

ZONING BYLAWS



Town of Burlington
Massachusetts
01803

As Amended Through
SEPTEMBER 2006

A COMPLETE REVISION OF THE ZONING BYLAWS OF
THE TOWN OF BURLINGTON

ADOPTED UNDER ARTICLE 37 OF THE
ADJOURNED (FIRST) TOWN MEETING, JANUARY 24, 1977



ARTICLE 37

By a roll call of 62 in favor and 3 opposed the Town voted to amend the Zoning Bylaws of the Town, by striking the existing Zoning Bylaw in its entirety with the exception of the Zoning Map of 1968, and all amendments thereto, and by substituting therefor ten (10) articles.

Approved by the Attorney General, 4/21/77. Advertised Burlington News 5/12/77.

AS AMENDED THROUGH SEPTEMBER 2006.

Attest:

Jane L. Chew, CMC
Town Clerk

ARTICLE I
PURPOSE

SECTION 1.0 PURPOSE

The purpose of this Bylaw is to promote the health, safety, convenience, morals, and welfare of the inhabitants of the Town of Burlington. The objectives of this Bylaw are, among other purposes, to lessen congestion in the streets, to conserve health; to secure safety from fire, flood, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to encourage housing for persons of all income levels; to facilitate the adequate provision of transportation, water, water supply, drainage, sewerage, schools, parks, open space and other public requirements; to conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment; to encourage the most appropriate use of land throughout the town; to preserve and increase amenities; and to accomplish any other purpose for which Zoning Bylaws may now or hereafter be enacted under the laws of the Commonwealth of Massachusetts.

ARTICLE II
DEFINITIONS

SECTION 2.0 DEFINITIONS

2.1 Accessory Use or Structure - See Use or Structure, Accessory

2.1.1 Adult Day Care

A facility offering daytime programs for older adults providing health care and assessment, personal care, social programs, recreational activities, meals and transportation, but not providing overnight or residential accommodations.

2.1.2 Adult Bookstore

An establishment having twenty-five (25) percent or more of its stock in trade and/or floor area, comprised of books, magazines, videos, and other matter which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L. Chapter 272 Section 31.

2.1.3 Adult Club

An establishment having twenty-five (25) percent or more of its entertainment is devoted to a person or persons working or performing in a state of full or partial nudity, or distinguished or characterized by an emphasis on a matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L. Chapter 272 Section 31.

2.1.4 Adult Paraphernalia Store

An establishment having twenty-five (25) percent or more of its stock in trade and/or floor area, comprised of devices, objects, tools, or toys, which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in M.G.L. Chapter 272 Section 31.

2.1.5 Adult Theater

Any building, structure, or premises used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L. Chapter 272 Section 31.

2.1.6 Adult Video Store

An establishment having twenty-five (25) percent or more of its stock in trade and/or floor area, comprised of videos, books, magazines, and other matter which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L. Chapter 272 Section 31.

2.2 Alteration

Any construction, reconstruction or other similar action resulting in a change in the structural parts, height, number of stories, exits, size, use or location of a building or other structure.

2.3 Animal Hospital - See Hospital Veterinary

2.4 Apartment - See Dwelling Garden Apartment

2.4.1 Assisted Living Facility

A facility as defined by MGL Chapter 19D, providing room and board, which provides assistance with activities of daily living and personal care services for three or more non-related adults, and collects payments or third party payments to pay

for the provision of assistance with activities of daily living. Assisted living facilities are for frail elders who do not require 24-hour skilled nursing care. Assistance with dressing, bathing, eating, housekeeping, medicine monitoring, and other activities of daily living may be provided, along with an array of services, from meals to social and wellness activities. All assisted living residences are required to be certified by the Executive Office of Elder Affairs.

2.5 Awning

A rooflike covering, as of canvas, stretched upon a frame that is affixed to a building and used above or before any place as a shelter from rain or sun.

2.5.1 Bakery

An establishment that primarily bakes food products such as cakes, breads, cookies, pies, pastries, and similar goods, exclusively intended for off site consumption. A bakery may not offer drive-through window service.

2.6 Basement

A portion of a building, partly underground, which has more than one-half of its height measured from finished floor to finished ceiling above the average grade of the adjoining ground.

2.6.0.1 Bed & Breakfast

An owner-occupied one family dwelling offering temporary lodging accommodations for travelers, operated under an Innkeeper's license from the Board of Selectmen, and subject to any requirements of the Massachusetts Department of Public Health and the Burlington Board of Health. No Bed and Breakfast shall have more than 4 rooms to rent, nor shall any one room be rented by more than 3 unrelated people. Guest rooms shall not be provided with separate cooking facilities. Meals may be prepared and served from a central kitchen facility.

2.6.1 Body Art

The practice of physical body adornment by licensed practitioners utilizing techniques including, but not limited to, body piercing, tattooing, cosmetic tattooing, branding and scarification. Body piercing shall include puncturing or penetrating the skin of a person, not including the ear, for the purpose of inserting jewelry or other adornment. No practitioner of body art shall practice, and no establishment in which body art is applied shall be operated without a license issued by the Board of Health. Body Art establishments shall not be located within one thousand (1,000) feet of each other, within five hundred (500) feet of the nearest lot line of a place of worship or a building used for religious purposes, or within one thousand (1,000) feet of a school, nonprofit educational use, library, or museum.

2.7 Building

A combination of any materials, whether portable or fixed, having a roof, enclosed within exterior walls or fire walls, built to form a structure for the shelter of persons, animals or property. For purposes of this definition, "roof" shall include an awning or any similar covering, whether or not permanent in nature.

2.8 Building, Accessory - See Use or Structure, Accessory

2.9 Building Area

The aggregate of the maximum horizontal cross sectional area of all buildings on a lot exclusive of cornices, eaves, gutters, chimneys, steps, unenclosed porches, bay windows, balconies, and terraces.

2.10 Building, Attached

A building having any portion of one or more walls in common with adjoining buildings.

2.11 Building Coverage

The building area expressed as a percent of the total lot area.

2.12 Building, Detached

A building having open space on all sides.

2.13 Building Height

The vertical distance measured from the mean finished grade of the ground adjoining the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridges, for gable, hip and gambrel roofs. This definition excludes penthouses, bulkheads and other allowable super-structures above the roof line.

2.14 Building, Principal

A building in which is conducted the principal use of the lot on which it is located.

2.15 Carport

A roofed structure, unenclosed on two or more sides, which may serve as a shelter for motor vehicles.

2.16 Cellar

A portion of a building, partly underground, which has less than one-half of its height, measured from finished floor to finished ceiling, above the average grade of the adjoining ground.

2.16.1 Congregate Living Facility

A non-institutional, shared living environment which integrates shelter and service needs of functionally impaired and/or socially isolated seniors who are otherwise in good health and who do not require constant supervision or intensive health care as provided by an institution. Each resident or couple shall have an individual bedroom and may have a separate living room, kitchen, dining area, or bathroom, and may share living, dining, and bathroom facilities with other senior persons, such as in a common dining facility.

2.16.2 Continuing Care Retirement Facility

A facility that includes combinations of independent living, congregate living, assisted living, and long term care facility (nursing home) within a single facility or on the same tract, offering lifetime housing and a variety of health care, social, and recreational services. (also known as Life Care Community)

2.17 Convalescent Home

Any institution, however named, whether conducted for charity or profit, which is to be maintained for the express or implied purpose of caring for three or more persons admitted thereto for the purpose of nursing, convalescent care or purposes related to the principal use of such institution.

2.18 Child Care Facility

Any day care center or school age child care program, as defined under M.G.L. Chapter 28A, Section 9, and as may be amended from time to time, however named, which receives children for temporary custody on a regular basis.

2.18.1 Custodial care facility

A facility that provides nonmedical care addressing the patient's personal needs, such as bathing, dressing, and eating. Such care may be provided by people without professional medical skills or training.

2.18.2 Demolition

The act of pulling down, destroying, removing, or razing a building or structure, in whole or in part (including the demolition of exterior walls or roof), or commencing such work with the intent of completing the same, all as determined by the Inspector of Buildings; provided, however, that the term "demolition" shall not include the ordinary maintenance or repair or an addition to any building or structure.

2.19 District

A zoning district as established by Article III of this Bylaw. In addition, there are Wetlands, Flood Plain, Aquifer, and Water Resource overlay districts.

2.20 Dormitory

A dwelling, under the ownership or control of an educational, charitable or philanthropic organization which provides separate rooms or suites for the semi-permanent occupancy of individuals or groups of up to two (2) individuals per room, with common bath and toilet facilities and without individual cooking facilities.

2.21 Driveway

An open space, which may be paved, located on a lot, built for access to a garage, or off-street parking or loading space.

2.22 Dwelling, Garden Apartments

A residential building designed for or occupied by families with the number of families in residence not exceeding the number of dwelling units provided, and each unit containing independent cooking, bathroom and sleeping facilities.

2.22.1 Elderly Housing

Any residential premises available for lease by elderly or disabled individuals which is financed or subsidized in whole or in part by state or federal housing programs established primarily to furnish housing rather than housing and personal services, as set forth in a listing established by the Secretary of Elder Affairs, and which was never licensed under Chapter 111 of the Mass General Laws.

2.23 Erected

The word "erected" shall include the words "attached," "built," "constructed," "reconstructed," "altered," "enlarged," and "moved."

2.23.1 Essential Services

Services provided by public utility or governmental agencies through erection, construction, alteration, or maintenance of underground or overhead transmission or distribution systems for gas, electricity, steam, water, communications, supply, or sewage.

2.24 Family

One (1) or more persons, including domestic employees, occupying a dwelling unit and living as a single, nonprofit housekeeping unit, provided, that a group of five (5) or more persons who are not within the second degree of kinship to each other, as defined by civil law, shall not be deemed to constitute a family.

2.24.1 Farmers Market

A market, usually held out-of-doors, where farmers can sell their produce, other edible farm products, flowers, fireplace wood, preserves and similar products to the public. Products at such markets should be locally and/or regionally grown. Farmers Markets are subject to regulation by the Board of Health.

2.25 Fast-Order Food Establishment

An establishment whose primary business is the sale of food for consumption on or off the premises which is (a) primarily intended for immediate consumption rather than for use as an ingredient or component of meals; (b) available upon a short waiting time; and (c) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold and (d) primarily prepared in advance of a specific order for such food. Establishments which do not provide direct table service to their patrons shall be considered fast-order food establishments. Establishments providing primarily take-out service or delivery service shall be considered fast-order food establishments. Establishments where the patrons order at a counter or window and carry the food order to a table shall be considered fast-order food establishments.

2.26 Filling Station

Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail, where the following services may be rendered and sales made, and no other:

- (a) Sales and servicing of spark plugs, batteries, and distributor parts;
- (b) Tire servicing and repair, but not recapping or regrooving;
- (c) Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like;
- (d) Radiator cleaning and flushing, including removal and replacing;
- (e) Washing and polishing, and sale of automotive washing and polishing materials;
- (f) Greasing and lubrication;
- (g) Providing and repairing fuel pumps, oil pumps, water pumps and lines;
- (h) Minor servicing, replacement and repair of carburetors;
- (i) Emergency wiring repairs;
- (j) Adjusting and repairing brakes;
- (k) Servicing of front end including ball joints;
- (l) Minor motor adjustments not involving removal of the head or crankcase or racing the motor;
- (m) Sales of cold drinks, packaged foods, tobacco, and similar convenience goods for filling station customers, as accessory and incidental to the principal operation. The maximum floor area that may be allocated to the display and sales of such convenience items, and of customer accessible automotive parts, including aisle, shelving, counters, customer accessible cooler shelves, and transaction area, shall not exceed 350 square feet. Exterior display of such convenience items shall be prohibited;
- (n) Provision of road maps and other informational material to customers; provision of restroom facilities;
- (o) Safety inspections.

2.27 Fire Lane

An open space in which no building or structure may be erected and in which no automotive vehicles may be parked, except that buildings may be interconnected by corridors or walkways if provision is made for access by fire apparatus to all outside walls. The open space shall be between a building and a line parallel to and fifteen (15) feet equidistant from a building.

2.27.1 Fitness Center

An establishment, providing space or facilities for physical exercise, fitness and health, occupying not more than 5,000 square feet.

2.28 Floor Area, Floor Area Ratio, and Maximum Floor Area Ratio

Floor Area, Gross: Gross floor area shall be the floor area within the perimeter of the outside walls of the building under consideration, without deduction for hallways, stairs, closets, thickness of walls, columns, or other features.

Floor Area, Net: Net floor area shall be the actual occupied area within a building, not including accessory unoccupied areas or thickness of walls.

Floor Area Ratio (FAR): The ratio of the sum of the gross floor area of all buildings on a lot to the total land area of a lot.

Floor Area Ratio, Maximum: Where a Maximum Floor Area Ratio is given, it shall mean that in no case shall the Floor Area Ratio (FAR) provided in Section 5.2.0 of Article V be exceeded, except as otherwise provided for in Section 5.1.10 of Article V. For purposes of this bylaw, the Gross Floor Area of a parking structure or structures shall not apply to the Maximum Floor Area Ratio.

2.29 Frontage

The property line adjacent to (a) a public way which the Town Clerk certifies is maintained and used as a public way, or (b) a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, or (c) a way in existence when the subdivision control law became effective in the Town of Burlington, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. Frontage shall be measured in a single continuous, uninterrupted line along a street or streets.

2.30 Garage, Auto Repair

Any building used for the keeping of motor vehicles and in which a business or industry dealing with the repair or servicing of such vehicles is maintained.

2.31 Garage, Residential

Any building or portion of a building, accessory to and located upon the same lot as a residential building or upon a lot in the same ownership and adjacent to the lot on which the served residential building is located, which is used for the keeping of a motor vehicle or motor vehicles and in which no business or industry dealing with sales, servicing, or repair of such vehicles is carried on.

2.32 Garden Center

Places at which garden plants and equipment are sold but generally not raised.

2.33 Golf Course, Standard or Par Three

Course, including customary accessory buildings, where tee to hole distance averages not less than 80 yards.

2.33.1 Group Care Facility

A type of group quarters operated under the auspices of the Department of Mental Health or the Department of Mental Retardation in which a group of up to eight (8) individuals not related by blood, marriage or adoption live together as a single housekeeping unit under a common housekeeping management plan in which some form of health care is provided.

2.33.2 Historically Significant Building or Structure

Any building or structure located within the Town which was, in whole or in part, constructed one hundred (100) or more years prior to the date of application for a demolition permit, and (a) which is listed on or is within an area listed on the National or State Register of Historic Places or is the subject of a pending application for such listing; or (b) which is or has been designated by the Burlington Historical Commission to be a historically significant building or structure, or which the Historical Commission finds to be eligible for such designation, following a finding by the Historical Commission; or (c) which is listed in the Cultural Resources Inventory adopted by the Planning Board:

- (i) is associated with one or more historical persons or events, or with the cultural, economic, social or political history of the Town or Commonwealth; or
- (ii) possesses architectural value or significance in terms of period, style, method of construction, or
- (iii) is associated with an historically prominent architect or builder, either by itself or in conjunction with a group of buildings or structures.

2.34 Home Occupation

An occupation conducted in a dwelling unit.

2.35 Hospital

Any institution, however named, licensed by the Commonwealth of Massachusetts as a hospital, acting through the Department of Public Health or any successor agency, whether operated for charity or as a non-profit, which is maintained for the purpose of caring for persons admitted thereto for diagnosis or medical, surgical or restorative treatment which is rendered within said institution, including related facilities such as hospital diagnostic laboratory, out-patient departments, patient pharmacy, stock room, physical therapy, staff and administrative offices.

This definition is not intended to excuse a hospital from the requirements of Section 4.2.7.4 of the Use Table or any other section of Article IV, "Use Regulations", of the Burlington Zoning Bylaw.

2.36 Hospital, Veterinary

A building providing for the diagnosis and treatment of ailments of animals, including facilities for overnight care.

2.37 Hotel, Motor Hotel or Motel

A building or several buildings containing sleeping rooms for resident or transient guests with a provision for serving food in a public dining room, but no cooking in rooms occupied by guests.

2.38 Impervious Surface

Any surface which sheds water rather than absorbing it, such as roofs and roads, and has a run-off coefficient of ninety (90) percent or higher.

2.38.1 Independent Living Facility

A facility that provides residential accommodations for senior adults. These residences may include common areas, a common dining facility, and space for the provision of social, psychological, and educational programs. Home health care or other community based services may be used on an individual basis. Meals, linen and housekeeping services may be offered. There may be some maintenance staff, but there is no medical or supervisory staff.

2.38.1.1 In-Law Apartment

A second dwelling unit located within a structure constructed as a detached one family dwelling, not exceeding 30% of the net floor area of the structure, and not internally separated from the main dwelling unit, in a manner that maintains the appearance of the structure as a one family unit. The owner of the dwelling shall occupy either of the dwelling units. There shall be no more than one in-law apartment within a one family dwelling.

2.38.1.2 Inn

A building designed and used to provide temporary (not to exceed 30 days) accommodations for travelers, including sleeping quarters and bathroom facilities, but not cooking facilities, operated under an Innkeeper's license from the Board of Selectmen. Meals may be prepared and served from a central kitchen/dining facility.

2.38.2 Inspector of Buildings

The person occupying the office of the Inspector of Buildings or is otherwise authorized to issue demolition permits.

2.38.3 Kiosk

Free standing business structure, by whatever name, of less than 144 square feet for drive up or walk up window service.

2.39 Light Manufacturing

Fabrication, processing or assembly employing only electric or other substantially noiseless and inoffensive motive power, utilizing hand labor or quiet machinery and processes, and free from neighborhood disturbing agents, such as odors, gas fumes, smoke, cinders, flashing or excessively bright lights, refuse matter, electromagnetic radiation, heat or vibration.

2.40 Loading Space

An off-street space which includes access and maneuvering space used exclusively for loading and unloading of goods and materials from one (1) vehicle.

2.40.1 Long-term Care Facility

An institution, or distinct part of an institution, which is licensed or approved by the Massachusetts Department of Public Health to provide 24-hour health care under medical supervision to individuals who, by reason of advanced age, chronic illness, or infirmity, are unable to care for themselves. For the purposes of this bylaw, it includes: extended care facility, intermediate care facility, nursing home, convalescent home, and rest home.

2.41 Lot

A parcel of land used or set aside and available for use as the site of one or more buildings and buildings accessory thereto or for any other definite purpose, in one (1) ownership and not divided by a street, not including any land within the limits of a public or private way upon which such lot abuts, even if the fee to such way is in the owner of the lot. Land determined to be wetlands shall not be included as part of the lot for purposes of determining the lot area. A lot for the purpose of this Bylaw may or may not coincide with a lot of record.

2.42 Lot, Corner

A lot bounded by more than one (1) street which has an interior angle of one-hundred thirty-five (135) degrees or less formed by the tangents or straight segments of street lines between the side or rear lines of such lot or by an extension of such street lines. A lot bounded by one (1) street shall be considered a corner lot when the tangents or straight segments of the street line between the side lines of the lot form, or would form if extended, an interior angle or one-hundred five (105) degrees or less.

2.43 Lot Depth

The mean horizontal distance between the front lot line and the rear lot line.

2.44 Lot, Interior

A lot, other than a corner lot, with only one (1) frontage on a street.

2.45 Lot Line, Front

The property line dividing a lot from a street. On a corner lot only one (1) street line shall be considered as an address and the shorter street frontage shall be considered the front line, except in those cases where the latest deed restrictions specify another line as the front line lot line.

2.46 Lot Line, Rear

A line separating a lot from other lots or from land in a different ownership, being the boundary of a lot which is opposite or approximately opposite the street frontage.

2.47 Lot Line, Side

Any lot line not a front or rear lot line.

2.48 Lot, Nonconforming

A lawful unoccupied lot which existed as a lot of record at the effective date of this Bylaw or any subsequent amendment thereto, or any occupied lot which is not in conformity with the provisions of this Bylaw.

2.49 Lot, Through

A lot other than a corner lot that is bounded by more than one street. In the case of a through lot, when a lot is bounded by more than one street, any one of them but only one, may be designated as the frontage street by the owner, provided that the street meets the frontage requirement and that the principal permitted building on the lot is addressed on such frontage street.

2.50 Lot Width

The horizontal distance between the side lot lines as measured at the required front set back line.

2.50.1 Massage Therapy

The act of moving or manipulating superficial or deep tissues, muscles, joints, or bones by rubbing, kneading, guiding, or the like by manual or mechanical means, or as directed by the practitioner, for the purpose of invigorating, relaxing, or increasing physical and/or emotional well-being. Massage Therapy shall be accessory to an athletic club, health club, school, gymnasium, reducing salon, spa, medical office, or similar establishment, and may only be administered by a medical practitioner, chiropractor, massage therapist, acupuncturist, physical therapist, or similar professional person licensed, certified, or exempted by the Burlington Board of Health

2.51 Membership Club, Private

A building used to house a nonprofit social, sports or fraternal association or organization if used exclusively by members and their guests.

2.52 Membership Club, Public

A building used to house a social or sports association or organization used by members and their guests, and open to the public.

2.52.1 Multi-Family Dwelling

A building designed and used as living quarters and habitation by four (4) or more families, containing separate cooking, bathroom and sleeping facilities in each of the living quarters.

2.53 Municipal

Officially owned, operated, or used exclusively by the Town of Burlington.

2.54 Nonconforming Use

A use of a building structure, or premises that does not conform to a use regulation prescribed by this Bylaw for the district in which it is located, but which was in existence at the time the use regulation became effective and was lawful at the time it was established.

2.55 Nonconforming Building, Structure, or Premises

A building structure, or premises that does not conform to a dimensional regulation prescribed by this Bylaw for the district in which it is located or to regulations for off-street parking, off-street loading, or accessory structures, or buildings, but which building, structure, or premises was in existence at the time the regulation became effective and was lawful at the time it was established.

2.56 Nursery

The business of propagating plants, including trees, shrubs, vines, seed, grass, live flowers and other plants and the storage and selling of such plants grown on the premises, and premises used therefor.

2.56.1 Nursing Home - See Long Term Care Facility.

2.57 Office

A place in which functions such as directing, consulting, record keeping, clerical work, and sales (without the presence of merchandise) of a firm are carried on; also a place in which a professional person conducts his professional business.

2.58 One Family Dwelling

A building used exclusively and continuously or at intervals, singly and apart from any other building, as living quarters and habitation by one family, containing cooking, bathroom and sleeping facilities.

2.59 Open Area, Percentage

The percentage of the lot area which is not occupied by any structure.

2.60 Outdoor Storage Area

A space outside of a building which is used to keep merchandise for use, goods to be processed, or machinery for use.

2.61 Owner

The duly authorized agent, attorney, purchaser, devisee, trustee, lessee, or any person having vested or equitable interest in the use, structure or lot in question.

2.62 Parking Space

An off-street space inside or outside a structure for exclusive use as a parking stall for one (1) motor vehicle.

2.63 Penthouse

A structure above the roof line of a building, comprising less than thirty-three and one-third (33 1/3) percent of the roof area for equipment incidental to the building.

2.63.1 Performance Theater

An enclosed space suitable for a variety of cultural arts performances, permanently available for the primary principal use of public performing arts presentations such as plays, dance, and concerts, although incidental use for private meetings, exhibits and presentations shall be permitted. Such space may also include studios, classrooms, and galleries.

2.64 Premises

The term "premises" means one (1) or more abutting lots, or lots separated only by a street, in the same ownership or use, together with all building and structures thereon.

2.65 Public

Officially owned, operated, or used by the Town of Burlington, the Commonwealth of Massachusetts, the United States of America, or any office, department, or agency thereof.

2.65.1 Public Water and Sewer Distribution Structures

Any building, structure, or facility erected and/or maintained by the Town of Burlington for the purposes of supplying and distributing public drinking water or the collection and disposal of sanitary sewage.

2.66 Recorded

Duly and properly filed in the appropriate registry of deeds or Land Court registration office.

2.67 Recreational Trailer or Vehicle

A vehicular, portable unit designed for travel, camping or recreational use excluding Mobile Homes and House Trailers, and including the following:

- (a) Travel Trailer: A vehicular, portable dwelling unit built on a chassis, being of any length provided its gross weight does not exceed forty-five hundred (4,500) pounds, or being of any weight provided its overall length does not exceed twenty-eight (28) feet.
- (b) Pick-up Camper: A portable dwelling unit designed to be mounted on a pick-up truck or chassis, whether or not so mounted.
- (c) Motorized Camper: A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
- (d) Tent Trailer: A folding structure, constructed of canvas, plastic or similar water repellent material, designed to be mounted on wheels to be used as a temporary dwelling.
- (e) Boat Trailer: A vehicle without motive power, designed to be drawn by a motor vehicle and designed for the hauling or storage of a boat, aircraft, snowmobile or other recreational vehicle.

2.68 Repair

With respect to a building or structure, any construction which replaces materials and does not change the height, number of stories, size, use or location of a structure.

2.69 Repair, Auto - See Garage, Auto Repair

2.69.1 Residence hotel/motel

A building or buildings containing not less than fifty (50) sleeping rooms for resident or transient guests which may provide for serving food in a public dining room and/or which may also provide for cooking and private dining in individual rooms. A residence hotel/motel shall be located within 1,500 feet of the layout of a limited access highway which, for purposes of this Bylaw, shall mean a roadway under federal and/or state jurisdiction to which access is limited to certain designated interchange locations. Only Route 3 and Route 128/95 qualify as limited access highways for purposes of this Bylaw.

2.70 Rest Home - See Long Term Care Facility.

2.71 Restaurant

An establishment serving food and drink to patrons seated in a dining area which seats at least fifty (50) persons, with service being provided to the patrons by wait staff. Take-out orders may be permitted as an incidental and subordinate percentage of the business. A restaurant may not offer drive-through window service.

2.72 Roadside Stand

Premises for sale of edible farm products, flowers, fireplace wood, preserves and similar products, all of which have been produced or grown within Burlington, on land owned by the owner of the stand; no goods except plants, flowers, fireplace wood and edible farm products shall be stored or offered for sale outdoors.

2.73 Screening

A solid fence, wall or evergreen planting.

2.74 Special Permit

A use of structure or lot or any action upon a premises which may be permitted under this Bylaw only upon application to and the approval of the special permit granting authority and in accordance with provisions of Article IX of this Bylaw.

2.75 Story

That portion of a building contained between any floor and the floor or roof next above it, but not including a cellar or a basement if its ceiling is less than six (6) feet six (6) inches above the average finished grade or the uppermost portion so contained if under a sloping roof and not designed or intended to be used for human occupancy.

2.76 Street

Any public or private way, road, bridge, alley, right of way, square, court and sidewalk.

2.77 Structure

Anything constructed or erected, the use of which demands a permanent location in the soil, or attached to something having a permanent location in the soil.

2.78 Structure, Temporary

A structure intended for continuous use for not longer than one year.

2.78.0.1 Three-Family Dwelling

A building used as living quarters and habitation by three families, containing separate cooking, bathroom and sleeping facilities in each of the three living quarters. The configuration of units must be in a side-by-side layout, not vertically above

one another.

2.78.1 Town

Any part of the Town of Burlington.

2.79 Toxic or Hazardous Materials

Refer to Article VIII, Section 8.3.4.3 "Hazardous Materials" and Section 8.3.4.4 "Hazardous Waste".

2.80 Trailer - See Recreational Trailer

2.80.1 Two-Family Dwelling

A building used as living quarters and habitation by two families, containing separate cooking, bathroom and sleeping facilities in each of the living quarters.

2.81 Use

The purpose for which a structure or lot is arranged, designed, or intended to be used, occupied or maintained.

2.82 Use of Structure, Accessory

A use incidental and subordinate to the principal use of a building, structure or lot, or a use, not the principal use, which is located on the same lot as the principal structure.

2.83 Use, Principal

The main or primary purpose for which a building, structure or lot is designed, arranged or intended, or for which it may be used, occupied or maintained under this Bylaw.

2.84 Use, Temporary

Use, operation or occupancy of a parcel of land, building or structure for a period not to exceed one (1) calendar year.

2.85 Yard, Front

An open space extending across the full width of the lot and lying between the front lot line and a line parallel to the front lot line that touches the nearest point of the building.

2.86 Yard, Rear

An open space extending across the full width of a lot and lying between a rear lot line of the lot, and a line parallel to the front lot line that touches the furthest point of the building from the front lot line, or the corner of a triangular lot farthest from the front lot line.

2.87 Yard, Side

The space extending from the front yard to the rear yard between a building and the adjacent side of the lot on which said building is located.

2.88 Variance

Such departure from the terms of this Bylaw upon appeal in specific cases, as the Board of Appeals is empowered to authorize.

ARTICLE III
ESTABLISHMENT OF DISTRICTS

SECTION 3.1.0 DISTRICTS

For the purposes of this Bylaw, the Town of Burlington is hereby divided into the following types of use districts:

RO - One-Family Dwelling Districts
RG - Garden Apartment Districts
RC - Continuing Care Districts
BN - Neighborhood Business Districts
BL - Limited Business Districts
BT - Continuous Traffic Business Districts
BG - General Business Districts
IR - Retail Industrial Districts
IG - General Industrial Districts
IH - High-Rise Industrial Districts
PD - Planned Development Districts
OS - Open Space Districts

(An Abbreviation shall not be used by itself in a public notice.)

3.1.1 Special Districts

FP - 100-Year Flood Plain Districts
WR - Water Resources Districts
W - Wetlands Districts
A - Aquifer Districts
WC - Wireless Communications Districts
CC - Civic Center District
CBD - Central Business District

SECTION 3.2.0 LOCATION OF DISTRICTS

All districts, except for the Special Districts listed in Section 3.1.1, are as shown on the map entitled, "Town of Burlington, Mass. Zoning Map 1979." Individual zoning district changes, identified by number on the Zoning Map, are shown in more detail in the "Town of Burlington, Mass. Zoning Map Booklet." The Zoning Map with all explanatory matter thereon, and the Burlington Zoning Map Booklet, are hereby made a part of this Bylaw.

The location of the special districts are shown on the following maps:

100-Year Flood Plain District: as described in Section 8.1.2 "(100-Year Flood Plain) District Boundaries," and shown on Flood Insurance Rate Maps (consisting of an index sheet and four map pages) and the Flood Boundary and Floodway Maps (consisting of an index sheet and three map pages), Town of Burlington, dated July 5, 1984 and prepared by the Federal Emergency Management Agency.

Wetlands Districts: as shown on maps entitled, "Wetlands, 1977," prepared on the topographic base maps, consisting of an index sheet and 60 map pages.

Aquifer and Water Resource Districts: As shown on the map entitled, "Town of Burlington, Aquifer and Water Resource District Map" prepared by Alan C. Nelson, Senior Engineer, Town of Burlington Engineering Dept., and dated January 9, 1996.

Wireless Communications Facilities Overlay Districts: As shown on the map entitled, "Town of Burlington Wireless Communications Overlay Districts" prepared by the Town of Burlington, and dated September 2000.

Town Center Districts: As shown on the map entitled, "Town of Burlington Town Center Districts" prepared by the Town

of Burlington, and dated December 2005.

3.2.1 Change Through Amendment

Any change in the location or boundaries of a district hereafter made through the amendments of this Bylaw shall be indicated by the alteration of such map, and the map thus altered is declared to be a part of the Bylaw thus amended.

ARTICLE IV
USE REGULATIONS

SECTION 4.1.0 APPLICABILITY OF REGULATIONS

Except as otherwise provided by the General Laws or by this Bylaw, no building or structure shall be constructed, and no building, structure or land, or part thereof shall be used for any purpose or in any manner other than for one (1) or more of the uses or accessory uses set forth in Sections 4.2.0 and 4.3.0. In each district, except RO and FP, any construction, reconstruction or alteration shall also be subject to Site Plan Approval as provided by Article IX, Sections 9.3.0 through 9.3.6.

4.1.1 Symbols in Use Regulation Schedules

Yes - Permitted as of right

No - Prohibited

SP - Permitted only by a special permit, as provided by Article IX, Sections 9.2.0 through 9.2.7.

YES₁ – Permitted by right in a CC or CBD overlay district, even if prohibited or allowed only by SP in the underlying zoning district.

SP₁ – Permitted only by a special permit in a CC or CBD overlay district, even if prohibited in the underlying zoning district.

4.1.2 Retroactive Special Permit

Any use existing, and maintained in conformity with law, on the effective date of this Bylaw which requires a special permit shall be deemed to have been granted a special permit subject to the maintenance of the then existing character and extent of operations and structures. A change in use or structure shall require a special permit as provided in Article IX, Sections 9.2.0 through 9.2.7.

4.1.3 Temporary Accessory Uses

The Inspector of Buildings may grant a permit for a temporary building, structure, or use incidental to a construction project. Such permit may be issued for an initial period of not more than one (1) year and may be renewed for periods of six (6) months.

(a) Temporary tents shall be allowed in all districts for a period not to exceed four days for any given event, and shall be subject to the review of the Inspector of Buildings.

Temporary tents shall be allowed for such uses, including but not limited to: weddings, social functions, business gatherings, special promotions related to a permitted use.

Temporary tents related to retail uses or activities shall not generate additional parking demands beyond what can be accommodated by existing on-site parking or off-site parking within 300 feet of the subject property.

Applications for temporary tent permits shall be made to the Inspector of Buildings. Applicants shall provide all such information requested by the Inspector of Buildings, including but not limited to:

1. Means of ingress/egress.
2. Number of available on-site and off-site parking spaces.
3. Estimate number of cars attributable to the event or activity for which the tent is needed.
4. The presence or availability of sanitary facilities on site. Adopted 5-23-88, Art. 72.

4.1.4 Use Limitations

Any other provisions of this Bylaw notwithstanding, no use shall be permitted which would create a nuisance because of, but not limited to, noise, vibration, smoke, gas, fumes, illumination, odors, and dust; or which would create a hazard of radiation, fire, explosion or contamination of the water supply.

4.1.5 Accessory Residential Uses in One-Family Dwellings: Accessory Apartments

An accessory apartment is a second dwelling unit located within a structure constructed as a detached one family dwelling, subordinate in size to the principal dwelling unit and separated from it, in a manner that maintains the appearance of the structure as a one family unit.

4.1.5.1 General Objectives: The provision of accessory dwelling units in owner occupied one family dwellings is intended to: 1) increase the number of small dwelling units available for rent in town, 2) increase the range of choice of housing accommodations, 3) encourage greater diversity of population with particular attention to young adults and senior citizens, and 4) encourage a more economic and energy-efficient use of the town's housing supply while maintaining the appearance and character of the town's single family neighborhoods.

4.1.5.2 Conditions and Requirements: The Building Inspector shall issue a building permit for an accessory apartment in a detached, one family dwelling in any residential district provided that the unit meets the standards of the building code and each of the following conditions and requirements is met:

(a) General

1. The owner of the dwelling in which the accessory apartment is created, shall occupy either of the dwelling units in the located structure in question, except for temporary absences of up to six months. For the purposes of this section, the "owner" shall be one or more individuals residing in a dwelling, who hold title and for whom the dwelling is the primary residence for voting and tax purposes.
2. There shall be no more than one accessory apartment within a one family dwelling.
3. There shall be no boarders or lodgers within either unit of a dwelling with an accessory apartment.
4. The gross floor area of the dwelling, including the basement, shall have been at least 1,800 square feet as of January 1, 1989, which amount shall be verified in the records of the Building Inspector. (Note: Gross floor area is defined as the sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the center line of a wall separating two buildings, but not including interior parking spaces or any space where the floor to ceiling height is less than six feet.)
5. The maximum net floor area of the accessory apartment shall not exceed 30 percent of the net floor area of the dwelling as of January 1, 1989.
6. There shall be no more than two bedrooms in an accessory apartment.

(b) Exterior Appearance of a Dwelling with an Accessory Apartment: The accessory apartment shall be designed so that the appearance of the structure remains that of a one family dwelling, subject further to the following conditions and requirements:

1. All stairways to second or third stories shall be enclosed within the exterior walls of the dwelling.
2. There shall be no enlargements or extensions of the dwelling in connection with any accessory apartment except for minimal additions necessary to comply with building, safety or health codes, or for enclosure of an entryway, or for enclosure of a stairway to a second or third story.
3. Any new entrance shall be located on the side or in the rear of the dwelling.

4. Where there are two or more existing entrances on the front facade of a dwelling, if modifications are made to any entrance, the result shall be that one appears to be the principal entrance and the other entrances appear to be secondary.

(c) Off-Street Parking: There shall be provided at least two off-street parking spaces for the principal dwelling unit and at least two off-street parking spaces for the accessory unit.

4.1.6 Wireless Communications Facilities

4.1.6.1 Purpose and Intent

The Town of Burlington recognizes the quasi-public nature of wireless communications systems and finds that these regulations are necessary to protect public safety, to protect the ecological, scenic, historical and recreational values of the Town and to ensure that adverse visual and operational effects will not contribute to blighting, deterioration or other deleterious effects upon the surrounding neighborhood.

It is the intent of this Section to provide for establishment and/or expansion of cellular telephone, mobile radio and personal communication and similar systems within the Town of Burlington while protecting neighborhoods and minimizing the adverse visual and aesthetic effects of wireless telecommunications facilities through careful design, siting and screening and in furtherance of the requirements of the federal Telecommunications Act of 1996. More specifically the Section has been developed in order to:

- a) Comply with the intent and obligations of the Federal Telecommunications Act of 1996;
- b) Increase and promote competition in the telecommunications industry;
- c) Regulate the siting of wireless communications facilities relative to visual and aesthetic concerns;
- d) Encourage the use of screening and camouflaging techniques to minimize adverse visual and aesthetic impacts of wireless communications facilities on adjacent properties and residential neighborhoods;
- e) Minimize the overall number of wireless communications facilities and structures as may be necessary to provide wireless communications services within the community, by promoting shared use of facilities among multiple providers while providing reasonable opportunity for all providers to operate facilities within the community;
- f) Maximize use of existing and approved towers and other structures to accommodate new antennas and transmitters in order to reduce the number of wireless communications facilities needed to serve the community;
- g) Minimize the location of facilities in visually sensitive areas;
- h) Site facilities below visually prominent ridge lines;
- i) Protect historic and residential areas from potential adverse impacts of such facilities;
- j) Avoid potential damage to adjacent properties from facility failure through engineering and careful siting of facilities.

4.1.6.2 Definitions

4.1.6.2.1 “Wireless Communication Facilities” (WCF) shall mean a facility for the provision of wireless communication service, including, but not limited to, towers, monopoles, antennas, antennas attached to existing structures and associated accessory structures, if any, which facilitate the provision of wireless communication services.

4.1.6.2.2 “Wireless Communication Services” (WCS) shall mean the provision of the following types of services: cellular telephone, personal communications and enhanced specialized mobile radio service.

4.1.6.3 General Requirements:

- a) Wireless communications facilities, including towers, poles, antennas, satellite dishes, and accessory equipment cabinets, shall be considered structures under this Zoning Bylaw and shall be subject to the density and dimensional requirements of Section 5.2.0.
- b) No wireless communications facility, including towers, poles, antennas, and satellite dishes shall be erected or installed except in compliance with the provisions of this Section. Unless otherwise noted in Section 4.3.0 "Accessory Use Regulations Schedule" or in subsection "c" below, a special permit is required from the Planning Board. Any proposed construction of a new freestanding support structure, extension in height of an existing freestanding facility, or replacement of an existing freestanding facility, shall be subject to a new application for a special permit.
- c) Wireless communication facilities may only be located within the overlay districts identified on the map entitled "Town of Burlington - Wireless Communications Overlay Districts". Such properties are also enumerated by Assessor's Map and Parcel number in the "Comprehensive Plan for Wireless Communication Facilities in Burlington, MA." WCF's involving new freestanding support structures, or any facility proposed to be located within 200 feet of a property occupied by a residence shall be permitted in these overlay districts by special permit, pursuant to the criteria set out under Section 9.2.0 of this Bylaw, in addition to the approval criteria of this Section. WCF's proposed to co-locate on a previously approved free-standing support structure shall be permitted by right in these overlay districts. Building facade-mounted facilities and building rooftop facilities which are more than 200 feet from a property occupied by a residence shall be permitted by right in the overlay districts. (Municipal communication facilities shall be exempt from this section).
- d) Wireless communications facilities shall be screened and/or camouflaged to minimize their visual and aesthetic impacts upon the surrounding neighborhood.
- e) Wireless communications facilities shall be sited so as to minimize visibility from abutting streets and nearby buildings and to limit the need to remove existing vegetation.
- f) Collocation is generally viewed as preferable to construction of a new freestanding support structure where it is assumed that collocation may often be less imposing on the landscape. To minimize the number of wireless communications facility sites in the community in the future, the proposed facility shall be designed and constructed so it is reasonably capable of accommodating other users, including other wireless communication companies and local police, fire and ambulance companies, unless the Planning Board determines that such use is technically infeasible, based upon the evidence submitted.
- g) Where a new freestanding support structure is proposed, alternative structures that employ "stealth" or camouflage techniques, such as artificial trees and flagpoles, shall be considered preferred. Free standing monopoles are less preferential, but may be acceptable where the applicant can successfully demonstrate to the Planning Board that the proposed facility will have minimal visual impact on the landscape. Lattice towers and guyed towers shall not be permitted unless the Planning Board determines that no other structure is feasible due to subsurface conditions, topography, or other extenuating geologic or geographic circumstances. (Structures that were existing when this bylaw became effective shall be exempt from this provision)
- h) For freestanding support structures, any principal part of the structure shall be setback from the nearest residential dwelling by a minimum distance equal to the height of the facility (as measured to its highest point, including antennae, etc.), or a distance of two hundred feet (200'), whichever is greater.
- i) Wireless communication facilities shall not be permitted within eight hundred (800) feet of a public school building.
- j) No artificial lighting shall be installed unless required by the Federal Aviation Administration. If such

lighting is required, it shall be screened so as not to project its light below the horizontal plane in which it is located.

- k) No interference to existing television, cable television or radio signals, including emergency systems and public safety communications, shall be permitted from the facility or components thereon. If interference occurs, it shall be the responsibility of the facility owner to immediately remedy it.
- l) A wireless communications facility may be sited on a lot which already accommodates a lawful principal use. Due consideration will be given to the use, size, and other structures on the lot, and other applicable sections of this bylaw, during the Board's review of the special permit application.
- m) All structures and/or equipment erected for providing wireless communication services shall be removed within six (6) months of cessation of use at the owner's expense.
- n) Antennas and directly related facilities used exclusively for communication for the purpose of federally licensed amateur radio operators shall be exempt from this section.

4.1.6.4 Design Criteria

The following guidelines shall be used when preparing plans for the siting and construction of all wireless communications facilities:

- a) All free standing towers and monopoles shall be designed to be constructed at the minimum height necessary to accommodate the anticipated and future users.
- b) All satellite dishes and antennas attached to a structure shall be screened or camouflaged so as to minimize visibility from abutting streets and residences. All support equipment shall be painted, colored, molded, and/or installed to blend into the structure or background horizon/landscape.
- c) Free standing wireless communications facilities shall be located on the landscape in such a manner so as to minimize visibility from abutting streets and residences and to minimize the need to remove existing vegetation. All equipment shall be painted, colored, molded, and/or installed to blend into the landscape.
- d) Wireless communications facilities shall be designed to accommodate the maximum number of users. The intent of this requirement is to reduce the total number of structures which will be required to provide service throughout the community by multiple providers.
- e) All free standing towers, poles, and similar support structures shall maintain a fall zone from any adjacent residential buildings or structures not associated with the wireless communications facility, or the proponent shall submit a structural analysis from a professional structural engineer certifying that the proposed structure does not need a fall zone due to its design specifications. A fall zone shall not be required for antenna panels, whip antennas, or satellite dishes, which are attached to existing structure facades or erected on building rooftops.
- f) Fencing shall be provided to provide security and control access to freestanding wireless communications facilities and ground mounted support equipment. Additional landscaping shall be required to provide additional screening for safety as well as to enhance the visual and aesthetic appearance of the facility, in consideration of the character of the neighborhood in which the facility is proposed. The fencing style and specific landscaping species and quantities shall be shown on a landscaping plan to be approved by the Planning Board as part of the special permit approval process.
- g) There shall be no signs, except for "no trespassing" signs, and any required safety signage. No advertising shall be permitted on the facility. All signs shall conform with the sign regulations of Section 6.7.0 of this Bylaw.
- h) Night lighting of facilities shall be prohibited unless required by the Federal Aviation Administration.

Lighting shall be limited to that needed for emergencies and/or as required by the FAA. If such lighting is required, it shall be screened so as not to project its light below the horizontal plane in which it is located.

- i) For free standing towers, monopoles, or satellite dishes, there shall be a minimum and maximum of one (1) off street parking space for each facility, to be used in connection with the maintenance of the site, and not to be used for the permanent storage of vehicles or other equipment. When abutting residential districts, such parking space shall be suitably situated and screened to minimize its potential visual impact on such abutting residences.
- j) Unless otherwise required by the Federal Communications Commission or the Federal Aviation Administration, facilities shall be painted noncontrasting gray or blue in color, or camouflaged with some other treatment deemed acceptable by the Board. Facade mounted antenna(e) shall be non-contrasting or camouflaged to match the background color of the surface to which they are attached.
- k) Any related equipment and appurtenances shall not be more than twelve (12) feet in height.
- l) All utilities proposed to serve the facility shall preferably be installed underground.
- m) Dish antennae shall be no more than six (6) feet in diameter, and shall be mesh (rather than solid). Panel antennae shall be no more than five (5) feet in height.
- n) Antennas or panels which are located on nonresidential buildings shall be mounted so as to be less than twelve (12) feet in height above the roof of the building.

4.1.6.5 Additional Submittal Requirements for WCF Requiring a Special Permit

In addition to the submittal requirements of Section 9.2.2 of the zoning bylaw, the following items and information are required to be submitted at the time an application under this section is filed:

- a) A locus plan at a suitable scale, which shall show all property lines, the exact location of the proposed structure(s), streets, landscape features, residential dwellings and neighborhoods, and all buildings within three hundred (300) feet of the proposed facility.
- b) A color photograph or rendition of the proposed wireless communications facility. A rendition shall also be prepared illustrating a view of the proposed facility from the nearest street or streets.
- c) A description of the facilities and structures, and the technical, economic and other reasons for the proposed location, height, and design in relation to the regional network of facilities existing and proposed by the provider.
- d) A description of the capacity of the proposed facility with respect to the number and type of panel antennas, drum antennas, and or transmitter receivers that it can accommodate and the basis for these calculations, and the technical specifications for the antennas proposed.
- e) Coverage Maps reflecting current coverage and proposed coverage, including a breakdown of “excellent”, “good”, “fair”, and “poor” reception areas, using the same criteria as the Comp Comm analysis in the “Comprehensive Plan for the Siting of Wireless Communications Facilities in Burlington”: > -74.0 DBM, -74.0 to -80.0 DBM, -80.0 to -86.0 DBM, -86.0 to -93.9 DBM, and < -93.0 DBM (nonexistent), with each range to be illustrated by a different color or shading pattern. Such coverage maps shall include facilities existing or proposed in Burlington and adjoining towns which provide coverage in Burlington.
- f) If a rooftop installation, the layout of the equipment on the rooftop, and/or a floor plan of any interior space to be occupied by such supporting equipment cabinets or backup power sources.
- g) If a ground installation, a site plan layout of all equipment and structures, access drives, and any other site improvements or alterations involved.

- h) Documentation that the proposed facility complies with, or is exempt from, applicable regulations administered by the Federal Aviation Administration and the Federal Communications Commission.
- i) A report by a professional or radio frequency engineer describing the general design and capacity of any proposed installation, including but not limited to the following:
 - The number and type of antenna(e) proposed;
 - A description of the proposed antenna(e) and all related fixtures, structures, appurtenances and apparatus, including height, materials, color and lighting;
 - A description of the proposed antenna(e) function and purpose;
 - The frequency, modulation and class or service;
 - Direction of maximum lobes;
 - An evaluation of the potential to utilize existing facilities for the proposed facility;
 - An evaluation of the feasibility of attaching the proposed facility to existing buildings;
 - Copies of all applicable permits, including but not limited to all State and Federal permits required for this project and a certification of compliance with the terms and provisions of the license issued for this purpose by the Federal Communications Commission (FCC).
- j) Site Justification or Appropriateness Statement, including a description of the selection process that eliminated other potential sites;
- k) Evidence that the applicant has filed a notice of proposed construction with the Federal Aviation Administration if the proposed facility exceeds 200 feet in height or in the event such notice is otherwise required.
- l) Material describing a specific plan for a “balloon” or similar test, including the date and time, as well as a rain date and time, suitably and clearly described for inclusion in a legal notice in the newspaper and for inclusion in a notice to abutters. The expense of such publication and notice shall be paid by the applicant.
- m) A statement indicating how the proposal meets, in the opinion of the applicant, the intents and purposes of this Bylaw.
- n) For free standing structures proposed to be sited closer to the lot line than the height of the proposed structure, the proponent shall submit a structural analysis from a professional structural engineer certifying that the proposed structure does not need a fall zone due to its design specifications.
- o) An application may be required to undergo review by an independent technical consultant to be selected by the Planning Board for the purposes of evaluating the evidence submitted by the applicant, such review to be performed at the applicant’s expense.

4.1.6.6 Approval Criteria

4.1.6.6.1 In addition to the approval criteria for special permits pursuant to Section 9.2.4 of this bylaw, the Planning Board shall make findings on which to base its determination on the specific issues of:

- a) how well the use and proposal meet all required conditions and specifications of the Zoning Bylaw;
- b) how well the use and proposal meet the policies and recommendations of the Comprehensive Plan for the Siting of Wireless Communications Facilities in Burlington;
- c) whether the proposed facility employs available stealth techniques, or is otherwise camouflaged to the extent possible, in order to minimize the visual impact of the facility upon the adjoining streets and surrounding neighborhood.
- d) the proximity of the facility to residential dwellings and the visual and aesthetic impacts on such residences.

4.1.6.6.2 Annual RF emissions monitoring is required for all sites by an independent RF engineer to be hired with the Planning Board approval and at the applicant's expense. Test results will be submitted to the Town as soon as available, and not later than the close of the calendar year. Annual testing of electromagnetic emission shall be required to ensure continual compliance with the FCC regulations.

4.1.6.6.3 A special permit shall only be granted if the Planning Board determines that the intent of this Bylaw and the criteria of Section 9.2.4 are met.

4.1.6.7 Severability

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

4.1.7 Additional Regulations for Restaurants in an IG District

The Planning Board may grant a Special Permit for a restaurant use within a General Industrial (IG) District, subject to the following restrictions:

4.1.7.1 Purpose

The purpose of allowing restaurants by Special Permit within an office/commercial park setting is to enhance previously established commercial areas by permitting a mixture of uses which reduce the number of vehicular trips generated during peak hour periods and promote pedestrian activities through the interconnection of compatible uses and facilities.

4.1.7.2 Procedures

All requests for consideration by the Planning Board for a Special Permit pursuant to this section shall be consistent with Section 9.2.0 "Special Permit" of this bylaw.

4.1.7.3 Approval Criteria

In addition to the approval criteria for special permits pursuant to Section 9.2.4 of this bylaw, the applicant shall comply with additional criteria as detailed below and the Planning Board shall make findings pursuant to these specific requirements:

- a) Any proposed restaurant within an IG District shall be located within a previously established office/commercial park of 600,000 square feet or more.
- b) Prior to the submission of any formal application to the Planning Board for consideration of a Special Permit under this section, the Planning Board shall make a determination as to whether the property qualifies as part of a previously established office/commercial park. An "office/commercial park" shall be defined as a property which, when taken as a whole with other properties in the general area, possesses a commonality of purpose, use, management, maintenance, and other indicia which provides to the general public a perception of a unified operation and character. In an office/commercial park, the individual parcels do not have to be under the same ownership. The delineation of a particular office/commercial park may change over time based upon the Planning Board's determination that other properties have been incorporated into a commonality of operation and character. The determination of whether a property qualifies under this definition shall be at the discretion of the Planning Board.
- c) Once an area has been designated by the Planning Board as an office/commercial park, any addition or removal of a parcel, shall require authorization by the Planning Board prior to the submission of any Special Permit application under this Section.

- d) Any proposal for a restaurant submitted pursuant to this section of the bylaw shall be required to incorporate pedestrian enhancements which interconnect adjacent commercial buildings/properties through a network of sidewalks and/or bike paths. These amenities shall be considered by the Planning Board when analyzing any applicable traffic analysis and/or transportation demand management alternatives.
- e) The total square footage of each restaurant pad and the total number of restaurants within an office/commercial park shall not exceed the following criteria:
 - i) No individual restaurant pad shall exceed 12,000 square feet.
 - ii) An office/commercial park with a square footage of 600,00 square feet or more shall be limited to no more than two (2) restaurant pads.
 - iii) In no case shall the maximum permitted square footage of a restaurant space within an office/commercial park include existing or proposed accessory cafeteria space.
- f) Any restaurant proposed under this bylaw shall be a full service, sit down restaurant.

4.2.0 PRINCIPAL USE REGULATION SCHEUDLE																
	USE DESIGNATION	DISTRICT											OVERLAY DISTRICTS			
4.2.1	RESIDENCE USES	RO	RG	RC	BN	BL	BG	BT	IG	IH	IR	OS	A	WR	CC	CBD
4.2.1.1	One family dwellings	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	YES
4.2.1.1.A	2-Family Dwellings	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES ₁	YES ₁
4.2.1.1.B	3-Family Dwellings	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES ₁	YES ₁
4.2.1.2	Garden Apartment dwelling units	NO	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES ₁	YES ₁
4.2.1.3	Motels, hotels, motor hotel	NO	NO	NO	NO	NO	NO	NO	NO	SP	NO	NO	YES	YES	SP ₁	SP ₁
4.2.1.3.1	Residence hotel/motel	NO	NO	NO	NO	NO	NO	NO	SP	SP	NO	NO	YES	YES	SP ₁	SP ₁
4.2.1.4	Garden Apartment dwelling units purchased, or erected and maintained by the Burlington Housing Authority for the purpose of providing subsidized housing.	NO	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES ₁	YES ₁
4.2.1.5	Dormitories primarily used for nonprofit educational corporations, for religious purposes, or for public purposes.	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES	YES
4.2.1.6	One family dwellings purchased or erected and maintained by the Burlington Housing Authority for the purpose of providing subsidized housing.	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	YES
4.2.1.7	Garden apartment dwelling units purchased, or erected and maintained for the purpose of providing subsidized housing.	NO	SP	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	YES
4.2.1.8	Tents, trailers, campers, and mobile homes	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	NO	NO
4.2.1.9	Dormitories other than those specified in 4.2.1.5	NO	SP	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	NO	NO
4.2.1.10	Open space residential	SP	SP	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	YES
4.2.1.11	Assisted Living	NO	NO	SP	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	SP ₁	SP ₁
4.2.1.12	Independent living facility	NO	NO	SP	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	SP ₁	SP ₁
4.2.1.13	Custodial Care Facility, Group Care Facility	NO	NO	NO	NO	NO	NO	NO	NO	SP	NO	NO	YES	YES	SP ₁	SP ₁
4.2.1.14	Congregate Living Facility	NO	NO	SP	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	SP ₁	SP ₁
4.2.1.15	Continuing Care Retirement Community	NO	NO	SP	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	SP ₁	SP ₁
4.2.1.16	Group Care Facility	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES	YES
4.2.1.17	Multi-Family other than 4.2.1.2	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES ₁	YES ₁
4.2.1.18	Inn, Bed & Breakfast	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	SP ₁	SP ₁
4.2.2	INSTITUTIONAL AND RECREATIONAL USES	RO	RG	RC	BN	BL	BG	BT	IG	IH	IR	OS	A	WR	CC	CBD
4.2.2.1	Places primarily used for religious purposes, including rectories, and parish houses.	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4.2.2.2	Places primarily used for nonprofit educational corporations, including related museums, libraries and recreational facilities.	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES

4.2.2	INSTITUTIONAL AND RECREATIONAL USES	RO	RG	RC	BN	BL	BG	BT	IG	IH	IR	OS	A	WR	CC	CBD
4.2.2.3	Child Care Facility	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4.2.2.4	Cemeteries and related facilities	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	YES	YES	YES	YES
4.2.2.5	Fire stations and sub-fire stations	SP	SP	SP	YES	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES	YES
4.2.2.6	Police stations	SP	SP	SP	YES	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES	YES
4.2.2.7	Municipal maintenance and garage facilities	NO	NO	NO	NO	NO	YES	YES	YES	YES	YES	NO	NO	SP	NO	SP
4.2.2.8	Public parks	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4.2.2.9	Related facilities for public parks	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	YES	YES	YES	YES
4.2.2.10	Public libraries, public museums, public art galleries	NO	NO	NO	YES	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES ₁	YES ₁
4.2.2.11	Community centers and public recreation buildings	NO	NO	NO	NO	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES ₁	YES ₁
4.2.2.12	Nonprofit private clubs, recreational centers and facilities	NO	NO	NO	NO	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES ₁	YES ₁
4.2.2.13	Private museums, private art galleries	NO	NO	NO	SP	SP	SP	SP	SP	SP	SP	NO	YES	YES	YES ₁	YES ₁
4.2.2.14	Other than nonprofit educational uses on land not owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic, by a religious sect or denomination, or by a nonprofit educational corporation	NO	NO	NO	SP	YES	YES	SP	SP	SP	SP	NO	YES	YES	YES	YES
4.2.2.15	Golf courses and related facilities	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	YES	YES	NO	NO
4.2.2.16	Billiard rooms, bowling alleys, dance halls, tennis clubs, skating rinks, health clubs and similar commercial amusement places, including membership clubs, public	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	YES	YES	NO	NO
4.2.2.17	Miniature, driving, and novelty golf installations	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	YES	YES	NO	NO
4.2.2.18	Places and buildings for public assembly other than above	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	YES	YES	NO	NO
4.2.2.19	Hospitals, sanatoria	NO	NO	NO	NO	NO	SP	NO	SP	SP	SP	NO	NO	SP	NO	NO
4.2.2.20	Convalescent, rest homes and nursing homes	NO	NO	YES	NO	NO	SP	NO	SP	SP	SP	NO	YES	YES	YES ₁	YES ₁
4.2.2.21	Clinics	NO	NO	NO	NO	NO	SP	NO	SP	SP	SP	NO	NO	SP	SP ₁	SP ₁
4.2.2.22	Telephone exchanges	NO	NO	NO	YES	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES	YES
4.2.2.23	Passenger stations; landing fields; sites, buildings, and facilities for other public services; public works structures	NO	NO	NO	NO	NO	SP	SP	SP	SP	SP	NO	SP	SP	SP	SP
4.2.2.24	Radio and television transmitting sites	NO	NO	NO	NO	NO	SP	SP	SP	SP	SP	NO	YES	YES	NO	NO
4.2.2.25	Theaters and cinemas	NO	NO	NO	NO	NO	SP	SP	SP	SP	SP	NO	YES	YES	NO	NO
4.2.2.26	Adult Day Care	NO	NO	YES	YES	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES	YES
4.2.2.27	Public Water & Sewer Distribution Structures	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	YES	YES
4.2.2.28	Fitness Centers	NO	NO	NO	YES	YES	YES	YES	NO	NO	YES	NO	YES	YES	YES ₁	YES ₁
4.2.2.29	Performance Theater or Center	NO	NO	NO	NO	NO	SP	SP	SP	SP	SP	NO	YES	YES	SP ₁	SP ₁

4.2.3	AGRICULTURAL AND ANIMAL HUSBANDRY USES	RO	RG	RC	BN	BL	BG	BT	IG	IH	IR	OS	A	WR	CC	CBD
4.2.3.1	All kinds of agriculture, horticulture and floriculture on parcels of five acres or more	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4.2.3.2	All kinds of agriculture, horticulture and floriculture on parcels of less than five acres	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4.2.3.3	Garden centers; also commercial greenhouses and nurseries occupying five (5) acres of land or less	NO	NO	NO	NO	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES	YES
4.2.3.4	Commercial raising, boarding, breeding, or keeping of birds, fish, and animals; subject to the regulations of the Board of Health	NO	NO	NO	NO	NO	SP	SP	SP	SP	SP	NO	SP	SP	SP	SP
4.2.3.5	Manure storage	NO	NO	NO	NO	NO	SP	SP	SP	SP	SP	NO	NO	NO	NO	NO
4.2.3.6	Pesticide herbicide fungicide application, outdoor storage	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	* - disapp'd by A.G.	SP	SP	SP	SP
4.2.4	OFFICE USES	RO	RG	RC	BN	BL	BG	BT	IG	IH	IR	OS	A	WR	CC	CBD
4.2.4.1	Professional offices such as, but not limited to physicians, dentists, opticians, real estate brokers, lawyers	NO	NO	NO	SP	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES ₁	YES ₁
4.2.4.2	Offices of salesmen, agents, and representatives of manufacturing, distributing, insurance, and wholesale companies	NO	NO	NO	NO	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES ₁	YES ₁
4.2.4.3	Administrative, executive, and similar offices	NO	NO	NO	NO	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES ₁	YES ₁
4.2.4.4	Public offices	NO	NO	NO	NO	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES ₁	YES ₁
4.2.5	AUTOMOTIVE SALES AND SERVICE USES	RO	RG	RC	BN	BL	BG	BT	IG	IH	IR	OS	A	WR	CC	CBD
4.2.5.1	Retail gasoline, oil and lubrication stations with the incidental sale and installation of tires and other automobile accessories, maintenance and minor repairs of motor vehicles	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	SP	NO	NO
4.2.5.2	Automotive repair shops	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	SP	NO	NO
4.2.5.3	Places for the sale and installation of tires and other automotive parts and accessories, maintenance and minor repairs of motor vehicles	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	SP	NO	NO
4.2.5.4	Car wash establishments	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	SP	NO	NO
4.2.5.5	Retail sales and rental of other craft, farm and other heavy machinery and vehicles, including the accessories thereof	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	YES	YES	NO	NO
4.2.5.6	Automobile dealership	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	YES	YES	NO	NO
4.2.5.7	Used car sales establishment	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	YES	YES	NO	NO
4.2.5.8	Automotive rental agency	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	YES	YES	NO	NO

4.2.5	AUTOMOTIVE SALES AND SERVICE USES	RO	RG	RC	BN	BL	BG	BT	IG	IH	IR	OS	A	WR	CC	CBD
4.2.5.9	Outdoor storage of motor vehicles intended for sale to the general public, incidental and subordinate to an Automobile Dealership use existing as of the date of adoption of this subsection, and located on an abutting lot. Such storage must be located at least 1,100 feet from the nearest residential zoning district boundary. The Planning Board shall determine the maximum number of vehicles to be stored on such parcel. Access to the parcel upon which such storage occurs shall be from the lot upon which the Automobile Dealership is located.	NO	NO	NO	NO	NO	NO	SP	SP	NO	NO	NO	YES	YES	NO	NO
4.2.6	RETAIL, CONSUMER, AND TRADE USES	RO	RG	RC	BN	BL	BG	BT	IG	IH	IR	OS	A	WR	CC	CBD
4.2.6.1	Personal service businesses such as, but not limited to, barbers and hairdressers	NO	NO	NO	SP	YES	YES	YES	NO	NO	YES	NO	SP	SP	YES ₁	YES ₁
4.2.6.2	Convenience food stores, drugstores, retail stores for sale of beauty and health aids, smoking supplies, periodicals; none with the sale of food intended for consumption on the premises	NO	NO	NO	SP	SP	YES	SP	NO	NO	YES	NO	YES	YES	YES ₁	YES ₁
4.2.6.3.A	Retail stores other than above and showrooms, each tenant less than 20,000 sq.ft.	NO	NO	NO	NO	YES	YES	YES	NO	NO	YES	NO	YES	YES	YES ₁	YES ₁
4.2.6.3.B	Retail stores other than above and showrooms, any individual tenant greater than 20,000 sq.ft.	NO	NO	NO	NO	NO	YES	NO	NO	NO	YES	NO	YES	YES	SP ₁	SP ₁
4.2.6.4	Post offices, banks	NO	NO	NO	NO	NO	YES	NO	SP	YES	YES	NO	YES	YES	YES ₁	YES ₁
4.2.6.5	Establishments for the repair of radios, televisions, appliances, and other household goods	NO	NO	NO	NO	NO	YES	NO	NO	NO	NO	NO	NO	SP	YES ₁	YES ₁
4.2.6.6	Photographers, decorators, stationers, dressmaking or tailoring establishments (excepting photo processing)	NO	NO	NO	NO	YES	YES	NO	NO	NO	YES	NO	YES	YES	YES ₁	YES ₁
4.2.6.7	Travel agencies	NO	NO	NO	NO	YES	YES	NO	NO	YES	YES	NO	YES	YES	YES ₁	YES ₁
4.2.6.8	Laundry and dry cleaning establishments other than pickup stations or self-service	NO	NO	NO	NO	NO	YES	NO	NO	NO	NO	NO	NO	YES	YES	YES ₁
4.2.6.9	Fast order food establishments	NO	NO	NO	NO	NO	SP	SP	NO	NO	NO	NO	YES	YES	SP ₁	SP ₁
4.2.6.10	Restaurants	NO	NO	NO	NO	NO	SP	NO	SP	NO	SP	NO	YES	YES	SP ₁	SP ₁
4.2.6.11	Bakeries	NO	NO	NO	NO	NO	YES	NO	NO	NO	YES	NO	YES	YES	YES ₁	YES ₁
4.2.6.12	Commercial boarding, care, and treatment of birds, fish, and animals	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	SP	SP	SP	SP ₁
4.2.6.13	Sale of air conditioning, heating, refrigerating and plumbing equipment and supplies	NO	NO	NO	NO	NO	SP	NO	NO	NO	SP	NO	YES	YES	YES	YES ₁
4.2.6.14	Establishments for contractors in such services as, but not limited to, building, building maintenance, plumbing, landscaping, electrical, masonry, carpentry, well drilling	NO	NO	NO	NO	NO	SP	NO	SP	NO	NO	NO	YES	YES	SP	SP ₁
4.2.6.15	Retail dealers in grain and animal feed	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	YES	YES	YES	YES
4.2.6.16	Funeral parlors however denominated	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	NO	NO	SP	YES	YES

4.2.6	RETAIL, CONSUMER, AND TRADE USES	RO	RG	RC	BN	BL	BG	BT	IG	IH	IR	OS	A	WR	CC	CBD
4.2.6.17	Diagnostic medical laboratories appurtenant to offices of physicians and dentists	NO	NO	NO	NO	SP	YES	SP	YES	SP	SP	NO	NO	SP	YES ₁	YES ₁
4.2.6.18	Sale of structural and building supplies (<i>Repealed T.M. 5/19/1993, Article 25</i>)	NO	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	YES	YES	NO	NO
4.2.6.19	Kiosk	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	YES	YES	NO	NO
4.2.6.20	Massage parlors	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	NO	NO
4.2.6.20.1	Massage Therapy, subject to the regulations of the Board of Health	NO	NO	SP	NO	NO	SP	SP	SP	SP	SP	NO	YES	YES	SP ₁	SP ₁
4.2.6.21	Photo processing	NO	NO	NO	SP	SP	SP	SP	SP	SP	SP	NO	NO	NO	YES ₁	YES ₁
4.2.6.22	Shoe repair, dry-cleaning and laundry pickup stations	NO	NO	NO	SP	YES	YES	YES	NO	NO	YES	NO	YES	YES	YES ₁	YES ₁
4.2.6.23	Self-service laundry and dry-cleaning	NO	NO	NO	SP	YES	YES	YES	NO	NO	YES	NO	NO	SP	SP ₁	YES ₁
4.2.6.24	Printers and similar shops or trades provided that all work shall be of custom or job order type for sale on the premises and that there shall be no production for stock or for wholesale	NO	NO	NO	NO	NO	YES	NO	NO	NO	YES	NO	SP	SP	YES ₁	YES ₁
4.2.6.25	Adult Bookstore	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	YES	YES	NO	NO
4.2.6.26	Adult Club	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	YES	YES	NO	NO
4.2.6.27	Adult Paraphernalia Store	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	YES	YES	NO	NO
4.2.6.28	Adult Theater	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	YES	YES	NO	NO
4.2.6.29	Adult Video Store	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	YES	YES	NO	NO
4.2.6.30	Body Art	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	YES	YES	NO	NO
4.2.7	INDUSTRIAL USES	RO	RG	RC	BN	BL	BG	BT	IG	IH	IR	OS	A	WR	CC	CBD
4.2.7.1	Light manufacturing or processing plants	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	NO	SP	SP	YES	YES
4.2.7.2	Printing establishments other than those under 4.2.6.24	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	NO	NO	SP	YES	YES
4.2.7.3	Food processors, bakeries, not operated at retail	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	NO	YES	YES	YES	YES
4.2.7.4	Laboratories engaged in research, experimental and testing activities including, but not limited to, the fields of biology, chemistry, electronics, engineering, geology, medicine and physics	NO	NO	NO	NO	NO	NO	NO	SP	SP	SP	NO	NO	SP	NO	SP
4.2.7.5	Wholesale trade, warehousing (except toxic and hazardous materials and salts)	NO	NO	NO	NO	NO	NO	NO	SP	SP	SP	NO	YES	YES	YES	YES
4.2.7.6	Electronics industries	NO	NO	NO	NO	NO	NO	NO	SP	SP	SP	NO	SP	SP	YES	YES
4.2.7.7	Electroplating, metal finishing	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.2.7.8	Hazardous and toxic materials/chemicals manufacture	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
4.2.7.9	Hazardous and toxic materials/chemicals use storage, transport, disposal or discharge	NO	NO	NO	NO	NO	NO	NO	SP	SP	SP	NO	SP	SP	YES	YES
4.2.7.10	Commercial facilities for hazardous waste storage and treatment	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO

4.2.7	INDUSTRIAL USES	RO	RG	RC	BN	BL	BG	BT	IG	IH	IR	OS	A	WR	CC	CBD
4.2.7.11	Generation or storage of hazardous waste, limited to the volumes classified as a very small quantity generator (VSQG)	NO	NO	--	NO	NO	NO	NO	SP	SP	SP	NO	SP	SP	YES	YES
4.2.7.12	Generation or storage of hazardous waste, in excess of the volumes classified as a very small quantity generator (VSQG)	NO	NO	--	NO	NO	NO	NO	SP	SP	SP	NO	NO	SP	YES	YES
4.3.0 ACCESSORY USE REGULATION SCHEUDLE																
4.3.1	USES NORMALLY ACCESSORY TO RESIDENTIAL PRINCIPAL USES	RO	RG	RC	BN	BL	BG	BT	IG	IH	IR	OS	A	WR	CC	CBD
4.3.1.1	Renting of rooms without cooking facilities to not more than two persons in an existing dwelling by a family resident therein; provided there is no sign or display to advertise such use	SP	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	YES
4.3.1.1.1	An accessory apartment (See Section 4.1.5.2) located in a structure constructed as a detached one family dwelling, subordinate in size to the principal dwelling unit and separated from it, in a manner that maintains the appearance of the structure as a one family unit	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	YES
4.3.1.2	Use of a portion of a dwelling as an office by a physician, dentist or other professional person residing in the dwelling, incidental to such residence provided there is no display or advertising other than a permitted sign	SP	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	YES
4.3.1.3	Home occupations provided there is no display or advertising other than a permitted sign	YES	YES	YES	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	YES
4.3.1.4	Garage space for parking not more than three automobiles. This subsection does not apply to farms	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	YES
4.3.1.5	Outdoor parking of not more than one unregistered motor vehicle or one boat per dwelling unit	YES	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	YES
4.3.1.6	Swimming pool	YES	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	YES	YES	YES	YES
4.3.1.7	Greenhouses with a ground area of 250 sq. ft. or less not intended and not used for commercial purposes	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	SP	YES	YES	YES	YES
4.3.1.8	Tennis courts	YES	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	YES	YES	YES	YES
4.3.1.9	Bomb shelters	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4.3.1.10	Roadside stands for sale of produce grown on the premises	SP	SP	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	YES
4.3.1.11	Sheds, barns, and similar structures	YES	YES	SP	NO	NO	NO	NO	NO	NO	NO	SP	YES	YES	YES ₁	YES ₁
4.3.1.12	The keeping of animals, other than the usual household pets; subject to restrictions of the Board of Health	SP	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	YES
4.3.1.13	Buildings and structures normally accessory to garden apartments	NO	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES ₁	YES ₁

4.3.1	USES NORMALLY ACCESSORY TO RESIDENTIAL PRINCIPAL USES	RO	RG	RC	BN	BL	BG	BT	IG	IH	IR	OS	A	WR	CC	CBD	
4.3.1.14	Towers, antenna, windmills, and similar structures:																
	(a) towers and antennas for generation or transmission of telecommunication signals other than those covered by subsection 4.2.2.24 and Section 4.1.6	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	NO	YES	YES	YES	YES	
	(b) antennas, other than satellite dish antennas, for the purpose of private reception of telecommunication signals, which antennas do not exceed 12 feet in height above the ground or 12 feet above the roof of a building on which they are mounted	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES	YES	
	(c) towers, windmills and similar structures that do not exceed 12 feet in height measured from the ground	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	SP	YES	YES	YES	YES	
	(d) towers, windmills and similar structures that exceed 12 feet in height measured from the ground	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	NO	YES	YES	YES	YES	
	(e) satellite dish antennas that are 8 feet or less across at their greatest width <u>and</u> which do not exceed 12 feet in height above the ground or above the roof of a building on which they are mounted <u>and</u> which are at least 100 feet away from property that is zoned RO - One Family Dwelling	NO	SP	SP	YES	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES	YES	
	(f) satellite dish antennas that are greater than 8 feet across at their greatest width <u>or</u> which exceed 12 feet in height above the ground or the roof of a building on which they are mounted <u>or</u> which are located on or within 100 feet of property that is zoned RO - One Family Dwelling	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	NO	YES	YES	YES	YES	
	(g) Wireless Communications Facilities which are subject to Section 4.1.6 shall be permitted in the Wireless Communications Overlay Districts in accordance with the map depicting the districts and the provisions of Section 4.1.6	(refer to Wireless Communication Overlay Districts map for allowed uses)															
4.3.1.15	A mobile home to be used for a predetermined period of time, which time may be extended by the Inspector of Bldgs. for the occupancy of a family whose dwelling has been damaged by fire or other cause until their permanent dwelling has been repaired or rebuilt. The limit of time, including extensions, shall not exceed a period of one (1) year	YES	YES	NO	YES	YES	YES	YES	YES	YES	YES	* - disapp'd by A.G.	YES	YES	YES	YES	
4.3.1.16	Temporary tents for groups of more than ten persons	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	
4.3.1.17	Temporary tents for groups of less than ten persons	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	
4.3.1.18	Child care facility	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	

4.3.1.19	Garage space for parking more than three automobiles	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	SP ₁	SP ₁
4.3.2	USES NORMALLY ACCESSORY TO NON-RESIDENTIAL PRINCIPAL USES	RO	RG	RC	BN	BL	BG	BT	IG	IH	IR	OS	A	WR	CC	CBD	
4.3.2.1	Incidental sale at retail of parts or components necessary for the maintenance of articles stored and distributed	NO	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	YES	YES	YES	YES	
4.3.2	USES NORMALLY ACCESSORY TO NON-RESIDENTIAL PRINCIPAL USES	RO	RG	RC	BN	BL	BG	BT	IG	IH	IR	OS	A	WR	CC	CBD	
4.3.2.2	Retail uses such as cafeterias, soda or dairy bars, wholly within the same building as the principal permitted use, conducted primarily for convenience of employees and with no exterior advertising display	NO	NO	NO	NO	SP	YES	YES	YES	YES	YES	NO	YES	YES	YES	YES	
4.3.2.3	Retail uses in support of a hotel or motor hotel such as dining halls, restaurants, cafeterias, soda or dairy bars, and shops wholly within the hotel or motor hotel building	NO	NO	NO	NO	NO	NO	NO	SP	SP	NO	NO	YES	YES	YES ₁	YES ₁	
4.3.2.4	Delicatessens, lunch counters and soda fountains incidental to the permitted business of a drug store, food store	NO	NO	NO	NO	SP	YES	SP	NO	NO	YES	NO	YES	YES	YES ₁	YES ₁	
4.3.2.5	Keeping of more than one protective animal	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	NO	YES	YES	YES	YES	
4.3.2.6	Outdoor storage of supplies and equipment incidental to permitted uses, subject to requirements for location, lighting, screening, fencing, cover and safety precautions	YES	NO	SP	NO	NO	SP	SP	SP	SP	SP	NO	YES	YES	SP	SP	
4.3.2.7	Off-street outdoor overnight parking of freight-carrying or material-handling vehicles and equipment or buses	NO	NO	NO	NO	NO	YES	SP	YES	YES	YES	NO	YES	YES	SP	SP	
4.3.2.8	Maintenance shops, power plants, machine shops and similar structures to support permitted uses	NO	NO	NO	NO	NO	SP	SP	YES	YES	YES	NO	SP	SP	SP	SP	
4.3.2.9	Parking garages and/or parking structures for more than three (3) vehicles, including both enclosed and open garages and structures, above and below ground	NO	NO	NO	NO	NO	NO	NO	NO*	SP	NO	NO	YES	YES	SP ₁	SP ₁	
4.3.2.10	Off-street outdoor parking of vehicles, other than those in 4.3.2.7, only if the principal use to which the parking relates (or is accessory to) is permitted or permitted by special permit in the zoning district in which the off-street outdoor parking will be located	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	
4.3.2.11	Portion of the premises as permanent resident or proprietor or manager of an establishment	NO	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES	YES	
4.3.2.12	Warehousing incidental to a permitted principal use (except hazardous and toxic materials/chemicals)	NO	NO	NO	NO	NO	NO	NO	SP	SP	SP	NO	YES	YES	YES	YES	
4.3.2.13	Kiosks	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	NO	YES	YES	NO	NO	
4.3.2.14	Incidental sale at retail of the same merchandise sold at wholesale	NO	NO	NO	NO	NO	NO	NO	SP	NO	NO	NO	YES	YES	YES	YES	
4.3.2.15	Storage and disposal of oils and fuels/ petroleum products	NO	NO	NO	SP	SP	SP	SP	SP	SP	SP	NO	NO	SP	SP ₁	SP ₁	

4.3.2.16	Storage of hazardous and toxic materials/chemicals for retail sale	NO	NO	--	NO	NO	SP	SP	NO	NO	SP	NO	SP	SP	SP ₁	SP ₁
4.3.2.17	Off-street outdoor overnight parking of freight-carrying or material-handling vehicles and equipment containing toxic and hazardous materials/chemicals	NO	NO	NO	NO	NO	NO	NO	SP	SP	SP	NO	SP	SP	YES	YES
4.3.2.18	Temporary tents for groups of more than ten persons	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4.3.2.19	Temporary tents for groups of less than ten persons	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4.3.2.20	Child care facility	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4.3.2.21	Farmer's Markets	NO	NO	NO	YES	YES	YES	YES	NO	NO	YES	NO	YES	YES	YES ₁	YES ₁

4.4.0 PERMITTED USES IN THE WETLANDS DISTRICT

4.4.1	PRINCIPAL USES IN THE WETLANDS DISTRICT	RO	RG	RC	BN	BL	BG	BT	IG	IH	IR	OS	A	WR	CC	CBD
4.4.1.1	Conservation of soil, water plants, and wildlife including wildlife management shelters	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4.4.1.2	Outdoor noncommercial recreation limited to nature study areas, walkways, boating or fishing where otherwise legally permitted	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4.4.1.3	Agriculture, horticulture and floriculture	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	See 4.2.3	See 4.2.3	YES	YES
4.4.1.4	Maintenance or repair of existing structures, roadways and utilities	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4.4.1.5	Periodic maintenance of existing water courses	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
4.4.1.6	Creation of a pond or pool or other changes in water courses for swimming, fishing or other recreational uses, agricultural uses, scenic features, drainage improvements	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	NO	SP	YES	YES
4.4.1.7	Structures for essential services	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	YES	YES	YES	YES
4.4.1.8	Dredging expressly for mosquito or flood control by an authorized public agency	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	YES	YES	YES	YES
4.4.1.9	Temporary, not to exceed three months, storage of materials (excluding fill materials and hazardous and toxic materials) or equipment	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	YES	YES	YES	YES
4.4.1.10	Outdoor noncommercial recreation not specifically permitted by right in section 4.4.1.2 including public parks, non-paved playfields, and similar activities	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	YES	YES	YES	YES
4.4.1.11	Discharges from manmade structures into the wetlands	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	YES	YES

4.4.1.12	Structures for radio or television transmission by participants in emergency broadcast system	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	YES	YES	YES	YES
4.4.2	ACCESSORY USES IN THE WETLANDS DISTRICT	RO	RG	RC	BN	BL	BG	BT	IG	IH	IR	OS		A	WR	CC	CBD
4.4.2.1	Accessory uses limited to fences, flagpoles, noncommercial signs, docks	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES

* (4.3.2.9) Except permitted by Special Permit in an (IG) District only as an accessory use to a Hospital principal use at which, at a minimum (i) in-patient and out-patient care and services are provided; and (ii) such facility has not less than fifty (50) beds for in-patient treatment.

In approving a special permit for such parking structure or structures, the Planning Board may (1) limit the number of structures permitted on any site, and (2) determine the maximum number of parking spaces to be permitted and contained on or within a parking structure or structures, as the Planning Board deems appropriate. Further, in approving a special permit for parking structure or structures, the Planning Board may require that specific numbers of existing surface parking spaces, or existing paved or impervious surface areas on a site or sites, be removed and be converted to pervious surface areas, or landscaped areas. In addition, the Planning Board may require that approval of a special permit for a parking structure or structures not result in a net increase of the total number of parking spaces in existence at the time of application for such special permit.

**LEGEND
CC & CBD DISTRICTS**

YES = Allowed use in the CC and/or CBD only if the underlying zoning permits.	YES₁ and SP₁ = Allowed use by right or special permit in the CC and/or CBD districts superseding any underlying zoning.
SP = Allowed use in the CC and/or CBD by Special Permit only if the underlying zoning permits.	NO = Is not allowed in the CC or CBD regardless of underlying zoning provisions

ARTICLE V
DENSITY REGULATIONS

SECTION 5.1.0 APPLICABILITY OF REGULATIONS

Except as otherwise provided by the General Laws and this Article, no building or structure, nor any accessory building, shall be erected on a lot in any district unless the lot and building or structure shall conform to the requirements of Section 5.2.0.

5.1.1 Projections

Nothing herein shall prevent the projection of cornices or eaves not exceeding thirty (30) inches in width, or of open steps or window sills into any required yard or other open space.

5.1.2 Exceptions for Hotels, Motels, or Motor Hotels

Hotels, motels, or motor hotels shall be subject to the following density regulations:

5.1.2.1 The minimum Lot Area shall be 120,000 square feet.

5.1.2.2 No sleeping rooms shall be located below the mean finished grade of land adjoining the building.

5.1.2.3 Each building must contain fifteen (15) or more sleeping rooms.

5.1.3 Additional Regulations and Exceptions for Garden Apartments and Dormitories

5.1.3.1 No building shall contain less than six (6) nor more than twelve (12) units.

5.1.3.2 No apartment dwelling unit shall contain more than two (2) bedrooms, and not less than fifty (50) percent of the apartment dwelling units in a district shall have one (1) bedroom only. Dormitories shall have one (1) bedroom units only and may have dining and lounging facilities.

5.1.3.3 No living spaces or rooms shall be located below the finish grade of the adjoining ground or above the second story.

5.1.3.4 Not more than three (3) buildings may be constructed in an attached group.

5.1.3.5 No space in an apartment building or dormitory shall be used for storage of gasoline powered vehicles and equipment or combustible materials not part of the building.

5.1.4 Limitation of Area of Accessory Uses

5.1.4.1 No accessory use or uses within a building shall occupy more than a combined total of twenty-five (25) percent of the floor area of the principal building, other than required off-street parking.

5.1.4.2 In all but RO districts, no accessory uses or uses not within a building shall occupy more than a combined total of twenty-five (25) percent of the unbuilt lot area, other than required off-street parking and loading.

5.1.4.3 In RO districts, no accessory use or uses shall occupy part of the required front or side yards and not more than twenty (20) percent of the rear yard, other than required off-street parking.

5.1.4.4 In all districts except RO, no accessory use shall occupy any part of the required minimum yard adjacent to RO and RG districts.

5.1.4.5 In RO districts, no accessory building shall be more than twenty (20) feet in height.

5.1.5 Density Requirements for Religious and Educational Uses and Child Care Facilities

In RO and RG districts, churches or educational uses and their related facilities shall be subject only to: the required front, side and rear minimum yards and minimum lot frontage as required in RO districts; to a twenty-five (25) percent maximum aggregate building to ground area percentage; to the parking regulations as provided in Article VII; and to Site Plan approval as provided by Sections 9.3.0 through 9.3.6.

In addition to the requirements listed above, child care facilities located on residentially zoned lots shall also be required to provide or erect a landscaped buffer area, or buffer area comprised of existing natural vegetation along the perimeter of the side and rear lot lines where such facility or facilities lot abuts a residentially zoned or used lot. Such landscaped or natural buffer area shall be no less than ten (10) feet in width along the side yard, and no less than twenty feet (20) feet along the rear yard of any such lot used for a child care facility or facilities. Such buffer area shall also be reflected on a Site Plan submitted to the Planning Board in accordance with the provisions of Section 9.3.0 through 9.3.6.

5.1.6 Additional Regulations for Housing for the Elderly in an RO - One Family Residence District

5.1.6.1 No building shall contain less than four nor more than eight units.

5.1.6.2 Minimum lot size shall be 60,000 square feet.

5.1.6.3 No building shall exceed two (2) stories in height.

5.1.7 Additional Regulations for Home Occupations - An occupation conducted in a dwelling unit, provided that:

- (a) No person other than members of the family residing on the premises shall be engaged in such occupation;
- (b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
- (c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one square foot in area, non-illuminated, and mounted flat against the wall of the principal building;
- (d) No traffic shall be generated by such occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
- (e) No equipment or process shall be used in such home occupation which created noise, vibrating, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises.

5.1.8 Compliance with Density Regulations Schedule

A separate lot of land complying with the requirements specified in Article V, Section 5.2.0 hereof (Density Regulations Schedule) shall be provided for each dwelling or other principal use permitted in an RO District. Every building or structure located on a lot shall comply with the requirements of said Density Regulations Schedule, except where specifically provided otherwise by this Bylaw or by General Laws.

5.1.9 Development Incentive for Affordable Housing

5.1.9.1 An owner or owners of land in all residential districts may, in connection with the submission of an application for a special permit and site plan to the Planning Board, pursuant to the requirements for particular uses within such

districts, apply for a special permit to increase the number of dwelling units which would otherwise be permitted under this Bylaw up to a maximum of 10% of the units otherwise permitted on the tract under this Bylaw and provided that a minimum of 10% of all units in the tract are affordable to persons of low and moderate income. In all cases, affordable units shall be reasonably mixed with market rate housing units.

5.1.9.2 No development shall take place pursuant to a special permit under this section until and unless a site plan is submitted to and approved by the Planning Board.

5.1.9.3 In the event that a special permit under this section is granted, the lot area, frontage, width of lot at building and yards of the development shall be as shown by a site plan submitted to and approved by the Planning Board, which site plan shall conform generally to the pattern of development permitted in the district in which the land lies with such deviations as are reasonable, in the judgment of the Planning Board, to permit the increased density.

5.1.9.4 The Board may require, as a condition of said permit that, in lieu of all or some of the units for use by low and moderate income being provided within the development, the developer shall:

1. Make a cash payment to be used for low and moderate income units, which payment, as determined by the Board using accepted valuation methods, is equivalent in value to the units which otherwise would have been provided within the development;
2. Provide all or some of the required low and moderate income units on a site different from the development; and provided that in all cases it is reasonably mixed with market rate housing.
3. Provide all or some of the required low and moderate income housing through an alternative means other than those already listed in this subsection; or
4. Provide all or some of the required low and moderate income housing through a combination of any or all of the methods in this subsection.

If the Board allows the provision of some or all of the low and moderate income housing by a method different from this subsection, the Board shall first find that such alternative method will help alleviate the undue concentration of population and encourage housing for persons of all income levels; and will (a) encourage the most appropriate use of land and buildings, or (b) avoid undue hardship to land and buildings.

5.1.10 Floor Area Ratio Incentive

An owner or owners of land in the IG or IH districts may increase the Maximum Floor Area Ratio requirement from .15 to a maximum of .25 if the Planning Board makes the following determinations and findings:

Methods satisfactory to the Planning Board to ensure that the site operator or owner reduces 20% of the estimated Institute of Transportation Engineers (ITE) forecasted trip generation rates related to the development in both the a.m. and p.m. peak hours, based upon the most recent "ITE Trip Generation Manual". This provision being satisfied in the opinion of the Planning Board, the Maximum Floor Area Ratio may be increased from .15 to .20.

Acceptance by the Planning Board of a Transportation Management Plan or System which:

- . Mitigates service level deterioration on impacted roadways and affected intersections such that the proposed development does not create a decrease in service levels experienced by roadway users.
- . Improves service levels or safety characteristics on affected roadways or intersections.

This provision being satisfied in the opinion of the Planning Board, the Maximum Floor Area Ratio may be increased from .15 or .20 to .25.

5.1.11 Additional Regulations in the Continuing Care (RC) District

5.1.11.1 The following types of senior housing facilities may be proposed in a RC District: Assisted Living, Congregate Living, Continuing Care Retirement Community, Elderly Housing, Independent Living, Long Term Care Facility, Nursing Home, Rest Home.

5.1.11.2 Non-residential Uses

The operator of a senior housing facility may also provide optional accessory use services on the site including but not limited to local transportation, barber/beauty services, sundries for personal consumption, and other amenities, provided:

- a) such uses serve primarily the residents of the development;
- b) such uses are conducted within and may be entered only from within a principal building;
- c) there is no external evidence of such uses visible beyond the property; and,
- d) the appearance and character of the commercial uses are compatible with a residential development.

5.1.11.3 All senior housing facilities proposed in or adjacent to residential districts shall be constructed so as to be residential in appearance. No structure shall exceed three (3) stories in height, and shall have sloped roofs. No driveways, parking areas, or circulation aisles may be constructed in a side or rear yard setback abutting a residential district. Side and rear yard setbacks shall be landscaped to provide a buffer between adjacent uses. However, walking paths for the residents of a senior housing facility may be located within the side or rear yard setbacks.

5.1.11.4 No living space shall be located below the finish grade of the adjoining ground.

5.1.11.5 The maximum number of residential units or beds on a site shall be determined by the Planning Board based on such factors as but not limited to, impact on the neighborhood, affordability for residents, quality of life, and provisions for adequate open space, recreational facilities, parking, landscaping, and buffers: provided, however, that the number of residential units or the density of the development shall be at least as large as was permitted under the zoning for the site immediately before it was rezoned to RC.

5.1.12 Additional Regulations for Adult Entertainment Uses

5.1.12.1 This bylaw is enacted pursuant to MGL, Chapter 40A, Section 9A and pursuant to the Town's authority under the Home Rule Amendment to the Massachusetts Constitution to serve the compelling Town interests of preventing the clustering and concentration of adult entertainment enterprises as defined herein because of their deleterious effect on adjacent areas and in response to studies demonstrating their effect in generating crime and blight.

5.1.12.2 Any establishment or business enterprise which is comprised of a use or uses classified as adult entertainment, including but not limited to adult bookstore, adult club, adult paraphernalia store, adult theater, or adult video store, which singly or in combination constitute more than twenty-five (25) percent of the stock in trade and/or floor area of the establishment shall be considered as an adult entertainment use.

5.1.12.3 Adult bookstores, adult clubs, adult paraphernalia stores, adult theaters, and adult video stores, shall be subject to the following regulations:

Adult bookstores, adult clubs, adult paraphernalia stores, adult theaters, and adult video stores may not be located:

- 1. Within one thousand (1000) feet of each other;
- 2. Within five hundred (500) feet of the nearest lot line of a place of worship or a building used for religious purposes; and,
- 3. Within one thousand (1000) feet of a school, nonprofit educational use, library, or museum.

5.1.12.4 Adult bookstores, adult clubs, adult paraphernalia stores, adult theaters, and adult video stores must meet the setback requirements of the appropriate district. All signage must meet the requirements of the sign bylaw. No advertisement, display, or other promotional material which contains sexually explicit graphics or sexually explicit text is to be visible to the public from any public way, including but not limited to pedestrian walkways and sidewalks.

5.1.12.5 No special permit may be issued under this section to any person convicted of violating the provisions of G.L. c.119, '63 or G.L. c.272, '28.

SECTION 5.2.0 DENSITY REGULATION SCHEDULE

	RO	RG	RC	BN	BL	BG	BT	IG	IH	IR
Minimum Lot Area	20,000 sf	120,000 sf	100,000sf	5,000 sf	10,000 sf	10,000 sf	10,000 sf	40,000 sf	120,000 sf	18 Acres *****
Minimum Lot Frontage	100 ft	100 ft	100 ft	50 ft	100 ft	100 ft	100 ft	150 ft	100 ft	400 ft
Minimum Front Yard	25 ft	50 ft	25 ft	10 ft*	15 ft*	15 ft*	15 ft*	25 ft*	50 ft*	100 ft
Minimum Side Yard	15 ft	50 ft	25 ft	10 ft*	15 ft*	15 ft*	15 ft*	15 ft*	50 ft*	100 ft
Minimum Rear Yard	15 ft	50 ft	25 ft	10 ft*	15 ft*	15 ft*	15 ft*	15 ft*	50 ft*	100 ft
Minimum Yard Adjoining RO & RG, and Residentially Zoned Land in Contiguous Municipalities	None	50 ft	50 ft	20% depth of lot **	20% depth of lot **	20% depth of lot**	20% depth of lot**	20% depth of lot**	100 ft	20% depth of lot **
Maximum Aggregate Building-to-Ground Area Percentage		None	25%	25%	33 1/3%	33 1/3%	33 1/3%	33 1/3%	25%	25% 25%
Maximum Building & Structure Height	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft**** 80 ft****	30 ft*** 155 ft***	30 ft**** 80 ft****
Minimum Feet Between Buildings	None	50 ft	20 ft o	None	None	None	None	None (1) (2)	50 ft (1) (2)	None
Maximum Floor Area Ratio (FAR)	None	None	None	None	None	None	None	.15	.15	None

o but not less than required by the State Building Code

- (1) Except that the Planning Board pursuant to a "Site Plan" or "Special Permit" as described in Section 9.2.0 and 9.3.0 of Article IX, may permit the Maximum Floor Area Ratio (FAR) to increase to .25 if such application or applications meets the performance criteria specified in Section 5.1.10 of Article V.
- (2) The Net Floor Area of any structure or building in which a child care facility is to be operated as an accessory or incidental use shall be excluded from the Maximum Floor Area Ratio (FAR) calculation, such that the otherwise allowable FAR of such structure or building shall be increased by an amount equal to the floor area of such child care facility up to a maximum increase of ten (10%) percent. All terms and conditions of M.G.L. Chapter 40A, Section 9 (C) shall apply.
- (3) Reference Section 8.5.5 for additional criteria applicable to the CC and CBD Districts

See notes for Density Regulation Table immediately following.

NOTES FOR DENSITY REGULATION TABLE

* Unless its outside walls are of fireproof construction and any openings in such walls are protected by a suitable fire resistive door or shutter or water curtain device, subject to the approval of the Inspector of Buildings. There shall extend across the rear of every building or structure an open area at least 10 feet wide for fire fighting purposes.

** 20% of the average depth of the lot measured perpendicularly from the common lot boundary line but not less than 10 feet and not more than 100 feet. Not less than 75% shall be landscaped or, if wooded, left in a natural state. Screening may be placed on remaining 25%.

*** Within 200 feet of RO or RG - 30 feet; for each 100 feet in excess of 200 feet from RO or RG - 15 additional feet, with a maximum of 155 feet, except that no structure located within 1,800 feet of the center point of the intersection of Cambridge Street and Route 128 shall exceed 80 feet in height.

**** Same as IH except maximum equals 80 feet.

***** Land use principally for a coordinated, integrated retail or industrial use (for example, a shopping center or an industrial park) shall be deemed to be one lot for density regulation and parking purposes notwithstanding that legal ownership in the land is divided, by lease, in fee or otherwise, among two or more owners.

SECTION 5.3.0 SEPARATE LOT PROTECTION

5.3.1 A Lot Zoned for Single Family Use shall be protected from increased requirements for area, frontage, front, side and rear yards as provided for in Section 9.4.6 of this Bylaw, in addition to protections that may also exist under the provisions of State Law.

5.3.2 A Lot Zoned for Multi-Family and Commercial Use that does not conform to minimum lot area and frontage requirements shall be considered a buildable, but legal nonconforming lot, provided the following provisions are met:

- (a) The lot was legally created.
- (b) The lot met the frontage and area requirements of the Burlington Zoning Bylaw at the time the lot was created.
- (c) The lot has not been held in common ownership with any adjoining lot at or since the time of first public notice for the Planning Board public hearing for the amendment which increased the frontage and area requirements beyond what the lot has.
- (d) The lot is at least 5,000 square feet in area and has at least 50 feet of frontage.

5.3.3 Development of a Lot Protected Under Section 5.3.2 shall be required to conform to all other provisions of the Zoning Bylaws other than frontage and area.

ARTICLE VI
GENERAL REGULATIONS

SECTION 6.1.0 NONCONFORMANCE

6.1.1 Nonconforming Uses

Any building or structure, part of a building or structure, or any premises which at the time of the adoption or subsequent amendment of the Bylaw is under construction for or being put to a nonconforming use may continue to be used or may be completed and used for the same purpose; but no nonconforming use shall be changed, moved, or extended unless the use is changed to any of those authorized in which the building, structure or premises is located; except that a nonconforming use may be extended, altered or changed if there is a finding by the Planning Board that such extension, alteration or change will not be substantially more detrimental than the existing nonconforming use to the neighborhood.

6.1.2 Nonconforming Building, Structure or Premises

Any building or structure, part of a building or structure, or any premises which at the time of the adoption or subsequent amendment of this Bylaw exists or is under construction and does not conform to this Bylaw may continue to be used or may be completed and used for the same purpose, but shall not be structurally changed, enlarged or extended; except that such a building, structure or premises may be altered by order of the Inspector of Buildings for reasons of safety; and except that a nonconforming building, structure or premises may be extended, altered or changed if there is a finding by the Planning Board that such extension, alteration or change will not be substantially more detrimental than the existing nonconforming building, structure or premises to the neighborhood.

6.1.3 Reversion to Nonconforming Use

When for two (2) years a nonconforming use has been changed to a permitted use, or has been discontinued, it shall not revert to a nonconforming use.

6.1.4 Damage to Nonconforming Buildings, Structures or Premises

When a nonconforming building, structure or premises has been damaged to an extent greater than fifty (50) per cent of the physical value as estimated by the Inspector of Buildings, it shall not be reconstructed unless the building, structure or premises and its uses are made to conform to the use and density regulations of the district in which they are located.

SECTION 6.2.0 CORNER CLEARANCE

To provide a clear view across a corner for a driver of a vehicle, no structure or planting shall be allowed between a plane two (2) feet above street level and a plane seven (7) feet above street level within that part of a corner lot which is within a triangle bounded by the street lot lines and a straight line drawn between points on each such lot line twenty-five (25) feet from the intersection of said lot lines or extension thereof.

SECTION 6.3.0 ACCESS THROUGH OTHER DISTRICTS

No access to or egress from BN, BL, BG, BT, IH, IR, and IG districts shall be permitted in or through RO and RG districts or in or through residentially zoned land in a contiguous municipality except over public ways, and private ways in use as public ways on January 31, 1977.

SECTION 6.4.0 SCREENING

Screening, in accordance with an approved site plan, shall be provided, erected and maintained to shield RO and RG districts

and municipal properties from adjoining business and industrial uses of land, and to shield RO districts from adjoining apartment uses. Screening shall be erected or planted before the premises are first occupied. Alternatively, the Planning Board may accept a financial guarantee in the amount of the cost of installing the screening and an agreement to complete the screening within a specified time and permit occupancy before the screening is installed.

SECTION 6.5.0 LANDSCAPING

Landscaping, in accordance with an approved site plan, shall be provided, erected and maintained on any part of any BN, BL, BG, BT, IH, IR, IG, or RG lot which is not occupied by a structure or by required parking areas, service areas, and driveways; except that all or part of the required landscaping may be in its clean original wooded state. Landscaping features shall be erected or planted before the premises are first occupied. Alternatively, the Planning Board may accept a financial guarantee in the amount of the cost of installing the landscaping and an agreement to complete the landscaping within a specified time and permit occupancy before the landscaping is installed.

SECTION 6.6.0 LOT INTERPRETATION AND RESTRICTIONS

6.6.1 Determination of Area and Frontage

(a) The lot area shall include the horizontal area located within the lot lines, with the following exceptions.

(b) In determining the area and frontage of a lot there shall not be included any land within the limits of a street upon which such lot abuts even if the fee to such street is in the same ownership as the lot, except that if a corner lot has its corner bounded by a curved line connecting other bounding lines, which if extended, would intersect, then area and frontage shall be computed as if such bounding lines were so extended.

(c) Land which is determined by the Burlington Conservation Commission to be wetlands subject to protection as defined by the Massachusetts Wetlands Protection Act, Massachusetts General Laws Chapter 131, Section 40 or as subsequently determined in a superseding Determination of Applicability shall not be included in determining lot area. More particularly, wetlands shall include land under a watercourse, pond or lake, banks bordering on such water bodies, bordering vegetated wetland areas, and marsh and swamp areas but shall not include land subject to flooding.

Notwithstanding the foregoing, land which is determined to be wetlands shall be included as part of the lot area for the purposes of determining how much of the lot must be kept open and landscaped under Section 8.3.5.5, "Impervious Surfaces (in the Aquifer and Water Resource Districts)."

Further, wetlands that are kept in an open and natural state shall be counted as part of the lot kept open and landscaped in satisfaction of the requirements of Section 8.3.5.5.

(d) Any lot in existence or contained in a subdivision filed prior to the effective date of this amendment and subsequently approved shall remain conforming with respect to minimum lot area notwithstanding the provisions of 6.6.1(c).

6.6.2 Division or Reduction in Area

No lot, upon which is then located any building or with respect to which a permit has been issued and is then outstanding for the erection of any building, shall be divided or reduced in area in any manner unless said lot shall thereafter be of sufficient area and width to meet the requirements of this Bylaw and unless such lot so altered and any buildings thereon shall meet all the other requirements of this Bylaw. If land be divided, conveyed, devised or otherwise transferred in violation hereof, no building or other permits shall be issued with reference to any of the land so transferred or to the lot(s) retained until all of such land and lots meets the requirements of this Bylaw. Any land or easement taken by eminent domain or conveyed for a public purpose for which the land or easement could have been or was taken by eminent domain shall not be deemed to be transferred in violation of the provisions hereof.

On or after March 30, 1998, where any land or easement adjacent to an existing public way is taken by eminent domain, or

conveyed for a public purpose for which the land or easement could have been taken by eminent domain by the Town or the Commonwealth, the remainder of the lot not so acquired or affected by said easement shall be treated, in calculating the dimensional or density requirements of Section 5.2.0, as though the portion of the lot so acquired or affected were still included as part of the premises. Furthermore, the owner of the remainder of the lot shall not be deemed to have changed a site plan approved under Section 9.3.0. For the purposes of this provision, a public purpose shall be the use of land for public roadway, sidewalk or utility purposes. This provision shall not apply where the Town has taken or accepted land or easements for such public purpose as the result of a petition or request by some or all of the owner(s) of land for the original acceptance of a way as a public way.

6.6.3 Lots Partially in Burlington

When a lot in one (1) ownership is situated in part of the Town of Burlington and in part in an adjacent town or city, the provisions, regulations, and restrictions of this Bylaw shall be applied to that portion of such lots as lies in the Town of Burlington in the same manner as if the entire lot were situated therein.

6.6.4 Calculation of Aggregate Building Area to Ground Area Percentage

(a) Aggregate building area to ground area percentage shall be calculated by dividing building area (defined as the sum of the cross sectional area of all buildings on a lot exclusive of cornices, eaves, gutters, chimneys, steps, unenclosed porches, bay windows, balconies and terraces) by the lot area and multiplying by 100 to give the percentage. The lot area shall be determined according to the provisions of Section 6.6.1.

(b) Any building, or set of buildings located on a single lot, which was lawfully constructed, under construction, or not yet under construction but part of a site plan approved prior to March 28, 1985 which has not expired shall remain conforming within the meaning and application of Section 6.1.2, "Nonconforming Buildings, Structures or Premises," and Section 6.1.4, "Damage to Nonconforming Buildings, Structures or Premises," with respect to maximum aggregate building area to ground area percentage notwithstanding the provisions of Section 6.6.1(c). This provision shall not be construed to exempt buildings, structures or premises which were nonconforming with respect to maximum aggregate building area to ground area percentage on or before March 28, 1985. New construction or any improvements to an existing building that increases the footprint of that building approved after March 28, 1985 shall be subject to maximum aggregate building area to ground area percentage as determined by the provisions of 6.6.4(a).

6.6.5 Lot-Slope Requirements in One Family Dwelling (RO) Districts

(a) Slope shall be calculated as the change in elevation divided by the horizontal distance over which the change in elevation occurs multiplied by 100 to result in slope stated as a percentage. Slope shall be measured perpendicular to the contour of the land from one lot boundary to another. Slope shall be measured at least three points and averaged to ensure an accurate determination of the overall slope of the lot.

(b) Where the ground slope is ten (10%) percent or less, the minimum lot area in One Family Dwelling (RO) Districts shall be twenty thousand square feet. Where the average ground slope is more than ten (10%) percent, the minimum lot size shall be increased by one thousand additional square feet for each additional one percentage of slope, to a maximum of forty-five thousand square feet.

Slope shall be measured to the nearest tenth of a percent. Minimum lot size shall be calculated as follows:

minimum lot size = 20,000 sq. ft. + 1,000 sq. ft. x (n-10.0), where n is the percentage of slope for the lot, rounded to the nearest one tenth of a percent.

(c) Any lot in existence or contained in a subdivision filed prior to the effective date of this amendment and subsequently approved shall remain conforming with respect to minimum lot area notwithstanding the provisions of this section.

SECTION 6.7.0 SIGNS

For the purpose of this section, SIGN shall include any letter, word, symbol, drawing, picture, design, device, article or object that advertises, calls attention to or indicates any premises, person or activity, whatever the nature of material and manner of composition or construction.

Signs are permitted as follows:

6.7.1 One Family Dwelling Districts (RO)

6.7.1.1 A temporary sign advertising rental, lease or sale of the premises which shall be six (6) sq. ft. or less.

6.7.1.2 A sign stating the home occupation or profession of a resident, which shall be one (1) sq. ft. or less.

6.7.1(A) Continuing Care Districts (RC)

6.7.1(A).1 Wall Signs

6.7.1(A).1.1 One wall sign shall be permitted for each building.

6.7.1(A).1.2 A wall sign shall be less than 4 feet in height.

6.7.1(A).1.3 A wall sign shall be less than 6 feet in length

6.7.1(A).1.4 One building directory shall be permitted on the exterior wall of the building at each entrance. Each building directory shall be 5 square feet or less.

6.7.1(A).2 Marquee Signs

6.7.1(A).2.1 Signs shall only be attached to the sides or front of a marquee and shall be 7 feet or more above the ground.

6.7.1(A).2.2 The sign shall be 6 square feet or less.

6.7.1(A).3 Free Standing Signs

6.7.1(A).3.1 A temporary sign erected during construction of a building shall be 48 square feet or less and 10 feet or less in any other dimension.

6.7.1(A).3.2 A free standing sign may be permitted provided that no such sign shall exceed 48 total square feet, and shall not exceed twelve (12) feet in height.

6.7.2 General Business Districts (BG), Neighborhood Business Districts (BN), Limited Business Districts (BL), Continuous Traffic Business Districts (BT)

6.7.2.1 A temporary sign advertising rental, lease or sale of the premises which shall be six (6) sq. ft. or less.

6.7.2.2 Wall Signs:

6.7.2.2.1 One wall sign shall be permitted for each business side of a building and direct entrance into a store.

6.7.2.2.2 At gasoline stations and garages the front wall sign may be divided into separate signs indicating operations or departments, provided the total width of the separate signs does not exceed the maximum permitted for a wall sign.

6.7.2.2.3 A wall sign shall be four feet or less in height.

6.7.2.2.4 At the first floor level a sign may extend across the full width of the wall. At other than the first floor level, a sign shall be six (6) feet or less in length.

6.7.2.2.5 One building directory shall be permitted on the exterior wall of the building at each entrance. A building directory shall be one (1) sq. ft. or less for each tenant or occupant of the building.

6.7.2.3 Projecting Signs:

6.7.2.3.1 One sign shall be permitted for each business.

6.7.2.3.2 The sign shall be four (4) ft. or less in height and shall not project more than six (6) ft. from the face of the building, nor closer than 15 ft. from the property line.

6.7.2.4 Marquee Signs:

6.7.2.4.1 Signs shall only be attached to the sides or front of a marquee and shall be seven (7) ft. or more above the ground.

6.7.2.4.2 The sign shall be six (6) sq. ft. or less. An individual letter sign shall be two (2) ft. or less in height.

6.7.2.5 Free Standing Signs:

6.7.2.5.1 No free standing signs shall be permitted except temporary signs which shall be 10 ft. or more from any property line.

6.7.2.5.2 A temporary sign erected during construction of a building shall be 48 sq. ft. or less and 10 ft. or less in any dimension.

6.7.3 Retail Industrial (IR), General Industrial (IG), and High-Rise Industrial Districts (IH)

6.7.3.1 A temporary sign advertising rental, sale or lease of premises not exceeding 24 sq. ft.

6.7.3.2 Wall Signs:

6.7.3.2.1 Wall signs shall be the same as for business zones except that signs shall be six (6) feet or less in height.

6.7.3.3 Roof Signs

6.7.3.3.1 One roof sign shall be permitted for each building, but no roof sign shall be permitted for a building exceeding eighty (80) feet in height.

6.7.3.3.2 A roof sign shall be ten (10) ft. or less in height and shall not exceed 100 sq. ft. An individual letter roof sign shall be six (6) ft. or less in height.

6.7.3.4 Projecting Signs - Same as Business Districts.

6.7.3.5 Marquee Signs - Same as Business Districts.

6.7.3.6 Free Standing Signs:

6.7.3.6.1 No free standing signs shall be permitted except temporary, traffic control, or directory signs which shall be ten (10) ft. or more from any property line.

6.7.3.6.2 A temporary sign erected during the construction of a building shall be 48 sq. ft. or less and 10 feet or less in any dimension.

6.7.3.6.3 A free standing sign may be permitted for purposes of a business directory provided that no more than 20 sq. ft. shall be permitted for each business.

6.7.3.6.4 Size and location of traffic control signs to be approved by the Inspector of Buildings when building permit is issued.

6.7.4 Special Signs

In particular instances, the Board of Appeals may permit signs of larger maximum sizes than specified herein when any such sign is located at least 100 feet from the nearest residential zoning district boundary or public way, whichever is more distant, and within a Business or Industrial Zoning District, and when such a permit is in the public interest.

SECTION 6.8.0 STREETS, DRIVEWAYS, PARKING AND SERVICE AREAS

In all districts except "RO" One Family Dwelling Districts, all streets, driveways, parking areas, service areas, ramps, loading docks and exterior storage areas shall be paved or surfaced with impervious materials and constructed with curbing slopes and similar design features so that water falling on such areas will be directed into an approved system of drainage structures and pipes.

ARTICLE VII
PARKING AND LOADING REGULATIONS

SECTION 7.1.0 GENERAL REQUIREMENTS AND PURPOSE

Off-street parking and loading spaces in the amounts and sizes specified under the provisions of this Article shall be provided for all uses and buildings. Such spaces may be located on another lot within two-hundred (200) feet of the lot which they serve with the approval of the Planning Board.

7.1.0.1 The purpose of this Article is to require the minimum amount of parking spaces needed to adequately serve all land uses and properties through the accomplishment of the following objectives:

7.1.0.1.1 To prevent the creation of surplus amounts of parking spaces which contribute to additional Single Occupancy Vehicle (SOV) trips being generated, resulting in traffic congestion and traffic service level deterioration on roadways;

7.1.0.1.2 To encourage use of Transportation Systems Management (TSM) and Transportation Demand Management (TDM) strategies, and to provide a basis for the development of Transportation Management Plans (TMP) to reduce new Single Occupancy Vehicle (SOV) trips within the Town, particularly during peak hour periods;

7.1.0.1.3 To increase use of public transportation opportunities and High Occupancy Vehicles (HOV) such as buses, carpools, and vans;

7.1.0.1.4 To reduce unnecessary amounts of impervious surface areas from being created within the Town, and particularly within the Aquifer and Water Resource Districts; and

7.1.0.1.5 To lessen congestion, to prevent the deterioration of air quality, and to reduce the need for expansions and alterations of existing roadways and related infrastructure which result from the growth of new Single Occupancy Vehicle (SOV) trips within the Town.

7.1.1 Parking Space and Aisle Dimensions

Parking spaces and aisles shall have the following dimensions unless otherwise determined by the Planning Board:

7.1.1.1 Standard car space: nine (9) feet by eighteen (18) feet.

7.1.1.2 Compact car space: eight (8) feet by fifteen (15) feet.

7.1.1.3 Retail use car space: nine (9) feet by eighteen (18) feet or width to be determined by the Planning Board.

7.1.1.4 Handicapped person car space: thirteen (13) feet by eighteen (18) feet and designed in accordance with the standards set forth in the Rules and Regulations of the Architectural Access Board.

7.1.1.5 Aisles: width to be approved by the Planning Board in accordance with accepted engineering practices.

7.1.2 Loading Spaces

Loading space dimensions and locations shall be approved by the Planning Board, and loading spaces shall be so placed as not to require maneuvering within a public way or way used by the public.

7.1.3 Handicapped Parking Space Requirements

The required amount of handicapped parking spaces shall be in accordance with the amounts specified in the Rules and Regulations of the Architectural Access Board.

SECTION 7.2.0 MINIMUM AND MAXIMUM PARKING SPACE REQUIREMENTS FOR RESIDENTIAL AND EDUCATIONAL USES

The minimum and maximum parking space requirements and ratios specified in Section 7.2.1 through 7.2.6 shall apply unless the Planning Board approves an alternative requirement.

7.2.1 One Family Dwellings

A minimum of two (2) parking spaces for each dwelling, including indoor parking. These spaces may be on a driveway, and spaces other than in a garage may be within the required front, side and rear yard setbacks. A maximum parking space requirement does not apply to this use category.

7.2.2 Two Family Dwellings

A minimum and maximum of two (2) parking spaces for each dwelling unit. These spaces may be on a driveway, and spaces other than in a garage may be within the required front, side and rear yard setbacks.

7.2.3 Multi-Family Dwellings

A minimum and maximum of one and one half (1.5) parking spaces for each dwelling unit, plus an area which may be approved by the Planning Board for the seasonal storage of vehicles such as campers, motor homes, travel trailers, and boats, etc.

7.2.4 Dormitories

A minimum and maximum of one (1) parking space for every three beds.

7.2.5 Educational Uses

For educational uses below grade 8, a minimum and maximum of two (2) parking spaces for each classroom; additionally, for the floor area within the building not occupied by classroom space, the parking space requirements and ratios of Section 7.3.3 for "Places of Assembly", and parking space requirements and ratios of Section 7.3.11 "Office Uses", shall apply. For educational uses of grade 8 and above, a minimum and maximum of four (4) parking spaces for each classroom; additionally, for the floor area within the building not occupied by classroom space, the parking space requirements and ratios of Section 7.3.3 for "Places of Assembly", and parking space requirements and ratios of Section 7.3.11 "Office Uses", shall apply.

7.2.6 Library Uses

A minimum and maximum of one (1) parking space for every fifty (50) square feet of reading room floor area. Reading room floor area being defined as that area so designated for public reading and/or research, but specifically excluding shelf, book, and periodical stacking area.

7.2.7 Assisted living facilities, congregate living facilities, and continuing care retirement communities

A minimum of one (1) parking space for every four dwelling units and a maximum of one (1) space for every three dwelling units, plus one (1) parking space for every two (2) employees during the largest shift."

7.2.8 Independent living facilities, elderly housing

A minimum of one and one-half (1.5) parking space for each dwelling unit and a maximum of two (2) spaces for each dwelling unit."

SECTION 7.3.0 MINIMUM AND MAXIMUM PARKING REQUIREMENTS FOR NON-RESIDENTIAL

AND NON-EDUCATIONAL USES

Except as otherwise provided, the Planning Board shall approve the number and type of parking spaces in accordance with the minimum and maximum parking space requirements and ratios shown in Sections 7.3.1 through 7.3.11, or in accordance with Section 7.3.12.

Where the Gross Floor Area of a building or buildings is divided among various uses, the Planning Board shall apply such parking space requirements and ratios specified in Sections 7.3.1 through 7.3.11, or in accordance with Section 7.3.12, which most appropriately apply to the character and proportion of uses within such building or buildings.

The Planning Board may approve a Site Plan in accordance with Section 9.3.0 of Article IX, which contains less than the minimum parking space requirements and ratios, provided it makes the following findings and determinations:

- a. The amount of parking provided is adequate for the type and nature of the use proposed.
- b. The applicant shall undertake appropriate provisions, to the satisfaction of the Planning Board, to ensure that the subject site would have adequate area for additional parking if greater parking demands arise from the current or future use of such site, and that such additional parking could be constructed in conformity with the Impervious Surfaces requirements in Section 8.3.8.4 of Article VIII of this bylaw, and any other requirements of the bylaw.

The Planning Board may also, when approving a Site Plan in accordance with Section 9.3.0 of Article IX, allow the maximum parking space requirements and ratios listed in Sections 7.3.1 through 7.3.10 to increase by up to ten percent (10%) above the maximum parking space requirements and ratios specified for such uses. In order to increase the maximum parking space requirements and ratios specified in Section 7.3.1 through 7.3.10 by more than ten percent (10%), a Special Permit must be granted by the Planning Board pursuant to Section 7.4.0 of this bylaw.

The maximum parking space requirement and ratio specified in Section 7.3.11 may not be increased unless a Special Permit is granted by the Planning Board pursuant to Section 7.4.0 of this bylaw.

7.3.1 Motels, Hotels, Motor Hotels (Without Function Rooms and/or Eating Establishments)

A minimum and maximum of one (1) parking space for each sleeping room accommodation.

7.3.2 Motels, Hotels, Motor Hotels (With Function Rooms and/or Eating Establishments)

A minimum and maximum of one (1) parking space for each sleeping room accommodation; additionally, for the floor area within the building not occupied by sleeping room accommodations, and designated and used as "Function Rooms" or "Eating Establishments", the parking space requirements and ratios of Section 7.3.3 "Places of Assembly" and/or Section 7.3.10 "Eating Establishments", shall apply.

7.3.3 Places of Assembly

A minimum and maximum of one (1) parking space for every three (3) seats or occupants permitted by the Building Code and certified by the Inspector of Buildings.

7.3.4 Medically Related Uses

A minimum and maximum of one (1) parking space for every two (2) beds, four (4) parking spaces for every one thousand (1,000) square feet of in-patient treatment area, and five (5) parking spaces for every one thousand (1,000) square feet of out-patient treatment Net Floor Area.

7.3.5 Manufacturing and Industrial Uses

A minimum and maximum of two and one half (2.5) parking spaces for every one thousand (1,000) square feet of Gross Floor Area of manufacturing and industrial use.

7.3.6 Automotive Sales and Service Uses

A minimum and maximum of five (5) parking spaces for every one thousand (1,000) square feet of Gross Floor Area of automotive sales and service use.

7.3.7 Storage Uses

A minimum and maximum of one (1) parking space for every one thousand (1,000) square feet of Gross Floor Area of storage use.

7.3.8 Consumer Services Uses

A minimum of four (4) parking spaces and a maximum of four and one half (4.5) parking spaces for every one thousand (1,000) square feet of Gross Floor Area of consumer service use.

7.3.9 Retail Business Uses

A minimum of four (4) parking spaces and a maximum of four and one half (4.5) parking spaces for every one thousand (1,000) square feet of Gross Floor Area of retail use.

7.3.10 Eating Establishments

A minimum and maximum of one (1) parking space for every three (3) seats in customer food service areas.

7.3.11 Office Uses

A minimum of two and one-half (2.5) parking spaces and a maximum of three (3) parking spaces for every one thousand (1,000) square feet of Gross Floor Area of office use.

7.3.12 Other Uses

When a use is proposed to be developed or implemented, and is not described or specified in the parking space requirements and ratios listed in Sections 7.2.1 through 7.2.6, and 7.3.1 through 7.3.11, the Planning Board shall determine the maximum and minimum parking space ratio and requirement based on the character of use proposed.

SECTION 7.4.0 SPECIAL PERMIT FOR INCREASING THE MAXIMUM PARKING SPACE REQUIREMENTS FOR SPECIFIC NON-RESIDENTIAL AND NON-EDUCATIONAL USES

The Planning Board may grant a Special Permit to increase the maximum parking space requirements and ratios specified in Sections 7.3.1 through 7.3.10 by more than ten percent (10%), and to increase the maximum parking space requirement and ratio specified in Section 7.3.11, pursuant to the requirements and provisions of Article IX, Section 9.2.0. In addition, the Planning Board must determine that all of the following findings and conditions are met:

a. The applicant, site operator, or owner agrees to reduce the estimated Institute of Transportation Engineers (ITE) trip generation rates related to the subject development or use in both the a.m. and p.m. peak hours by twenty (20%) percent, based upon the latest edition of "ITE Trip Generation" manual, or other comparable manual or document acceptable to the Planning Board. The method or methods by which such reduction is accomplished is subject to the approval of the Planning Board.

The Planning Board may determine compliance with this condition by monitoring traffic movements at the site after project completion and occupancy. The applicant, site operator, or owner shall fund this monitoring program in an amount agreed upon when the Special Permit is issued.

b. The applicant has submitted data and evidence, including but not limited to parking accumulation and utilization data that demonstrate the need for additional parking spaces for such use or buildings, in the opinion of the Planning Board.

SECTION 7.5.0 PARKING STRUCTURES AND GARAGES FOR USES OTHER THAN ONE FAMILY DWELLINGS

Any parking structure or garage which is authorized by a Special Permit pursuant to Article IV, Section 4.3.2.9, shall be included in the Maximum Aggregate Building-to-Ground Area Percentage (pursuant to Section 5.2.0 of Article V) of the district within which it is built, and shall be subject to the provisions of Article IX, Section 9.2.0.

ARTICLE VIII
SPECIAL DISTRICTS

SECTION 8.1.0 100-YEAR FLOOD PLAIN DISTRICT

8.1.1 Purpose

The purposes of the 100-Year Flood Plain (FP) District are: to protect the public health, safety and general welfare, to protect human life and property from the hazards of periodic flooding, and to preserve the natural flood control characteristics and the flood storage capacity of the Flood Plain.

8.1.2 District Boundaries

The District includes all areas designated A, AO and A1 through A30 on maps entitled, "Flood Insurance Rate Maps (FIRM), Town of Burlington, Mass.," dated July 5, 1984, Community Panel Numbers 250185-0001B through -0004B, prepared by the Federal Emergency Management Agency. The boundaries of the Floodway within the FP District are the floodway boundaries as delineated on the "Flood Boundary and Floodway Maps, Town of Burlington, Mass.," dated July 5, 1984, Community Panel Numbers 250185-0001B through -0003B, prepared by the Federal Emergency Management Agency. These two sets of maps dated July 5, 1984 and the publication entitled, "Burlington Flood Insurance Study" dated January 5, 1984 and published by the Federal Emergency Management Agency are on file with the Burlington Town Clerk and the Planning Board and are incorporated into this section by reference.

8.1.3 Definitions

1. For the purposes of this section, development shall include new construction, substantial improvements to an existing building or an increase in the footprint of a nonresidential building.
2. For the purposes of this section, substantial improvements shall include rehabilitation, reconstruction and/or extension of an existing building where the value of construction as determined by the Inspector of Buildings exceeds 50% of the appraised fair market value of the buildings as determined by the Town of Burlington Appraiser/Assistant Assessor. For the purposes of this determination, "value of construction" shall include all construction work undertaken on the building for the past three year period together with proposed work. In the case of the repair of a damaged building, fair market value shall be based on value of a building before it was damaged. Fair market value shall not include the value of the land nor site improvements and land costs or the cost of site improvements shall not be included in the estimate of the value of construction.
3. For the purposes of this section, base flood elevation is the height of the flood waters resulting from a flood having a one percent chance of being equaled or exceeded in any given year, which is also known as a 100-year flood.
4. For the purposes of this section, residential shall include one and two family dwellings and multi-family apartment buildings.
5. For the purpose of this section, lowest floor means the lower floor of the lowest enclosed area. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lower floor, provided that such enclosure is built in compliance with the provisions of Subsection 8.1.6(4).
6. For the purpose of this section, manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities and shall not include prefabricated homes. For flood plains management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

8.1.4 Permitted Land Uses

The FP District is established as an overlay district. Uses which are permitted or approved in accordance with the provisions of the underlying zoning district are allowed in the FP District provided that such uses meet the additional requirements of this section as well as those of the Massachusetts State Building Code dealing with construction in flood plains.

8.1.5 Requirements for Development within the Floodway

Within the floodway portion of the FP District, as delineated on the Flood Boundary and Floodway Maps, the following requirements apply:

1. All encroachments, which include fill, new construction, substantial improvements to existing buildings, and other development, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating that such encroachment will not result in any increase in flood levels during the occurrence of a 100-year flood. Such certification shall be to the satisfaction of the Planning Board where site plan approval or a special permit is required and shall be to the satisfaction of the Inspector of Buildings where such approvals are not required.
2. Any encroachment permitted within the floodway in accordance with Section 8.1.5.1 shall comply with the flood plain requirements of the Massachusetts State Building Code.

8.1.6 Requirements for Development within the Flood Plain District

1. For residential buildings, including manufactured homes, the lowest floor, including the basement of all development within the Flood Plain District, shall be elevated to or above the base flood elevation, as shown on the FIRM maps.
2. For nonresidential buildings, all development shall either have the lowest floor including the basement elevated to or above the base flood elevation, or shall be designed so that below the base flood elevation the building, together with attendant utility and sanitary facilities, is watertight with walls substantially impermeable to the passage of water and with structural components have the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer shall certify that the floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood, and a record of such certificates shall be maintained by the Inspector of Buildings.
3. For all development, and for proposed subdivisions, the related utilities and utility facilities, such as sewer, water, gas and electrical systems, shall be located and constructed to minimize or eliminate flood damage.
4. For all development, including manufactured homes and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.
 - A record of such certification and/or compliance shall be maintained by the Inspector of Buildings.
5. The design standards for utilities are as follows:
 - (a) Mechanical and utility equipment must be elevated above the base floor elevation or designed so as to prevent water from entering or accumulating within the equipment components.
 - (b) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during

conditions of flooding.

(c) New or replacement water supply systems shall be designed to minimize, or eliminate infiltration of flood waters into the systems.

(d) New or replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

(e) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

6. All manufactured homes shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated so that the lowest floor of the manufactured home is at or above the base flood elevation and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

7. Where base flood elevation data and/or flooding data provided on the Flood Insurance Rate Maps (FIRM) or on the Flood Boundary and Floodway Maps (FB FM), base flood elevation and floodway data available from a federal, state or other source may be used. The determination of a base flood elevation or floodway boundaries pursuant to this subsection shall be subject to the review and approval of the Planning Board or the Inspector of Buildings, as provided for in Section 8.1.7.

8.1.7 Determination of Compliance with Requirements

For development that requires site plan approval or a special permit, the Planning Board shall have the responsibility to determine whether the proposed building or buildings and related site work conform to the requirements of the FP District. For development for which site plan approval or a special permit is not required, the Inspector of Buildings shall have the responsibility to make this determination.

8.1.8 Submission Requirements

All applications for permission to undertake development within the FP District must be accompanied by sufficient information to permit determination regarding the compliance of the proposed development with the provisions of the FP District. Such information includes, but is not limited to:

1. A plot plan showing the property boundaries, the location of existing buildings and site improvements, the location of new construction or improvements to existing buildings and the boundaries of the floodway and the 100-Year Flood Plain District within the property.
2. Base flood elevation for the property. Data from the FIRM maps must be used, if they provide data for the subject property.
3. Elevation of the lowest floor in the building.
4. Elevation of the lowest habitable floor, if different from the lowest floor.

8.1.9 Exemption from Flood Plain District Requirements

Development may be exempted from the requirements of FP District when the property owner, lessee, or other party of interest submits documentation that the Federal Government has reevaluated its designation of the property upon which the development would be located from that indicated in the July 5, 1984 "Floodway and Flood Boundary" and "Flood Insurance Rate" Maps and concluded that the property is not subject to flooding during a 100-year flood. For development which requires the approval of the Planning Board, including but not limited to site plan approval or a special permit, the documentation must be found to be satisfactory by the Planning Board before an exemption may be granted.

For development for which Planning Board approval is not required, the documentation must be found to be satisfactory by the Inspector of Buildings before an exemption may be granted. Such documentation may include, but is not limited to, a "Letter of Map Amendment."

SECTION 8.2.0 WETLANDS DISTRICT

8.2.1 Purpose

The purpose of this district is:

To preserve and protect the water bodies, water courses and wetlands in the Town of Burlington and their adjoining lands.

To protect the health and safety of persons and property against the hazards of flooding and contamination.

To preserve and maintain the groundwater table for water supply purposes.

To protect the natural environment.

To conserve the watershed areas of the Town of Burlington for the health, safety, and welfare of the public.

8.2.2 Definition of Wetlands District

The wetlands district is superimposed over other districts established by this Bylaw. It includes all lands shown with the boundaries designated as wetlands on the Topographic Sheets, Town of Burlington entitled Wetlands 1977. These maps, as may be amended from time to time, are hereby made a part of this Bylaw. The wetlands have been delineated in accordance with the definitions in Chapter 131, Section 40 of the Massachusetts General Laws.

8.2.3 Interpretation and Application

Any use within the limits of the Wetland District shall be governed by this section and all other applicable provisions of this Bylaw. All uses not specifically permitted by Section 4.4.1 or 4.4.2 are prohibited.

8.2.4 Special Permit Procedure

Any person(s) desiring a special permit under Section 4.4.1 of this Bylaw shall submit an application to the Planning Board in accordance with the procedures set forth in Article IX, Section 9.2.0 and, when required by the Planning Board, a Site Plan in accordance with the procedures set forth in Section 9.3.0 and shall comply with the conditions set forth in that section. The limits and type of wetlands on the lot in question shall be shown on the site plan.

In granting a special permit under this article, the Planning Board shall insure that no discharge allowed by this section shall by virtue of its chemical or biological characteristics affect the natural productivity of the wetland into which it is discharged, except as approved.

Issuance of a special permit under this section does not constitute approval under the Wetlands Protection Act, Chapter 131, Section 40. Notice of intent to undertake activities governed by the Wetlands Protection Act must be filed with the Conservation Commission.

SECTION 8.3.0 AQUIFER AND WATER RESOURCE DISTRICTS

8.3.1 Purpose

The purposes of the Aquifer and Water Resource Districts are:

To promote the health, safety, and general welfare of the community;

To protect, preserve, and maintain the existing and potential groundwater supply and groundwater recharge areas within the known aquifers of the Town;

To preserve and protect present and potential sources of water supply for the public health and safety;

To conserve the natural resources of the town;

To protect the groundwater and groundwater recharge areas of the town from adverse development or land use practices;
and,

To prevent blight and the pollution of the environment.

8.3.2 Definition of Aquifer and Water Resource Districts

The Aquifer and Water Resource Districts are superimposed over other districts established by this Bylaw. They include all lands shown with the boundaries designated as Aquifer Districts and Water Resource Districts shown on the map entitled Aquifer and Water Resource Districts, prepared by Town of Burlington Engineering Department, and dated January 9, 1996, and presented to Town Meeting for adoption on September 30, 1996. This map, as may be amended from time to time, is hereby made a part of this Bylaw.

The Aquifer District shall encompass all properties or portions of properties whose ground and surface waters directly recharge the Vine Brook wellfield, including all lands designated as "Zone I" and "Zone II" by the Massachusetts Department of Environmental Protection (DEP). Lands identified as "Zone I" or "Zone II" pursuant to an adjacent community's water supply shall not be considered as an Aquifer District under this Bylaw unless and until the above-referenced map is amended and approved by Town Meeting to include such additional land area.

The Water Resource District shall encompass all properties or portions of properties whose ground and surface waters drain into the watershed contributing to the Vine Brook aquifer, including all areas designated as "Zone III" by the DEP. For purposes of identifying applicable groundwater categories under the Massachusetts Contingency Plan, 310 CMR 40.00 (MCP), the Water Resource District shall be considered a Potential Drinking Water Source under the MCP.

8.3.3 Interpretation and Application

The Aquifer and Water Resource Districts are overlay districts and shall be superimposed on all other districts established by this Zoning Bylaw. All regulations of the Zoning Bylaw applicable to such underlying districts shall remain in effect. Where the Aquifer and Water Resource Districts impose additional regulations, such regulations shall be in addition to the requirements of the underlying district. Where the Aquifer and Water Resource Districts impose a prohibition of a use, such prohibition shall control even where the underlying districts impose less strict requirements.

8.3.4 Pertinent Definitions

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

8.3.4.2 Groundwater: All water found beneath the surface of the ground.

8.3.4.3 Hazardous Material: As defined by MGL Chapter 21E:2, material including but not limited to, any material, in whatever form, which, because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious, or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human, health, safety, welfare, or to the environment, when improperly stored, treated, transported, disposed of, used, or otherwise managed. This term shall not include oil. The term shall also include all those substances which are included under 42 U.S.C. Section 9601(14), but is not limited to those substances.

8.3.4.4 Hazardous Waste: As defined by MGL Chapter 21C:2, a waste, or combination of wastes, which because of its quantity,

concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness or pose a substantial present or potential threat to human health, safety or welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed, however not to include solid or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows, or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act of 1967 as amended, or source, special nuclear, or byproduct material as defined by the Atomic Energy Acts of 1954.

8.3.4.4.1 Very Small Quantity Generator of Hazardous Waste (VSQG): A facility which does not generate more than an average of 100 kilograms (220 pounds) per month on a yearly basis, nor accumulates at any one time 600 kilograms or more, of regulated recyclable material or non-acutely hazardous waste identified or otherwise described in 310 CMR 30.120 through 30.125 and 30.130 through 30.135, and further does not generate or accumulate any regulated recyclable material or acutely hazardous waste listed or otherwise described in 310 CMR 30.136.

8.3.4.5 Impervious Surfaces: Materials or structures on or above the ground which do not allow precipitation to infiltrate the underlying soil.

8.3.4.6 Interim Wellhead Protection District Area: - An area of one half (1/2) mile radius may be extended around any proposed public water supply well for which a Zone II has not been defined, within which all regulations and restrictions pursuant to this Bylaw shall apply. For wells with approved yields less than 100,000 gallons per day (GPD), the radius of the Interim Wellhead Protection Area shall be determined in accordance with Massachusetts Department of Environmental Protection (DEP) Division of Water Supply (DWS) Policy for Small Wells, DWS Policy 92-01, issued June 10, 1992. An Interim Wellhead Protection Area shall not be in effect unless such radius is reflected as an amendment to the Aquifer and Water Resource District Map and adopted by Town Meeting.

8.3.4.7 Leachable Wastes: Waste materials including solid wastes, sludge and pesticide and fertilizer wastes capable of releasing water-borne contaminants to the environment.

8.3.4.8 Primary Aquifer Recharge Area: Areas which are underlain by surficial geologic deposits including glaciofluvial or lacustrine stratified drift deposits or alluvium or swamp deposits, and in which the prevailing direction of groundwater flow is toward the area of influence of water supply wells.

8.3.4.9 Trucking Terminal: A business which services or repairs commercial trucks.

8.3.4.10 Watershed: Lands lying adjacent to water courses and surface water bodies which create the catchment or drainage areas of such water courses and bodies.

8.3.4.11 Zone I: The protective radius required around a public water supply well or wellfield.

8.3.4.12 Zone II: That area of an aquifer which contributes water to a well under the most severe pumping and recharge conditions that can be realistically anticipated (180 days of pumping at safe yield, with no recharge from precipitation). It is bounded by the groundwater divides which result from pumping the well and by the contact of the aquifer with less permeable materials such as till or bedrock. In some cases, streams, or lakes may act as recharge boundaries. In all cases, Zone II shall extend up gradient to its point of intersection with prevailing hydrogeologic boundaries (a groundwater flow divide, a contact with till or bedrock, or a recharge boundary).

8.3.4.13 Zone III: That land area beyond the area of Zone II from which surface water and groundwater drain into Zone II. The surface drainage area as determined by topography is commonly coincident with the groundwater drainage area and will be used to delineate Zone III. In locations where surface and groundwater drainage are not coincident, Zone III shall consist of both the surface drainage and the groundwater drainage areas.

8.3.5 Prohibited Uses and Activities in the Aquifer District

8.3.5.1 Business and industrial uses, not agricultural, which manufacture, generate, use, treat, process, store, or dispose of hazardous materials or wastes as a principal or accessory activity or use, or which involve on-site disposal of process waste waters, except for the following, which may be allowed by special permit in accordance with sections 8.3.7 and 9.2.0 of this Bylaw:

- (a) very small quantity generators (VSQG) of hazardous waste, as defined by 310 CMR 30.00;
- (b) household hazardous waste collection centers or events operated pursuant to 310 CMR 30.390;
- (c) waste oil retention facilities required by MGL Chapter 21, Section 52A; and,
- (d) treatment works approved by the Massachusetts DEP and designed in accordance with 314 CMR 5.00 for the treatment of contaminated ground or surface waters.

8.3.5.2 Trucking terminals, bus terminals, car washes, motor vehicle gasoline sales, automotive service and repair shops.

8.3.5.3 Solid waste landfills, dumps, auto recycling, auto graveyards, junk and salvage yards, landfilling or storage of sludge, and septage with the exception of the disposal of brush or stumps.

8.3.5.4 Storage of liquid petroleum products of any kind, except for the following:

- (a) Storage which is incidental to:
 1. normal household use and outdoor maintenance or the heating of a structure;
 2. emergency generators required by statute, rule or regulation;
 3. waste oil retention centers required by MGL Chapter 21, Section 52A, or
 4. treatment works approved by the DEP designed in accordance with 314 CMR 5.00 for the treatment of contaminate ground or surface waters;

provided that such storage shall be in a free standing, above ground container within a structure or within the basement of a structure, within a diked, impermeable areas sufficient to contain the volume of the tank plus ten percent (10%) to prevent spills or leaks from reaching groundwater or surface water. Above ground tanks must comply with all applicable provisions of Massachusetts Board of Fire Prevention regulation 527 CMR 9.00.

- (b) Replacement of storage tanks or systems for the keeping, dispensing or storing of gasoline, which existed at the time of adoption of this Bylaw, provided that:
 1. all replacement storage tanks shall be registered with the Board of Health and the Fire Department;
 2. all such replacement storage tanks or systems shall be located underground as required by the Massachusetts Board of Fire Prevention regulation 527 CMR 14;
 3. all such storage systems shall be protected by one of the secondary containment systems specified in Mass. Board of Fire Prevention regulation 527 CMR 9.08 (3); and,
 4. the Fire Department may deny the installation and use of replacement underground storage systems, or approve it subject to conditions if it is determined that such replacement constitutes a danger to public or private water supplies, in accordance with 527 CMR 9.26 (4) (d).

Replacement of all other storage tanks for liquid petroleum products other than gasoline must be above ground, in accordance with Section 8.3.5.5 (a) above.

8.3.5.5 Storage of deicing chemicals, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate.

8.3.5.6 Stockpiling and disposal of snow or ice removed from highways and streets located outside of Zone II that contain sodium chloride, calcium chloride, chemically treated abrasives or other chemicals used for snow and ice removal.

8.3.5.7 Dumping or disposal on the ground, in water bodies, or in residential septic systems of any toxic chemical, including but not limited to septic system cleaners which contain toxic chemicals such as methylene chloride and 1-1-1 trichloroethane, or other household hazardous wastes.

8.3.5.8 Treatment works that are subject to a Groundwater Discharge Permit, pursuant to 314 CMR 5.00; except the following:

- (a) the replacement or repair of an existing system(s) that will not result in a design capacity greater than the design capacity of the existing system(s);
- (b) the replacement of an existing subsurface sewage disposal system(s) with wastewater treatment works that will not result in a design capacity greater than the design capacity of the existing system(s); and ,
- (c) treatment works approved by the DEP designed for the treatment of contaminated ground or surface waters.

8.3.5.9 Individual sewage disposal systems that are designed in accordance with 310 CMR 15.00 to receive more than 110 gallons on any one quarter-acre under one ownership per day, or 440 gallons of sewage on any acre under one ownership per day, whichever is greater, except the replacement or repair of an existing system that will not result in an increase in design capacity above the original design.

8.3.5.10 Any use which is not permitted either as of right or by special permit in the Aquifer District or Water Resource District, as listed in Article IV of this Bylaw.

8.3.6 Restricted Uses and Activities in the Aquifer District

The following uses are subject to the Use Regulation Schedules of Sections 4.2.0, 4.3.0, and 4.4.0, and to the restrictions and performance standards as specified below.

8.3.6.1 Excavation for removal of earth, loam, sand, gravel, and other soils or mineral substances shall not extend closer than four (4) feet above the historical high groundwater table (as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey). A minimum of three (3) on-site monitoring wells shall be installed by the property owner to verify groundwater elevations. The monitoring wells shall be installed at the lowest points on the property that is proposed for excavation. A Site Plan indicating the proposed monitoring well locations must be submitted to the Planning Board and the Board of Health for review and approval prior to well installation. Water level measurements to be used to determine the annual high ground water table depth shall be collected during the months of March, April, October, and November, when the underlying soil is most likely to be saturated by groundwater.

This section shall not apply to excavations incidental to permitted uses, including but not limited to providing for the installation or maintenance of structural foundations, freshwater ponds, utility conduits or on-site sewage disposal, however, the lowest point of the excavation for the installation of a sewage disposal system shall not be within four (4) feet of the historical high groundwater table elevation.

Access road(s) to extractive operation sites shall include a gate or other secure mechanism to restrict public access to the site.

Upon completion of earth removal operations, all altered areas shall be restored with topsoil and vegetative plantings. All fine materials, such as clays and silts, removed as part of the earth removal operation and leftover as by-products, shall be disposed of off-site to prevent damage to aquifer recharge characteristics.

The above requirements shall be in addition to the requirements for earth removal or fill specified in Article XIV Section 4.2 of the General Bylaws.

8.3.6.2 Calcium chloride for ice control shall be use consistent with public highway safety requirements, pursuant to Article XIV Section 4.4 of the General Bylaws.

8.3.6.3 The storage of calcium chloride, chemically treated abrasives, and other chemicals used for the removal of ice and snow on roads or other impervious surfaces shall be covered and located on a paved surface, with berms within a structure designed to prevent the generation and escape of contaminated run-off or leachate, subject to the restrictions on the storage of chlorides on parcels abutting Vine Brook, pursuant to Article XIV Section 4.3 of the General Bylaws.

8.3.6.4 Fertilizers, pesticides, herbicides, lawn care chemicals, or other leachable materials shall be used in accordance with the Lawn Care Regulations of the Massachusetts Pesticide Board, 333 CMR 10.03 (30, 31), as amended, with the manufacturer's label instructions, and all other necessary precautions to minimize adverse impacts on surface and groundwater.

8.3.6.5 The storage of commercial fertilizers and soil conditioners shall be within structures designed to prevent the generation and escape of contaminated run-off or leachate.

8.3.6.6 All existing permanent animal manure storage areas shall be covered and contained in accordance with the specification of the United States Soil Conservation Service to prevent the generation and escape of contaminated run-off leachate.

8.3.6.7 On-site sewage disposal systems shall not be installed in areas where soil percolation rates are faster than two (2) minutes per inch without additional measures imposed by the Board of Health.

8.3.6.8 All liquid hazardous materials, as defined in MGL Chapter 21E, must be stored either in a free standing container within a building, or in a free standing container above ground level with protection adequate to contain a spill the size of the container's total storage capacity plus ten percent (10%) to prevent spills or leaks from reaching groundwater or surface waters.

8.3.7 Special Permit Procedure

8.3.7.1 Any use or activity identified in the use regulations schedule contained in Sections 4.2.0 through 4.4.0 of this Bylaw which requires a Special Permit in the Aquifer or Water Resource Districts shall require the submission of an application to the Planning Board for approval of such use or activity in accordance with Section 9.2.0.

8.3.7.2 Submittal: The following shall be submitted in addition to the requirements of Section 9.2.0 in applying for a special permit within the Aquifer or Water Resource Districts:

- a) A complete list of all chemicals, pesticides, fuels, and other potentially toxic or hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use, accompanied by a description of measures proposed to protect from vandalism, corrosion, and leakage, and to provide for spill prevention and countermeasures.
- b) A description of potentially toxic or hazardous wastes to be generated, indicating storage and disposal method.
- c) Evidence of joint permit approval under the Metropolitan District Commission (MDC) Rules and Regulations Covering Discharge of Sewage, Drainage Substances, or Wastes to Sewerage Works within the Metropolitan Sewerage District, and the Town of Burlington's Regulation of Sewer Use for any discharge of industrial wastes to the sewer system.
- d) For storage of toxic and hazardous materials, evidence of qualified professional supervision of system design, installation, and operational management.
- e) Analysis by a qualified professional engineer experienced in groundwater evaluation and/or hydrology certifying compliance with Section 8.3.7.3 below.

8.3.7.3 Special Permit Criteria: Special permits shall only be granted if the Planning Board determines that at the boundaries of the premises the groundwater quality resulting from on-site waste disposal, other on-site operations, natural recharge, and

background water quality will not fall below the standards established by the Department of Environmental Protection in "Drinking Water Standards of Massachusetts", or for parameters where no standard exists, below standards established by the Board of Health and, where existing groundwater quality is already below those standards, upon determination that the proposed activity will result on no further degradation.

8.3.7.4 Approval: Special permit shall be granted only if the Planning Board determines that the intent of this bylaw and the criteria of Section 9.2.4 are met. In making such determination, the Planning Board shall give consideration to the simplicity, reliability, and feasibility of the control measures proposed and the degree of threat to water quality which would result of the control measure(s) were to fail.

8.3.8 Design and Operations Requirements

Within Aquifer and Water Resource Districts, the following design and operations requirements shall be observed:

8.3.8.1 Safeguards: Provision shall be made to protect against toxic or hazardous materials discharge or loss through corrosion, accidental damage, spillage, or vandalism through such measures as provision for spill control in the vicinity of chemical or fuel delivery points, secure storage areas for toxic or hazardous materials, and indoor storage provisions for corrodible or dissolvable materials.

8.3.8.2 Location: Where the premises are partially outside of the Aquifer or Water Resource Districts, such potential pollution sources as on-site waste disposal systems shall, to the degree feasible, be located outside the District.

8.3.8.3 Disposal: Provisions shall be made to assure that any waste disposed into the sewers shall conform with the MWRA's Rules and Regulations Covering Discharge of Sewage, Drainage Substances, or Wastes to Sewerage Works within the Metropolitan Sewerage District and the Town of Burlington's Sewer Use Regulations. Connecting sewers from the building shall be vitreous clay pipe or any other pipe shown to provide equivalent protection against corrosion.

8.3.8.4 Impervious Surfaces: Within the Aquifer and Water Resource Districts, not less than forty percent (40%) of the lot shall be landscaped or if wooded, may be left in a natural state. Within the Aquifer and Water Resource Districts all streets, sidewalks, parking areas, driveways, ramps, service areas, loading docks, and exterior service areas shall be paved or surfaced with impervious materials and constructed with curbing, slopes, and similar design features so that water falling on such areas and on buildings on the same premises, and spilled liquid substances on such areas and in adjacent buildings, will be contained and controlled and directed into an approved system of drainage structures and pipes. Such drainage system shall trap for removal, all oil based pollutants and suspended sediment and materials and shall provide for the full recharge of stormwater and precipitation to the ground beneath the site by the use of leaching structures, pipes, and fields. The outlet from such drainage system shall be designed to obtain the efficient operation of the leaching structures and to allow the passage of excess amounts of water so that no flooding of the site will occur. Residential lots which render impervious not more than fifteen percent (15%) or 2,500 square feet of the lot, whichever is greater, shall be exempt from this recharge and maintenance requirement.

A drainage maintenance schedule shall be developed, subject to the approval of the Board of Health and the Town Engineer, which provides for the periodic inspection and maintenance of all drainage structures and systems. The property owner shall be responsible for continually implementing such drainage system maintenance.

8.3.8.5 Monitoring: Periodic monitoring may be required as a condition of approval of a special permit or site plan by the Planning Board, including sampling of wastewater disposed to off-site systems or drywells and sampling from groundwater monitoring wells to be located and constructed as specified in the special permit with reports to be submitted to the Planning Board and the Board of Health, and costs to be borne by the owner or operator of the premises.

8.3.9 Non-Conforming Uses

Non-conforming uses which were lawfully existing or having been begun in reliance upon application or receipt of a building permit or special permit prior to the first publication of the notice of the public hearing of this Bylaw amendment, may be continued. In addition, such non-conforming uses may be extended or altered, as specified in MGL Chapter 40A, Section 6, and Section 6 of this Bylaw, provided that, in addition to the other requirements of Section 6.1.0 of this Bylaw, there is a finding by the Planning Board that such extension or alteration does not increase the danger of surface water or groundwater

pollution or adversely affect surface water or groundwater quality from such use. The terms extended or altered shall include, but not be limited to, a change in the substance(s) that constitute the hazardous material(s) or waste(s).

SECTION 8.4.0 OPEN SPACE RESIDENTIAL DEVELOPMENT

The Planning Board may grant a special permit for an Open Space Residential Development in any residential district subject to the following:

8.4.1 Purpose

The purpose of Open Space Residential Development is to encourage the preservation of common land for conservation, agriculture, open space and recreational use; to provide increased opportunities for affordable housing; to preserve historical or archaeological resources; to protect existing or potential municipal water supplies; to protect the value of real property; to promote more sensitive siting of buildings and better overall site planning; to promote better utilization of land in harmony with its natural features and with the general intent of the zoning bylaw through a greater flexibility in design; and to allow more efficient provision of municipal services.

8.4.2 Procedures

(a) Filing of Application: Each application for a special permit for Open Space Residential Development shall be filed with the Planning Board, with a copy filed forthwith with the Town Clerk, and shall be accompanied by 10 copies of a plan, pursuant to Section B below, of the entire parcel under consideration, prepared by a professional architect, engineer or landscape architect.

(b) Contents of Application: Said application and plan shall be prepared in accordance with the requirements of special permits and with the Planning Board's Site Plan Review Rules and Regulations, and where applicable, the filing of a Subdivision Plan, and shall include proposed location, bulk and

height of all proposed buildings. In addition, the applicant shall provide the following information:

1. The number of dwellings which could be constructed under the zoning provisions which govern the parcel at the time of application, considering the whole parcel, excluding water bodies, flood plain, and land prohibited from development by legally enforceable restrictions, easements or covenants. The number of dwelling units shall be determined by the Planning Board using the standards the Board would normally apply to a One-Family Dwelling District (RO) residential subdivision plan submitted according to the Subdivision Control Law and Zoning Bylaws of the Town of Burlington, including but not limited to Section 6.6.0 Lot Interpretation and Restrictions. The number of dwelling units so determined by the Planning Board shall be divided by the total gross acreage of the parcel to establish the base density of units per acre. In no event may the base density of units per acre exceed the Maximum base density of 2.2 units per acre.
2. An analysis of the site, including wetlands, wetlands zoning district boundaries, water bodies, slopes, soil conditions, areas within the 100-year flood, and such other natural features as the Planning Board may request. As well, an existing topographic map and a proposed topographic map at two feet intervals must be provided.
3. A summary of the environmental concerns relating to the proposed plan.
4. A description of the neighborhood in which the tract lies, including utilities and other public facilities, and the impact of the proposed plan upon them.
5. Evaluation of the open land proposed within the Open Space Residential Development, with respect to use, size, shape, location, natural resource value, and accessibility by residents of the Town or of the Open Space Residential Development.

(c) Review by Other Boards: Before acting upon the application, the Board shall submit it with the plan to the following boards, which may review it jointly or separately: the Building Inspector, the Department of Public

Works, the Board of Selectmen, the Police Department, the Board of Health, the Town Engineer, the Conservation Commission, and the Fire Department. Any such board or agency to which petitions are referred for review shall submit such recommendations as it deems appropriate to the Planning Board and the applicant. Failure to make recommendations within 35 days of receipt shall be deemed lack of opposition.

(d) Public Hearing: After the opportunity for review by other boards has taken place, the Planning Board shall hold a hearing under this section, in conformity with the provisions of G.L. Chapter 40A, S9, and of the zoning bylaw and regulations of the Planning Board. The hearing shall be held within 65 days after filing of the application with the Board and the Clerk. Notice shall be given by publication and posted and by first-class mailings to "parties in interest" as defined in G.L. Chapter 40A, #11. The decision of the Board, and any extension, modification or renewal thereof, shall be filed with the Board and Clerk within 90 days following the public hearing. Failure of the Board to act within 90 days shall be deemed a grant of the permit applied for. The required time limits for a public hearing and Board action may be extended by written agreement between the applicant and the Planning Board. Issuance of the permit requires an affirmative vote of two-thirds of the Planning Board.

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

8.4.3 Findings of Board

The Board may grant a special permit under this section only if it finds that the applicant has demonstrated the following: that the Open Space Residential Development plan will be in harmony with the general purpose of the bylaw and the requirements of G.L. Chapter 40A, and the long range plan of the town; that it will not have a detrimental impact on the neighborhood, will be designed with due consideration for health and safety, and is superior to a conventional plan in preserving open space, minimizing environmental disruption, allowing for more efficient provision of services, or allowing for greater variety in prices or types of housing.

8.4.4 Minimum Dimensional Requirements

(a) The area of the parcel to be developed is not less than ten acres.

(b) The minimum parcel frontage shall be 50 feet.

(c) Every single family detached dwelling is placed upon a lot with the height, frontage, side and rear yard requirements in accordance with the requirements of Table 8.4.8. Dimensional Requirements -- Open Space Residential (see page 8-18).

(d) Every two family or multi-family building is built with the setbacks from lot lines and other buildings, and the limitations as to size and height in accordance with the requirements of Table 8.4.8 Dimensional Requirements -- Open Space Residential.

(e) The minimum buffer in width around the perimeter of the parcel shall be 30 feet for clusters comprised of single family units, 50 feet for multi-family units, and 120 feet for multi-family units adjacent to an RO District.

(f) Except as specified in a special permit granted under this section, all requirements of the Zoning Bylaw shall continue to apply.

(g) The requirements related to the ownership, upkeep, liability, and maintenance of the open land are in perpetuity and as such become the responsibility of the owners' heirs and assigns.

8.4.5 Required Open Land

(a) At least 40% of the parcel exclusive of land set aside for roads and parking, shall be open land.

(b) The open land and such other facilities as may be held in common shall be conveyed to one of the following, as determined by the Planning Board, subject to the following guidelines. In general, natural resource land such as wetlands not suitable for any public use, or suitable for extensive public recreational use, should be conveyed to the Town or to a trust; whereas land which will be principally used by the residents of the Open Space Residential Development should be conveyed to a home association. At least 10% of the open land shall be useable for active or passive recreation.

1. To a corporation or trust comprising a home association whose membership includes the owners of all lots or units contained in the parcel. The developer shall include in the deed to owners of individual lots beneficial rights in said open land, and shall grant a conservation restriction to the Town of Burlington over such land pursuant to M.G.L. Chapter 184, S131-33, to insure that such land be kept in an open or natural state and not be built upon for residential use or developed for accessory uses such as parking or roadways. This restriction shall be enforceable by the Town through its Conservation Commission in any proceeding authorized by S33 of Chapter 184 of M.G.L.

In addition, the developer shall be responsible for the maintenance of the common land and any other facilities to be held in common until such time as the homes association is capable of assuming said responsibility. In order to ensure that the association will properly maintain the land deeded to it under this section, the developer shall cause to be recorded at the Middlesex South County Registry of Deeds a Declaration of Covenants and Restrictions which shall, at a minimum, provide for the following:

- Mandatory membership in an established homes association, as a requirement of ownership of any lot in the parcel.

- Provisions for maintenance assessments of all lots in order to ensure that the open land is maintained in a condition suitable for the uses approved by the homes association. Failure to pay such assessment shall create a lien on the property assessed, enforceable by either the homes association or the owner of any lot. (Note: At no time shall the Town assume the responsibility for maintenance.)

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

2. To a nonprofit organization, the principal purpose of which is the conservation of open space.

3. To the Conservation Commission of the Town for a park or open space use, subject to the approval of Town Meeting, with a trust clause insuring that it be maintained as open space.

(c) Subject to the above, the open space may be used for recreational purposes including golf courses, riding trails, tennis courts, gardens, swimming pools and temporary structures (i.e., tents, stages for special events and other structures that are intended to be assembled and disassembled within a 14 day period). The Board may permit open land owned by a homes association to be used for individual septic systems, or for communal septic systems if it, and the Board of Health so recommends.

8.4.6 Further Requirements

(a) No use of the parcel other than residential or recreational shall be permitted.

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

(c) No certificate of occupancy shall be issued by the Building Inspector until he has certified to the Planning Board that the premises have been built in accordance with the plan approved by the Board hereunder.

(d) The Planning Board may impose other conditions, safeguards, limitations on time and use, pursuant to its regulations.

(e) The Planning Board may grant a special permit hereunder for Open Space Residential Development even if the proposed development is not subject to the subdivision control law.

(f) Special Permits granted under this section shall lapse within two years (or less), excluding time required to pursue or await the determination of an appeal, from the grant thereof, if a substantial use has not sooner commenced or if construction has not begun, except that the Planning Board may grant an extension for good cause and shall grant an extension if the delay was caused by the need to seek other permits.

(g) Subsequent to granting of the permit, the Planning Board may permit relocation of lot lines within the Open Space Residential Development. However, any change in overall density, street layout, or open space layout will require further hearings.

8.4.7 Optional Units Incentive

(a) Notwithstanding the limitations set out above, the Planning Board, if it deems it otherwise advisable to do so, shall as a provision of a special permit issued hereunder authorize increases in the permissible intensity of use in the proposed Open Space Residential Development over the base units per acre providing that the tract is tied to the public sewer system and that the number of units within the tract shall not exceed a density of 4 dwelling units per acre. The additional units may be obtained at the discretion of the Planning Board over the base density of units per acre by providing one or more of the following:

1. Traffic or pedestrian improvements (e.g., bike paths, bridle paths, screened parking): up to 0.3 units added.
2. Open space which is landscaped or has unusual value to the community or to the residents and comprises an unusually large percent of the tract: up to 0.5 units added.
3. Units that permanently contribute to the Town's Affordable Housing Action Plan: up to 1.0 units added.

(Note A: The maximum density per acre with bonus shall be no more than 180% of the base density as determined by the Planning Board pursuant to Section 8.4.2, subsection (b)1.)

(Note B: The Planning Board may grant less than the maximum bonus provision for affordable housing if there are only minimal number of units that are affordable and/or where severe environmental constraints exist on the parcel.)

(b) Such bonus may include any or all of the following:

1. Decrease of minimum lot size.
2. Increase in number of lots.

(c) Off Premises Improvements: The Planning Board may approve a density bonus when the applicant agrees to make public improvements or improvements in the public interest on property not under the applicant's control.

TABLE 8.4.8.

OPEN SPACE RESIDENTIAL-DIMENSIONAL REQUIREMENTS

Minimum area of parcel feet	10 Acres (435,600 square feet)
Maximum height of buildings	40 feet 30 feet when within 100 feet of an RO District
Minimum frontage of the tract on the existing street	50 feet
Minimum frontage setback	25 feet for single family 50 feet for multi-family
Minimum distance between individual buildings	30 feet
Maximum distance between	100 feet (unless otherwise groups of buildings permitted by the Planning Board)
Minimum percent of open space	40% (Note: 10% of this 40% must be useable for active or passive recreation purposes and must be unpaved.)
Buffer requirements	30 feet in width for developments with single family units 50 feet for developments with multi-family units 120 feet for developments with multi-family units adjacent to an RO District
Maximum base density without bonus per acre	2.2 units

8.5.0 TOWN CENTER OVERLAY DISTRICTS

8.5.1 The Town Center is hereby adopted to achieve the following purposes and objectives:

The fulfillment of goals and strategies enumerated in the 1993 Land Use Element of the Master Plan and the 2004 Community Development Plan involving aesthetic and functional improvements to the Town Center;

The enhancement and improvement of existing historic structures and properties around the Town Common;

The enhancement and improvement of existing properties and/or structures relative to pedestrian access, vehicular circulation, and signage;

The implementation of design and development standards to guide future development and re-use proposals which reflect the historic and governmental features of the neighborhood;

The implementation of design and development standards that encourage parking areas to be subordinated in relation to buildings, landscaping, and pedestrian access;

The encouragement of communication and shared redevelopment efforts among adjoining property owners to help achieve their long term goals and objectives; and,

The promotion of increased density where utility and transportation infrastructure already exist to better accommodate future growth;

The promotion of a mixture of uses to reduce vehicle trips, such that residents and area employees can walk to needed services and amenities, and to conversely provide a built-in demand for the local commercial and retail uses;

The encouragement of in-fill development;

The reutilization of properties that have reached their market or physical obsolescence;

The clustering of buildings and mixing of uses in exchange for some portion of land to be set aside as public area or green space;

The application of "Smart Growth Principles" as enumerated by the Commonwealth of Massachusetts to the future redevelopment of the Town Center;

The provision of incentives to accomplish the above objectives.

8.5.2 District Boundaries

The Town Center is herein incorporated as two (2) overlay districts, superimposed over other districts established by this Bylaw said districts to be known as: the "Civic Center" (CC) and the "Central Business District" (CBD). The districts shall include all areas as reflected on a map titled "Town Center Overlay Map: Civic Center and Central Business Districts", prepared by Town of Burlington Planning Department, dated December 2005. This map as may be amended from time to time is hereby made a part of this Bylaw.

8.5.3 General Requirements and Applicability

All land located within the Civic Center and Central Business Districts shall be subject to the use restrictions or prohibitions as identified in Sections 4.2.0, 4.3.0 and 4.4.0 of this Zoning Bylaw. Uses not specifically permitted in these schedules shall be prohibited. Where land falls within the 100-Year Flood Plain District, Wetlands Districts, Aquifer or Water Resource Districts, such land shall be governed by the additional requirements or prohibitions of such districts.

8.5.4 Permitted Uses

8.5.4.1 Uses permitted by Site Plan and Special Permit

A Site Plan for all uses and activities proposed in the Town Center, except for single family dwellings, shall be required to be submitted in accordance with Section 9.3.0 of this Bylaw and the Site Plan Rules and Regulations of the Planning Board.

In the use regulations schedules of Sections 4.2.0, 4.3.0 and 4.4.0 of this Zoning Bylaw:

Where a use is designated as “YES” in the CC and CBD Districts, such use shall be permitted only if said use is permitted in the underlying zoning district, and any requirement for a special permit in the underlying zoning district shall govern.

Where a use is designated as “YES1” in the CC or CBD Districts, such use shall be permitted by right, even where the underlying zoning district may prohibit such use or require a special permit for such use.

Where a use is designated as “SP” in the CC or CBD Districts, such use shall require a Special Permit in accordance with the procedures specified in Section 9.2.0 of this Bylaw, even where the underlying zoning district may permit such use by right. Such designation shall not supersede a prohibition of an underlying zoning district.

Where a use is designated as “SP1” in the CC or CBD Districts, such use may be permitted by a Special Permit, even where the underlying zoning district may prohibit such use.

Where a use is designated as “NO” in the CC or CBD Districts, such use shall be prohibited regardless of the provisions of the underlying zoning district.

8.5.4.2 Housing Production and Residential Uses in the Town Center

8.5.4.2.1 Annual Permit Cap:

Not more than (40) dwelling units can be issued building permits per year within the Town Center.

Exemptions:

- a) Demolition of an existing one family dwelling and reconstruction as a one family dwelling, and additions to one family dwellings that remain one family dwellings, shall be exempt from the annual cap. For conversion or demolition and reconstruction of existing one family dwellings to 2-family or 3-family dwellings, all dwelling units shall be considered exempt.
- b) Dwellings units approved as part of a transfer of development rights, but only those units gained from the transfer, not the entire project, shall be exempt from the annual cap.
- c) Dwelling units created through the reuse of structures built prior to 1900 shall be exempt from the annual cap.
- d) Dwelling units created for Senior (over 55 years of age) Housing, not to exceed (50) units, shall be exempt from the annual cap.

8.5.4.2.2 Maximum Residential Component:

Not more than 25% of the total gross square footage of all buildings and structures in the Town Center can be in residential use. This includes single family dwellings, two family dwellings, three family dwellings, multifamily housing, senior housing, and any housing created as part of a mixed use building.

8.5.5 Dimensional Requirements

8.5.5.1 Minimum Lot area

Lot area requirements shall be as required in the underlying zoning district pursuant to Section 5.2.0 of this Bylaw.

8.5.5.2 Minimum Lot Frontage

Frontage requirements shall be as required in the underlying zoning district pursuant to Section 5.2.0 of this Bylaw.

8.5.5.3 Minimum Front Yard

Front yard setback may be zero, subject to inclusion of minimum 10 feet wide pedestrian area along the front face of any structure, where such area may include walkways and other pedestrian amenities including seating areas, benches, landscaping, lighting, awnings, trash receptacles, and similar features as may be approved by the Planning Board pursuant to a Site Plan.

8.5.5.4 Minimum Side Yard and Rear Yard

Side yard setback may be zero, except where abutting use is a one family dwelling, in which case a minimum 15' landscaped buffer is required.

8.5.5.5 Minimum Buffer to Adjoining RO Districts

The minimum buffer to adjoining residentially zoned property shall be 20% of the average depth and/or width of the lot as applicable, with a minimum of 25' and a maximum requirement of 50'. Abutting residentially zoned property shall include lots that are adjacent to a private or public way connecting said residential property and the CC or CBD Districts. The buffer shall consist of natural vegetation and/or landscaping designed and constructed to mitigate the impact of any commercial use within the CC or CBD Districts on the abutting residential district. The buffer shall be designed and constructed to minimize the visual effect of the bulk and height of buildings, structures, parking areas, lights, or signs, and shall be kept free of encroachment by all buildings, structures, storage areas, and parking, except that bicycle paths and fences may be sited within such buffer area if approved pursuant to a site plan review by the Planning Board but subject to a minimum 20' setback for bicycle paths.

8.5.5.6 Maximum Aggregate Building-to-Ground Area Percentage

33 1/3 %, except that the Planning Board pursuant to a Site Plan or Special Permit may permit the Maximum Aggregate Building to Ground Area Percentage to increase to 40% where such application is consistent with the purposes of the Town Center and meets one or more of the following criteria:

- a) Pedestrian and bicycle amenities are provided that are distinctly separated from drive aisles and parking, that provide active public spaces to foster social interaction, that encourage walking between businesses, that offer ease of access to public transit systems, and that enhance safety and access to adjoining properties and streets;
- b) Landscaping is provided of a density, diversity, and maturity that fosters the creation of public spaces, and that promotes connections to landscaped spaces on adjoining properties;
- c) Any housing component where at least 15% of the units are set aside as permanently affordable housing units.
- d) Offsite mitigation is implemented within the Town Center that substantially advances the purposes and objectives of the Town Center.

Pursuant to a special permit granted under Section 8.5.9 Transfer of Development Rights, the Planning Board may permit a Maximum Aggregate Building to Ground Area Percentage to increase to 50% where such application is consistent with the purposes of the Town Center and meets the criteria of any design review guidelines established by the Planning Board.

8.5.5.7 Maximum Building & Structure Height

For nonresidential and mixed use structures within 100' of abutting residential district, including measurement across public or private ways = 30'.

For nonresidential and mixed use structures greater than 100' but less than 200' from abutting residential district, including measurement across public or private ways = 35'.

For nonresidential and mixed use structures greater than 200' from abutting residential districts, including measurement across public ways = 40'.

For multifamily structures within 100' of abutting residential district = 30'

For multifamily structures greater than 100' from abutting residential district = 40'.

For one family dwellings = 30'.

8.5.5.8 Minimum Feet between Buildings

Not less than required by the State Building Code.

8.5.5.9 Maximum Floor Area Ratio

For properties whose underlying zoning designation is General Industrial, the Floor Area Ratio may be increased to 0.50 pursuant to a special permit granted by the Planning Board in accordance with the provisions of Section 8.5.5.6. Floor Area Ratio shall not apply to other properties in the CC or CBD.

8.5.6 Nonconforming Uses, buildings, structures and premises

In addition to the criteria of Sections 6.1.1 and 6.1.2 of this Bylaw, proposed alteration, expansion, and/or change of nonconforming uses, buildings, structures or premises shall be subject to site plan review and aesthetic criteria of any design review regulations adopted by the Planning Board.

8.5.7 Parking Requirements

Parking requirements shall be as specified in Article VII of this Bylaw.

8.5.8 Design Requirements

The Planning Board shall adopt and maintain design review regulations to govern the future construction and reuse of properties in the Town Center. Adoption and amendment to such regulations shall require a public hearing in accordance with Section 9.6.0 of this Bylaw, and with notice to Town Meeting Members. Such regulations shall address:

1. Facade and exterior building treatment, including the style and sizes of all signage affixed to buildings;
2. A minimum percentage of landscaped surface area;. All open space, landscaped and usable, shall be designed to add to the visual amenities of the area by maximizing, in so far as practical, its visibility for persons passing the site or overlooking it from nearby properties.
3. A reduction in the number of existing curb openings that exist on the premises;
4. The placement of utilities and wiring underground to the extent possible;
5. The placement of HVAC equipment, fans, generators, and other site related structures and items so that they are not visible on roofs or building frontage areas, or that such features are suitably screened from view;

6. The layout & design of parking and loading spaces;
7. Other design standards and conditions deemed appropriate by the Planning Board; and,
8. Pedestrian amenities - sidewalks to provide access between parking areas and uses, and between properties.
9. Preservation and enhancement of landscaping. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil remove and any grade changes shall be in keeping with the general appearance or neighboring developed area.
10. Relation of buildings to environment. The proposed development shall be related harmoniously to the terrain and to the design, scale, and architecture of existing buildings in the surrounding area that have visual relationship to the proposed buildings, in so far as practical. Proposed buildings shall be related to their surroundings with respect to:
 - a) Street facade and exterior walls visible from public ways.
 - b) Variations and breaks in wall and/or roof planes.
 - c) Materials, textures and color
 - d) Roof slopes and materials
 - e) Domestic scale should be produced through massing devices such as breaks in wall and roof planes and through design of architectural features.
 - f) The building should not be made, in effect, a sign, through painting with bold patterns, checks, logos or other graphic devices, use of lighting or use of unconventional building form.
 - g) External lighting
 - h) External windows
11. Heritage. Proposals to remove or disrupt historic or traditional structures, or architectural elements shall be minimized.
12. Cost. The Planning Board shall be obligated to be sensitive to potential financial burden to the applicant, where the applicant is only making improvements to comply with the Americans with Disabilities Act requirements.

8.5.9 Transfer of Development Rights

The Planning Board may, by Special Permit, consider requests to transfer development capacity between parcels of land in the Town Center. The Planning Board shall base its decision on the purposes and objectives criteria of Section 8.5.1. A major purpose of this provision is to provide a buffer between the adjoining established neighborhoods and the Town Center where no such buffer currently exists. Transferred development rights may be used for residential or nonresidential uses.

Development rights may not be transferred from land which may not be otherwise developed because of deed restrictions, easements, prior transfer of development rights, or other reasons that render the land not developable, including land with conservation restrictions, land owned by a government agency or a nonprofit corporation or other entity for park, open space, agricultural, historical, or conservation purposes.

Transfer of development rights is contingent upon placing a permanent deed restriction and recording such restriction at the South Middlesex Registry of Deeds, the form of which is subject to approval by Town Counsel, on the land from which the development rights are being transferred and restricting the use of the land to agriculture, forestry, open space, passive or active recreation, or deeding the land to the Town of Burlington as permanent open space or parkland.

Development rights may be transferred from a sending parcel with the accompanying deed restriction and held indefinitely by the owner of the parcel before being transferred to a receiving parcel. Development rights may be transferred by sale or other means and may subsequently be transferred to any owner of receiving parcels in the Town Center allowed pursuant to this bylaw.

8.5.10 Criteria for approval

The Planning Board shall not approve any application for approval of a site plan or special permit in the Town Center District unless it finds that all the following conditions are met:

1. The use or uses as proposed to be developed, and as reflected on the Site Plan and/or Special Permit application, will further the goals enumerated in the 1993 Land Use Element of the Master Plan and 2004 Community Development Plan for the Town Center, and the objectives listed in this section;
2. The use or uses proposed to be developed will enhance and improve pedestrian access, vehicular circulation, and the aesthetic appearance and function of the property and the area; and,
3. All criteria for approval listed in Sections 9.2.4 and 9.3.4 of this Bylaw.

ARTICLE IX
ADMINISTRATION AND PROCEDURES

SECTION 9.1.0 ENFORCEMENT

The Inspector of Buildings shall be primarily responsible for enforcing this Bylaw, but it shall be binding upon all employees and officers of the Town including the police, and they shall, when acting within the scope of their duties, fully enforce this Bylaw.

9.1.1 Building Permit

The Inspector of Buildings shall issue no permit nor approve any application of any kind unless the plans, specifications and intended use are in all respects in conformity with this Bylaw. Whenever such permit is refused, the reasons therefor shall be clearly stated in writing to the applicant within fourteen (14) days after receipt of the application.

9.1.2 Occupancy Permit

No building or structure hereafter erected, altered or changed as to construction or use, shall be occupied or used, nor shall any owner of the building or structure allow such building or structure to be occupied or used, nor shall any owner, builder or contractor allow such building or structure to be sold or occupied or used without any occupancy permit issued by the Inspector of Buildings with the approval of the Board of Health. No such permit shall be issued unless the building or structure and its uses and accessory use shall comply in all respects with this Bylaw and the Laws of the Commonwealth. Return of a non-approval of the occupancy permit from the Board of Health will have to be received by the Inspector of Buildings within ten (10) days of notification or he will consider the permit approved. Notification of the granting of an occupancy permit shall be sent to the Board of Assessors, the Fire Chief, the DPW, the Conservation Commission and the Planning Board.

9.1.3 Demolition Permit Delay

9.1.3.1 Intent and Purpose

It is the intent and purpose of this bylaw to preserve and protect from demolition, whenever possible, historically significant buildings or structures which reflect distinctive features of the architectural, cultural, political, economic, and/or social history of the town; to encourage owners of such buildings or structures to explore and develop alternatives to such demolition; to seek out persons or entities who might be willing to purchase, preserve, rehabilitate or restore such buildings or structures rather than demolish them; and thereby to preserve the historic resources of the Town, and to make the Town a more attractive and desirable place in which to live, and so promote the general welfare.

9.1.3.2 Procedure

9.1.3.2.1 Notice of Intent to Demolish

No demolition permit shall be issued for any building or structure which was constructed one hundred (100) or more years prior to the year of application, other than in conformity with the provisions of this Bylaw. An application for a demolition permit shall first be filed by the applicant and/or property owner with the Inspector of Buildings, and a copy of such application shall be forwarded within one (1) week by the Inspector of Buildings to the Historical Commission, the Board of Selectmen, and the Planning Board. Such application shall be in the form provided and established by the Inspector of Buildings and shall include a copy of the demolition plan, a description of the building or structure to be demolished, the reasons for the demolition and the proposed reuse of the property. If the applicant and/or property owner is unable to specify the exact age of the building or structure, the application shall so state and shall set forth the most approximate age known and the basis for such approximation.

9.1.3.2.2 Determination

The Historical Commission shall, within fifteen (15) days after receipt of the application for a demolition permit, make a determination whether the building is historically significant.

Non-Applicability

Upon determination by the Historical Commission that the building is not historically significant, the Historical Commission shall submit a negative finding to the applicant and/or property owner, and a copy thereof shall be furnished to the Inspector of Buildings. Upon receipt of such notification, or after the expiration of fifteen (15) days from the date of submission of the demolition permit to the Historical Commission, the Inspector of Buildings may issue the demolition permit.

Determination of Significance

Upon determination by the Historical Commission that the building is historically significant, the Historical Commission shall submit a positive finding to the applicant and/or property owner, and a copy thereof shall be furnished to the Inspector of Buildings who **shall not** issue a demolition permit. The Historical Commission shall then hold a public hearing on the matter according to Section 9.1.3.2.3.

9.1.3.2.3 Public Hearing

The Historical Commission shall hold a public hearing within twenty (20) days after a positive Determination of Significance to determine whether the building should be preferably preserved. The Public Hearing shall be held Pursuant to the regulations in Section 9.6.0 of the Zoning Bylaw. The newspaper publication and abutter notification shall be completed by the Historical Commission at the expense of the applicant. The Historical Commission shall complete the following:

a) Hold a public hearing to determine the following:

- (i) if the proposed demolition of the historically significant building or structure would be detrimental to the historical or architectural heritage or resources of the Town, and therefore, such building or structure shall be considered preferably preserved:
- (ii) if less than a complete demolition is proposed, whether the work to be done will materially diminish its historical significance, and
- (iii) to explore alternatives to demolition.

b) Submit such determination according to Section (a) in writing to the Inspector of Buildings and the applicant and/or property owner.

9.1.3.2.4 Determination of Non-Applicability

If after the Public Hearing the Historical Commission determines that the building or structure is not historically significant, or where less than a complete demolition is being proposed that the work to be done will not materially diminish its historical significance, then the Historical Commission shall within seven (7) days after the Public Hearing notify the Inspector of Buildings of its determination. The Inspector of Buildings may thereafter proceed with the proposed demolition in accordance with applicable law. The failure of the Historical Commission to issue its written determination within seven (7) days after such hearing shall be deemed to constitute a determination that the building or structure is not considered preferably preserved.

9.1.3.2.5 Determination of Applicability and Delay of Demolition

If after the Public Hearing the Historical Commission determines that the building or structure is preferably preserved and that the proposed work would materially diminish its historical significance, then the Historical Commission shall notify the Inspector of Buildings with seven (7) days after the Public Hearing of its determination. The Historical Commission is hereby empowered to impose a demolition delay of up to six (6)

months from the date of such determination. Written notice of its determination and the period of delay imposed shall be mailed promptly to the applicant and/or property owner, and a copy thereof shall be furnished to the Inspector of Buildings who shall not issue a demolition permit during the period specified therein; provided, however, that such permit may be issued prior to the end of such period if the Historical Commission notifies the Inspector of Buildings that the applicant and/or owner (i) has made a bona fide, reasonable and unsuccessful effort to locate a purchaser for the building or structure who has agreed to, preserve, rehabilitate, restore or relocate same, or (ii) has agreed to alternatives to demolition as set forth in Section 9.1.3.3.

9.1.3.3 Alternatives to Demolition

If the Historical Commission imposes a demolition delay as set forth in Section 9.1.3.2.5 and/or if alternatives to demolition are developed in the public hearing which are acceptable to the applicant and/or owner, then the Historical Commission is hereby empowered, in its discretion, to enter into an agreement with such applicant and/or property owner providing for such alternatives and a time period for implementation of same. A copy of said agreement shall be filed with the Inspector of Buildings and any other applicable Town agency, and thereafter no work shall be done on the building or structure except in accordance with the terms of said agreement unless and until a new application for a demolition permit is filed and processed hereunder.

9.1.3.4 Expiration of Demolition Delay

At the end of any period of demolition delay as set forth in this bylaw, including any alternatives agreed upon pursuant to Section 9.1.3.3, the Historical Commission shall notify the Inspector of Buildings that the period of delay has expired, and the applicant and/or property owner shall be entitled to apply for all necessary demolition permits to allow the work to go forward as set forth in the Demolition Permit, and pursuant to applicable law.

9.1.3.5 Emergency Demolition

Nothing in this bylaw shall restrict or prevent the Inspector of Buildings from ordering the immediate demolition of any building or structure which is determined to be imminently dangerous or unsafe to the public. The Inspector of Buildings shall file a copy of any such order of emergency demolition with the Historical Commission.

9.1.3.6 Enforcement and Remedies

9.1.3.6.1 Enforcement

The Inspector of Buildings shall have the authority to enforce this Bylaw in the manner described in Section 9.1.0 of the Burlington Zoning Bylaw.

9.1.3.6.2 Non-Compliance

Anyone who undertakes demolition of any building or structure without complying with the provisions of this bylaw shall be subject to a fine of three hundred dollars (\$300.00). Each day such violation continues following such demolition shall constitute a separate offense.

9.1.3.6.3 Issuance of Building Permit

No building permit shall be issued or be valid for any parcel or premises upon which a historically significant building or structure, or property listed in the Cultural Resources Inventory, has been demolished by an intentional or grossly negligent violation of this bylaw for a period of up to two (2) years after completion of such demolition.

9.1.3.6.4 Multiple Remedies

The remedies and enforcement procedures set forth in this Section may be applied separately or in conjunction with one another.

9.1.4 Penalty

Any person violating any of the provisions of this Bylaw shall be fined not more than three-hundred (\$300) dollars for each offense. Each day that such violation continues shall constitute a separate offense. However, when enforced by way of the non-criminal disposition method, the fine for each violation shall be \$50.00.

9.1.5 Request for Enforcement

If the Inspector of Buildings is requested in writing to enforce this Bylaw against any person allegedly in violation of the same, he shall notify, in writing, the party requesting such enforcement of any action or refusal to act, and the reasons therefore, within fourteen (14) days of receipt of such request.

SECTION 9.2.0 SPECIAL PERMIT

9.2.1 Requirements

In all districts, any use or accessory use designated by SP in the Principal Use Regulations Schedule and the Accessory Use Regulations Schedule (Article IV, Sections 4.2.0 and 4.3.0) shall require a Special Permit granted by the Planning Board.

9.2.2 Procedure

9.2.2.1 Any person desiring a special permit shall submit an application to the Town Clerk, together with a filing fee as specified in Section 9.2.2.3, and twelve (12) copies of a Site Plan and/or other supporting documentation. The Town Clerk shall within three (3) days transmit the original application and four (4) copies of the plan and any supporting documentation to the Planning Board; and one (1) copy each of the application, plan, and supporting documentation to the Inspector of Buildings, the Board of Selectmen, the DPW, the Town Engineer, the Board of Health, the Conservation Commission, the Fire Chief, and the Police Chief, who shall consider the application and submit a report thereon with recommendations to the Planning Board. The Planning Board shall not make a finding and determination upon the application until it has received the reports from the Inspector of Buildings, the Board of Selectmen, the Board of Health, the Fire Chief or designated representative, the Police Chief or designated representative, the Town Engineer, and the Conservation Commission or until thirty-five (35) days shall have elapsed without such reports being submitted and until a public hearing has been held.

9.2.2.2 The Planning Board shall require that a site plan and/or supporting documents be submitted with the application.

9.2.2.3 Special Permit Fees

Where Special Permits are required for uses pursuant to this Bylaw, filing fees shall be as shown in the table below:

<u>Section</u>	<u>Uses</u>	<u>Application Fee</u>
4.2.1	Residence uses.	\$100.00
	Except for the following specific uses:	
4.2.1.3	Motels, hotels, motor hotel.	\$750.00
4.2.2	Institutional and Recreational Uses.	\$300.00
	Except for the following specific uses:	
4.2.2.16	Billiard rooms, bowling alleys, dance halls, tennis clubs, ...	\$500.00

4.2.2.19	Hospitals, sanitoria.	\$750.00
4.2.2.20	Convalescent, rest homes, and nursing homes.	\$750.00
4.2.2.21	Clinics.	\$750.00
4.2.2.25	Theaters and cinemas.	\$750.00
4.2.3	Agricultural & Animal Husbandry Uses.	
4.2.3.4	Commercial raising, boarding, breeding or keeping of ... animals.	\$500.00
4.2.3.5	Manure storage.	\$500.00
4.2.3.6	Pesticide herbicide fungicide application, outdoor storage.	\$500.00
4.2.4	Office Uses (in the BN District.)	\$300.00
4.2.5	Automotive Sales and Service Uses.	\$750.00
	Except for the following specific uses:	
4.2.5.1	Retail gasoline ...	\$1,200.00
4.2.5.2	Automotive repair shops.	\$1,000.00
4.2.6	Retail, Consumer and Trade Uses.	\$500.00
	Except for the following specific uses:	
4.2.6.9	Fast order food establishments.	\$1,000.00
4.2.6.10	Restaurants.	\$1,000.00
4.2.6.16	Funeral parlors ...	\$750.00
4.2.6.17	Diagnostic medical labs ...	\$750.00
4.2.7	Industrial Uses. \$500.00	
	Except for the following specific uses:	
4.2.7.9	Hazardous and toxic materials/chemicals use, storage, transport, disposal or discharge.	\$1,200.00
4.2.7.11	Hazardous Waste Generation <VSQG	\$1,000.00
4.2.7.12	Hazardous Waste Generation >VSQG	\$1,000.00
4.3.1	Uses Normally Accessory to Residential Principal Uses.	\$100.00
4.3.1.14(g)	Wireless Communications Facilities	\$500.00
4.3.2	Uses Normally Accessory to Nonresidential Principal Uses.	\$300.00
	Except for the following specific uses:	
4.3.2.2	Retail uses such as cafeterias,...	\$750.00
4.3.2.3	Retail uses in support of a hotel...	\$750.00
4.3.2.4	Delicatessens, lunch counters, ...	\$750.00
4.3.2.9	Parking garages ...	\$1,000.00
4.3.2.15	Storage and disposal of oils and fuels/petroleum products.	\$1,200.00
4.3.2.16	Retail storage of hazardous materials	\$1,000.00
4.3.2.17	Offstreet outdoor overnight parking of freight-carrying or	\$1,200.00

material-handling vehicles and equipment containing toxic and hazardous materials/chemicals.

4.4.1	Principal Uses in the Wetlands District.	\$300.00
8.4.0	Open Space Residential District.	\$500.00*
12.1.0	Planned Development District.	\$500.00*
13.1.0	Residential 2 (R2) District.	\$500.00*

*plus any fees specified by the Planning Board in its Rules and Regulations.

9.2.3 Public Hearing

The Planning Board shall hold a public hearing within sixty-five (65) days after the special permit application has been transmitted to the Planning Board giving notice as prescribed in Section 9.6 of this Article.

9.2.4 Criteria for Approval

9.2.4.1 The Planning Board shall not approve any application for a special permit unless it finds that all the following conditions are met:

9.2.4.1.1 The specific site is an appropriate location for such a use.

9.2.4.1.2 The use as developed will not adversely affect the neighborhood.

9.2.4.1.3 There will be no nuisance or hazard to vehicles or pedestrians.

9.2.4.1.4 The public convenience and welfare will be substantially served.

9.2.4.2 The Planning Board, in granting a special permit, shall attach such conditions and safeguards as it deems necessary.

9.2.4.3 The Planning Board shall not approve a special permit for a Development Incentive for Affordable Housing (Section 5.1.9) unless it finds that all of the following conditions are met:

9.2.4.3.1 All conditions noted above in Sections 9.2.4.1 through 9.2.4.2.

9.2.4.3.2 All housing units are designed and sited to reflect the character of the neighborhood.

9.2.4.3.3 The site will not cause environmental degradation to the neighborhood.

9.2.5 Final Action

The Planning Board shall take final action on a special permit application within ninety (90) days after the public hearing has been closed. The failure to do so will constitute a favorable action by the Planning Board. Final action shall consist of (1) a written approval of the special permit, or (2) a written denial of the special permit application, stating reasons for such approval or denial.

9.2.6 Implementation

An approved special permit application shall be carried into effect and completed by the applicant within one (1) year of the date of approval. The Planning Board may at the time of the approval or thereafter, upon application therefor, grant such extensions of time, each not longer than one (1) year, as it shall deem necessary to carry the

use into effect.

9.2.7 Repetitive Application

No application for a special permit which has been unfavorably and finally acted upon by the Planning Board shall be acted favorably upon within two (2) years after the date of final unfavorable action, unless the Planning Board by a three-fourths vote finds specific and material changes in the conditions upon which the previous unfavorable action was based.

SECTION 9.3.0 SITE PLAN

9.3.1 Requirements of Plan

In all districts except RO and FP, no structure or premises shall be constructed, reconstructed, altered, or used except in conformity with a site plan, prepared by a registered architect, landscape architect, or registered professional engineer, and bearing an endorsement of approval by the Planning Board. Said site plan shall show, among other things, all existing and proposed buildings with ground floor plan and elevations, structures, parking spaces, driveway openings, driveways, service areas, and other open uses; all facilities for sewage, refuse and other waste disposal and for surface water drainage; and all principal landscape features, such as fences, walks, walls, signs, exterior lighting, and planting areas showing size and kind of plants to be used.

The Planning Board may in any particular case where such action is in the public interest and not inconsistent with the intent and purpose of this section, waive strict compliance with its rules and regulations and with the requirements herein.

9.3.1.1 Waived Requirements: When in the opinion of the Planning Board, the alteration or reconstruction of a structure does not substantially change the relationship of the structure to the site and to abutting properties and structures, the Planning Board may determine, without a public hearing, that submission of a site plan is not required. Upon application, such a determination may be made by an affirmative vote of not less than all members of the Planning Board present except one, and in no event less than four members, and all abutters must be notified by certified mail, return receipt requested, at least seven days prior to the meeting at which such vote is to be taken. The involved structure shall be as shown on a site plan previously approved under this section or on a plan determined by the Planning Board to be equivalent to a site plan. Such plan, with all proposed changes shown thereon, shall be included with the application. The structure, as changed, shall comply in every respect with all provisions of the Zoning Bylaw and other applicable laws and bylaws. Notice of final action shall be sent to the Inspector of Buildings and to the applicant.

9.3.2 Procedure

Any person desiring approval of a site plan under this section shall submit twelve (12) copies of said plan to the Town Clerk (together with a filing fee as specified in the Planning Board Site Plan Rules and Regulations) who shall within three (3) days transmit two (2) copies to the Planning Board; and one (1) copy each to the Inspector of Buildings, the Board of Selectmen, the DPW, the Board of Health, the Conservation Commission, the Town Engineer, the Fire Department, and the Police Department who shall consider the plan and submit a report thereon with recommendations to the Planning Board. The Planning Board shall not make a finding and determination upon an application until it has received these recommendations or until thirty-five (35) days have elapsed without such recommendations being submitted and until a public hearing has been held.

9.3.2.1 A filing fee shall be submitted to the Town Clerk with an application for a site plan or site plan waiver. The filing fees shall be as set by the Planning Board in its Site Plan Rules and Regulations from time to time. In no case shall the filing fee for a site plan or site plan waiver be less than \$350.00.
(Amended 9/11/95)

9.3.3 Public Hearings

The Planning Board shall hold a public hearing within sixty-five (65) days after the site plan has been transmitted to the Planning Board, giving notice as prescribed in Section 9.6.0 of this Article.

9.3.4 Criteria for Approval

In considering a site plan under this section, the Planning Board shall require conformance with the following conditions:

9.3.4.1 Internal circulation and egress shall provide for traffic safety, and access to and from minor streets servicing one family dwellings shall be minimized.

9.3.4.2 Visibility of parking and service areas from adjoining streets and districts shall be minimized.

9.3.4.3 Adequate access to each structure for fire and service equipment shall be provided.

9.3.4.4 Utilities and drainage in the vicinity shall be adequate.

9.3.4.5 Exterior lighting shall not shine on adjoining properties.

9.3.4.6 Effective use shall be made of topography, landscaping, and building placement to enhance the neighborhood.

9.3.4.7 All other requirements of the Bylaw have been satisfied.

9.3.5 Final Action

The Planning Board shall take final action on an application for site plan approval within ninety (90) days after the public hearing has been closed. The failure to do so shall constitute approval of the site plan as submitted.

Final action shall consist of (a) approval of the site plan as submitted, or (b) approval of the site plan subject to conditions, modifications, and/or restrictions set forth thereon which in the opinion of the Planning Board are necessary to cause the site plan to meet the Criteria for Approval set forth in Section 9.3.4 of this Article, or (c) denial of the application for site plan approval if in the opinion of the Planning Board the site plan fails to meet any one or more of the Criteria for Approval set forth in Section 9.3.4 of this Article, and the applicant fails or refuses to make such amendments to the site plan as are necessary in the opinion of the Planning Board to cause the site plan to meet the Criteria for Approval.

9.3.6 Implementation and Completion of Plan

An approved or conditionally approved site plan shall be carried into effect and completed by the applicant within one (1) year of the date of approval. The Planning Board may at the time of the approval or conditional approval of any site plan or thereafter, upon application therefor, grant such extensions of time, each not longer than one (1) year, as it shall deem necessary to carry the site plan into effect.

SECTION 9.4.0 AMENDMENT

9.4.1 Initiation

Amendments to this Bylaw may be initiated by an elected or appointed Town Board, committee, officer or other person permitted by law, an individual owning land to be affected by an amendment, ten (10) registered voters, or a regional planning agency. Unless initiated by the Board of Selectmen, the proposed amendment shall be submitted to that Board. The Board of Selectmen shall within fourteen (14) days of receipt of such a proposal submit it to the Planning Board for review.

9.4.2 Public Hearing

The Planning Board shall hold a public hearing within sixty-five (65) days after the proposed amendment is submitted to it by the Board of Selectmen, giving notice as prescribed in Section 9.6.0.

9.4.3 Report of the Planning Board and Town Meeting Action

After the Public Hearing the Planning Board shall report its recommendations to the Town Meeting. No vote to adopt a proposed amendment shall be taken until a report or recommendations by the Planning Board has been submitted to the Town Meeting or twenty-one (21) days after said hearing have elapsed without submission of such report or recommendations. A Town Meeting may adopt, reject, or amend and adopt a proposed amendment only by a two-thirds vote. If a Town Meeting fails to vote on any proposed amendment within six (6) months after the public hearing, no action shall be taken thereon until after a subsequent public hearing is held with notice and report as above provided.

9.4.4 Effective Date

The effective date of an amendment to this Bylaw is the date when voted upon by a Town Meeting.

9.4.5 Repetitive Petition for Amendments

No proposed Zoning Bylaw amendment which has been unfavorably acted upon by a Town Meeting shall be considered by the Town Meeting within two (2) years after the date of such unfavorable action unless the adoption of such proposed Bylaw amendment is recommended in the report of the Planning Board on the current petition.

9.4.6 Lots Excluded from Amendment Changes

Any increase in area, frontage, width, yard, or depth requirements of a Zoning Bylaw shall not apply to a lot for one family residential use which at the time of the first notice of the public hearing was not held in common ownership with any adjoining land, conformed to the then existing requirements, and had less than the proposed requirement but at least five thousand (5,000) square feet of area and fifty (50) feet of frontage.

SECTION 9.5.0 APPEALS

9.5.1 Board of Appeals

There shall be a Board of Appeals comprised of five (5) members appointed by the Board of Selectmen for terms of five (5) years and so arranged that the term of one (1) member expires each year. The members of the Board of Appeals duly appointed on the effective date of this Bylaw shall continue to serve until the expiration of their term, but in all other respects this Bylaw shall be binding upon said Board. Associate members shall be appointed by the Board of Selectmen to sit on the Board of Appeals in case of absence, inability to act, or conflict of interest. The Board of Appeals shall also act as the Board of Appeals under the Building Regulations. No member of such Board shall entertain, hear, vote upon, or take action upon any matter before the Board in which such member has an interest, direct or indirect, personal or professional. For the purposes of this Bylaw, interest shall include membership in a firm, partnership, or corporation which has a direct or indirect financial interest in the subject. No Town Officer elected or appointed, may represent any petitioner other than himself before the Board of Appeals.

9.5.2 Duties

The duties of the Board of Appeals shall be to hear and decide appeals, and to hear and decide petitions for variances, except that no variance may authorize a use or activity not otherwise permitted in the district in which the land or structure in question is located.

9.5.3 Appeal Notice and Variance Petition

Any person or any municipal officer or Board aggrieved by any order, act or refusal of the Inspector of Buildings or other administrative officer, having authority under this Bylaw or under the Building Regulations, may within thirty (30) days from the date of the order or decision which is being appealed, file a notice of appeal, specifying the grounds thereof, with the Town Clerk, who shall transmit copies thereof to such officer whose order or decision is being appealed and to the Board of Appeals. Such officer shall forthwith transmit to the Board of Appeals all documents constituting the record of the case in which the appeal is taken. Actions of the Board of Appeals and the Planning Board under the Zoning Bylaw may be appealed to the Massachusetts Courts in accordance with the provisions of Section 17 of Chapter 40A of Massachusetts General Laws.

Any person desiring a variance from the provisions of this Bylaw may file a petition with the Town Clerk who shall transmit the petition to the Board of Appeals.

9.5.4 Hearing

The Board of Appeals shall hold a hearing on any appeal or petition for a variance within sixty-five (65) days after the notice for such appeal or petition has been transmitted to the Board by the Town Clerk, giving notice in the manner prescribed in Section 9.6.0.

9.5.5 Decision

The decision of the Board of Appeals shall be made within one hundred (100) days after the date of the filing of an appeal or petition, or other deadline pursuant to Massachusetts General Law, Chapter 40A, Section 15. The concurring vote of all except one (1) member of the Board of Appeals shall be necessary to reverse any order or decision of the Inspector of Buildings or Board having authority under this Bylaw or under the Building Regulations to effect any variance.

9.5.6 Repetitive Appeal or Petition

No appeal or petition which has been unfavorably acted upon by the Board of Appeals shall be acted favorably upon within two (2) years after the date of final unfavorable action unless the Board finds, by a vote of four (4) members of the Board, specific and material changes in the conditions upon which the previous unfavorable action was based; and unless all but one (1) of the members of the Planning Board consent thereto and after notice is given to parties in interest of the time and place at the proceedings when the question of such consent will be considered.

SECTION 9.6.0 NOTICE OF PUBLIC HEARINGS

9.6.1 Method of Publication

In all cases where notice of a public hearing is required by the provisions of Sections 9.2.0, 9.3.0, 9.4.0, and 9.5.0, or by any statute of the Commonwealth, it shall be given by publication in a newspaper of general circulation in the Town once in each of two (2) successive weeks, the first publication to be not less than fourteen (14) days before the day of the hearing and by posting such notice in a conspicuous place in the Town Hall for a period of not less than fourteen (14) days before the day of such hearing; except that where a different means of notice is provided by statute the statute shall be followed.

9.6.2 Notices to be Mailed, Post Prepaid

In the case of Special Permit, Site Plan Approval, Appeal, and Variance, notice shall be mailed, post prepaid, to the petitioner, abutters, owners of land directly opposite on any public or private street or way, and owners of land within three-hundred (300) feet of the property line all as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town; to the Planning Board; and to the Planning Board of every adjoining city or town. In the case of amendments to this Bylaw, notice shall be

mailed to the Department of Housing and Community Development, the regional planning agency, and to the planning boards of every adjoining city or town. In cases involving boundary or use changes within a district, notice shall be sent to any such nonresident property owner who has filed a request with the Town Clerk and whose property lies in the district where the change is sought. In the case of all Rezoning Petitions, notice shall be mailed, by the applicant, post prepaid, to all Town Meeting Members, based upon the active list of Town Meeting Members as maintained by the Town Clerk at the time of submission of the petition.

9.6.3 Content for Publications and Notices for Amendments

Publications and notices shall contain the date, time, and place of the public hearing; the subject matter sufficient for identification; and the place where texts and maps thereof may be inspected.

9.6.4 Content for Publications and Notices for All Other Hearings

Publications and notices shall contain (a) the name of the petitioner; (b) a description of the area or premises; (c) street address, if any, or other adequate identification of the location of the subject area or premises; (d) the date, time, and place of the public hearing; (e) the subject matter of the hearing; and (f) the nature of action or relief requested, if any.

9.6.5 Days When Public Hearings Shall Not Be Held

No public hearing shall be held on any day on which a national, state or municipal election, caucus or primary is held; or any day on which a Town Meeting is held.

ARTICLE X
MISCELLANEOUS

SECTION 10.1.0 VALIDITY

If any provision of this Bylaw is declared in whole or in part invalid for any reason or under certain circumstances, such invalidity shall not affect the enforcement of so much of this Bylaw as remains enforceable or its enforcement in other circumstances.

SECTION 10.2.0 OTHER LAWS

Nothing herein contained shall be construed so as to repeal or nullify any existing Bylaw or regulations of the Town but shall be in addition thereto. Where the standards for construction, use, occupancy or any other activity or purpose regulated under this Bylaw shall vary from such standards contained herein or in any other Bylaw or lawful regulation of the Town, the standards more strictly regulating such construction, use, occupancy, activity or purpose shall be applied.

SECTION 10.3.0 DEFECT IN THE FORM OF NOTICES

No defect in the form of any notice under this Bylaw shall invalidate any action taken thereunder or pursuant thereto unless such defect is found to be misleading.

ARTICLE XI
MORATORIUM ON USES REQUIRING SITE PLANS AND SPECIAL PERMITS
[EXPIRED 7/13/88]

SECTION 11.1.0 MORATORIUM ON USES REQUIRING SITE PLANS AND SPECIAL PERMITS

Notwithstanding anything contained in this Bylaw to the contrary, no use requiring a site plan, site plan waiver, or special permit shall be approved for one year from May 13, 1985 and this time period is further extended for fourteen months from May 13, 1986 to July 13, 1987 and further extended for one year from July 13, 1987 to July 13, 1988, WITH THE FOLLOWING EXCEPTIONS:

11.1.1 Special permit, site plan or site plan waiver applications properly filed with the Town on or before April 4, 1985, the date of the first notice of public hearing for the amendment to adopt this Article, shall be exempt from the moratorium.

11.1.2 Site plan or site plan waiver applications filed after April 4, 1985, the date of the first notice of public hearing for the amendment to adopt this Article, may be approved where the proposed improvements or the new construction does not result in more than an additional 7,500 square feet of floor area for any parcel. This exception shall include the demolition and reconstruction of existing buildings provided that the reconstruction shall not increase the floor area by more than 7,500 square feet.

Calculation of the 7,500 square feet shall include the floor area, as defined in Article II, "Definitions," Section 2.18, of all improvements or new construction shown on site plans approved after April 4, 1985, the date of the first notice of public hearing for the amendment to adopt this Article, to prevent the circumvention of the moratorium by sequential submissions. For the purposes of this section, a parcel shall include all contiguous lots in the same ownership.

11.1.3 Special permit applications filed after April 4, 1985, the date of the first notice of public hearing for the amendment to adopt this Article, may be approved only when filed in conjunction with a site plan or site plan waiver that does not result in more than an additional 7,500 square feet of floor area for any parcel as specified in Section 11.1.2.

ARTICLE XII
SPECIAL ZONING DISTRICTS

SECTION 12.1.0 PLANNED DEVELOPMENT DISTRICT

12.1.1 Purposes

The Planned Development (PD) District is intended:

To permit a developer to propose, and for the Town to vote on, a development proposal that specifies a mixture of commercial, industrial, residential, open space or other uses and the site development requirements to be used for a specific site.

To permit considerable flexibility in the development of individual tracts of land by requiring few predetermined standards.

To permit the use of development standards tailored to a specific site and more detailed than those for the standard zoning districts.

To permit the Town to evaluate the potential impacts of a proposed development and to authorize the Planning Board, as the Special Permit Granting Authority, to require that the development of the site substantially conform to site development standards approved as part of the rezoning to PD District and intended to mitigate or compensate for the potential impacts.

12.1.2 General Requirements

No land shall be rezoned to PD District unless and until a Concept Plan as described in Section 12.1.4 has been submitted to Town Meeting and approved.

No use is permitted and no development may occur in a PD District except in conformity with the Concept Plan approved by the Town Meeting, the provisions of Section 12.1 and a Special Permit with Site Plan review pursuant to a PD District rezoning (hereinafter referred to as a "PD Special Permit") granted by the Planning Board.

The development and uses approved in a rezoning to PD District must be commenced by obtaining a PD Special Permit as required in Section 12.1.5 within two years. Until such time as the required PD Special Permit is granted and recorded by the property owner or if a PD Special Permit is not obtained within two years, the development of the property shall be governed by the provisions presently in effect in the zoning district for which the land was zoned immediately prior to its inclusion in the PD District. The foregoing two (2) year time period shall not be applicable to any Planned Development (PD) District established prior to January 1, 2003 and which involves land owned by the Town on January 1, 2003 as part of the original PD rezoning proposal. For any such Planned Development (PD) District involving such Town-owned land as part of the original PD rezoning proposal, the zoning established by the Planned Development (PD) District shall be effective upon the date of approval by Town Meeting.

The PD District does not have any minimum lot size and there is no minimum lot area required to seek a rezoning to the PD District.

12.1.3 Procedure for Rezoning to "PD" District

The developer and property owner if different from the developer shall submit a Concept Plan to the Board of Selectmen together with a letter petitioning for a rezoning to the PD District requesting that the matter be placed on the next Town Meeting warrant.

The Board of Selectmen shall refer the rezoning application and the Concept Plan to the Planning Board within 14 days.

Within 65 days of receiving the rezoning application and Concept Plan, the Planning Board shall hold a public hearing on the requested rezoning.

Following the public hearing, the Planning Board shall prepare a detailed report regarding the requested rezoning and Concept Plan and shall recommend to Town Meeting whether the requested rezoning should be approved, amended and approved or denied.

In order to be approved a rezoning to the PD District must receive a two-thirds vote at Town Meeting.

12.1.4 Submission Requirements for a PD District Rezoning

The application for a PD District Rezoning shall include a Concept Plan and the required submission fee.

1. **Submission Fee:** The Planning Board shall specify submission fees for a PD District rezoning in its Rules and Regulations. In no case shall the fee be less than \$350. The required fee shall be submitted with the rezoning request and Concept Plan.
2. **Concept Plan Requirements:** A Concept Plan shall include the following:
 - (a) In addition to the submission requirements outlined in this section, the Planning Board may impose additional submission requirements through the adoption of Rules and Regulations for a PD District rezoning.
 - (b) A preliminary site construction plan showing in a general manner:
 1. The location of buildings; number of stories, approximate floor area and maximum height of each building; the distance in feet between buildings.
 2. Existing and proposed contours.
 3. Proposed lot lines.
 4. Grading and landscaping.
 5. The location and dimensions of drives and parking areas.
 6. The location and characteristics of any common open space or usable open space.
 7. The proposed drainage system.
 8. Proposed landscaping.
 9. Building elevations.
 - (c) Uses to be permitted or allowed by special permit in the buildings, which may be a narrative describing the type and character of uses and/or a listing, by cross reference, of uses to be permitted as they appear in Section 4.2.0, 4.3.0 and 4.4.0 "Use Regulations Schedules."

Other zoning provisions; this may be a narrative describing special regulations unique to the development and/or a cross reference to provisions of this Bylaw that will apply to the PD District.
 - (d) Special conditions, if any, applicable to the proposed development which may include grants of benefits to the Town such as land for public purposes, construction of improvements (or financial contributions therefor) in behalf of the Town, or other development limitations such as aesthetic features.
 - (e) A table showing:

1. Total land area.
2. Developable site area.
3. Common or usable open space, if any.
4. Site coverage of buildings.
5. Area covered with impervious surface.
6. Impervious surface ratio.
7. Gross floor area of all nonresidential buildings.
8. Floor area ratio if applicable.
9. Density of dwelling units, or their equivalent, if applicable.
10. Number of off-street parking spaces and, if applicable, loading bays.

(f) A locus-context map of all land within 500 feet of any part of the tract and showing:

1. All dwellings and principal buildings.
2. The land use of each lot.
3. Lot and right-of-way lines.
4. Existing contours at two-foot intervals.
5. Principal natural features in general such as:

Significant rock outcroppings.

Water systems (including standing surface water, brooks or streams, the direction of drainage, wetlands, and the 100-year flood elevation.)

Significant vegetation (including mature trees, unique specimens of vegetation, and vegetation that indicates wetness.)

6. Zoning district boundaries.
7. Recorded easements on the site and within the 500-foot locus.
8. Public facilities, such as conservation or recreation land, footpaths, bicycle paths, or streets.
9. Significant noise/visual impact (including views from the site and sources of noise affecting the site.)
10. Historically or architecturally significant structures and sites on or adjacent to the site.

(g) A property rights and dimensional standards plan showing:

1. The location of existing easements or other property rights affecting the development.
2. The approximate locations of any sections of the land to which the Town would be granted property rights, either easements or transfer of ownership for street, utility, conservation or other purposes.
3. The anticipated division of the property into parcels in private ownership, if any, if it affects zoning provisions.
4. The yard setback in feet for buildings and parking lots from lot lines and where applicable, a zoning district boundary, a brook or a pond.

5. The boundaries of any common open space or usable open space.

(h) A utilities analysis showing:

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

(i) A traffic analysis to be conducted by a traffic engineer who will certify that he/she qualifies for the position of member of the Institute of Transportation Engineers (ITE). The analysis shall include:

1. Traffic counts on arterial streets that provide access to the development site showing data on Average Daily Traffic (ADT) and a.m. and p.m. peak periods (conducted for two hours divided into fifteen-minute segments;)
2. Intersection turning movement counts at intersections likely to be affected by the proposed development (conducted for two hours divided into fifteen-minute segments;)
3. An inventory of roadway characteristics showing the width of the principal approach streets and the presence or absence of sidewalks and their conditions;
4. Estimated trip generation showing the projected inbound and outbound vehicular trips for the a.m. and p.m. peak periods and a typical one hour off-peak trip generation;
5. The estimated distribution of new trips by approach streets;
6. The effect of additional traffic generated by the development on traffic "levels of service" on each approach street;
7. Estimated off-street parking and loading requirements and time of peak accumulation.

12.1.5 PD Special Permit Requirements

Development pursuant to a PD District rezoning is subject to the approval of PD Special Permit as outlined in this subsection.

Application for a PD Special Permit under this section shall be made to the Town Clerk by submitting nine (9) copies of all submission material and paying the required application fee. Circulation of the PD Special Permit application to Town departments shall be as outlined in Subsection 9.2.2.1.

The application for a PD Special Permit under this section shall include a Site Development and Use Plan as described in this section together with the required submission fee.

1. **Submission Fee:** The Planning Board shall specify a submission fee for a PD Special Permit in its Rules and Regulations and in no case shall the fee be less than \$350.00.
2. **Site Development and Use Plan Requirements:** The Site Development and Use Plan shall include all of the material and information contained in the Concept Plan with the following modifications and additions:
 - (a) All information typically required on a site plan in accordance with Planning Board Site Plan Rules and Regulations.
 - (b) A utilities plan showing the location, size, materials and connections to the Town's utilities.

- (c) A property rights plan based on an instrument survey identifying parcels, if any, to be conveyed to the Town by deed or easement.
- (d) A site grading plan showing proposed changes in contours and identifying landscaping materials, species of plants and sizes and specific plans for any common open space.
- (e) A traffic analysis including proposed mitigating measures, if any, to maintain an acceptable traffic level of service.
- (f) Preliminary drafts of any deed, easement, offer or agreement to carry out any special condition.
- (g) Such other information as the Planning Board may specify in its Rules and Regulations from time to time for special permits pursuant to a PD District rezoning.

12.1.6 Public Hearing

The Public Hearing shall be held in accordance with the provisions of Section 9.6.0. Additionally, notice of the public hearing shall be mailed, by the applicant, post prepaid, to all current Town Meeting Members, based on the active list of Town Meeting Members as maintained by the Town Clerk at the time of submission of the Petition.

12.1.7 Criteria for Approval

The Planning Board shall approve the PD Special Permit if the Board finds that all the following conditions are met:

1. The Site Development and Use Plan is substantially in conformance with the Concept Plan approved by Town Meeting. The Planning Board may permit minor changes in light of the more detailed survey and engineering design provided that they do not conflict with the intent of the Concept Plan but the Board shall not approve any change in minimum setbacks, maximum building height, maximum total square feet of development, or uses.
2. The Concept Plan approved by Town Meeting and the Site Development and Use Plan are incorporated into the PD Special Permit by reference.
3. Methods satisfactory to the Planning Board of ensuring the performance of any special conditions included in the Concept Plan have been submitted by the developer.
4. Any land designated as common open space on the Concept Plan shall be either conveyed to the Town or protected by an easement granted to the Town.
5. The Planning Board reserves the right to: require that up to 30% of all new housing units be made affordable to persons of low and moderate income according to the standards of the State and/or Town of Burlington as determined by the Planning Board.

The Planning Board in granting a PD Special Permit may impose such additional conditions as the Planning Board finds will serve the public interest and are consistent with the intent of the Concept Plan approved by Town Meeting.

The Planning Board may deny an application for PD Special Permit and base its denial on the finding that the development proposed in the Site Development and Use Plan did not meet one or more of the four criteria for approval.

No changes to the obligations contained in the special conditions or to the specifications contained in the Zoning Table, or changes in uses as reflected on the Preliminary Site Plan, shall be permitted except by a vote of Town Meeting.

12.1.8 Changes in a Site Development and Use Plan

Changes in uses or substantial changes in the site development from that shown on the Site Development and Use Plan referenced in the PD Special Permit are not permitted without the approval by Town Meeting of a new Concept Plan in accordance with the procedures outlined in Section 12.1.3 followed by the issuance by the Planning Board of a new PD

Special Permit based on the new plan.

12.1.9 Use Allowed by Special Permit in the PD District

Application for a special permit for a particular use within a PD District shall be made concurrent with a PD Special Permit or subsequent to its approval. The approval criteria for the special permit for a particular use shall be those set out in Section 9.2.0.

ARTICLE XIII
TWO FAMILY UNITS IN THE R2 DISTRICT

SECTION 13.1.0 RESIDENTIAL 2 (R2) DISTRICT

13.1.1 Purposes

The Residential 2 (R2) District is intended:

To stimulate more affordable housing units through the creation of two family or duplex development on individual lots, or on a larger single lot in which internal lot lines may have been drawn and established and where open space and other site amenities may be held or used in common by all unit owners.

To permit a developer, public agency, or developer in conjunction with a public agency, to propose two family or duplex development and units which shall be affordable to individuals of low and moderate incomes, and to first time home buyers, as defined by the Massachusetts Housing Finance Agency, the Executive Office of Communities and Development, or the income and price guidelines for Middlesex County, and as may be periodically amended.

To help the community to meet the requirements and objectives of Massachusetts General Laws, Chapter 40B, S20-23.

To achieve a broader range of housing choice within the community.

To permit such development on parcels which can be divided into numerous lots, or which can contain numerous units, so as to form a well-planned district rather than a single or substantial deviation from surrounding land uses and neighborhood pattern.

To encourage such development on parcels zoned for industrial and commercial purposes, but which may be appropriate for residential purposes.

13.1.2 Uses by Special Permit and Permitted Uses in an R2 District

The following use shall require a special permit as set forth in Section 13.1.7:

(a) Two Family Dwellings: The following uses shall be permitted by right without need of a special permit once R2 zoning is obtained:

1. One family dwellings and one family dwellings purchased or erected and maintained by the Burlington Housing Authority or any other nonprofit housing development agency developing affordable housing as described in Section 4.2.1.6 of the Zoning Bylaw.
2. Places primarily used for religious purposes, including rectories and parish houses as described in Section 4.2.2.1 of the Zoning Bylaw.
3. Public parks as described in Section 4.2.2.8 of the Zoning Bylaw.

13.1.3 Dimensional Requirements

Where lots within an R2 District are proposed for subdivision, all two family structures/dwellings must be situated on individual lots which conform to the density and dimensional regulations of an RO- One Family Dwelling District specified in Article V, Section 5.2.0 of these Bylaws.

All two family structures/dwellings which are proposed to be developed within a single consolidated parcel must also be developed and laid out so that all two family structures within the site conform to the density and dimensional regulations of an RO- One Family Dwelling District specified in Article V, Section 5.2.0 of these Bylaws.

13.1.4 General Requirements

No land shall be rezoned to R2 unless a Concept Plan as described in Subsection 13.1.6 is presented to Town Meeting and approved as part of the Warrant Article with the rezoning petition.

No development may occur in an R2 District except in conformity with the Concept Plan approved by Town Meeting.

Further, two family development in an R2 District may only occur by obtaining an R2 Special Permit as described in Section 13.1.7. The obtaining of a special permit as outlined in Section 13.1.7 must commence within two years or the property shall be governed by the provisions presently in effect in the zoning district for which the land was zoned immediately prior to its inclusion in the R2 District.

Where a subdivision plan shall not be presented and proposed, Site Plan review will occur concurrently with the review of the special permit process outlined in Section 13.1.7.

13.1.5 Procedure for Rezoning to an R2 District

The developer and property owner, if different from the developer, shall submit a Concept Plan to the Board of Selectmen together with a letter petitioning for a rezoning to the R2 District requesting that the matter be placed on the next Town Meeting warrant.

The Board of Selectmen shall refer the rezoning application and the Concept Plan to the Planning Board within 14 days, and within 65 days of receiving the rezoning application from the Board of Selectmen and the Concept Plan, the Planning Board shall hold a public hearing on the requested rezoning.

Following the public hearing, the Planning Board shall prepare a detailed report regarding the requested rezoning and Concept Plan and shall recommend to Town Meeting whether the requested rezoning should be approved, amended and approved or denied.

In order to be approved a rezoning to the R2 District must receive a two-thirds vote at Town Meeting.

13.1.6 Submission Requirements for an R2 District Rezoning

The application for an R2 District rezoning shall include a Concept Plan and the required submission fee.

(a) **Submission Fee:** The Planning Board shall specify submission fees for an R2 District Rezoning in its Rules and Regulations. In no case shall the fee be less than \$350, however the Planning Board may waive the fee if the developer is the Town or other public agency. The required fee shall be submitted with the rezoning request and Concept Plan.

(b) **Concept Plan Requirements:** A Concept Plan shall include the following:

1. In addition to the submission requirements outlined in this section, the Planning Board may impose additional submission requirements through the adoption of Rules and Regulations for an R2 District Rezoning.

2. A preliminary site plan showing in a general manner:

The location of buildings; number of stories, approximate floor area and maximum height of each building.

Existing and proposed contours.

Proposed lot lines.

Grading and landscape treatment.

The location and dimensions of driveways and anticipated parking areas and capacity.

The location and characteristics of any common open space or usable open space to be conveyed to the Town or to be dedicated for use by adjoining lots and the general neighborhood.

The proposed drainage system.

General building elevations (cross section including a general rendering and building treatment.)

The approximate location of the affordable units.

(c) A project narrative which details specific project conditions and amenities proposed. The narrative shall also include information about the project development team and marketing approach to attract individuals and families seeking affordable housing within the community.

Further, the project narrative shall specify which affordable housing program(s) and/or guidelines are being utilized within the development to achieve the thirty (30%) percent low/moderate income unit affordability which will be required as part of the granting of the R2 Special Permit.

The applicant shall agree not to file a subdivision plan or plan showing a division of land pursuant to M.G.L. Chapter 41.

(d) Special conditions, if any, applicable to the proposed development which may include grants of benefits to the Town such as land for public purposes, construction of improvements (or financial contributions therefore) in behalf of the Town.

(e) A table showing:

1. Total land area.
2. Developable site area.
3. Common or usable open space, if any.
4. Site coverage of buildings.
5. Area covered with impervious surface.
6. Impervious surface ratio.
7. Gross floor area of all proposed two family buildings.

(f) A locus-context map of all land within 500 feet of any part of the tract and showing:

1. All dwellings and principal buildings.
2. The land use of each lot.
3. Lot and right-of-way lines.
4. Existing contours at two-foot intervals.
5. Principal natural features in general use such as:

Significant rock outcroppings.

Water systems (including standing surface water, brooks or streams, the direction of drainage, wetlands, and the 100-year flood elevation).

Significant vegetation (including mature trees, unique specimens of vegetation, and vegetation that indicates wetness).

6. Zoning district boundaries.
7. Recorded easements on the site and within the 500 feet locus.
8. Public facilities, such as conservation or recreation land, footpaths, bicycle paths, or streets.
9. Significant noise/visual impact (including views from the site and sources of noise affecting the site).
10. Historically or architecturally significant structures and sites on or adjacent to the site.

(g) A property rights and dimensional standards plan showing:

1. The location of existing easements or other property rights affecting the development.
2. The approximate location of any sections of the land to which the Town would be granted property right, either easements or transfer of ownership for street, utility, conservation or other purposes.
3. The anticipated size and dimensions of each lot to be certified, and internal lot lines when applicable.
4. The minimum yard setback lines and distances from the adjacent zoning district boundaries.
5. The boundaries of any common open space or usable open space.

(h) The following information shall be required for all R2 rezonings which shall not involve the presentation and proposal of a subdivision plan after rezoning:

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

(i) A traffic analysis to be conducted by a traffic engineer who will certify that he/she qualifies for the position of member of the Institute of Transportation Engineers (ITE). The analysis shall include:

1. Traffic counts on arterial streets that provide access to the development site showing data on Average Daily Traffic (ADT) and a.m. and p.m. peak periods (conducted for two hours divided into fifteen-minute segments);
2. Intersection turning movement counts at intersections likely to be affected by the proposed development (conducted for two hours in the a.m. peak and the p.m. peak divided into fifteen-minute segments);
3. An inventory of roadway characteristics showing the width of the principal approach streets and the presence or absence of sidewalks and their conditions and existing traffic control devices;
4. Estimated trip generation showing the projected inbound and outbound vehicular trips for the a.m. and p.m. peak periods and a typical one hour off-peak trip generation;
5. The estimated distribution of new trips by approach streets and each intersection likely to be affected;
6. The effect of additional traffic generated by the development on traffic "levels of service" on each approach street;

7. Estimated off-street parking and loading requirements and time of peak accumulation.

13.1.7 Special Permit Requirements

Two family development pursuant to an R2 District rezoning is subject to the approval of R2 Special Permit as outlined in this subsection.

Application for an R2 Special Permit under this section shall be made to the Town Clerk by submitting ten (10) copies of all submission material and paying the required application fee. Circulation of the R2 Special Permit application to Town departments shall be outlined in subsection 9.2.2.1.

The application for an R2 Special Permit under this section shall include a Site Development Plan as described in this section together with the required submission fee.

Application for an R2 Special Permit under this section shall include a project narrative and Site Development Plan which specifies that no less than thirty (30%) percent of all proposed units will be set aside for persons of low and moderate income levels.

(a) **Submission Fee:** The Planning Board shall specify a submission fee for an R2 Special Permit in its Rules and Regulations and in no case shall the fee be less than \$350.

(b) **Site Development Plan and Application Requirements:** The Site Development Plan and Special Permit Application shall include all of the material and information contained in the Concept Plan with the following modifications, additions, and provisions:

1. All information typically required on a site plan in accordance with Planning Board Site Plan Rules and Regulations.
2. Long-term provisions, in the form of a recordable instrument to provide for retention of all affordable housing units proposed.
3. The location and size of the Town's existing water mains, sanitary sewers, storm drains and fire hydrants.
4. Proposed utilities, including the location, size of mains, materials and any proposed connection to existing Town facilities.
5. A property rights plan based on an instrument survey identifying parcels, if any, to be conveyed to the Town by deed or easement.
6. A site grading plan showing proposed changes in contours and identifying landscaping materials, species of plants and sizes and specific plans for any common open space.
7. A traffic analysis including proposed mitigating measures, if any, to maintain an acceptable traffic level of service.
8. An assessment of the impacts that the proposed project will have on community character, the environment, and municipal finances.
9. Such other information as the Planning Board may specify in its Rules and Regulations from time to time for special permits pursuant to an R2 District rezoning.

13.1.8 Public Hearing

The Public Hearing shall be held in accordance with the provisions of Section 9.6.0.

13.1.9 Criteria for Approval

The Planning Board may approve the R2 Special Permit if the Board finds that all the following conditions are met:

1. The Site Development Plan is substantially in conformance with the Concept Plan approved by Town Meeting, and meets the affordable housing criteria and objectives set forth in Sections 13.1.1 and 13.1.7 of this Article. The Planning Board may permit minor changes in light of the more detailed survey and engineering design, provided that they do not conflict with the intent of the Concept Plan, but the Board shall not approve any change in proposed setbacks, maximum building height, or maximum total square feet of two family development.
2. The Concept Plan approved by Town Meeting and the Site Development Plan are incorporated into the R2 Special Permit by reference.
3. Methods satisfactory to the Planning Board of ensuring the performance of any special conditions included in the Concept Plan have been submitted by the developer.
4. Any land designated as common space on the Concept Plan shall be either conveyed to the Town or protected by an easement granted to the Town.

The Planning Board in granting an R2 Special Permit may impose such additional conditions as the Planning Board finds will serve the public interest and are consistent with the intent of the Concept Plan approved by the Town Meeting.

The Planning Board may deny an application for R2 Special Permit and base its denial on the finding that the development proposed in the Site Development Plan did not meet one or more of the four criteria for approval.

13.1.10 Changes in a Site Development and Use Plan

Substantial changes in the site development from that shown on the Site Development Plan referenced in the R2 Special Permit are not permitted without the approval by Town Meeting of a new Concept Plan in accordance with the procedures outlined in Section 13.1.5 followed by the issuance by the Planning Board of a new R2 Special Permit based on the new plan.

APPENDIX A
HISTORIC DIMENSIONAL REQUIREMENTS

The following is a summary of the dimensional requirements for various zoning districts that were contained in the Burlington Zoning Bylaws from time to time. This information is included to assist individuals in determining what the dimensional requirements were at the time a lot was created or a building was constructed. This appendix is informational only and shall not be considered a part of the Zoning Bylaw.

MINIMUM REQUIREMENTS

District	Lot Area	Frontage	Y A R D S		
			Front	Side	Rear
RO - One Family Dwelling Districts					
Prior to 11/13/43 for any Residence Zone lots of record at that time.	5,000 s.f.	50'	any	any	any
On or after 11/13/43 and prior to 8/18/55 for Residence A Zone lots of record at that time.	10,000 s.f.	60'	25'	15'	30'
On or after 11/13/43 and prior to 1/31/77 for Residence B Zone lots of record at that time.	20,000 s.f.	100'	25'	15'	30'
On or after 8/18/55 and prior to 1/31/77 for Residence A Zone lots of record at that time.	20,000 s.f.	100'	25'	15'	30'

BG - General Business Districts

Prior to 11/13/43 for Business Zone lots of record at that time.	5,000 s.f.	50'	any	any	any
On or after 11/13/43 and prior to 1/31/77 for Business Zone lots of record at that time.	5,000 s.f.	50'	10'	10'	10'

(See Note 1)

Note 1: See single asterisk note following the Density Regulation Table.

MINIMUM REQUIREMENTS

District	Lot Area	Frontage	Y A R D S		
			Front	Side	Rear
BL - Limited Business Districts					
Prior to 11/13/43 for Limited Business District lots of record at that time.	5,000 s.f.	50'	any	any	any
On or after 11/13/43 and prior to 1/31/77 for Limited Business District lots of record at that time.	5,000 s.f.	50' (See Note 1)	10'	10'	10'

Note 1: See single asterisk note following the Density Regulation Table.

BT - Continuous Traffic Business Districts

Prior to 11/13/43 for High Density Traffic Business Districts of record at that time.	5,000 s.f.	50'	any	any	any
On or after 11/13/43 and prior to 1/31/77 for High Density Traffic Districts of record at that time.	5,000 s.f.	50' (See Note 1)	10'	10'	10'

Note 1: See single asterisk note following the Density Regulation Table.

IG - General Industrial Districts

Prior to 11/13/43 for Industrial lots of record at that time.	5,000 s.f.	50'	any	any	any
On or after 11/13/43 and prior to 1/31/77 for Industrial Zone lots of record at that time.	10,000 s.f.	50' (See Note 1)	10'	10'	10'

Note 1: See single asterisk note following the Density Regulation Table.

APPENDIX B
AMENDMENTS TO ZONING BYLAWS

Amended under Article 63 at the Adjourned (Second) Town Meeting June 8, 1977 (Housekeeping Article). Approved by the Att. Gen. 9/16/77. Adv. Burl. News 9/22,29/77.

Amended under Article 22 at the Adjourned (Third) Town Meeting September 28, 1977. (Kiosk) Section 2.38.1, Sections 4.2.6.19 & 4.3.2.13. Approved by the Att. Gen. 12/8/77. Adv. Burl. News 12/15,22/77.

Amended under Article 24 at the Adjourned (First) Town Meeting, 1/25/78. (9.3.1.1 Waived Requirements site plan approval by Planning Board.) Approved by the Att. Gen. 4/13/78. Adv. Burl. News 4/20,27/78.

Amended under Article 71 at the Adjourned (Second) Town Meeting, June 7, 1978. (4.3.2.14 Accessory Use Regulations Schedule.) Approved by failure of Att. Gen. to act within 90 days. Adv. Burl. News 10/12,19/78.

Amended under Article 15 at the Adjourned (First) Town Meeting 1/24/79. (9.3.1.1 Waived Requirements site plan approval by Planning Board.) Approved by the Att. Gen. 3/20/79. Adv. Burl. News 3/29, 4/5/79.

Amended under Article 23 at the Adjourned (First) Town Meeting 1/24/79. (Art. VIII, Sec. 8.2.0 Wetlands District.) Approved by the Att. Gen. 3/20/79. Adv. Burl. News 3/29, 4/5/79.

Amended under Article 24 at the Adjourned (First) Town Meeting 1/24/79. (Art. IV, Sec. 4.4.0, Permitted uses in the Wetlands District.) Approved by the Att. Gen. 3/20/79. Adv. Burl. News 3/29, 4/5/79.

Amended under Article 25 at the Adjourned (First) Town Meeting 1/24/79. (Art. II, Definitions - Essential Services.) Approved by the Att. Gen. 3/20/79. Adv. Burl. News 3/29, 4/5/79.

Amended under Article 61 at the Adjourned (Second) Town Meeting 6/11/79 (Art. V, Sec. 5.1.8, Compliance with Density Regulations Schedule) Approved by the Att. Gen. 10/9/79, Adv. Burl. News 10/18,25/79.

Amended under Article 18 at the Adjourned (First) Town Meeting 1/21/80. Article V, Section 5.2.0, Density Regulations Table. Approved by the Att. Gen 5/14/80, Adv. Burl. News 5/22,29/80.

Amended under Article 28 at the Adjourned (First) Town Meeting 1/26/81. (9.3.1 Requirements of Site Plan.) Approved by the Att. Gen 5/14/81. Adv. Burl. News 5/21,28/81.

Amended under Article 29 at the Adjourned (First) Town Meeting 1/26/81. (9.3.1.1 Waived Requirements of Site Plan.) Approved by the Att. Gen. 5/14/81. Adv. Bur. News 5/21,28/81.

Amended under Article 30 at the Adjourned (First) Town Meeting 1/26/81. (9.2.2.1 Procedure-Special Permits.) Approved by the Att. Gen. 5/18/81. Adv. in Burl. News 5/28, 6/4/81.

Amended under Article 33 at the Adjourned (Second) Town Meeting 5/18/81. (8.1.1 Definition - Flood Hazards.) Approved by the Att. Gen. 10/6/81. Adv. in Burl. News 10/22,29/81.

Amended under Article 34 at the Adjourned (Second) Town Meeting 5/18/81. (9.3.2.1 Filing Fee - Site Plan.) Approved by the Att. Gen. 10/6/81. Adv. in Burl. News 10/22,29/81.

Amended under Article 36 at the Adjourned (Second) Town Meeting 5/18/81. (4.2.6.4 Post Offices, Banks.) Approved by the Att. Gen. 10/6/81. Adv. in Burl. News 10/22,29/81.

Amended under Article 37 at the Adjourned (Second) Town Meeting 5/18/81. (2.66 Definition of Public Assembly - striking in its entirety.) Approved by the Att. Gen. 10/6/81. Adv. in Burl. News 10/22,29/81.

Amended under Article 35 at the Adjourned (Second) Town Meeting 6/22/81. (Article VII - Parking and Loading Regulations.) Approved by the Att. Gen. 10/6/81. Adv. in Burl. News 10/22,29/81.

Amended under Article 18 at the Adjourned (Third) Town Meeting 10/21/81. (4.2.6.20 - Massage Parlors.) Approved by the Att. Gen. 2/4/82. Adv. in Burl. News 2/11,18/82.

Amended under Articles 17/19 at the Adjourned (First) Town Meeting 1/12/83 (4.3.2.9 – Use Designation; Water Resource & Aquifer Zoning Districts. Approved by the Att. Gen. 3/22/83. Adv. in Burl. News 3/31 and 4/7/83.

Amended under Article 59 at the Adjourned (Second) Town Meeting 5/25/83. (8.3.5.5 - Impervious Surfaces.) Approved by the Att. Gen. 8/10/83. Adv. in Burl. News 8/18,25/83.

Amended under Article 61 at the Adjourned (Second) Town Meeting 6/1/83. (4.3.2.9 - Use Designation.) Approved by the Att. Gen. 8/10/83. Adv. in Burl. News 8/18,25/83.

Amended under Article 35 at the Adjourned (Third) Town Meeting 9/28/83. (6.8.0 - Streets, Driveways, Parking and Service Areas.) Approved by the Att. Gen. 11/8/83. Adv. in Burl. News 11/17,24/83.

Amended under Article 36 at the Adjourned (Third) Town Meeting 9/28/83. (2.38 - Definitions.) Approved by the Att. Gen. 11/8/83. Adv. in Burl. News 11/17,24/83.

Amended under Article 37 at the Adjourned (Third) Town Meeting 9/28/83. (9.2.5 - Final Action.) Approved by the Att. Gen. 11/8/83. Adv. in Burl. News 11/17,24/83.

Amended under Article 38 at the Adjourned (Third) Town Meeting 9/28/83. (9.3.5 - Final Action.) Approved by the Attn. Gen. 11/8/83. Adv. in Burl. News 11/17,24/83.

Amended under Article 19 at the Adjourned (First) Town Meeting 1/23/85. (8.1.0 Adoption of the 100-Year Flood Plain District.) Approved by the Att. Gen. 4/12/85. Adv. in Burl. News 4/25 and 5/2/85.

Amended under Article 20 at the Adjourned (First) Town Meeting 1/23/85. (9.5.1 Duties of the Board of Appeals in Flood Hazard Districts.) Approved by the Att. en. 4/12/85. Adv. in Burl. News 4/25 and 5/2/85.

Amended under Article 21 at the Adjourned (First) Town Meeting 1/23/85. (6.1.1, 6.1.2 Nonconforming Structures & Nonconforming Uses.) Approved by the Att. Gen. 4/12/85. Adv. in Burl. News 4/25 and 5/2/85.

Amended under Article 22 at the Adjourned (First) Town Meeting 1/23/85. (9.5.3 Appeals under the Zoning Bylaws.) Approved by the Att. Gen. 4/12/85. Adv. in Burl. News 4/25 and 5/2/85.

Amended under Article 23 at the Adjourned (First) Town Meeting 1/23/85. (8.3.5.5 Revision to Aquifer and Water Resource District.) Approved by the Att. Gen. 4/12/85. Adv. in Burl. News 4/25 and 5/2/85.

Amended under Article 24 at the Adjourned (First) Town Meeting 1/23/85. (6.4.0, 6.5.0 Performance of Screening and Landscaping Requirements.) Approved by the Att. Gen. 4/12/85. Adv. in Burl. News 4/25 and 5/2/85.

Amended -- Section 6.6.1, "Determination of Area and Frontage," and Section 2.41, "Lot," in Article II, "Definitions," and Section 8.2.3, "Interpretation and Application (of the Wetlands District)." Public notice published 3/28 and 4/4/85. Planning Board public hearing 4/18/85. Adopted Adj. (Second) Town Meeting 6/5/85, Art. 59. Approved by the Att. Gen. 9/5/85. Adv. in Burl. News 9/12,19/85.

Adopted -- Section 6.6.4, "Calculation of Aggregate Building Area to Ground Percentage." Public notice published 3/28 and 4/4/85. Planning Board public hearing 4/18/85. Adopted Adj. (Second) Town Meeting 6/5/85, Art. 60. Approved by the Att. Gen. 9/5/85. Adv. in Burl. News 9/12,19/85.

Adopted -- Section 6.6.5, "Lot-Slope Requirements in One Family Dwelling (RO) Districts." Public notice published 3/28 and 4/4/85. Planning Board public hearing 4/18/85. Adopted Adj. (Second) Town Meeting 6/5/85, Art. 61. Approved by the Att. Gen. 9/5/85. Adv. in Burl. News 9/12,19/85.

Amended -- Section 8.3.5.5, "Impervious Surfaces (In the Aquifer and Water Resource District)." Public notice published 3/28 and 4/4/85. Planning Board public hearing 4/18 and 5/2/85. Adopted Adj. (Second) Town Meeting 6/3/85, Art. 56. Approved

by the Att. Gen. 9/5/85. Adv. in Burl. News 9/12,19/85.

Amended -- Section 9.1.3, "Penalty." Public notice published 3/28 and 4/4/85. Planning Board public hearing 4/18/85. Adopted Adj. (Second) Town Meeting 6/5/85, Art. 58. Approved by the Att. Gen. 9/5/85. Adv. in Burl. News 9/12,19/85.

Adopted -- Article XI, "Moratorium on Uses Requiring Site Plans and Special Permits." Public notice published 4/4,11/85. Planning Board public hearing 4/18/85. Adopted Adj. (Second) Town Meeting 5/13/85, Art. 63. Approved by the Att. Gen. 9/5/85. Adv. in Burl. News 9/12,19/85.

Amended -- Section 3.1.1, "Special Districts," and Section 3.2.0, "Location of Districts." Public notice published 8/22,29/85. Planning Board public hearing 9/5/85. Adopted Adj. (Third) Town Meeting 9/30/85, Art. 28. Approved by the Att. Gen. 11/19/85. Adv. in Burl. News 11/28 and 12/5/85.

Amended -- Subsection 4.3.1.14, "Towers, Antenna, etc." Public notice published 3/17,24/86. Planning Board public hearing 5/1,15/86. Adopted Adj. (Second) Town Meeting 6/2/86, Art. 66. Approved by Att. Gen. 7/25/86. Adv. in Burl. News 8/7,14/86.

Amended -- Section 6.6.1, "Determination of Area & Frontage." Public notice published 3/17,24/86. Planning Board public hearing 5/1,15/86. Adopted Adj. (Second) Town Meeting 6/2/86, Art. 65. Approved by Att. Gen. 7/25/86. Adv. in Burl. News 8/7,14/86.

Amended -- Section 11.1 of Article XI, "Moratorium on Uses Requiring Site Plans and Special Permits." Public notice published 3/17,24/86. Planning Board public hearing 5/1/86. Adopted Adj. (Second) Town Meeting 5/12/86, Art. 69. Approved by Att. Gen. 7/25/86. Adv. in Burl. News 8/7,14/86.

Amended -- Article III, Section 3.2.0, "Location of Districts," and Article VIII, Section 8.3.2, "Definition of Aquifer and Water Resource Districts" to adopt a new map. Public notice published 4/23 and 4/30/87. Planning Board public hearing 5/7/87. Adopted Adj. (Second) Town Meeting 6/8/87, Art. 72. Approved by Att. Gen. 9/16/87. Adv. in Burl. News 9/24 and 10/1/87.

Deleted -- Article V, existing Section 5.3.0, "Exemptions" and Adopted a new Section 5.3.0 "Separate Lot Protection," and informational appendix for historic setback, frontage and area requirements. Public notice published 4/23,30/87. Planning Board public hearing 5/7/87. Adopted Adj. (Second) Town Meeting 6/8/87, Art. 75. Approved by Att. Gen. 9/16/87. Adv. in Burl. News 9/24 and 10/1/87.

Amended -- Article VIII, Section 8.1.2, "(100-Year Flood Plain District)Definitions" and Section 8.1.6, "Requirements for Development within the Flood Plain District." Public notice published 4/23,30/87. Planning Board public hearing 5/7/87. Adopted Adj. (Second) Town Meeting 6/8/87, Art. 73. Approved by Att. Gen. 9/16/87. Adv. in Burl. News 9/24 and 10/1/87.

Amended -- Article IX, Section 9.3.2, "(Site Plan) Procedure," Subsection 9.3.2.1. Public notice published 4/23,30/87. Planning Board public hearing 5/7/87. Adopted Adj. (Second) Town Meeting 6/8/87, Art. 74. Approved by Att. Gen. 9/16/87. Adv. in Burl. News 9/24 and 10/1/87.

Amended -- Article XI "Moratorium." Public notice published 4/23,30/87. Planning Board public hearing 5/7/87. Adopted Adj. (Second) Town Meeting 6/8/87, Art. 76. Approved by Att. Gen. 9/16/87. Adv. in Burl. News 9/24 and 10/1/87.

Adopted -- Article XII, "Special Zoning Districts," Section 12.1, "Planned Development District." Public notice published 4/23,30/87. Planning Board public hearing 5/7/87. Adopted Adj. (Second) Town Meeting 6/8/87, Art. 77. Approved by Att. Gen. 9/16/87. Adv. in Burl. News 9/24 and 10/1/87.

Amended -- Article II, "Definitions," Section 2.29, "Frontage," and Section 2.49, "Lot, through." Public notice published 8/13,20/87. Planning Board public hearing 9/3/87. Adopted Adj. (Third) Town Meeting 9/28/87, Art. 12. Approved by Att. Gen. 10/16/87. Adv. in Burl. News 10/26 and 11/3/87.

Adopted -- Article IV, "Use Regulations," Sections 4.1.3 and 4.3.0, "Temporary tents." Public notice published 3/17,24/88. Planning Board public hearing 4/7/88 continued to 4/21/88. Adopted Adj. (Second) Town Meeting 5/23/88, Art. 72. Approved by Att. Gen. 7/28/88. Adv. in Burl. News 8/4,11/88.

Adopted -- Article V, "Density Regulations," Section 5.1.9, "Development Incentive for Affordable Housing." Public notice published 7/27, 8/3/88. Planning Board public hearing 8/11/88. Adopted Adj. (Third) Town Meeting 9/19/88, Art. 1. Approved by Att. Gen. 10/20/88. Adv. in Burl. News 10/27, 11/4/88.

Amended -- Article IX, "Administration and Procedures," Section 9.2.4, "Criteria for Approval of a Special Permit." Public notice published 7/27, 8/3/88. Planning Board public hearing 8/11/88. Amended Adj. (Third) Town Meeting 9/19/88, Art. 1. Approved by Att. Gen. 10/20/88. Adv. in Burl. News 10/27, 11/4/88.

Adopted -- Article IV, "Use Regulations," Section 4.1.5 "Accessory Residential Uses in One Family Dwellings: Accessory Apartments." Public notice published 7/27, 8/3/88. Planning Board public hearing 8/11/88. Adopted Adj. (Third) Town Meeting 9/19/88, Art. 2. Approved by Att. Gen. 10/20/88. Adv. Burl. News 10/27, 11/4/88.

Adopted -- Article IV, "Use Regulations," Section 4.3.1.1.1 Accessory Apartment." Public notice published 7/27, 8/3/88. Planning Board public hearing 8/11/88. Adopted Adj. (Third) Town Meeting 9/19/88, Art. 2. Approved by Att. Gen. 10/20/88. Adv. Burl. News 10/27, 11/4/88.

Adopted -- Article XII, "Special Zoning Districts," Section 12.1.7 5. Public notice published 7/27, 8/3/88. Planning Board public hearing 8/11/88. Adopted Adj. (Third) Town Meeting 9/19/88, Art. 3. Approved by Att. Gen. 10/20/88. Adv. Burl. News 10/27, 11/4/88.

Adopted -- Article VIII, "Special Districts," Section 8.4 "Open Space Residential Development." Public notice published 7/27, 8/3/88. Planning Board public hearing 8/11/88. Adopted Adj. (Third) Town Meeting 9/19/88, Art. 4. Approved by Att. Gen. 10/20/88. Adv. Burl. News 10/27, 11/4/88.

Adopted -- Article IV, "Use Regulations," Section 4.2.1.10 "Open Space Residential." Public notice published 7/27, 8/3/88. Planning Board public hearing 8/11/88. Adopted Adj. (Third) Town Meeting 9/19/88, Art. 4. Approved by Att. Gen. 10/20/88. Adv. Burl. News 10/27, 11/4/88.

Adopted -- Article XIII, "Two-Family Units in the R2 District." Public notice published 7/27, 8/3/88. Planning Board public hearing 8/11/88. Adopted Adj. (Third) Town Meeting 9/19/88, Art. 5. Approved by Att. Gen. 10/20/88. Adv. Burl. News 10/27, 11/4/88.

Amended -- Article IX, "Penalty." Public notice published 11/30/88 and 12/7/88. Planning Board public hearing 1/5/89. Adopted Adj. (First) Town Meeting 1/9/89, Art. 11. Approved by Att. Gen. 3/16/89. Adv. Burl. News 3/23, 3/30/89.

Amended -- Article II, Section 2.28 "Floor Area, Floor Area Ratio, and Maximum Floor Area Ratio." Public notice published 4/11,18/89. Planning Board public hearing 5/4/89. Adopted Adj. (Second) Town Meeting 4/10/89, Art. 53. Approved by Att. Gen. 7/5/89. Adv. Burl. News 7/13,20/89.

Amended -- Article V, Section 5.2.0 "Density Regulation Schedule." Public notice published 4/11,18/89. Planning Board public hearing 5/4/89. Adopted Adj. (Second) Town Meeting 4/10/89, Art. 54. Approved by Att. Gen. 7/5/89. Adv. Burl. News 7/13,20/89.

Adopted -- Article V, "Floor Area Ratio Incentive". Public notice published 4/11,18/89. Planning Board public hearing 5/4/89. Adopted Adj. (Second) Town Meeting 5/10/89, Art. 55. Approved by Att. Gen. 7/5/89. Adv. Burl News 7/13,20/89.

Amended -- Article XI, Section 9.1.2 "Occupancy Permit". Public notice published 4/19,26/89. Planning Board public hearing 5/4/89. Adopted Adj. (Second) Town Meeting 5/22/89, Art. 56. Approved by Att. Gen. 7/5/89. Adv. Burl. News 7/13,20/89.

Amended -- Article II, Section 2.35 "Hospital". Public notice published 10/25/89 and 11/1/89. Planning Board public hearing 11/16/89. Adopted Adj. (First) Town Meeting 1/8/90, Art. 16. Approved by Att. Gen. 3/26/90. Adv. Burl. news 4/5,12/90.

Amended -- Article IV, Section 4.3.2.9 "Parking Garages". Public notice published 11/1,8/89. Planning Board public hearing 11/16/89. Adopted Adj. (First) Town Meeting 1/8/90, Art. 17. Approved by Att. Gen. 3/26/90. Adv. Burl. news 4/5,12/90.

Amended -- Article VII, "Parking and Loading Regulations" and Article IV, Section 4.3.2.16 "parking area for more than 200 spaces". Public notice published 8/16,24/90. Planning Board public hearing 09/6/90. Adopted Adj. (Third) Town Meeting 9/17/90, Art. 10. Approved by Att. Gen. 11/7/90. Adv. Burl. News 11/22,29/90.

Amended -- Article IV, Section 4.3.2.10 "offstreet outdoor parking". Public notice published 7/10,17/91. Planning Board public hearing 8/1/91. Adopted Adj. (Third) Town Meeting 9/16/91, Art. 14. Approved by Att. Gen. 11/26/91. Adv. Burl. News 12/5,12/91.

Adopted -- Article IV, "Automobile Sales and Service Uses", Section 4.2.5.9 "outdoor storage of motor vehicles." Public notice published 8/8,15/91. Planning Board public hearing 9/5/91. Adopted Adj. (Third) Town Meeting 9/16/91, Art. 15. Approved by Att. Gen. 11/26/91. Adv. Burl. News 12/5,12/91.

Amended -- Article II, Section 2.18 "Day Nursery". Public notice published 11/20,27/92. Planning Board public hearing 12/5/1991. Amended Adj. (First) Town Meeting 1/13/92, Art. 16. Approved by Att. Gen. 2/21/92. Adv. Burl. Times Union 2/27, 3/5/92.

Amended -- Article IV, Section 4.2.2.3, 4.3.0 "Day Nursery". Public notice published 11/20,27/92. Planning Board public hearing 12/5/1991. Amended Adj. (First) Town Meeting 1/13/92, Art. 16. Approved by Att. Gen. 2/21/92. Adv. Burl. Times Union 2/27, 3/5/92.

Amended -- Article V, Section 5.1.5 "Density Requirements for Religious and Educational Uses". Public notice published 11/20,27/92. Planning Board public hearing 12/5/1991. Amended Adj. (First) Town Meeting 1/13/92, Art. 16. Approved by Att. Gen. 2/21/92. Adv. Burl. Times Union 2/27, 3/5/92.

Amended -- Article IV, Section 4.2.6.18 "Sale of Structural and Building Supplies". Public Notice published 3/17, 3/24/93. Planning Board public hearing 4/1/93. Amended Adj. (Second) Town Meeting 5/19/93, Art. 25. Approved by Att. Gen. 6/1/93. Adv. Burl. News 6/9, 6/16/93.

Amended -- Article IX, Section 9.2.2 - "Special Permit Fees". Public notice published 6/16, 6/23/93. Planning Board public hearing 7/8/93. Amended Adj. (Third) Town Meeting 9/13/93, Art. 9. Approved by Att. Gen. 11/22/93. Adv. Burlington Union 12/9, 12/16/93.

Amended -- Article II, Section 2.26 - "Filling Station". Public notice published 12/15, 12/22/94. Planning Board public hearing 1/5/95. Amended Adj. (First) Town Meeting 1/9/95, Art. 12. Approved by Att. Gen. 2/13/95. Adv. Burlington Union 2/23, 3/2/95.

Amended -- Article VII, Section 7.1.1.4 - "Handicapped person car space". Public notice published 8/24, 8/31/95. Planning Board public hearing 9/7/95. Amended Adj. (Third) Town Meeting 9/11/95. Art. 14. Approved by Att. Gen. 10/17/95. Adv. Burlington Union 10/26, 11/2/95.

Amended -- Article IX, Section 9.3.2, 9.3.2.1 - "Procedure". Public notice published 8/24, 8/31/95. Planning Board public hearing 9/7/95. Amended Adj. (Third) Town Meeting 9/11/95. Art. 15. Approved by Att. Gen. 10/17/95. Adv. Burlington Union 10/26, 11/2/95.

Amended -- Article II, Section 2.5.1, 2.25, 2.71 - "Definitions". Public notice published 11/22, 11/29/95. Planning Board public hearing 12/7/96. Amended Adj. (First) Town Meeting 1/17/96. Art. 21. Approved By Att. Gen. 1/30/96. Adv. Burlington Union 2/8, 2/15/96.

Amended -- Article IV, Section 4.2.6.9 - "Fast Order Food Establishment". Public notice published 11/22, 11/29/95. Planning Board public hearing 12/7/96. Amended Adj. (First) Town Meeting 1/17/96. Art. 21. Approved By Att. Gen. 1/30/96. Adv. Burlington Union 2/8, 2/15/96.

Amended -- Article II, Section 2.0 - "Definitions". Article III, Section 3.1.0 - "Districts". Article IV, Sections 4.2.0, 4.3.0, 4.4.0 - "Use Regulations". Article V, Section 5.1.0 - "Applicability of Regulations". Article V, Section 5.2.0 - "Density Regulation Schedule". Article VII, Section 7.2.0 - "Minimum/Maximum Parking Requirements". Public notice published 3/20, 3/27/96. Planning Board public hearing 4/4/96. Amended Adj. (Second) Town Meeting 6/10/96. Art. 23. Approved by Att. Gen. 9/16/96 (amended). Adv. Burlington Union 12/12, 12/19/96.

Amended -- Article II, Section 2.71 - "Restaurant Definition". Public notice published 3/21, 3/28/96. Planning Board public hearing 4/4/96. Amended Adj. (Second) Town Meeting 6/10/96. Art. 25. Approved by Att. Gen. 9/6/96. Adv. Burlington Union 9/19, 9/26/96.

Amended -- Article II, Section 2.5.1 - "Bakery". Public notice published 3/21, 3/28/96. Planning Board public hearing 4/4/96. Amended Adj. (Second) Town Meeting 6/10/96. Art. 26. Approved by Att. Gen. 9/6/96. Adv. Burlington Union 9/19, 9/26/96.

Amended -- Article IV, Section 4.2.6.11 - "Bakeries", Section 4.2.6.24 - "Printers...". Public notice published 3/21, 3/28/96. Planning Board public hearing 4/4/96. Amended Adj. (Second) Town Meeting 6/10/96. Art. 27. Approved by Att. Gen.

9/6/96. Adv. Burlington Union 9/19, 9/26/96.

Adopted -- Article II, Section 2.65.1 - "Public Water & Sewer Distribution Structures". Article IV, Section 4.2.2.27 - "Public Water & Sewer Distribution Structures". Public notice published 4/3, 4/10/96. Planning Board public hearing 5/16/96. Adopted Adj. (Second) Town Meeting 6/10/96. Art. 28. Approved by Att. Gen. 9/6/96. Adv. Burlington Union 9/19, 9/26/96.

Adopted -- Article II, Section 2.69.1 - "Residence Hotel/Motel". Article IV, Section 4.2.1.3.1 - "Residence Hotel/Motel". Public notice published 4/3, 4/10/96. Planning Board public hearing 4/18/96. Amended Adj. (Second) Town Meeting 6/10/96. Art. 29. Approved by Att. Gen. 9/6/96. Adv. Burlington Union 9/19, 9/26/96.

Adopted -- Article II, Section 2.1.2 - "Adult Bookstore", Section 2.1.3 - "Adult Club", Section 2.1.4 - "Adult Paraphernalia Store", Section 2.1.5 - "Adult Theater", Section 2.1.6 - "Adult Video Store". Article IV, Section 4.2.6.24-28 - "Retail, Consumer and Trade Uses". Article V, Section 5.1.12 - "Additional Regulations for Adult Entertainment Uses". Public notice published 5/22, 5/29/96. Planning Board public hearing 6/6/96. Amended Adj. (Special) Town Meeting 6/17/96. Art. 5. Approved by Att. Gen. 9/9/96. Adv. Burlington Union 9/19, 9/26/96.

Amended -- Article II, Section 2.79 - "Toxic or hazardous Materials"; Article III, Section 3.2.0 - "Location of Districts"; Article IV, Section 4.2.0 - "Principal Use Regulations Schedule"; Article IV, Section 4.3.0 - "Accessory Use Regulations Schedule"; Article VIII, Section 8.3.0 - "Aquifer and Water Resource Districts"; Article IX, Section 9.2.2.3 - "Special Permit Fees". Public notice published 8/22, 8/29/96. Planning Board public hearing 9/5/96. Amended Adj. Town Meeting 10/02/96. Art. 16. Approved by Att. Gen. 10/18/96. Adv. Burlington Union 12/2, 12/19/96.

Adopted -- Article VI, Section 67.1(A) - "Continuing Care Districts (RC)". Public notice published 4/2/97, 4/9/97. Planning Board public hearing 4/17/97. Adopted Adj. Town Meeting 5/28/97. Art. 28. Approved by Att. Gen. 6/17/97. Adv. Burlington Union 6/26/97, 7/3/97.

Adopted -- Article II, Section 2.50.1 - "Massage Therapy". Public notice published 4/2/97, 4/9/97. Planning Board public hearing 4/17/97. Adopted Adj. Town Meeting 5/28/97. Art. 28. Approved by Att. Gen. 6/17/97. Adv. Burlington Union 6/26/97, 7/3/97.

Amended -- Article XII, Section 12.1.7 - "Criteria for Approval". Public notice published 11/20/97, 11/26/97. Planning Board public hearing 12/5/98. Amended Adj. Town Meeting 1/12/98. Art. 16. Approved by Att. Gen. 3/13/98. Adv. Burlington Union 3/26/98, 4/2/98.

Amended -- Article VI, Section 6.6.2 - "Division or Reduction in Area". Public notice published 3/5/98, 3/12/98. Planning Board public hearing 3/19/98. Amended Spec. Town Meeting 3/30/98. Art. 2. Approved by Att. Gen. 5/4/98. Adv. Burlington Union 5/21/98, 5/28/98.

Amended -- Article VIII, Section 8.3.2 -- "Definition of Aquifer and Water Resource Districts". Public notice published 2/19/98, 2/26/98. Planning Board public hearing 3/19/98. Adjourned Town Meeting 5/20/98. Art. 28. Approved by Att. Gen. 7/3/98. Adv. Burlington Union 7/16/98, 7/23/98.

Amended -- Article VIII, Section 8.4.7 -- "Optional Units Incentive"; 8.4.2 -- "Open Space Residential Development, Procedures". Public notice published 4/1/98, 4/8/98. Planning Board public hearing 4/16/98. Adjourned Town Meeting 5/20/98. Art. 30. Approved by Att. Gen. 7/3/98. Adv. Burlington Union 7/16/98, 7/23/98.

Amended -- Article IX, Section 9.6.2 -- "Notices to be Mailed, Post Prepaid". Public notice published 4/1/98, 4/8/98. Planning Board public hearing 4/16/98. Adjourned Town Meeting 5/20/98. Art. 31. Approved by Att. Gen. 7/3/98. Adv. Burlington Union 7/16/98, 7/23/98.

Amended -- Article XII, Section 12.1.0 -- "Planned Development District". Public notice published 4/1/98, 4/8/98. Planning Board public hearing 4/16/98. Adjourned Town Meeting 5/20/98. Art. 32. Approved by Att. Gen. 7/3/98. Adv. Burlington Union 7/16/98, 7/23/98.

Adopted -- Article IV, Section 4.1.6 -- "Temporary Partial Moratorium on Personal Wireless Services Facilities". Public notice published 4/22/98, 4/29/98. Planning Board public hearing 5/7/98. Adjourned Town Meeting 5/20/98. Art. 34. Approved by Att. Gen. 7/3/98. Adv. Burlington Union 7/16/98, 7/23/98.

Amended - Article II, Section 2.0 - "Definitions". Public notice published 12/24/98, 12/31/98. Planning Board public hearing

1/7/99. Adjourned Town Meeting 1/11/99. Art. 18. Approved by Att. Gen. 2/24/99. Adv. Daily Times 3/4/99, 3/11/99.

Adopted - Article IX, Section 9.1.3 - "Demolition Permit Delay". Public notice published 12/24/98, 12/31/98. Planning Board public hearing 1/7/99. Adjourned Town Meeting 1/11/99. Art. 18. Approved by Att. Gen. 2/24/99. Adv. Daily Times 3/4/99, 3/11/99.

Amended - Article VII, Section 7.3.0(b)- "Parking Requirements for Non-Residential and Non-Educational Uses". Public notice published 3/31/99, 4/7/99. Planning Board public hearing 4/15/99. Adjourned Town Meeting 5/10/99. Art. 3. Approved Att. Gen. 7/28/99. Adv. Daily Times 8/5/99, 8/12/99.

Amended - Article VIII, Section 8.3.9 - "Non Conforming Uses in Aquifer & Water Resource Districts". Public notice published 3/31/99, 4/7/99. Planning Board public hearing 4/15/99. Adjourned Town Meeting 5/10/99. Art. 3. Approved Att. Gen. 7/28/99. Adv. Daily Times 8/5/99, 8/12/99.

Amended - Article IX, Section 9.5.5 - "Decision" and 9.6.2 - "Notices to be Mailed, Post Prepaid". Public notice published 8/18/99, 8/25/99. Planning Board public hearing 9/16/99. Adjourned Town Meeting 9/29/99. Articles 3 and 4. Approved Att. Gen. 11/8/99. Adv. Daily Times 11/18/99, 11/24/99.

Amended - Article IV, Section 4.1.6 - "Wireless Communications Facilities" and Section 4.3.1.14 - "Towers and Antennas...". Public notice published 11/24/99 and 12/1/99. Planning Board public hearing 9/7/00. Adjourned Town Meeting 9/25/00. Article 4. Approved Att. Gen. 1/1/01. Adv. Daily Times 1/19/01, 1/26/01.

Adopted – Article II, Section 2.6.1 – “Body Art” and Article IV, Section 4.2.6.30 – “Body Art”. Public Notice published 4/4/01 and 4/11/01. Planning Board public hearing 4/19/01. Adjourned Town Meeting 5/14/01, Article 3. Approved Att. Gen. 8/21/01. Adv. Daily Times 8/30/01, 9/6/01.

Amended – Article IX, Section 9.2.2.3 – “Special Permit Fees”. Public Notice published 4/4/01 and 4/11/01. Planning Board public hearing 4/19/01. Adjourned Town Meeting 5/14/01, Article 4. Approved Att. Gen. 8/21/01. Adv. Daily Times 8/30/01, 9/6/01.

Amended – Article III – “Establishments of Districts” – 3.1.0 “Planned Development Districts”, 3.1.1 “Wireless Communications Districts” and 3.2.0 “Location of Districts”. Public Notice published 4/4/01 and 4/11/01. Planning Board public hearing 4/19/01. Adjourned Town Meeting 5/14/01, Article 5. Approved Att. Gen. 8/21/01. Adv. Daily Times 8/30/01, 9/6/01.

Amended – Article XII – “Special Zoning Districts” – 12.1.2 “General Requirements”. Public Notice published 4/17/03 and 4/24/03. Planning Board public hearing 5/1/03. Adjourned Town Meeting 5/14/01, Article 4. Approved Att. Gen. 8/7/03. Adv. Daily Times 8/27/03, 9/3/03.

Amended – Article II – “Definitions” – 2.16.1 “Congregate Living Facility”, 2.33.1 “Group Care Facility” and Article IV – “Use Regulations”, 4.2.1.11, 4.2.1.13, 4.2.1.14, 4.2.1.15, 4.2.1.16. Planning Board public hearing 4/15/04. Adjourned Town Meeting 5/12/04, Article 2. Approved Att. Gen. 6/9/04. Adv. Daily Times 6/17/04, 6/24/04.

Amended – Article IV – “Principal Use Regulations Schedule” 4.2.0, 4.2.6.10 “Restaurant” and new section 4.1.7 “Additional Regulations for Restaurants in an IG District”. Planning Board public hearing 8/19/04. Adjourned Town Meeting 9/27/04, Article 13. Approved Att. Gen. 10/18/04. Adv. Daily Times 10/27/04, 11/3/04.

Amended – Article IV – “Principal Use Regulations Schedule” 4.2.0, 4.2.6.10 “Restaurant” and new section 4.1.7 “Additional Regulations for Restaurants in an IG District”. Planning Board public hearing 1/6/05. Adjourned Town Meeting 1/31/05, Article 17. Approved Att. Gen. 2/10/05. Adv. Daily Times 2/17/05, 2/24/05.

Amended – Article II – “Definitions” by adding 2.6.0.1 “Bed & Breakfast”, 2.241 “Farmers Market”, 2.27.1 “Fitness Center”, 2.38.1.1 “In-Law Apartment”, 2.28.1.2 “Inn”, 2.52.1 “Multi-Family Dwelling”, 2.63.1 “Performance Theater”, 2.78.0.1 “Three-Family Dwelling”, 2.80.1 “Two-Family Dwelling”. Planning Board public hearing 1/5/06. Adjourned Town Meeting 1/23/06, Art. 9. Approved Att. Gen 3/8/06. Mailed to each household 3/23/06.

Amended – Article III – “Establishment of Districts”, Section 3.1.1. “Special Districts” by adding “CC” and “CBD” Districts and amending Section 3.2.0 “Location of Districts”. Planning Board public hearing 1/5/06. Adjourned Town Meeting 1/23/06. Art. 9. Approved Att. Gen 3/8/06. Mailed to each household 3/23/06.

Amended – Article IV – “Use Regulations”, Section 4.1.1 “Symbols in Use Regulations Schedules”, Section 4.2.0 “Principal Use Regulations Schedule”, 4.3.0 “Accessory Use Regulations Schedule”, 4.4.0 “Permitted Uses in the Wetlands District” and adding 4.2.1.1.A “2-Family Dwelling”, 4.2.1.1.B “3-Family Dwelling”, 4.2.1.17 “Multi-Family Dwelling other than 4.2.1.2”, 4.2.1.18 “Inn, Bed and Breakfast”, 4.2.2.28 “Fitness Center”, 4.2.2.29 “Performance Theater”, 4.2.6.3.A “Retail stores other than above and showrooms, each less than 20,000 square feet”, 4.2.6.3.B “Retail stores other than above and showrooms any individual tenant greater than 20,000 square feet”, 4.3.1.19 “Garage space for parking more than three automobiles”. Planning Board public hearing 1/5/06. Adjourned Town Meeting 1/23/06. Art.9. Approved Att. Gen 3/8/06. Mailed to each household 3/23/06.

Amended – Article V – “Density Regulations”, Section 5.2.0. Planning Board public hearing 1/5/06. Adjourned Town Meeting 1/23/06. Art.9. Approved Att. Gen 3/8/06. Mailed to each household 3/23/06.

Amended – Article VIII – “Special Districts” by adding Section 8.5.0 “Town Center”. Planning Board public hearing 1/5/06. Adjourned Town Meeting 1/23/06. Art.9. Approved Att. Gen 3/8/06. Mailed to each household 3/23/06.

Amended – Article IV – “Symbols in Use Regulations Schedules” and Article VIII – “Town Center Overlay District”. Planning Board public hearing 5/4/06. Adjourned Town Meeting 9/25/06, Art. 14. Approved Att. Gen 10/31/06. Posted 11/20/06.

Amended – Article III – “Establishment of Districts” and Article IV – “Use Regulations – Open Space Districts” Planning Board public hearing 5/4/06. Adjourned Town Meeting 9/25/06, Art. 15. Approved Att. Gen 10/31/06. Posted 11/20/06.