) are eligible for listing on the National Register of Historic Places, or 4) have been determined by the Historical Commission to be historically significant under Section 13.4 of this Bylaw, then the proposed conversion of historic portions of the building(s) in question shall conform to the National Park Service standards and guidelines for rehabilitation of an historic building.
- 6 The proposed conversion shall be suitably located in the neighborhood in which it is proposed, as deemed appropriate by the Special Permit Granting Authority. The conversion, if in a residential district, shall either: a) be located in an area that is close to heavily traveled streets, close to business, commercial and educational districts, or already developed for multi-family use and shall require owner-occupancy or a Resident Manager (see definition) in one of the units; or b) be from one to two units, one unit of which shall be and shall remain owner-occupied, a requirement which shall be made a condition of any Special Permit issued in such an instance.
- 7 The dwelling units shall be connected to the public sewer. However, the Special Permit Granting Authority may authorize, with the approval of the Board of Health, the conversion of a structure to allow an increase from one dwelling unit to two dwelling units on a lot serviced by a septic system.

Bylaw Number	Land Use Classifications	Standards & Conditions	Zoning Districts											
			R-O	R-LD	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	B-N	COM	OP

In the COM District, inns shall be allowed only in those areas which are also within the boundaries of National Historic Register Districts.

The Zoning Board of Appeals may allow a restaurant as a second Principal use, along with inn-related retail and consumer services as accessory uses, under a Special Permit for an inn. A management plan, as defined in terms of form and content by the Zoning Board of Appeals shall be part of any application made under this section.

3.327.2 Hostel
 The building shall be connected with the public sewer prior to occupancy.

The hostel shall be within easy walking distance of public transportation.

The owner or manager of the hostel shall reside on the premises.

There shall be no separate cooking facilities in guest rooms. Meals may be provided to hostel lodgers and to other persons attending scheduled educational events sponsored by and held at the hostel.

In the R-G, R-N, R-O and R-LD Districts, a hostel may provide up to 20 beds. In all districts where the use is allowed, a minimum of 20 percent of hostel beds shall be in rooms containing 2-4 beds.

Secure bicycle parking and/or storage shall be provided, with a total capacity equal to or exceeding the number of parking spaces required for vehicles.

A management plan, as defined in terms of form and content in the Rules and Regulations adopted by the Zoning Board of Appeals, shall be part of any application made under this section.

3.328 Congregate housing for the elderly and disabled. (See Section 12.06, Definitions)
 N N N SP N N N SP N N N SP N N N N N N
 The minimum lot area shall be 12,000 sq. ft. or 1,000 sq. ft. multiplied by the number of sleeping rooms, whichever is greater. The building shall be connected with the public sewer system prior to occupancy. Its lot shall fall within one of the following areas: areas close to heavily traveled streets, areas close to business, commercial, and educational districts; areas already developed for multifamily use.

3.329 Lodging or boarding house
 N N N SP N N N SPR N SP SP SP N N N N N N
 In the B-VC, B-N, COM and R-VC districts, the Zoning Board of Appeals may grant a Special Permit for a lodging or boarding house, provided it finds that the proposal meets the provisions of Article 7, Section 10.38 and this section. In the R-VC District, a lodging or boarding house shall let or sublet no more than a total of 7 rooms.

There shall be no separate cooking facilities. Meals may be provided to lodgers/boarders/roomers, but not to members of the general public not lodged at the establishment.

The owner or manager of the lodging or boarding house shall reside on the premises.

Where a lodging or boarding house is to be located in an existing dwelling, there shall be no substantial change in the exterior of the building.

The building shall be connected to the public sewer prior to occupancy. A management plan, as defined in terms of form and content in the Rules and Regulations adopted by the Zoning Board of Appeals shall be part of any application made under this section.

SECTION	INSTITUTIONAL USES																
3.33																	
3.330	Non-profit Uses																
	3.330.0 Non-profit educational institution, including any educational use on land owned or leased by the Commonwealth or any of its agencies, subdivisions, or bodies politic, or by a religious sect or denomination.																

See Section 2.04 and 3.21

Bylaw Number	Land Use Classifications	Standards & Conditions	Zoning Districts															
			R-O	R-LD	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	B-N	COM	OP	LI	PRP	FPC	
3.330.1	Non-profit human service use.	Uses under this section may include administrative offices and human service facilities providing services directly to members of the community on or from the premises, including facilities used as staging areas for off-site service delivery and facilities reasonably necessary for the safe, secure, and appropriate operation of the use.	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
3.331	Kindergarten, day nursery or other agency for the day care of children.	A use under this section may offer a wide range of services on or from the premises, including but not limited to, counseling and therapy, training for employment and other life skills, distribution of food and clothing, provision of meals, and/or restrooms/shower facilities.	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
3.332	For-profit trade, professional, or other educational institution.	Other uses, such as retail sales, health services, personal care services, or similar uses, may be permitted, but shall be operated in a manner and during such limited hours as to render them clearly accessory and incidental to the principal non-profit human service use.	N	N	SP	SP	SP	N	SP	SP	SP	SP	SP	SP	N	N	SP	N
3.333	Church or other place of worship, parish house, rectory, or convent.	Non-profit human service uses involving overnight shelter or other residential activity shall be regulated under Section 3.336.1.	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
3.334	Not for profit library or museum.		SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
3.335	Public park, playground or other public recreation facility.		SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
3.336	Medical or residential institutions.		SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
3.336.0	For-profit hospital, sanitarium, nursing, rest or convalescent home, living care community, or other medical or residential facility.		SP	SP	SP	SP	SP	SP	N	SP	SP	SP	SP	SP	N	SP	N	N
3.336.1	Philanthropic or charitable medical or residential facility.		SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
3.337	Cemetery		SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
3.338	Private lodge or club	A club, civic, social, professional or fraternal organization that is non-profit and is operated for members or employees only, where the chief activity is one not customarily conducted as a gainful business. The organization shall be incorporated for service or charitable purposes under the regulations of the Commonwealth or other applicable authorities, and shall permit long-standing memberships. In the B-N District, if alcohol is served as part of any function conducted or permitted by the organization, the establishment shall be closed by 9:00 p.m.; otherwise, the establishment shall be closed by 11:30 p.m.	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
3.339	Service building or other non-academic facility related to the operation of Amherst College, Hampshire College, or the University of Massachusetts.	Owned or managed by a College or University, but located outside of any Educational District.	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP

SECTION GOVERNMENTAL & PUBLIC SERVICE

Bylaw Number	Land Use Classifications	Standards & Conditions															
		R-O	R-LD	R-N	R-VC	R-G	R-F	B-G	B-1	B-VC	B-N	COM	OP	LI	PRP	FPC	
3.340	Utility Uses 3.340.0 Transformer station or other energy facility or use.																
3.340.1	Telephone exchange, radio or TV station, broadcasting facility, recording studio or other communication use.																
3.340.2	Wireless communications facility or other similar communications use.																

Excluding any office, storage, or repair use unless otherwise allowed by the regulations of the district.

Excluding any office, storage, or repair use unless otherwise allowed by the regulations of the district.

Excluding any office, storage, or repair use unless otherwise allowed by the regulations of the district.

The following standards and conditions shall apply to commercial and public wireless communication uses and facilities:

1. **Setback & Height.** Towers, antenna support structures and other vertical elements of wireless communication facilities located in a residential district or upon a property abutting a residential use shall be set back from the nearest residential lot line a distance at least equal to their height. In all districts, the height of wireless communication towers shall not exceed 125 feet above the ground. In non-residential districts, the Permit Granting Authority may allow a lesser setback or greater height if such modification provides adequate safety, promotes co-location or improves design, and will not significantly impact the character and appearance of the neighborhood. In making a request for a lesser setback, the manufacturer or qualified licensed designer shall certify that the tower is designed to collapse upon itself in the event of failure. The Permit Granting Authority may also allow lesser setbacks necessary to allow for the use of an existing structure.
2. Design provisions for such facilities shall include, but are not limited to:
 - a. No new tower shall be used which involves a lattice construction, requires three (3) or more legs and/or requires guy wire supports.
 - b. No tower or other facility structure shall contain any signs or other devices for the purpose of advertisement.
 - c. The visible portions of support facilities and structures such as vaults, equipment buildings or enclosures and utilities shall be constructed out of and/or finished with non-reflective materials.
 - d. All towers, antenna, antenna support structures and similar facilities shall be of neutral colors that are harmonious with, and blend with, the natural features, buildings and structures in the surroundings; provided, however, that such facilities located on the exterior of a building shall be of colors that match and/or blend with those of the building.
 - e. All building-mounted facilities shall be designed and located so as to appear to be an integral part of the existing architecture of the building.
 - f. All electronic and other related equipment and appurtenances necessary for the operation of any wireless communication facility shall, whenever possible, be located within a lawfully pre-existing structure or completely below grade. When a new structure is required to house such equipment, the siting, design and materials of said structure shall be harmonious with, and blend with, the natural features, buildings and structures in the surroundings.
 - g. All satellite dishes shall be of mesh construction, unless technical evidence is submitted demonstrating that this requirement is infeasible. Microwave dishes are exempted from this provision.
 - h. All wireless communication facilities shall be protected against unauthorized climbing or other access by the public.
 - i. Whenever feasible, design and siting of towers shall avoid the need for application of Federal Aviation Administration (FAA) lighting and painting requirements. Except as required by the FAA, towers shall not be artificially lighted.

Bylaw Number	Land Use Classifications	Zoning Districts												
		R-O	R-LD	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	B-N	COM	OP	LI

- j. Applicants shall submit eight (8) view lines shown in a one (1) mile radius from the site, beginning at true North and continuing clockwise at forty-five (45) degree intervals. Said view lines shall, to the extent feasible, be taken from existing vantage points commonly used by the public, such as public ways, buildings or facilities. The submittal shall include unaltered photographs taken from eye level (5 feet above grade) which show the existing condition of these view lines, as well as accurate scale perspective elevation drawings, computer-altered photographs or other accurate representations showing said View lines with the facility in place.
 - k. Landscape plans submitted with the application shall identify all existing vegetation, shall indicate which vegetation is to be retained on-site, and shall show all proposed new vegetation and other landscape treatments.
- 3 Co-location.
- a. All new wireless communication facilities shall be co-located, to the maximum extent practicable and technologically feasible, with one or more existing wireless communication facilities, towers, buildings or other structures whose height, location and characteristics meet the needs of the proposed facility.
 - b. All new wireless communication towers or support structures shall be designed, to the maximum extent practicable and technologically feasible, for co-location of antennas and other necessary facilities for at least three other wireless communication providers, shall offer space to all other providers at market rates, and shall provide for towers that can be expanded upward. Any Special Permit granted for a new facility under this section may be conditioned upon the written agreement of the facility operator to allow the co-location of other wireless communication providers on commercially reasonable terms.
 - c. Any applicant proposing not to co-locate their facility or proposing to locate their facility in a residential district shall provide written evidence and documentation demonstrating why it is not feasible for their facility to be co-located with existing facilities or sited in other, non-residential districts.
- 4 Frequencies. All telecommunications facilities shall be operated only at Federal Communications Commission (FCC) designated frequencies, power levels and standards, including FCC Radio Frequency Emissions standards. The applicant shall provide certification demonstrating that the maximum allowable frequencies, power levels and standards will not be exceeded. Certifications shall include technical specifications, a written explanation of those specifications, and, if necessary, field verification. The Permit Granting Authority may condition any Special Permit granted under this section upon a periodic submittal of certification of compliance with said standards.
- 5 Repair & Upkeep. All wireless communication facilities shall be maintained in good order and repair. Paint finishes shall be maintained and repaired when blemishes are visible from the property line. The applicant shall provide an inspection schedule, and shall file copies of inspections with the Building Commissioner.
- 6 License & Permits. The operator of every wireless communication facility shall submit to the Building Commissioner copies of all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location and operation of said facility, and shall maintain such licenses and permits and provide evidence of renewal or extension thereof when granted.
- 7 Removal. All structures associated with a wireless communications use shall be removed within one (1) year of the cessation of said use. If applicable, an annual certification demonstrating continued compliance with the standards of the Federal Communications Commission, Federal Aviation Administration and the American National Standards Institute, including provisions for required maintenance, shall be filed with the Building Commissioner by the permit holder. Prior to the issuance of a building permit for a wireless communications use, the applicant shall post and submit a bond or other financial surety acceptable to the Town in an amount sufficient to cover the cost of demolishing and/or removing the facility in the event the Building Commissioner condemns the property or deems it to have been abandoned or vacant for more than one year. Said amount shall be certified by an engineer, architect or other qualified professional registered to practice in the Commonwealth of Massachusetts. In the event the posted amount does not cover the cost of demolition and/or removal, the Town may place a lien upon the property covering the difference in cost.
- 8 Modifications. The Permit Granting Authority may modify any provision of these standards and conditions if it can be demonstrated that it is technically infeasible to meet said standards or conditions, or that their effect is to prohibit the proposed use throughout the Town, or if such modification will promote use of existing buildings or structures, co-location of wireless communications uses, improve safety or design, or otherwise promote the purposes of this bylaw.

By/Law Number	Land Use Classifications	Standards & Conditions	Zoning Districts															
			R-O	R-1D	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	B-N	COM	OP	LI	PRP	FPC	
3.355.0	Photographer's studio		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
3.355.1	Repair shop for household appliances, radio and television sets, or office equipment.		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
3.356	Shop of a bicycle mechanic, printer, blacksmith, builder, carpenter, caterer, electrician, lawnmower mechanic, mason, painter, plumber, roofer or other member of a recognized trade.	All work and storage to be conducted within a building.	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
		All trades shop operations shall undertake all reasonable measures to prevent noise, vibration, dust, fumes or odors from creating a disturbance or nuisance beyond the limits of the establishment. No operations shall be allowed which are hazardous by reason of potential fire, explosion, radiation or similar hazard.																
		In the B-N District, there shall be no more than four (4) employees on-site at any given time. No operations shall be allowed prior to 7:00 a.m. or after 7:00 p.m.																
3.357	Veterinary establishment; kennel, or place for the boarding of animals.		SP	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
		In the B-N District, a veterinary clinic may be operated under the provisions of this section, but no kennel or overnight boarding of animals shall be permitted. There shall be no more than four (4) employees on-site at any given time, and the establishment shall be closed by 7:00 p.m.																
3.358	Office Uses																	
3.358.0	Bank, loan agency, real estate, insurance or other business or professional office providing services to the public in person on the premises.	In the B-N District, no drive-through facilities shall be permitted. There shall be no more than six (6) employees on-site at any given time, and the establishment shall be closed by 7:00 p.m.	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
3.358.1	Technical or professional office such as architect, engineer, lawyer, financial services, or similar office providing services predominantly by appointment to the public in person on the premises.	For the purposes of this section, the public shall be defined as including all persons acting as customers or clients receiving services. "Predominantly by appointment" shall mean that a majority of customers or clients who are provided services in person on the premises during any extended period of operation (monthly, quarterly, or annually) shall do so through prior appointment. Exceptions shall be discretionary follow-up visits by customers or clients with regard to services already provided, visits by affiliated professionals or consultants, salespersons, service contractors (delivery, maintenance, etc.), and the like. Office uses under this section shall advertise their on-premises services as being available to the general public only by appointment.	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
3.358.2	Administrative business office or similar business or professional office not providing services to the general public in person on the premises.	For the purposes of these sections, the public shall be defined as including all persons acting as customers or clients. Exceptions shall be affiliated professionals or consultants, salespersons, service contractors (delivery, maintenance, etc.), and the like. No office use under this section shall advertise its services as being available to customers and clients on the premises. Services shall be advertised as being available exclusively by telephone, mail, on-line, or other remote means.	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N

[For Sections 3.358.1 and 3.358.2, inclusive]

Bylaw Number	Land Use Classifications	Standards & Conditions												
		R-O	R-LD	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	B-N	COM	OP	LI

1. Purposes: it is recognized that the nature of the substance cultivated, processed, and/or sold by medical marijuana treatment centers and off-site medical marijuana dispensaries may have objectionable operational characteristics and should be located in such a way as to ensure the health, safety, and general well-being of the public as well as patients seeking treatment. The specific and separate regulation of Registered Marijuana Dispensaries (RMDs) as Medical Marijuana Treatment Centers (MMTCs) and Off-site Medical Marijuana Dispensaries (OMMDs) facilities is necessary to advance these purposes and ensure that such facilities are not located within close proximity of minors and do not become concentrated in any one area within the Town of Amherst.

Subject to the provisions of this Zoning Bylaw, Chapter 40A of the Massachusetts General Laws, and 805 CMR 725.000, MMTCs and OMMDs will be permitted to provide medical support, security, and physician oversight that meet or exceed state regulations as established by the Massachusetts Department of Health (DPH).

2. Application Requirements. Above and beyond the standard application requirements for Special Permits, an application for a use under this section shall include the following:
 - a) The name and address of each owner of the facility/operation;
 - b) Copies of all required RMD registrations issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the facility;
 - c) Evidence that the Applicant has site control and the right to use the site for a facility in the form of a deed or valid purchase and sale agreement, or, in the case of a lease, a notarized statement from the property owner and a copy of the lease agreement;
 - d) A notarized statement signed by the organization's Chief Executive Officer and corporate attorney disclosing all of its designated representatives, including officers and directors, shareholders, partners, members, managers, directors, officers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of all such responsible individual persons;
 - e) In addition to what is normally required in a site plan pursuant to Section 11.2, details showing all exterior proposed security measures for the premises, including lighting, fencing, gates and alarms, etc. ensuring the safety of employees and patrons and to protect the premises from theft or other criminal activity.
 - f) A Management Plan as required under the Rules and Regulations of the Special Permit Granting Authority, including a description of all activities to occur on site, including all provisions for the delivery of medical marijuana and related products to OMMDs or off-site direct delivery to patients.
 - g) A traffic impact report as set forth in the Rules and Regulations of the Special Permit Granting Authority shall be developed and submitted with the application.
3. Regulations. The following regulations shall apply to uses under this section:
 - a. Use Regulations.
 - 1) Uses under this section may only be involved in the uses and activities permitted by its definition as limited by state law, and may not include other businesses or services in the same building.
 - 2) No marijuana shall be smoked, eaten or otherwise consumed or ingested on the premises.
 - 3) The hours of operation shall be set by the Special Permit Granting Authority, but in no event shall a facility be open to the public, nor shall any sale or other distribution of marijuana occur upon the premises or via delivery from the premises, between the hours of 8:00 p.m. and 8:00 a.m.
 - b. Locational and Physical Requirements
 - 1) All aspects of a MMTC or OMMD relative to the acquisition, cultivation, possession, processing, sales, distribution, dispensing, or administration of marijuana, products containing marijuana, related supplies, or educational materials must take place at a fixed location within a fully enclosed building and shall not be visible from the exterior of the business.
 - 2) No outside storage of marijuana, related supplies, or educational materials is permitted.
 - 3) No MMTC shall have a gross floor area in excess of 25,000 square feet.
 - 4) No OMMD facility shall have a gross floor area accessible to patients which is in excess of 2,500 square feet, except as may be permitted under 3., e., 1., c). Space in an OMMD facility which is dedicated to administration or operations and is accessible only to employees of the facility shall not be included in this limitation.
 - 5) Ventilation – all facilities shall be ventilated in such a manner that:
 - a) No 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 MMTC or OMMD facility or at any adjoining use or property.

Bylaw Number	Land Use Classifications	Zoning Districts												
		R-O	R-LD	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	B-N	COM	OP	LI

6) A number of signs determined to be sufficient by the Special Permit Granting Authority shall be displayed on the exterior of the facility's entrance in plain sight of clients stating that "Registration Card Issued by the MA Department of Public Health Required" in text two inches in height.

c. Reporting Requirements

- 1) All Special Permit holders for uses under this section shall provide the Police Department, Fire Department, Building Commissioner, Board of Health, and Special Permit Granting Authority with the names, phone numbers, mailing and email addresses of all management staff and key-holders, including a minimum of two (2) operators or managers of the facilities identified as designated contact persons to whom notice should be made if there are operating problems associated with any use under this section. All such contact information shall be updated as needed to keep it current and accurate.
 - 2) The designated contact persons shall notify the Police Department, Fire Department, Building Commissioner, Board of Health, and Special Permit Granting Authority in writing:
 - a) A minimum of thirty (30) days prior to any change in ownership or management of a facility regulated under this section, and
 - b) A minimum of twelve (12) hours following a violation, a potential violation, or any attempts to violate any applicable law, or any criminal, potential criminal, or attempted criminal activities at a facility regulated under this section.
 - 3) The designated representatives of permitted facilities shall file an annual report with the Special Permit Granting Authority and shall appear before said Authority to present the report no later than January 31st of each year, providing a copy of all current applicable state licenses for the owners and facilities, to demonstrate continued compliance with the conditions of the Special Permit.
 - 4) The designated contact persons shall be required to respond by phone or email within twenty-four (24) hours of the time of contact and inquiry regarding operation of the facility by a town official to the telephone number or email address provided as the contact for the business.
- d. Transfer/Discontinuance of Use**
- 1) A Special Permit granted under this Section is non-transferable and shall have a term limited to the duration of the applicant's ownership of the premises as a MMTC or OMMD.
 - 2) Any MMTC or OMMD permitted under this section shall be required to remove all material, plants equipment and other paraphernalia in compliance with 105 CMR 725-105 (J), (O) prior to expiration of its DPH Registration or immediately following revocation or voiding of its DPH Registration.
- e. Prohibitions.**
- 1) The building(s) in which the proposed uses occur shall not be located:
 - a) Within three hundred (300) feet of any building:
 - i. containing another MMTC or OMMD; or
 - ii. in which is located a public or private elementary school, middle school, secondary school, preparatory school, licensed daycare center, or any other facility in which children commonly congregate in an organized ongoing formal basis; or
 - iii. owned by and operated as part of the campus of any private or public institution of higher learning, or
 - iv. housing a public library; or
 - v. any residential use, excepting a mixed-use building under s
 - b) Within, on the same lot as, or on a lot immediately adjacent to a licensed pharmacy; or
 - c) Within buildings that contain any pharmacy, medical doctor offices or the offices of any other professional practitioner authorized to prescribe the use of medical marijuana. An exception shall be that the Special Permit Granting Authority may grant permission for palliative and therapeutic care uses in the same building in which an MMTC or OMMD is operated; or
 - d) Within a building containing residential units, including transient housing or group housing such as hotels, motels, lodging houses, or dormitories.
 - 2) The proposed use shall not display:
 - a) Off-premises signage; or
 - b) On-premises signage or other marketing on the exterior of the building or in any manner visible from a public way, which, in the opinion of the Special Permit Granting Authority, may promote or encourage:
 - i. The use or abuse of marijuana or other drugs for non-medical purposes; or
 - ii. The use or abuse of marijuana or other drugs by minors; or
 - iii. The active marketing or marijuana or other drugs for medicinal purposes.

Bylaw Number	Land Use Classifications	Standards & Conditions	R-O	R-1D	R-N	R-VC	R-G	R-F	B-G	Zoning Districts				LI	PRP	FPC	
										B-L	B-VC	B-N	COM				
		<p>iv. An exception shall be that the Special Permit Granting Authority shall not prohibit signage which is required by the MA Department of Public Health.</p> <p>4. Findings. In addition to the findings required under Section 10.38, and meeting the provisions of Articles 7, 8, and all other applicable sections of this Bylaw, the Special Permit Granting Authority shall find that the proposed use:</p> <ul style="list-style-type: none"> a. Meets a demonstrated need. b. Meets all of the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will as proposed be in compliance with all applicable state laws and regulations. c. Is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest. d. Provides a secure indoor waiting area for patients. e. Provides an adequate pick up/drop off area. f. 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 of marijuana is adequately secured in enclosed, locked facilities. g. Adequately addresses issues of vehicular and pedestrian traffic, circulation, parking and queuing, especially during peak periods at the facility, and adequately mitigates the impacts of vehicular and pedestrian traffic on neighboring uses. 															
3.361	Auction gallery for exhibition, sale by auction, so-called "tag sales" and so-called "flea markets".		N	N	N	N	N	N	N	N	N	N	N	N	SPR	N	N
3.362	Shop of a potter, ceramist, sculptor, silversmith, jeweler, lapidary, weaver, clockmaker, musical instrument maker, wood carver, graphic artist, leather worker (not including tanning or processing), candlemaker, or similar craftserson.	All work and storage to be conducted within a building.	N	N	N	N	N	N	N	N	N	N	N	N	SPR	N	N
SECTION 3.37 RESEARCH AND INDUSTRIAL USES																	
3.370	Warehouse or other enclosed building for the storage, distribution or wholesale marketing of material, merchandise, products or equipment.	Such use not to be hazardous by reason of potential fire, explosion, or radiation.	N	N	N	N	N	N	N	N	N	N	N	N	SPR	N	SPR
3.371	Lumber yard, fuel storage plant, contractor's yard, or other open-air establishment for the primary storage, distribution, or sale at wholesale or retail of merchandise, products or equipment.	Salvage materials not included.	N	N	N	N	N	N	N	N	N	N	N	N	SP	N	N
3.372	3.372.0 Research and Development or Testing facility	See Section 3.02	N	N	N	N	N	N	N	N	N	N	N	N	SP	SPR	SPR

* In those areas of the B-L District which coincide with the Research & Development (R&D) overlay district, Site Plan Review approval shall be required for uses regulated under this section. In all other areas of the B-L District, a Special Permit shall be required from the Zoning Board of Appeals.

Uses under this section shall include research, development and/or testing of innovative information, concepts, methods, processes, materials, or products. This shall include but not be limited to activities conducted in laboratory settings. The accessory development, fabrication, and light manufacturing of prototypes, or specialized machinery and devices integral to research or testing may be associated with these uses under the provisions of Section 5.07.

Bylaw Number	Land Use Classifications	Standards & Conditions												
		R-O	R-1D	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	B-N	COM	OP	LI

In the B-G, B-L, B-VC, B-N and R-VC districts, the Zoning Board of Appeals may grant a Special Permit for a research and development use, provided that it consists only of office or similar uses and meets the provisions of Section 3.359, Article 7 and Section 10.38. An exception shall be where the B-L District coincides with the R&D overlay district, in which case such a research and development use, similarly limited, shall be permitted through Site Plan Review approval.

In all zones, all outdoor storage of materials and equipment shall be screened from public view, from public ways and abutting residential districts. No operation shall create noise, vibration, dust, fumes, or odors that are a nuisance beyond the lot line, and further no operations shall be permitted which the Permit Granting Board or Special Permit Granting Authority, after consultation with the Board of Health, determines to be unduly hazardous by reasons of potential fire, explosion, radiation, or chemical or biological hazard, including hazards resulting from the use, production or storage of materials or waste identified as toxic or hazardous, flammable, or explosive. No research or testing shall be conducted outdoors unless a Special Permit is granted for this purpose by the Special Permit Granting Authority authorized to act under the applicable section of this bylaw.

3.372.1	Publishing, data processing, light manufacturing, light assembly including computer hardware and software, and scientific products with associated offices and distribution facilities.	N	N	N	SP	N	N	SP	SP	SP	SP	SP	SP	SP	SP	N
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In those areas of the B-L District which coincide with the Research & Development (R&D) overlay district, Site Plan Review approval shall be required for uses regulated under this section. In all other areas of the B-L District, a Special Permit shall be required from the Zoning Board of Appeals.

Uses under this section shall include those which involve the limited light manufacture or production, principally from previously-prepared materials, of finished products or parts. This may include processing, fabrication, assembly, treatment, and packaging of such products as well as incidental storage and distribution of such products and associated offices. These uses may also include the on-site production within enclosed structures of custom goods fabricated principally by hand through the use of hand tools and small-scale mechanical equipment.

No mass manufacturing, processing, or fabrication normally conducted under Section 3.372.2 nor any on-premises sale of products shall be permitted in association with uses under this section, except that the on-premises sale of custom-made goods produced by hand manufacturing may be permitted under a Special Permit granted by the Special Permit Granting Authority authorized to act under the applicable section of the Bylaw.

In the R-VC District, the Zoning Board of Appeals may grant a Special Permit for a use under this section, provided that the proposed use consists only of offices or similar uses and meets the provisions of Sections 3.359, Article 7 and Section 10.38. In all zones, all outdoor storage of materials and equipment shall be screened from public view, from public ways and abutting residential districts. No operation shall create noise, vibration, dust, fumes, or odors, that are a nuisance beyond the lot line, and further, no operations shall be permitted which the Permit Granting Board or Special Permit Granting Authority, after consultation with the Board of Health, determines to be unduly hazardous by reason of potential fire, explosion, radiation, or chemical or biological hazard resulting from the use, production or storage of materials or waste identified as toxic or hazardous, flammable, or explosive. Where permitted, all operations involving such materials shall be conducted in a fully enclosed building in accordance with all applicable public health and safety regulations.

3.372.2	Manufacturing, assembly and processing, including associated offices and distribution facilities.	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
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Uses under this section shall include those involving the manufacture, assembly and/or processing, from extracted or raw materials or from previously-prepared materials, of finished materials, products, or parts. These uses may include processing, fabrication, assembly, treatment, and packaging of such products, as well as incidental storage and distribution of such products and associated offices. These uses may involve the production and/or storage of volumes of toxic or hazardous, flammable, or explosive materials under appropriate safeguards and conditions, as determined by the Special Permit Granting Authority under the requirements of this section. The on-premises sale of products shall not be permitted in association with any uses under this section.

In all zones, all outdoor storage of materials and equipment shall be screened from public view, from public ways and abutting residential districts. No operation shall create noise, vibration, dust, fumes or odors, that are a nuisance beyond the lot line, and further, no operations shall be permitted which the Permit Granting Board determines to be unduly hazardous by reason of potential fire, explosion, radiation, or chemical or biological hazard resulting from the use, production, or storage of materials or waste identified as toxic or hazardous, flammable, or explosive. Where permitted, all operations involving such materials shall be conducted in a fully enclosed building in accordance with all applicable public health and safety regulations.

3.373	Removal of soil, sod, loam, sand, gravel, rock, quarried stone, or other earth products.	SP	SP	N	N	N	N	N	N	N	N	N	N	N	N	N
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Any Special Permit under this section issued by the Zoning Board of Appeals shall be subject to, but not limited by, the following conditions:

1. No excavation shall be permitted below the grade of a road bounding the property at any point nearer than 300' to such road.

Bylaw Number	Land Use Classifications	Standards & Conditions	Zoning Districts														
			R-O	R-LD	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	B-N	COM	OP	LI	PRP	FPC
		<p>2. No excavation below the natural grade of any property boundary shall be permitted nearer than fifty feet to such boundary.</p> <p>3. No slope created by the removal operation shall be finished at a grade in excess of the natural angle of repose of the material.</p> <p>4. All excavated areas shall, upon completion of the operation, be covered with not less than four inches of loam; brought to the finish grade and seeded in a satisfactory manner.</p> <p>5. Within the Flood-Prone Conservancy (FPC) District excavation of earth products shall be prohibited if such excavation will lower the level of the water table or will interfere with the natural flow pattern or reduce the flood storage capacity of a stream.</p> <p>6. No permit for earth products removal shall be issued if such removal will (1) endanger the general public health or safety, or (2) constitute a nuisance, or (3) result in detriment to the normal use of adjacent property by reason of noise, dust, or vibration, or, (4) result in traffic hazards in residential areas or excessive congestion or physical damage on public ways.</p> <p>7. A Special Permit for any earth products removal may be issued for a period not exceeding five years in duration. Upon reapplication for a permit, the Zoning Board of Appeals, at its discretion may grant one or more extensions of said permit, each of which shall not exceed five (5) years duration.</p> <p>8. In approving the issuance of such permit, the Zoning Board of Appeals shall impose reasonable requirements which shall constitute a part of the permit and which may include: grading, seeding and planting, fencing necessary for public safety, methods of removal, location and use of structure, hours of operation, routes of transportation of material removed, control of drainage and disposition of waste incident to the operation.</p> <p>9. The Board may require suitable bond or other security adequate to assure compliance with the provisions of this section.</p>															
3.374	Processing of earth in connection with its authorized removal.		SP	SP	N	N	N	N	N	N	N	N	N	N	N	N	SP
			(N)	(N)													
3.375	Radioactive waste storage and disposal	Such processing shall be clearly secondary to the removal of earth products. It shall not involve importation of significant quantities of materials from off the premises.	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
		No burial, incineration, storage disposal of low-level radioactive wastes, transuranic wastes or high level radioactive wastes to be permitted unless a Special Permit is granted for this purpose by the Zoning Board of Appeals.															
SECTION 3.38 MOTOR VEHICLE RELATED USES																	
3.380	Automobile & truck rental		N	N	N	N	N	N	N	SP	SP	N	N	SPR	N	N	N
3.381	Automotive filling station, including sales of related products and services.		N	N	N	N	N	N	N	SP	SP	SP	N	SPR	N	N	N
3.382	Automotive salvage yard for the dismantling, storage and sale of parts for automobiles and light trucks.	Limited to minor repairs, unless conducted within the building.	N	N	N	N	N	N	N	N	N	N	N	SP	N	N	N
		A buffer comprised of landscaping, natural vegetation, fencing or a combination of these shall be constructed around the perimeter of the parcel. All waste materials and storm water runoff shall be disposed of in a manner specified by the Zoning Board of Appeals. The Zoning Board of Appeals shall consult the Town Engineer, Board of Health and D.E.P. concerning the appropriate methods of disposal. All operations to be such as to confine disturbing smoke, fumes, dust, glare and noise to the premises.															
3.383	Car wash		N	N	N	N	N	N	N	N	N	N	N	SPR	N	N	N
3.384	Parking facilities																
	3.3840 Commercial parking lot or parking garage		N	N	N	N	N	N	N	SP	SP	SP	N	SP	N	N	N
	3.3841 Public parking lot or garage		N	N	N	N	N	N	N	SPR	SPR	SPR	SPR	SPR	SP	SP	N
3.385	Establishment for repair of motor vehicles or farm equipment.		N	N	N	N	N	N	N	SP	SP	SP	N	SPR	N	N	N

**TABLE 3 – DIMENSIONAL REGULATIONS
FOOTNOTES**

- a. Requirement may be modified under a Special Permit, issued by the Special Permit Granting Authority authorized to act under the applicable section of this bylaw. In applying the criteria established in Section 10.395, the Special Permit Granting Authority shall consider the proposed modified dimensional requirement in the context of the pattern(s) of the same dimensions established by existing buildings and landscape features in the surrounding neighborhood.
- b. Applies to Residence Uses only (Section 3.32). In the B-G, B-VC and B-N districts, the Basic Minimum Lot Area shall apply only to the first dwelling unit on the ground floor of subdividable dwellings and converted dwellings. For townhouses, apartments, buildings containing dwelling units in combination with stores or other permitted commercial uses, and other permitted multi-unit residential uses in these districts, the Basic Minimum Lot Area, Additional Lot Area/Family, and Basic Minimum Lot Frontage requirements shall not apply.
- c. Applies to any part of a building which is within 200 feet of the side boundary of a Residence District abutting on the same street within the same block, otherwise, no front setback is required.
- d. A side yard need not be provided on one side of a single family dwelling if it shares a party wall or double wall with a single family dwelling on the next lot built at the same time.
- e. Rear and side yards shall be at least 20 feet when the affected property is adjoining a Residence District. Otherwise, rear and side yards are not required, but if provided, shall be at least 10 feet.
- f. Except as may be otherwise provided for specific uses, rear and side yards shall be at least 50 feet when the affected property is adjoining a Residence District. Otherwise, rear and side yards shall be at least 10 feet.
- g. See Section 6.15 for interpretation.
- h. A buildable lot shall contain either 90% of its total lot area, or 20,000 square feet, in contiguous upland acreage.
- i. Substitute the dimensional requirements in Section 4.332 for 10% affordable projects within cluster subdivisions only.
- j. 85% in any B-L District adjacent to the B-G District, and along University Drive; 70% in any other B-L District and in the COM District.
- k. Requirements may be modified under a Site Plan Review approval granted for a cluster subdivision.
- l. The dimensional regulations shown in Table 3 shall apply to all educational and religious uses located in the zoning districts listed, except as provided for in Section 6.6.
- m. In addition to the areas required by this table for any existing dwelling units on the lot, the density for new town houses (Section 3.322) and apartments (Section 3.323) shall not exceed one dwelling unit per 4,000 sq. ft. of the remaining lot area, or in the case where there are no existing dwelling units, 4,000 sq. ft. for each new dwelling unit beyond the first unit.
- n. See Section 6.19 for interpretation.
- o. See Section 6.18.