

**TOWN OF  
STOUGHTON, MASSACHUSETTS**

**ZONING BY-LAW  
AND  
MAP**

**September 8, 1970**

**As amended through September 30, 2009**

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**TOWN OF STOUGHTON**

**ZONING BY-LAW AND MAP**

**SECTION I**

**TITLE, AUTHORITY, AND PURPOSE**

**The "Stoughton Zoning By-Law and Map" adopted in 1964 and all subsequent amendments thereto is hereby amended in total and a revised "Stoughton Zoning By-Law and Map" hereinafter called "this by-law" is adopted pursuant to the authority granted by Chapter 40A of the General Laws of the Commonwealth of Massachusetts and amendments thereto herein called the "Zoning Act." In addition to the purposes stated in the Zoning Act, this by-law shall give direction and effect to the Stoughton Master Plan as last revised.**

## SECTION II

### DEFINITIONS

For the purpose of this by-law certain terms and words shall have the following meaning. Words used in the present tense include the future; the singular number includes the plural, the plural the singular; the words "used" or "occupied" include the words "designed", "arranged", "intended", or "offered" to be used or occupied; the words "building", "structure", "lot", "land" or "premises" shall be construed as though followed by the words "or any portion thereof"; and the work "shall" is always mandatory and not merely directory. Terms and words not defined herein but defined in the Stoughton Building Code or Subdivision Regulations shall have the meanings given therein unless a contrary intention clearly appears. Words not defined in either place shall have the meaning given in Webster's Unabridged Dictionary, Third Edition. Uses listed in the Table of Use Regulations under classes Retail and Service Trades and Wholesale Trade and Manufacturing shall be further defined by the Standard Industrial Classification Manual published by the U.S. Bureau of the Census.

**Abandonment:** The visible or otherwise apparent intention of an owner to discontinue a nonconforming use of a building or premises; or the removal of the characteristic equipment or furnishing used in the performance of the nonconforming use, without its replacement by similar equipment or furnishings; or the replacement of the non-conforming use or building by a conforming use or building.

**Adult Entertainment Establishments** shall include and be defined as follows:

1. **Adult Bookstore:** An establishment having as a substantial or significant portion of its stock in trade printed matter, books, magazines, picture periodicals, motion picture films, video cassettes, or coin operated motion picture machines for sale, barter or rental which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Sexual Conduct" as that term is defined in G.L. c. 272, Sec. 31; "Sexual Devices" or an establishment having for sale sexual devices which shall mean any artificial human penis, vagina or anus or other device primarily designed, promoted or marketed to physically stimulate or manipulate the human genitals, pubic area or anal area, including: dildos, penisators, vibrators, penis rings, erection enlargement or prolonging creams or other preparations or an establishment with a segment or section devoted to the sale or display of such materials.
2. **Adult Motion Picture Theater:** An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating "Sexual Conduct" as defined in G.L. c. 272, Sec. 31 for observation by patrons therein.
3. **Adult Mini Motion Picture Theater:** An enclosed building with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by emphasis on matter depicting, describing or relating to "Sexual Conduct" as defined in G.L. 272 Sec. 31 (as defined below) for observation by patrons therein.
4. **Adult Live Entertainment Establishments:** Establishments which feature live entertainment which consists of entertainers engaging in "Sexual Conduct" or "Nudity" as defined in G.L. c. 272 Sec. 31.
5. **Massage Service Establishments:**

**a. Massage:**

Any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of external parts of the human body with the hands or with the aid of any mechanical or electric apparatus or appliances, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment or other such similar preparations commonly used in the practice of massage under such circumstances that it is reasonably expected that the person to whom the service is provided, or some third person on his or her behalf, will pay money or give any other consideration or any gratuity therefor.

**b. The practice of massage shall not include the following individuals while engaged in the personal performance of duties or their respective professions:**

**a. Physicians, surgeons, chiropractors, osteopaths, or physical therapists who are duly licensed to practice their respective professions in the Commonwealth of Massachusetts.**

**b. Nurses who are registered under the laws of the Commonwealth of Massachusetts.**

**c. Barbers and beauticians who are duly licensed under the laws of the Commonwealth of Massachusetts, except that this exclusion shall apply solely to the massage of the neck, face, scalp and hair of the customer or client for cosmetic or beautifying purposes.**

**STATEMENT OF PURPOSE**

"In the development and execution of this Zoning By-Law and Amendment, it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area (i.e. not more than two such uses within one thousand feet of each other which would create such adverse effects)." (Adopted Special Town Meeting, December 6, 1982 Article #1)

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

**Aquifer Protection Areas:** Certain areas consisting of aquifers and/or aquifer recharge areas including areas that through hydrogeologic testing are considered for potential public water supply, which are delineated on a map entitled "Town of Stoughton, Massachusetts Town-wide Hydrogeologic Study, Hydrogeologic Zone Delineations and Groundwater Protection Areas, Camp Dresser & McKee, Inc., Environmental Engineers, Cambridge, Massachusetts, Scale: 1"=1200', January 1993" and as it may be amended from time to time

by vote of the Town Meeting. Said map is on file with the Office of the Town Clerk. The Aquifer Protection Area is further described as follows: "The protective areas delineated as Zone II and Zone IIIA on the above-referred to map."

Added by action of Town Meeting, April 30, 1991, Article #15.

Amended by action of Annual Town Meeting, May 3, 1993, Article #54

**Automotive Repair or Service Station:** A building or use which is designed or intended to be used for the storage, servicing, repair, maintenance, or cleaning of motor vehicle or other automotive equipment.

Added by action of Town Meeting, April 24, 1978, Article #60.

**Basement:** A portion of a building, partly below grade, which has more than one half of its height, measured from finished floor to finished ceiling, above the average finished grade of the ground adjoining the building. A basement is not considered a story unless its ceiling is 4.5 feet or more above the finished grade or one-half of the total height above the finished grade, whichever is greater.

**Bedroom:** Any area in a dwelling unit which is or could be used for the provisions of private sleeping accommodations for residents of the premises, whether such area is designated as a bedroom, guestroom, maid's room, dressing room, den, study, library, or by another name. Any room intended for regular use by all occupants of the dwelling unit such as living room, dining room, or kitchen shall not be considered a bedroom, nor shall bathrooms, halls or closets having no horizontal dimensions over six (6) feet.

Added by action of Town Meeting, April 28, 1975, Article #44.

**Board:** The Zoning Board of Appeals of the Town of Stoughton, Massachusetts.

**Boarding House:** A building other than a hotel, motel, cafe, restaurant, where, for compensation, meals and lodgings are provided for three (3) or more persons.

Added by action of Town Meeting, April 24, 1978, Article #60.

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

**Building, Accessory:** A detached building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building.

**Building Area:** The aggregate of the maximum horizontal cross-section area of all buildings on a lot exclusive of cornices, eaves, gutters, chimneys, unenclosed porches, bay windows, balconies, and terraces, expressed as a percentage of total lot area.

**Building, Attached:** A building having any portion of one or more walls in common with adjoining buildings.

**Building, Detached:** A building having open space on all sides.

**Building Line:** The line parallel to the street line at a distance therefrom equal to the depth of the front yard required for the zoning district in which the lot is located; except in the case of a rear lot, the building line shall be that line to the rear of the rear property line of the front lot, and it shall not be less than the depth of the required front yard for the zoning district in which the lot is located.

Added by action of Town Meeting, April 24, 1978, Article #60.

**Building, Principal:** A building in which is conducted the principal use of the lot on which it is located.

**Building, Semi-Detached:** A building, which has one (1) party wall in common with an adjacent building.

Added by action of Town Meeting, April 24, 1978, Article #60.

**Business Office or Service:** A business establishment, which does not offer a product or merchandise for sale to the public but offers a professional service to the public. However, personal services, such as barber and beauty shops, and repair shops, such as radio, television, and automotive, are not to be included in the definition of business offices.

Added by action of Town Meeting, April 24, 1978 #60.

**Camper Trailer:** A folding structure, mounted on wheels and designed for travel, recreation, and vacation use.

Added by action of Town Meeting, April 24, 1978, Article #60.

**Cellar:** A portion of a building, partly or entirely below grade, which has more than one half of its height measured from finished floor to finished ceiling, below the average established finished grade of the ground adjoining the building. A cellar is not deemed a story.

**Cluster Development:** A division of land into lots for use as single family building sites where said lots are arranged into more than one group having area and yard measurements less than the minimum required in the Table of Dimensional and Density Regulations. These clusters or groups shall be separated from adjacent property and other groups of lots by intervening "common land". The number of lots over the entire tract of land shall not exceed the number of lots permitted under normal application of the Table of Dimensional and Density Regulations of the zone in which the tract of land is located. The number of lots in a group shall not exceed eight. Amended by action of Town Meeting, June 23, 1975, Article #14.

**Common Land:** Land in a subdivision not required for lots which shall be set aside for recreation, park purposes, or retained as natural woodland, accessible from all sections of the development, designed and intended for the use and enjoyment of the residents within the subdivision or community. Added by action of Town Meeting, June 23, 1975, Article #14.

**Community Facilities:** Premises owned and operated by a governmental or chartered nonprofit organization, but not including fraternal, sports, or similar membership organizations.

**Compact Parking Space:** An open space on a lot or in a garage used for parking motor vehicles, the dimensions of which are not less than eight (8) feet wide by eighteen (18) feet long and to which there is an access from a street, plus not less than 81 square feet of access and maneuvering space, whether inside or outside a structure for exclusive use as a parking stall for one motor vehicle, and further being surfaced with a bituminous or cement concrete pavement. Adopted by action of Special Town Meeting within the Annual Town Meeting, May 5, 1997, Article 8, ID 28.

**District:** A zoning district as established by Section III of this by-law.

**Drive-In Establishment:** A business establishment that includes service that is provided from a drive-up or drive-through window or other similar arrangement that allows the

service of a patron while the patron remains in a vehicle, whether parked or live parked. The term shall include eating establishments and service establishments such as banks, dry cleaners, pharmacies, photo shops and the like and automotive service stations and gasoline stations are the like.

Amended by action of Annual Town Meeting, May 18, 2009, Art. 51

**Driveway:** A paved area located on a lot built for access to a garage, or off-street parking or loading space. (See Section VIII)

Adopted by action of Special Town Meeting, April 25, 1983, Art. 39

**Dwelling:** A privately or publicly owned permanent structure containing a dwelling unit, or dwelling units. The term "one family", "two family" or "multifamily" dwelling shall not include hotel, lodging house, hospital, membership club, trailer or dormitory.

**Dwelling Unit:** One or more living or sleeping rooms arranged for the use of one or more individuals living as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.

**Dwelling, Multifamily:**

Deleted by action of Town Meeting, June 23, 1975, Article #15.

**Dwelling, Two Family:** A detached building containing two dwelling units. Only one such building shall be developed on any one lot.

Amended by action of Town Meeting, April 26, 1976, Article #38.

**Effective Date:** The effective date of any requirement hereto or any amendment thereto subsequently adopted shall be the date that Town Meeting votes adoption, pending subsequent approval by the Attorney General, and posting or publishing the printed by-law or amendments thereto; however, no building or special permit may be issued for any proposed structure or use which would be affected by any proposed new by-law or amendment from the date first advertised for public hearing on such by-law or amendment.

Amended by action of Town Meeting, April 24, 1978, Article #69.

**Essential Services:** Services provided by public utility or governmental agencies through erection, construction, alteration, or maintenance of underground or overhead gas, electrical, steam, or water transmission or distribution systems and collection, communication, supply, or disposal systems. Facilities necessary for the provisions of essential services include poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith. Specifically excluded from this definition are buildings necessary for the furnishing of adequate service by such public utility or governmental agencies for the public health, safety and general welfare.

**Exception:** A use of a structure or lot or any action upon a premises which may be permitted under this by-law only upon application to and the approval of the Board and in accordance with provisions of Section X-K.

**Family:** One or more persons, including domestic employees, occupying a dwelling unit and living as a single, nonprofit housekeeping unit, provided that a group of five or more persons who are not within the second degree of kinship shall not be deemed to constitute a family.

**Fast Order Food:** Food which is (a) primarily intended for immediate consumption; (b) available upon a short waiting time; (c) packaged or presented in such a manner that it can

be readily eaten outside the premises where it is sold; (d) served on paper plates or in paper containers, consumed with plastic utensils; and (e) of a self-service nature, that is, no waitresses or waiters are involved. Patrons place their order at a counter and take it to a table on the premises or leave the premises.

Added by action of Town Meeting, April 24, 1978, Article #60

**Fast Order Food Establishments:** An establishment whose primary business is the sale of fast order food for consumption on or off the premises.

**Flood Line:** The limits of flooding from a particular body of water caused by a storm whose frequency of occurrence is once in five or more years, as determined and certified by a registered professional engineer, qualified in drainage.

**Flood Way:** The area subject to periodic flooding, the limits of which are determined by the flood line.

**Floor Area, Gross:** The sum of the areas of the several floors of a building, measured from the exterior faces of the walls. It does not include cellars, unenclosed porches or attics not used for human occupancy or any floor space in accessory buildings or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this by-law, or any such floor space intended and designed for accessory heating and ventilating equipment.

**Height:** The vertical distance from the average finished grade of the adjacent ground to the top of the structure of the highest roof beams of a flat roof, or the mean level of the highest gable of the slope of a hip roof.

**Home Occupation:** An accessory use which by custom has been carried on entirely within a dwelling unit, and is incidental and subordinate to the dwelling use and which shall not occupy more than 40 percent of the net floor area or 400 square feet, whichever is less of the dwelling unit so used. In connection with such use there is to be kept no stock in trade nor commodities sold on the premises. Such use shall be carried on by the occupants of the dwelling unit with no more than one nonresident employee, and shall not in any manner change the residential character of the building.

**Hospital:** A building providing 24-hour in-patient services for the diagnosis, medical and surgical treatment and care of human ailments.

**Hotel:** A building or any part of a building containing rooming units without individual cooking facilities for transient occupancy and having a common entrance or entrances including an inn, motel, motor inn and tourist court, but not including a boarding house, lodging house, or rooming house.

**Junkyard:** An establishment or place of business which is maintained, operated or used for storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary landfills.  
Added by action of Town Meeting, May 4, 1992 Article 38 ID 75

**Loading Space:** An off-street space used for loading or unloading not less than fourteen feet in width, forty-five feet in length and fourteen feet in height, and containing not less than 1,300 square feet including both access and maneuvering area.

**Lodging Unit:** One or more rooms for the use of one or more individuals not living as a single housekeeping unit and not having cooking facilities. A "Lodging Unit" shall include rooms in boarding houses, tourist houses, or rooming houses.

**Lot:** An area or parcel of land or part thereof, not including water area, in common ownership, designated on a plan filed with the administrator of this by-law by its owner or owners as a separate lot.

**Lot, Contiguous:** A lot which physically abuts another lot or lots under common ownership, or a lot which is physically separated from another lot or lots under common ownership only by a street in which the fee ownership is retained by the party owning the abutting lots. Adopted by action of Special Town Meeting, within the Annual Town Meeting, May 5, 1997, Article 8, ID 28.

**Lot, Corner:** A lot at the point of intersection of and abutting on two or more intersecting streets, the interior angle of intersection of the street lot lines, or in case of a curved street, extended lot lines, being not more than 135 degrees.

**Lot Depth:** The horizontal distance between the front lot line and the rear lot line. Amended by action of Town Meeting, May 5, 1997, Art #43, ID 26.

**Lot Frontage:** The horizontal distance measured along the front lot line between the points of intersection of the side lot lines with the front lot line.

**Lot Line, Front:** The property line dividing a lot from a street (right-of-way). On a corner lot the owner shall designate one street line as the front lot line.

**Lot Line, Rear:** The lot line opposite the front lot line.

**Lot Line, Side:** Any lot line not a front or rear lot line.

**Lot, Nonconforming:** A lot lawfully existing at the effective date of this by-law, or any subsequent amendment thereto, which is not in accordance with all provisions of this by-law.

**Lot, Through:** An interior lot, the front and rear lot lines of which abut streets, or a corner lot two opposite lines of which abut streets.

**Lot, Width:** The horizontal distance between side lot lines, as required by the TABLE OF DIMENSIONAL AND DENSITY REGULATIONS, is to be measured at the minimum front yard depth (required setback distance), at the minimum required lot depth, and at all intermediate side line points. Amended by action of Town Meeting, May 1, 1991, Article #17.

**Membership Club:** A social, sports, or fraternal association or organization, which is used exclusively by members and their guests, which may contain bar facilities.

**Mobile Home:** Any manufactured, transportable, year-round structure on one (1) or more chassis and containing a flush toilet, bath or shower, and a kitchen sink; designed to be connected to a piped water supply, sanitary sewage system and electric or gas service. Added by action of Town Meeting, April 24, 1978, Article #60.

**Motel:** A building or group of buildings containing one (1) or more guest rooms with separate outside entrances for each room or suite of rooms and for which room or suite of rooms automobile parking space is provided.

Added by action of Town Meeting, April 24, 1978, Article #60.

**Multifamily Apartment House:** Any building or portion thereof used as a multiple dwelling for the purpose of providing three (3) or more separate dwelling units with shared means of egress. Added by action of Town Meeting, June 23, 1975, Article #15.

**Multifamily Rowhouse (townhouse, condominium):** An attached or semidetached building or structure with continuous or common walls containing three or more dwelling units. Added by action of Town Meeting, April 26, 1976, Article #39

**Offices:** Space or rooms used for professional, administrative, clerical, and similar uses. Added by action of Town Meeting, April 24, 1978, Article #60.

**Open Space:** The space on a lot unoccupied by buildings, unobstructed to the sky, not devoted to streets, driveways, or off-street parking or loading spaces and expressed as a percentage of total lot area.

**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.

**Parking Space:** An open space or a garage, on a lot used for parking motor vehicles, the dimensions of which are not less than nine (9) feet wide by nineteen (19) feet long and to which there is an access from a street, plus not less than 100 square feet of access and maneuvering space, whether inside or outside a structure for exclusive use as a parking stall for one motor vehicle, and further being surfaced with a durable pavement.

**Planned Unit Development:** A development permitting single family, two family, and multifamily dwelling units, community facilities and commercial facilities on a single tract of land arranged in such a manner so that the number of dwelling units and/or facilities on said tract of land is consistent with the zoning in which the tract is located (namely, RU, RC, RB, RA, and R-M) and further that the number of dwelling units and/or facilities in all other zones (namely GB, HB, NB, I) shall be consistent with R-M zoning. Amended by action of Town Meeting, April 29, 1974, Article #20.

**Professional Office or Service:** An office for the conducting and operating of a profession. For the purposes of this By-Law, professional occupations shall be limited to the practice of accounting, insurance, real estate, medicine, law, dentistry, architecture, planning and engineering. Added by action of Town Meeting, April 24, 1978, Article #60.

**Quarrying:** The business or occupation of extracting stone from an open excavation. Quarrying does not include the excavation and removal of sand and gravel.

**Recorded:** Recorded in the Norfolk District of Registry of Deeds or registered in the Norfolk District Registry of Land Court.

**Rooming House:** Any building or portion thereof which contains at least three (3), nor more than nine (9) guest rooms which are designed for lodging, with or without meals, and are provided for compensation. Added by action of Town Meeting, April 24, 1978, Article #60.

**Rooms:** As applied to all residential dwelling units, a room shall be defined as a living room, kitchen, and/or bedrooms. A kitchenette which does not include space for eating, and a dining area of which one full wall opens into a living room shall be counted as one-half (1/2) room each. A bathroom shall not count as a room. Added by action of Town Meeting, April 24, 1978, Article #60

**Shopping Center or Planned Business Development:** One or more retail stores or commercial buildings with a unified plan and/or architectural scheme (as determined by the Zoning Board of Appeals in the Special Permit), on a single parcel of land or on single parcels contiguously arranged, and shall include, but shall not be limited to the following:

1. (a) A department store, general merchandise store, or a food market having a total gross floor area of at least 20,000 square feet of gross floor area; and  
  
(b) One or more retail stores having a total gross floor area of at least 20,000 square feet of gross floor area; or

2. A single store containing a minimum of 175,000 square feet of gross floor area in the aggregate, of which a minimum of 50,000 square feet of gross floor area is devoted to retail sales of one or more of the following: dry goods, apparel and accessories, furniture And home furnishings, home equipment, hardware, or the like. Such store may also contain other uses permitted in the district by right or by Special Permit and such other, accessory, uses as the Zoning Board of Appeals permits in the Special Permit for the Planned Business Development.

Parking for the Planned Business Development shall be permitted as determined by the Zoning Board of Appeals in the Special Permit, provided the minimum requirements of Section XIF are satisfied. Added by action of Town Meeting, April 24, 1978; Article #60. Amended by action of Town Meeting, November 1, 1988, Article #9, I.D. 14

**Sign:** Any permanent or temporary structure, device, letter, word, model, banner, pennant, insignia, trade flag, or representation used as, or which is in the nature of, an advertisement, announcement, or direction, or is designed to attract the eye by intermittent or repeated motion or illumination.

**Sign, Business:** A sign used to direct attention to a service, product sold or other activity performed on the same premises upon which the sign is located.

**Sign, Identification:** A sign used simply to identify the name, address, and title of an individual family or firm occupying the premises upon which the sign is located.

**Sign, Surface Area Of:**

1. For a sign, either free standing or attached, the area shall be considered to include all lettering, wording, and accompanying designs and symbols, together with background, whether open or enclosed, on which they are displayed, but not including any supporting framework.

2. For a sign consisting of individual letters, designs, and symbols attached to or painted on a surface, building, wall, or window, the area shall be considered to be that of the smallest quadrangle which encompasses all of the letters, designs, and symbols.

**Site Plan:** A plan for a lot or subdivision on which is shown existing and proposed topography, the location of all existing and proposed buildings, structures, road, rights-of-way, boundaries, all essential dimensions and bearings, utilities, and physical features, including natural waterways, bodies of water, existing stone walls, fences, all trees over six (6) inch caliper, rock ridges, and outcroppings, and swamps; and any other information deemed necessary by the Zoning Board of Appeals in unusual or special cases. Added by action of Town Meeting, April 24, 1978, Article #60.

**Slope:** The ratio of vertical rise over horizontal distance and is expressed as a fraction or percentage: e.g. 1/5 or 20 percent. Added by action of Town Meeting, June 23, 1975, Article #14.

**Story:** That part of a building comprised between a floor and the floor or roof next above. If a mezzanine floor area exceeds one third of the area of the floor immediately below, it shall be deemed a story.

**Street:** A way which is over 24 feet in right-of-way width which is dedicated or devoted to public use by legal mapping or by any other lawful procedure. A street includes all public ways, a way which the Town Clerk certified is maintained and used as a public way, a way shown on a plan approved and endorsed in accordance with the "Subdivision Rules, Regulations, and Requirements, in Stoughton, Massachusetts" and a way having, in the opinion of the Stoughton Planning Board sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed uses of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected on or to be erected thereon.

**Structure:** A combination of materials assembled at a fixed location to give support or shelter, such as a building, bridge, trestle, tower, framework, retaining wall, tank, tunnel, tent, stadium, reviewing stand, platform, bin, fence, sign, flagpole, swimming pool, or the like.

**Structure, Nonconforming:** A structure lawfully existing at the effective date of this by-law or any subsequent amendment thereto, which does not conform to one or more provisions of this by-law.

**Temporary Additional Living Area** (to be added after Structure, Nonconforming, to read:) The Board of Appeals, as a Special Permit Granting Authority, may issue a Special Permit authorizing the conversion and use of a portion of a single family dwelling into a separate living area with cooking facilities for a family member of the owner or owners. Said permit shall be valid only for the occupancy of the said premises by the person for whom it is issued; upon cessation of occupancy by such person, the permit shall lapse, and be null and void. If occupancy of the said additional living area is then desired by another family member of the owner or owners, a new application for a Special Permit authorizing such occupancy shall be made. It is the intention of this provision that such additional living area shall not be used as an apartment for hire, but only as a convenience for a member of the owner's family, under special circumstances.  
Adopted Special Town Meeting, April 25, 1983. Art. 40.

**Trailer:** Any vehicle which is immediately portable, and is arranged, intended, designed, or used for sleeping, eating, or temporary business use in conjunction with construction, or is a place in which persons may congregate including a house trailer or camper.

**Trailer and Recreational Vehicle:** A vehicular, portable structure built on a chassis, designed as a temporary dwelling for travel, recreation and/or vacation. Added by action of Town Meeting, April 24, 1978, Article #60.

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

**Use, Accessory:;** A use incidental and subordinate to the principal use of a structure or lot, or a use, not the principal use, which is located on the same lot as the principal structure.

Accessory use by area shall be interpreted not to exceed 40 percent of the area of the total use of the structure or lot on which it is located, but this area limitation shall not be applicable either to: (i) accessory off-street parking and loading spaces, whether or not in excess of that required in Section VIII, (ii) Accessory filling of water, wet area or depression, or (iii) accessory removal of gravel, sand, or other earth material incidental to and in connection with the construction of a building or a lot. Amended by action of Town Meeting, April 28, 1980, Article #5.

**Use, Nonconforming:** A use lawfully existing at the time of adoption of this By-Law or any subsequent amendment thereto, which does not conform to one or more provisions of this By-Law.

**Use, Principal:** The main or primary purpose for which a structure or lot is designed, arranged, or intended, or for which it may be used, occupied, or maintained under this By-Law. Any other use within the main structure or the use of any other structure or land on the same lot and incidental or supplementary to the principal use and permitted under this By-Law shall be considered an accessory use.

**Use, Substantially Different:** A use which by reason of its normal operation would cause readily observable differences in patronage, service, sight, noise, employment or similar characteristics from the use to which it is being compared.

**Variance:** Such departure from the terms of this By-Law as the Board, upon appeal in specific cases, is empowered to authorize under the terms of Section X.

**Yard:** A portion of a lot upon which the principal building is situated, unobstructed artificially from the ground to the sky, except as otherwise provided herein. A court shall not be considered to be a yard or any part thereof.

**Yard, Front:** A yard extending for the full width of the lot between the front line of the nearest building wall and the front lot line.

**Yard, Rear:** A yard except by an accessory structure or accessory use as herein permitted, extending for the full width of the lot between the rear line of the building wall and the rear lot line.

**Yard, Side:** Yard extending for the full length of a building between the nearest building wall and the side lot line

SECTION III

ESTABLISHMENT OF ZONING DISTRICTS

- A. Division into Districts. The Town of Stoughton, Massachusetts is hereby divided into ten Zoning Districts to be designated as follows:

<u>Full Name</u>	<u>Short Name</u>
Residential-Suburban A	RA
Residential-Suburban B	RB
Residential-Suburban C	RC
Residential-Urban	RU
Residential-Multifamily	R-M
Central Business District	CBD
General Business	GB
Neighborhood Business	NB
Highway Business	HB
Industrial	I

Amended by action of Town meeting, April 24, 1978, Article #53.

Amended by action of Special Town Meeting May 3, 1999 Article #3.

- B. Zoning Map. The location and boundaries of the Zoning Districts are hereby established as shown on a map titled "Zoning Map of the Town of Stoughton, Massachusetts, Map C" dated June 29, 1970 which accompanies and is hereby declared to be a part of this by-law. The authenticity of the Zoning Map shall be identified by the signature of the Town Clerk, and the imprinted seal of this Town under the following words: "This is to certify that this is the Zoning Map of the Town of Stoughton, Massachusetts, referred to in the Zoning By-Law of the Town of Stoughton, Massachusetts, which was approved by the Town Meeting on June 29, 1970.

- C. Changes to Map. Any change in the location of boundaries of a Zoning District hereinafter made through the amendments of this By-Law shall be indicated by the alteration of such map, and the map thus altered as declared to be part of the By-Law thus, amended. The Zoning Map shall be drawn to scale of 1" = 600' with ink in stable material, and shall be located in the Office of the Building Inspector. Photographic reductions of this large-scale map may serve as copies of the Zoning Map.

- D. Boundaries of District: Where any uncertainty exists with respect to the boundary of any district as shown on the Zoning Map, the following rules shall apply:
1. Where a boundary is indicated as a street, railroad, watercourse or other body of water, it shall be construed to be the centerline or middle thereof, or where such boundary approximates a town boundary, then to the limits of the town boundary.
  2. Where a boundary is indicated as following approximately or paralleled to a street, railroad, watercourse or other body of water, it shall be construed to be parallel thereto and at such distance therefrom as shown on the Zoning Map. If no dimension is given, such distance shall be determined by the

- use of the scale shown on the Zoning Map.
3. Where a dimensional boundary coincides within ten feet or less with a lot line, the boundary shall be construed to be the lot line.
  4. Where a boundary is indicated as intersecting the centerline of a street, railroad, watercourse or other body of water, it shall be construed to intersect at right angles to said centerline, or in the case of a curved centerline, at right angles to the tangent to the curve at the point of intersection.

**E. Flood Hazard, Wetlands and Watershed Districts.**

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- 1. Short Title.** This Section E. shall be known as the "Wetlands Protection By-Law" of the Town of Stoughton.
- 2. Purposes.** The purpose of this Wetlands Protection By-Law are:
  - a.** To provide that the lands hereafter described in the Town of Stoughton, Massachusetts subject to seasonal or periodic flooding, shall not be used in such a manner as to endanger the health or safety of the occupants or neighbors thereof.
  - b.** To protect, preserve and maintain the water table and water recharge areas within the Town so as to preserve existing and potential public and private water supplies thereby assuring the public health and safety of the residents of the Town of Stoughton.
  - c.** To assure the continuation of the natural flow pattern of the water courses within the Town of Stoughton in order to provide adequate and safe floodwater storage capacity to protect persons and property against the hazards of flood inundation.
  - d.** To protect the community against costs and hazards to life, health and safety which may be incurred when unsuitable development occurs in watershed areas and in swamps, marshes, bogs, wet meadows, and other wetlands, along water courses, or in areas subject to floods.
  - e.** To protect existing property owners from damages arising out of the development of Watershed Areas, Flood Hazard Areas and Wetland Areas including damages consequent to the obstruction of flood run-off and consequent to the disruption of the natural water table resulting from the alteration of existing surface or subsurface water flows.
  - f.** To protect future property owners who, but for these regulations, would purchase, develop or use for residential, business, industrial or recreational purposes, areas subject to periodic damage by flooding.
  - g.** To protect the Town from individual choices in the use of land which would likely require significant and extraordinary subsequent public expenditures for public works or disaster relief.
  - h.** To conserve in those areas not suitable for the purposes prohibited in this Section, natural condition, wildlife and open spaces for the general health, safety, and welfare of the public.

### 3. Definitions

a. The official Flood Hazard/Wetland/Watershed Maps of the Town of Stoughton shall be those maps entitled, "Flood Hazard/Wetlands/Watershed Maps, Town of Stoughton, Massachusetts, dated October 1976 revised December 3, 1976" (hereinafter "Official Maps") which have been prepared by C. E. Maguire, Inc., and which consist of one hundred and one (101) individual maps drawn to the scale of one inch equals one hundred (100) feet and an index sheet which are incorporated as a part of this By-Law and the Federal Flood Insurance Rate Map and Flood Boundary and Floodway Map, Town of Stoughton, Massachusetts, Norfolk County Community Panel Numbers - 250253 000I; 250253 000IB; 250253 0002; 250253 0002B; 250253 0004; 250253 0004B; whichever map being the more restrictive in any particular area shall govern for that area and which shall be kept by the Building Inspector and copies in the office of the Town Clerk of the Town of Stoughton and shall be certified by the Town Clerk of the Town of Stoughton as being true and complete copies of said Wetlands Maps as adopted by the Town Meetings as the same may from time to time be amended or updated by action of the Town Meeting through the process required by law for the adoption of Zoning By-Law changes. All references in this Wetlands Protection By-Law to "Wetlands Maps" shall be deemed to be referenced to the "Official Maps" unless the context otherwise specifically requires.

Adopted Annual Town Meeting, April 26, 1982, Art 48.

b. Informational Flood Hazard/Wetland/Watershed Map  
For the convenience of those persons who wish to obtain copies of a map which, with reasonable accuracy, delineates the Flood Hazard, Wetland, and Watershed Districts of the Town of Stoughton the Building Inspector and the Town Engineer shall prepare and have available for inspection and for copying (at the expense of the person requesting such copying) a single map of the entire Town of Stoughton which shall be drawn to a scale of one inch equals six hundred (600) feet and which shall indicate, with as much accuracy, as such scale will permit, all of the Flood Hazard, Wetland and Watershed Districts indicated on the Official Maps. In addition, the Building Inspector and the Town Engineer may prepare for general circulation and for convenience of reference only such other copies of the Official Maps and the Informational Map drawn to such other scales, as they shall deem necessary or appropriate.

c. Wetland Areas. Wetland Areas are defined as all areas in which the water table is seasonably at or near the surface of the ground although such areas may not be entirely covered by standing or flowing water during a 100-year Storm intending hereby to include generally all rivers, creeks, streams, brooks, ponds, lakes, and other waterways, and in addition all

"bogs", "freshwater wetlands", "marshes", "swamps", and "wet" meadows" as those terms are defined by Chapter 818 of the

Acts of 1974 of the Commonwealth of Massachusetts.

- d. **Flood Hazard Areas**: The Flood Hazard Areas are defined as all areas subject to inundation during a 100-Year Storm.
- e. **Watershed Areas**: Watershed Areas are defined as all areas in the Town of Stoughton which border and lie within 100 feet of Flood Hazard Areas, Wetland Areas, rivers, brooks, lakes, ponds or stream systems.
- f. **Applicant**: An Applicant shall be a prospective purchaser who shall have signed a binding purchase and sales agreement for a Landowner's property or a Landowner or the duly appointed agent or representative of such Landowner or prospective purchaser and who shall have applied for a building or special permit, or a variance, or who shall have taken any other action under or pertaining to this Wetlands Protection By-Law.
- g. **Wetland, Flood Hazard and Watershed Districts**: The Wetland, Flood Hazard, and Watershed Districts are designated on the Wetlands Maps. These Districts have been delineated after careful study and represent as accurately as possible the Wetland, Flood Hazard, and Watershed Areas in the Town of Stoughton.
- h. **Excluding Flood Hazard, Wetland, and Watershed Districts**. All Flood Hazard, Wetland, and Watershed Districts, designated on the Official Maps which meet the following size and configuration specifications have been marked through with an "X". These Districts are not subject to the provisions of this Wetlands Protection By-Law and may be used for any purpose permitted in the underlying Zoning District in which they are located. Such excluded Districts are isolated Flood Hazard and Wetland Districts which comprise an aggregate surface area of 10,000 square feet or less computed by adding the total surface areas of all such isolated Flood Hazard and Wetland Districts which lie within a continuous Watershed District, and those isolated Industrial Zoned Wetland Districts within a continuous Watershed District that do not exceed an area of 4,500 square feet and are no closer than 100 feet to a Flood Hazard District or Wetland District. Notwithstanding the foregoing, no Flood Hazard or Wetland District is excluded from the provisions of this Wetlands Protection By-Law if it is part of a stream, creekbed, brook, river, or other waterway. Furthermore, such excluded Districts are still subject to any other federal, state or local laws governing activities in Flood Hazard, Wetland and Watershed Areas.  
Amended by action of Town Meeting, April 28, 1980. Art #55.
- i. **Drainage Report**: The term "Drainage Report" shall mean the report entitled "Update of 1963 Report on Drainage Facilities for Stoughton, Massachusetts, Section I", dated October, 1976

as amended through December 30, 1976, and as adopted by the Board of Selectmen on April 12, 1977, and prepared by C. E. Maguire, Inc., Architects and Engineers, which is incorporated as a part of this By-Law. The master copy of the Drainage Report shall be kept by the Building Inspector and shall be certified by the Town Clerk as being a true and complete copy as adopted by the Town Meeting. Any changes or updates to such Drainage Report shall be incorporated into this Wetlands Protection By-Law only through the process required by Law for adoption of Zoning By-Law changes.

- j. **Engineering Presumption.** The term "Engineering Presumption" shall mean that there shall be a strong presumption that the formulae, assumption, constants, theories and engineering approaches incorporated directly or by reference in the Drainage Report including, without limiting the generality of the foregoing, the assumptions pertaining to the intensities and durations of 100-year Storms, Co-efficients of Run-Off, Time of Concentration, Flow in Conduits, Flow in Open Channels, Friction Coefficients and Drainage Areas are correct and complete and produce accurate results when applied to problems involving the movement and storage of water along or under the surface of the ground. The term shall mean further that an Applicant shall be able to rebut this presumption of accuracy only by a showing, using competent engineering data, that it is more likely than not that the use of formulae, assumptions, constants, theories and engineering approaches other than those which are given the benefit of the Engineering Presumption herein, will produce more accurate results than those which have the benefit of such presumption.

#### 4. **Use Regulations**

- a. **In Flood Hazard and Wetland Districts.** The Flood Hazard and Wetlands Districts shall be considered as overlying other Zoning Districts. Any use permitted in the portions of the Zoning Districts so overlaid shall be permitted (subject to the applicable provision of paragraph C of this Section 4 of this Wetlands Protection By-Law) in the Flood Hazard and Wetland Districts, provided that, except as herein otherwise specifically provided, no building or structure shall be erected, constructed, altered, enlarged or moved into or within, no dumping, paving, filling or earth transfer or relocation shall be permitted nor shall such Districts be used for any purpose except the following which shall be allowed only to the extent permitted in the underlying Zoning District and subject to all other applicable Town By-Laws and to all federal, state, or local regulations governing construction in Flood Hazard or Wetland Areas

or otherwise pertaining to the proposed use:

- (i) Conservation of water, plants and wildlife.

- (ii) Wildlife management areas, foot, bicycle and/or horse paths.**
- (iii) Farming, including truck gardening, forestry nurseries, and harvesting of crops, provided that such activities are more distant than ten feet from the normal high water mark for the month of April of any stream, brook, or other waterway.**
- (iv) Grazing of livestock.**
- (v) Routine operation, maintenance and cleaning of existing dams, culverts, drainage, ditches, streams, rivers, ponds, lakes, and other waterways and water-control devices, subject to state and local laws.**
- (vi) Temporary alteration of water levels and drainage and storage patterns for emergency reasons subject to the emergency procedures set forth in Section 40 of Chapter 131 of the Massachusetts General Laws or any successor statute thereto.**
- (vii) Outdoor recreation, including play areas, nature study, boating, fishing and hunting where otherwise legally permitted, but excluding buildings or accessory buildings except as otherwise herein permitted.**
- (viii) Structure (whether located in or outside of wetland or Flood Hazard Districts) lawfully existing prior to the adoption of this Wetlands Protection By-Law. (hereafter "pre-existing structures") including enlargement and/or extension thereof, into Flood Hazard or Wetland Districts and the maintenance and reconstruction thereof, or construction of accessory structures to such pre-existing structures, provided that such construction, reconstruction, or alterations within the Flood Hazard or Wetland Districts shall not increase the area of ground coverage in the Flood Hazard or Wetland Districts of the pre-existing structures and such accessory structures considered in the aggregate by more than 40% over the area (whether such area was located in or outside of the Wetland or Flood Hazard District) which was covered by the pre-existing structures.**
  
- (ix) Septic systems lawfully existing within Wetland and Flood Hazard Districts prior to the adoption of this Wetlands Protection By-Law, including maintenance,**

reconstruction, enlargement and/or extension thereof. Nothing herein shall prohibit the enlargement and/or extension into a Flood Hazard District of septic systems lawfully existing wholly or partially outside of the Flood Hazard District at the time of the adoption of this Wetlands Protection By-Law.

- (x) The construction, reconstruction, enlargement or extension of paved play areas, tennis courts, driveways, swimming pools, and the like incidental to a residential structure lawfully existing prior to the adoption of this Wetlands Protection By-Law.
- (xi) The construction, installation and maintenance by a private contractor pursuant to an approved sub-division plan or by public utilities or by the Town of Stoughton of public or municipal utilities including, without limitation, storm and sanitary sewers, sewer connecting lines (by a contractor approved by the Town of Stoughton except in a subdivision that is under covenant or bond), pumping stations, water and gas lines, electric transmission lines and telephone lines, provided that subsequent to the completion of such work the pre-existing water storage and flowage characteristics of the land are approximately restored.
- (xii) The placement of signs, provided such signs do not affect the natural flow pattern of any water course.
- (xiii) Temporary stands for refreshment or for the sale of produce grown on the premises.
- (xiv) Temporary location of carnivals, fairs, circuses, arts and crafts displays, flea markets, concerts, and similar recreational and educational uses.
- (xv) Any of the following uses if a special permit is, in each case, obtained from the Board of Appeals provided that subsequent to the completion of such work the pre-existing water storage and flowage characteristics of the land are approximately restored:
  - (a) Greens and fairways for golf courses.
  - (b) Range area for rifle or archery clubs.
- (xvi) Bridges, causeways, elevated walkways or access roads ancillary to permitted or permissive uses within or near the underlying Zoning Districts upon special permit from the Board of Appeals; provided that subsequent to the

completion of such work, the pre-existing water storage and flowage characteristics of the land are approximately restored.

- (xvii) Construction of ponds, retention ponds, dams, and relocation of waterways, provided that a special permit is obtained from the Board of Appeals which special permit may only be granted upon a clear showing by the Applicant that the conditions set forth in Section 6 C of this Wetlands Protection By-Law and all of the following conditions shall have been satisfied:
- (a) The instantaneous overflow from such pond, retention pond, waterway, or dam (without the need for adjustment or manual control) during a 100-Year Storm, measured at the boundary of the Applicant's Property, will not be greater than the instantaneous outflow as it would have been during such storm at such boundary prior to the construction of such pond, retention pond, waterway, or dam.
  - (b) The area inundated by such pond, retention pond, waterway, or dam, during normal conditions and during a 100-Year Storm shall not exceed the limits of the Applicant's property or such other limits as the Applicant shall have the right by valid instrument to flood.  
  
In addition, such normal and 100-Year inundation shall not cause other structures including existing septic systems or other uses to be brought within 25 feet (or such greater distance as may be required by law) of such inundated area.
  - (c) The course of the run-off from said pond, retention pond, waterway, or dam shall be unaltered downstream of the Applicant's property subsequent to the construction of such pond, retention pond, waterway or dam except as affected landowners, downstream, may otherwise agree in writing.
  - (d) The ground water table in the area surrounding the pond, retention pond, waterway, or dam shall not be altered to the detriment of neighboring landowners, whether or not the lands of such owners abut the property of the Applicant.



required by law to be served by sanitary facilities or which are, in fact, to be served by such facilities, shall be connected to the Town's sewerage system, shall be connected to suitable self contained and closed sanitary systems which do not permit seepage or percolation into the soil, or shall be connected to a Board of Health approved on-lot subsurface septic system that is not within 25 feet (or such greater distance as may be required by law) of a Flood Hazard or Wetland District.

- (ii) All drainage in any Flood Hazard, Wetland or Watershed District shall comply with the regulations of the Stoughton Conservation Commission and the Board of Selectmen acting as sewerage and drainage Commissioners.
- (iii) The portion of any lot within the Flood Hazard or Wetland Districts may be used to meet or determine the area requirements for the underlying district in which the lot is situated, provided that the portion so utilized does not exceed twenty-five (25) percent of the minimum lot area required for the proposed use in the underlying district.
- (iv) The entire portion of any lot within a Watershed District may be used to meet or determine the area requirements for the underlying district in which the lot is situated.
- (v) Portions of Flood Hazard Districts and Watershed Districts overlying industrially zoned land may be filled, paved or otherwise altered and may thereafter be used for any purpose permitted in the underlying industrial district provided that this sub-paragraph (v) shall not apply to any use allowed under Section 4, (viii) and further provided that all of the following conditions are met:
  - (a) The tract consists of twenty (20) or more contiguous acres, all of which is zoned for industrial uses;
  - (b) The tract is under the ownership or control of the Applicant;
  - (c) No more than 20% of the Flood Hazard

District within the tract is filled, paved, or otherwise altered and any portion that is so filled, to the extent that it is thereafter above the adjacent Flood Hazard Area, shall not thereafter be considered as part of the Flood Hazard Districts for the purposes of this Wetlands Protection By-Law; provided that any portion of a tract of land that shall have been used at any time to compute the 20% area of a larger tract within which said portion was contained may not later be used again to compute the 20% area of any other tract to be further filled, paved, or otherwise altered under this sub-paragraph (v) whether or not such previously considered portion is later included in a lot sub-divided from said larger tract even if such subdivided lot otherwise meets the requirements of this sub-paragraph (v):

- (d) No building, paving or other construction occurs within 25 feet of the boundary between the fill permitted hereunder and the adjacent Flood Hazard or Wetland District.
  - (e) Ponds, retention ponds, dams and the relocation of waterways, are constructed or effected in accordance with the provisions of Section 4, A, (xvii) of this Wetlands Protection By-Law to assure that the water table on and the run-off of water from the tract, the retention of water on the tract, and the flood level at each point on the tract and on nearby tracts are substantially the same under 100-Year Flood, normal and low flow conditions as they were prior to such filling, paving or other alteration and construction.
- (vi) In Zones A1-30 and AE, along watercourses that have a regulatory designation on the Stoughton FIRM or Flood Boundary & Floodway Map, encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (Adopted by Special Town Meeting December 1, 1997: Article 11, ID 11)

- (vii) Review all subdivision proposals to assure that:
- a) such proposals minimize flood damage;
  - b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
  - c) adequate drainage is provided to reduce exposure to flood hazards.
- (Adopted by Special Town Meeting December 1, 1997: Article 11, ID 11)

d. **Floodway Data.** In Zone A, A1-30, and AE, along water courses that have not had a regulatory floodway designated, the best available Federal, State, Local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence the base flood discharge.  
(Adopted by Special Town Meeting December 1, 1997: Article 11, ID 11)

e. **Base Flood Elevation Data.** Base flood elevation is required for subdivision proposals or other developments greater than 50 lots, or 5 acres, whichever is the lesser, within unnumbered A zones.  
(Adopted by Special Town Meeting December 1, 1997: Article 11, ID 11)

f. **Reference to Existing Regulations.** The Flood Hazard, Wetland and Watershed Districts are established as overlay districts to all other districts. All development in these districts, including structural and non-structural activities, whether permitted by right or by special permit, must be in compliance with Chapter 131, Section 40, of the Massachusetts General laws, and with the following:

Section of the Massachusetts State Building Code, which addresses Floodplain areas (currently 780 CMR 2102.0, "Flood Resistant Construction");

Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);

Inland Wetlands Restriction, DEP (currently 302 CMR 6.00);

Rivers Protection Act, DEP (MGL Ch. 131, Sec. 40 and 310 CMR 10.00 as amended;

Town of Stoughton Wetlands Protection By-law. Regulations of the Stoughton Conservation Commission pertaining to this bylaw.

Minimum requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5).

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.  
(Adopted by Special Town Meeting December 1, 1997: Article 11, ID 11)

5. **Administration.** Upon written application by an Applicant for a building permit, the Building Inspector shall determine whether the tract identified in the application and shown on an accompanying plot plan lies within the Flood Hazard, Wetland or Watershed Districts, or, alternatively, is exempt from the provisions of this Wetlands Protection By-Law.

If the Building Inspector is satisfied that the tract does not lie, in whole or in part, within such Districts or is otherwise exempt from the provisions of this Wetlands Protection By-Law, the provisions of this Wetlands Protection By-Law shall not thereafter apply to the application.

If the building Inspector is in doubt as to whether or not the tract lies, in whole or in part, within such Districts or is exempt from the provisions of this Wetlands Protection By-Law, he may request such further information of the Applicant as he may reasonably require to make his determination. Subsequent to a determination by the Building Inspector that any portion of the tract identified in the application lies within the Flood Hazard, Wetland or Watershed Districts or is subject to the provisions of this Wetlands Protection By-Law the Building Inspector shall not issue a building permit unless he has determined that:

- a. The proposed use of the tract, any part of which is located within a Flood Hazard, Wetland or Watershed District, is shown by the Applicant to comply strictly with the uses and area restrictions permitted or required in such Districts under Sections 4A, 4B, and 4C above; and
- b. The proposed uses otherwise comply with the provisions of this Zoning By-Law and with any other local, state or federal laws, regulations or ordinances the enforcement of which is the responsibility of the Building Inspector.

If the Building Inspector shall determine that no approvals, special permits or variances are required by the Applicant under this Wetlands Protection By-Law, he shall so indicate in writing on

the Plan and by letter to the Applicant and all other required approvals may thereafter be sought by the Applicant including without limitation any approvals which may be required under State Wetland Protection Laws, without regard to this Wetland Protection By-Law.

In all other instances relative to this Wetlands Protection By-Law, the Building Inspector shall promptly notify the Applicant by certified mail, return receipt requested, that this By-Law prohibits the contemplated use, and shall advise the Applicant of his right to appeal the Building Inspector's decision to the Zoning Board of Appeals.

6. Zoning Board of Appeals.
  - a. Appeals and Applications for Special Permits Generally.  
An appeal may be taken to the Zoning Board of Appeals by any Applicant aggrieved by a decision of the Building Inspector

and a special permit may be sought under this Wetlands Protection By-Law which appeal and/or application for Special Permit shall be instituted and prosecuted before such Board in accordance with the requirements of law and with applicable rules and regulations of such Board. Upon receipt of notice of appeal and/or applications for special permit the Board of Appeals shall order a public hearing as to which there shall have been no less than fourteen (14) nor more than thirty (30) days prior notice in a newspaper in general circulation in the Town of Stoughton (or such other notice and posting as shall be required by law) and, after such hearing, the Board of Appeals may grant the relief hereafter set forth in this Section 6 and such other relief as it may have the authority to grant under applicable law. Appeals and Applications for Special Permits may be prosecuted simultaneously provided that the required notice shall have been satisfied and if such requirements are conflicting, the most severe requirement shall have been satisfied.

- b. **Appeals Claiming Improper Designation.** An Aggrieved Applicant may appeal to the Board of Appeals from a decision of the Building Inspector that all or any portion of the Applicant's land is subject to this Wetlands Protection By-Law notwithstanding the classification of all or any portion of such land on the Wetland Map as being within a Wetland, Flood Hazard or Watershed District. In addition, if, and to the extent permitted by law, any person who owns or controls any land within a Wetland, Flood Hazard or Watershed District, may appeal such designation to the Zoning Board of Appeals under this Section 6B., without having first to go to the Building Inspector for a building permit or to any other Board or Town Officer seeking permission for a special use. After a hearing as required herein, the Board of Appeals may grant permission for any uses on that portion of the Applicant's land shown by the Applicant not to be in a Wetland, Flood Hazard, or Watershed Area; provided that such uses shall be consistent with this Wetlands Protection By-Law to the extent that all or any portion of such land continues to be classified as a Wetland, Flood Hazard or Watershed District and provided further that the Applicant shall have demonstrated that all of

the following four conditions have been satisfied:

- (l) The request shall have been referred by the Applicant, along with a copy of the site plan to the Board of Selectmen, the Planning Board, the Board of Health, the Conservation Commission, and the Landscape Review Board and shall have been reported upon by all five Boards or thirty (30) days shall have elapsed following such referral without receipt by the Board of Appeals of such reports; and

(ii) The land or the designated portion thereof shall have been shown by the Applicant not to be a Wetland, Flood Hazard or Watershed Area (notwithstanding the fact that the land or the designated portion thereof is shown on the Wetland Map to lie within a Wetland, Flood Hazard, or Watershed District) in whole or in sufficient part to permit the contemplated use. Such showing by the Applicant shall be on the basis of engineering, hydrological and topographical conditions determined by reference to the Engineering Presumption set forth in this Wetlands Protection By-Law, and should include an analysis of the vegetation on the land in accordance with the definitions in Chapter 818 of the Acts of 1974; and

(iii) The proposed use, if any, will not be detrimental to the public health, safety, or welfare nor will it be inconsistent with the purposes of this Wetlands Protection By-Law; and

(iv) The proposed use, if any, will comply in all respects with all applicable zoning and other provisions within the jurisdiction of the Board of Appeals which govern uses in the underlying Zoning District or Districts, and shall comply with applicable provisions herein pertaining to uses in Flood Hazard, Wetland, and Watershed Districts to the extent that all or any portion of such land continues to be classified as a Wetland, Flood Hazard, or Watershed District.

c. Application for Special Permits. An applicant may apply to the Board of Appeals for a Special Permit for any use which is permitted in this Wetlands Protection By-Law only by Special Permit which application shall be instituted and prosecuted before such Board in accordance with the requirements of law and applicable rules and regulations of such Board. Except as otherwise required by law or by the rules of the Board of

Appeals, the requirements of notice and hearing set forth in paragraph A of this Section 6 shall apply in such proceedings. Applicants for Special Permits hereunder shall submit to the Board of Appeals all of the data, drawings, site plans, maps, calculations and information set forth in Section 7 of this Wetlands Protection By-Law and shall be entitled to a Special Permit, subject to such conditions as the Board of Appeals shall deem appropriate and may lawfully impose, upon demonstration:

(i) that the three conditions occurring as sub-paragraphs (i), (iii), and (iv) of paragraph B of this Section 6 shall have been satisfied and

- (ii) that through the use of the engineering techniques set forth in sub-paragraph (ii) of paragraph B of this Section 6 the construction or institution of the proposed use will not result in increased seepage or increased or decreased run-off into adjacent Flood Hazard or Wetland Areas or in contamination of existing or proposed waterways or in an alteration of the water table in the Applicant's Land or in neighboring or nearby tracts of land.
- (iii) that the proposed use fulfills the conditions set forth in sub-paragraph (d) and (f) of Part I of paragraph K of Section X of this Zoning By-Law.

**7. Required Submittals for Appeals and Special Permits**

An Applicant for a Special Permit or a person appealing from an improper designation of his land shall submit to the Board of Appeals at the time of such appeal or application for Special Permit, all of the data, drawings, site plans, maps, calculations and information hereafter set forth as well as such other relevant information as the Board of Appeals may reasonably require of the Applicant along with such additional material as the Applicant may desire to present to such Board:

- a. **Location Plan.** A location plan at a scale of 1 inch = 600 feet showing the area to be developed, lot lines within which the development is proposed, and tie-in to the nearest road intersection.
- b. **Site Plan.** A site plan at a scale of 1 inch = 40 feet prepared by a registered land surveyor and a registered professional engineer. Eight copies (or such other number as the Town Clerk may require) of the site plan shall be submitted to the Town Clerk who will distribute a copy to the Building Department, the Engineering Department, the Board of Selectmen, the Zoning Board of Appeals, the Planning Board, the Board of Health, the Landscape Review Board, and the Conservation Commission and such plan shall show at least the following: except that, in

the case of an Applicant who is appealing from an alleged improper designation of his land without first having applied for a building permit (if such appeal is permitted by law) the site plan required hereunder need not include information with respect to the proposed location, size and configuration of improvements, alterations or proposed activities on the land nor need it include any other information otherwise required hereinunder which pertains only to a specifically proposed use

- (i) The location, boundaries and dimensions of each lot in question.
- (ii) Present and proposed contours of the entire site and affected adjacent areas. Generally two-foot contours will be satisfactory. In comparatively level terrain

where contours are more than 100 feet apart, the contours shall be supplemented with spot elevations. Such spot elevations shall be spaced no greater than 100 feet apart in each direction to form a rectangular grid. Wherever interpolation of the contours will not show correct elevations such as summits, depressions, ditches, swales, saddles and road intersections, spot elevations shall be shown. Elevations shall refer to the U.S.G.S. base and the bench mark used shall be noted.

- (iii) All brooks, creeks, streams, ponds, lakes and wetlands (or any bank, flat, marsh, meadow or swamp bordering such area), whether continuous or intermittent, natural or man-made, should be delineated, if they affect the site or will be affected by the proposed changes in the site.
- (iv) Present and proposed location of waterways or other alterations.
- (v) Present and proposed location, elevation, size, and invert of all sewers, drains, ditches, culverts, and other drainage or waste water conductors immediately upstream and downstream of the site.
- (vi) Location, extent and area of all present and proposed structures and paved areas.
- (vii) Locations and elevation of the basement floor, sub-basement floor, and first floor and elevation of the top of the foundation walls of all present and proposed structures.
- (viii) Location of any existing and proposed underground utilities, rights-of-way or easements.
- (ix) The location and type of existing and proposed sanitary sewerage facilities.
- (x) An estimate of the maximum ground water elevation usually occurring between the months of December through April based upon at least one sample including calendar dates of such samples.
- (xi) Location of areas where earth is proposed to be removed, dredged, filled, temporarily stored, or otherwise altered in any way along with volumes of material so altered in each area and areas to be left untouched.
- (xii) Erosion and Sedimentation prevention plans for both during and after construction.

- (xiii) **Soil characteristics in representative portions of the site, including depth of peat and muck in wetlands. Sampling sites shall be specified.**
- (xiv) **Cross sections showing slope, bank and bottom treatment of each water course to be altered. Locations of cross sections shall be specified.**
- (xv) **Location of proposed water retention areas.**
- (xvi) **All calculations necessary to show the effect of the proposed activity on drainage, soil, and water.**
- (xvii) **A general description of the vegetation on the land.**

**8. Conservation Commission. Nothing herein shall limit the authority obligations and duties of the Stoughton Conservation Commission or any successor thereto under the provisions of Section 40 of Chapter 131 of the Massachusetts General Laws including any amendments or successor statutes thereto.**

**9. Application. The provisions of this Section are not intended to repeal, amend, abrogate, annul, or interfere with any lawfully adopted by-laws, covenants, regulations or rules of the Town of Stoughton. Where this Section imposes greater restrictions, however, the provisions of this Section shall govern to the extent permitted by law.**

**10. Severability. Each sentence and any portion thereof of each Section paragraph and sub-paragraph of this Wetland Protection By-Law shall be severable and if any such sentence or portion thereof shall be determined by a Court of competent jurisdiction (subsequent to all available appeals or the time for such appeals having passed) to be unconstitutional or otherwise unlawful, such sentence or portion thereof shall be stricken from this Wetlands Protection By-Law and**

**thereafter disregarded but the remainder of this Wetlands Protection By-Law shall not thereby be affected.**

**Amended by action of Town Meeting, April 24, 1978, Article #2.**

## SECTION IV

### INTERPRETATION AND APPLICATION

- A. **Interpretation.** The provisions of this by-law shall be interpreted to be the minimum requirements adopted for the promotion of the health, safety, morals, or the general welfare of the Town of Stoughton, Massachusetts; and except for the Zoning By-Law of the Town of Stoughton dated 1964 and all amendments thereto, the provisions of this by-law are not intended to repeal, or in any way impair or interfere with any lawfully adopted by-law, regulations, or rules. Whenever the regulations made under the authority, hereof, differ from those prescribed by any by-law or other regulations, that provision which imposes the greater restriction or the higher standard shall govern.
- B. **Application.** Except as herein provided, or as specifically exempted by the Zoning Act, the provisions of this by-law shall apply to the erection, construction, reconstruction, alteration, or use of buildings and structures or use of land. Except as herein provided, any existing conforming use, structure, or lot shall not by any action become non-conforming and any existing conforming use, structure or lot shall not become further nonconforming.

**TABLE OF USE REGULATIONS**

	Residential					Business			Industrial	
<u>Accessory Uses</u>	<u>R-M</u>	<u>R-U</u>	<u>R-C</u>	<u>R-B</u>	<u>R-A</u>	<u>CBD</u>	<u>GB</u>	<u>NB</u>	<u>HB</u>	<u>I</u>
<b>I. Home Occupation (See Section XI-H) (Amended by action of Town Meeting, April 28, 1986, Article #21)</b>	S	S	S	S	S	-	P	P	P	S
<b>1A. Telephone Use for Business and subject to conditions listed in Section XI Subsection H  (Adopted Annual Town Meeting, April 27, 1987, Article #63)</b>	P	P	P	P	P	P	P	P	P	P
<b>2. Private day nursery or kindergarten, provided it shall not occupy more than 40 percent of the gross floor area of the structure and there shall be a minimum of 100 sq. ft. of outside play area for each enrolled child</b>	S	S	S	S	-	-	-	S	-	-
<b>3. Accessory professional office of a licensed medical or dental practitioner, lawyer, professional engineer or professional architect in an existing dwelling (Amended by action of Town Meeting, June 23, 1975, Article #16 and April 24, 1978, Article #53.)</b>	P	P	S	S	S	P	P	P	P	-
<b>4. Accessory building such as a private garage, playhouse, greenhouse, tool shed, private swimming pool, or similar accessory structures. Subject to provisions of Section VI</b>	P	P	P	P	P	-	P	P	P	-

**TABLE OF USE REGULATIONS**

	Residential					Business			Industrial	
<u>Accessory Uses</u>	<u>R-M</u>	<u>R-U</u>	<u>R-C</u>	<u>R-B</u>	<u>R-A</u>	<u>CBD</u>	<u>GB</u>	<u>NB</u>	<u>HB</u>	<u>I</u>
5. Accessory private garage for not more than 3 non-commercial motor vehicles. Except on a farm, not more than one noncommercial motor vehicle may be 3/4 ton or more rated in size. Subject to provisions of Section VI. (Amended by action of Town Meeting, April 24, 1978, Article #53 and April 30, 1979, Article #31.)	P	P	P	P	P	P	P	P	P	P
5a. Accessory storage of commercial vehicles which are more than 3/4 ton rated in size (Amended by action of Town Meeting, April 30, 1979, Article #32.)	-	-	-	-	-	S	S	S	P	P
6. Accessory storage of a trailer, unregistered automobile or boat provided; it shall either be stored within a principal or accessory building or not less than 25 ft. from any front lot line or within the side yards and it shall not be used for dwelling or sleeping purposes, and further, provided the number stored at any one time shall be limited to two trailers, one unregistered automobile and two boats (Amended by action of Town Meeting, April 24, 1978, Article #53.)	P	P	P	P	P	P	P	P	P	P
7. Accessory repair and storage facilities in any retail sales or consumer establishment provided: it shall not occupy more than 25 percent of the gross floor area (Amended by action of Town Meeting, April 24, 1978, Article #53.)	-	-	-	-	-	P	P	P	P	-

**TABLE OF USE REGULATIONS**  
**Residential**

**Business**

**Industrial**

**Accessory Uses**                      **R-M**      **R-U**      **R-C**      **R-B**      **R-A**                      **CBD** **GB** **NB** **HB**      **I**

**8. Accessory outside storage clearly necessary to the operation and conduct of a permitted principal wholesale, transportation, industrial and/or commercial use provided: it shall be screened from outside view by an enclosed solid fence or wall and gate at least 10 ft. in height or a solid wall of evergreens when planted not more than 3 ft. apart and at least 6 ft. in height and a solid gate at least 10 ft. in height and not more than 20 ft. in width**

-      -      -      -      -                      -      S      -      S      P

(Amended by action of Town Meeting, June 23, 1975, Article #16.)

**9. Accessory manufacturing use provided: it shall not occupy more than twenty-five (25) percent of the gross floor area of the building; and it shall not be located within one hundred (100) feet of any "R" District or within fifty (50) feet of any street lot line.**

(See Section XI-I)

-      -      -      -      -                      -      -      -      -      P

(Amended Annual Town Meeting, April 27, 1981, Article #53.)

**10. Newsstand, barber shop, dining room or cafeteria and similar accessory services primarily for occupants or users thereof within a hotel, office, or industrial building, hospital containing more than 50 sleeping rooms, or transportation terminal facility**

-      -      -      -      -                      -      P      P      P      P

**TABLE OF USE REGULATIONS**

<u>Accessory Uses</u>	<u>Residential</u>					<u>Business</u>			<u>Industrial</u>	
	<u>R-M</u>	<u>R-U</u>	<u>R-C</u>	<u>R-B</u>	<u>R-A</u>	<u>CBD</u>	<u>GB</u>	<u>NB</u>	<u>HB</u>	<u>I</u>
<b>II. Up to three lodging units in an existing dwelling</b>	P	P	-	-	-	-	S	S	S	-
<b>I2. Accessory signs subject to the provisions of Section VII (Amended by action of Town Meeting, April 24, 1978, Article, #53.)</b>	P	P	P	P	P	P	P	P	P	P
<b>I3. Accessory off-street parking and loading spaces as required in Section VIII (Amended by action of Town Meeting, April 24, 1978, Article #53.)</b>	P	P	P	P	P	P	P	P	P	P
<b>I4. Accessory gas storage and pumping facilities for use by the principal use and not as a separate business</b>	-	-	-	-	-	-	S	S	P	P
<b>I5. The raising and keeping of livestock, horses and poultry as an accessory use not including the raising of swine or fur animals with the approval of the Board of Health under Chapter III of Section 155</b>	S	S	S	S	S	-	S	S	S	S
<b>I6. Filling of water, wet area or depression (See Section XI-C) (Added by action of Town Meeting, April 24, 1978, Article #56.)</b>	S	S	S	S	S	S	S	S	S	S
<b>I7. Removal of gravel, sand, or other earth material incidental to and in connection with the construction of a building on a lot (See Section XI, Paragraph B5) (Added by action of Town Meeting, April 30, 1979, Article #36.)</b>	S	S	S	S	S	S	S	S	S	S

**TABLE OF USE REGULATIONS**

<u>Accessory Uses</u>	<u>Residential</u>					<u>Business</u>			<u>Industrial</u>	
	<u>R-M</u>	<u>R-U</u>	<u>R-C</u>	<u>R-B</u>	<u>R-A</u>	<u>CBD</u>	<u>GB</u>	<u>NB</u>	<u>HB</u>	<u>I</u>
<b>18. Accessory Retail Store in an Industrial or Warehouse Building, providing it is selling their own products (Added by action of Town Meeting, April 24, 1978, Article #59.)</b>	-	-	-	-	-	-	-	-	-	<b>S</b>
<b>19. Temporary additional living areas (See section XI-M) (Adopted Special Town Meeting, April 25, 1983, Article #40.)</b>	-	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	-	-	-	-	-
<b>20. Accessory professional offices within one hundred (100) feet of a hospital provided it not be located within fifty (50) feet of any abutter's lot line (Adopted Special Town Meeting, October 3, 1983, Article #31.) (Deleted Special Town Meeting, January 6, 1986, Article #6)</b>	-	-	<b>P</b>	<b>P</b>	<b>P</b>	-	-	-	-	-
<b>21. Educational purposes expressly: Swimming lessons, horseback riding lessons, ceramics lessons, or knitting lessons. Subject to the conditions set forth in Section XI-H Except Item 2 (Adopted Special Town Meeting, January 15, 1987, Article #3)</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	-	-	-	-	-

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**NOTE: On Zoning Map C, Permissive (P) uses under Highway Business (HB) are permissive (P) uses within the General Business (GB) District. Also, those uses that are permitted as an exception by special permit (S) under Highway Business (HB) are permitted as an exception by special permit (S) within the General Business (GB) District.  
(Deleted by action of Town Meeting, June 23, 1975, Article #18)**

## SECTION VI

### DIMENSIONAL AND DENSITY REGULATIONS

A. Applicability of Dimensional and Density Regulations. The regulations for each District pertaining to minimum lot area, minimum lot frontage, minimum lot depth, minimum front yard depth, minimum side yard depth, minimum rear yard depth, maximum height of buildings, maximum number of stories, maximum building area, minimum open space shall be specified in this Section and set forth in the Table of Dimensional and Density Regulations, and subject to the further provisions of this Section.

B. TABLE OF DIMENSIONAL AND DENSITY REGULATIONS.  
See Table on accompanying pages plus attached notes, which is declared to be a part of this By-Law.

C. Reduction of Lot Areas

The lot, yard areas or open space required for any new building or use may not include any part of a lot that is required by any other building or use to comply with any provisions of this By-Law, nor may these areas include any property of which the ownership has been transferred subsequent to the effective date of this By-Law, if such property was a part of the area required for compliance with the dimensional regulations applicable to the lot from which such transfer was made.

D. Separation of Lots. Lots shall not be so separated or transferred in ownership so as not to comply with the provisions of this by-law.

E. Buildings in Floodway. A building shall not be erected in a floodway or any area subject to periodic flooding, except if the first floor elevation is higher than the highest flood recorded, unless such flood elevation shall have been reduced by construction of dams at headwaters, or by other means.

F. Accessory Buildings and Structures. In "R" and "B" Districts, a detached accessory building or structure shall conform to the following provisions: it shall not occupy more than 25 percent of the required rear yard; it shall be set back from the street line the required front yard distance for the zone in which it is located; it shall not be less than 5 feet from any other lot line or 10 feet from any principal building or structure; and it shall not exceed 20 feet in height. An accessory building or structure attached to the principal building shall be considered as an integral part thereof and shall be subject to front, side and rear yard requirements applicable to the principal building or structure.

G. Other General Dimensional and Density Provisions. In addition to the regulations in Items A through F above, the following regulations shall apply:

1. Provisions for inner and outer courts shall be subject to the Building Code.
2. Existing and residential uses shall be subject to the regulations for the particular type of dwelling as defined in the R-M District for use in the GB, NB, and HB Districts.
3. Except for planned developments for multifamily development, cluster residential development, planned unit residential development, planned business or industrial development, community facilities, and public utilities, only one principal structure shall be permitted on a lot. In the case of planned multifamily developments, other than planned unit development, the minimum distance between the walls of such principal buildings which contain windows shall be twice the minimum side yard or side setback required in the District. The minimum lot area required per each individual dwelling unit, building, or other unit of use shall be multiplied by the number of such units to obtain the

minimum lot area required for the total tract of land. Other area regulations shall apply to the tract as a whole.

4. For multifamily units of two or more bedrooms, where the total number of dwelling units to be developed at one time or in any successive stages exceeds 12 dwelling units, there shall be

constructed and equipped an outdoor recreation area with a minimum size of 500 square feet per unit for each two bedroom and 1,000 square feet per bedroom for each unit of 3 or more bedrooms. Specifically exempt from this requirement are one bedroom units and housing for the elderly.

5. A corner lot shall have minimum street yards with depths which shall be the same as the required front yard depths for the adjoining lots.
6. At each end of a through lot, there shall be a setback depth required, which is equal to the front yard depth required for the District in which each street frontage is located.
7. Projections into required yards or other required open spaces are permitted subject to the following:
  - a. Balcony or bay window, limited in total length to one half the length of the building, not more than 2 feet.
  - b. Open terrace or steps or stoop, under 4 feet in height, up to one half the required yard setback.
  - c. Steps or stoop over 4 feet in height, window sill, chimney, roof eave, fire escape, fire tower, storm enclosure, or similar architectural features, not more than 2 feet.
8. The provisions of this By-Law governing the height of buildings shall not apply to chimneys, cooling towers, elevator bulkheads, skylights, ventilators, electronic equipment, elevator shafts, and other necessary appurtenances usually carried above roof, not to domes, towers, stacks, or spires, if not used for human occupancy and which occupy not more than 20 percent of the ground floor area of the building; nor to ornamental towers, observation towers, radio broadcasting towers, television and radio antennae, and other like structures, which do not occupy more than 20 percent of the lot area; nor to churches or public agricultural or institutional buildings or buildings of private schools not conducted for profit that are primarily used for school purposes, provided that excepted appurtenances are not located within the flight paths of an airport as defined by F. A.A. regulations.
9. The gross floor area per dwelling unit in a two-family dwelling unit shall not be less than 768 square feet. The gross floor area in a multifamily dwelling shall not be less than 450 square feet for one-bedroom dwelling units, 600 square feet for two-bedroom units and 768 square feet for three-bedroom or larger units.  
Amended by action of Town Meeting, April 24, 1978, Article #63.
10. Where "I" or "B" District abuts an "R" District, no building within the "I" or "B" District shall be within 25 feet of the boundary line of the "R" District.
  - a. Within the 25 foot setback there shall be a green belt no less than 15 feet in width running the distance where the "I" or "B" District abuts the "R" District and consisting of six foot evergreens staggered 10 feet on center.  
Added by action of Town Meeting, June 23, 1975, Article #20.

II. Where a lot in a Residential-Multi-family (R-M) District and or Multifamily dwelling Units abuts or is within one hundred (100) feet of the boundary line of any Single Residence District and/or single Family Dwellings a buffer strip shall be provided on all portions of said lot so abutting (within 100 feet as above said); such buffer strip to be at least one hundred (100) feet wide, including the width of any town owned land or public street. "The buffer strip on said lot shall include a dense screen of vegetation no less than eight (8) feet high and no closer than fifteen (15) feet from any intersection, and/or driveway-road intersection, and may be used only for access to the lot except that the Board of Appeals with due consideration to the effect on abutting lots may, in exceptional case, permit up to fifty (50) feet of the buffer strip most distant from the boundary line to be used for off-street parking subject to such additional screening conditions and requirements as the Board may determine are required. Nothing in this paragraph (II) shall be deemed to modify setback and yard requirements as otherwise provided in this zoning by-law.

Added by action of Town Meeting, June 23, 1975 Art #5

12. No building in a "B" or "I" District shall be constructed within twenty-five feet of the lot line of any residential home.

Added by action of Town Meeting, April 26, 1976, Art #42

13. Adult Entertainment establishments are to be limited to lots no greater than 150% of the minimum lot size allowed within the C.B.D. Zone.

Adopted Special Town Meeting, April 25, 1983, Art #37

14. In an HB District, two or more Contiguous Lots shall be considered one lot for the purpose of calculating Minimum Open Space under the Table of Dimensional and Density Regulations. Adopted by Special Town Meeting within the Annual Town Meeting, May 5, 1997, Article #10, ID 30

a) No dwelling, building or structure having a permitted use in this District shall here-after be erected or placed, on any lot unless the lot is substantially regular in shape. Substantially regular in shape shall mean that a lot has a Shape Factor (SF) of 30.0 or less. Shape Factor shall be determined by dividing the square of the perimeter of the lot measured in linear feet, by the area of the lot measured in square feet:  $SF=(p \times p)/A$ .

b) A lot may have a Shape Factor exceeding 30.0 if a portion of the lot itself meets the minimum lot area requirement and has a Shape Factor of 30.0 or less and which portion includes minimum street frontage.

c) Lot Width: Every lot created shall be configured so that it can contain a rectangle abutting the street line; said rectangle having a width equal to the required frontage, and having depth equal to the minimum required lot depth.

d) Lot Width and Frontage: Each lot shall have frontage on a street or way of the required minimum lot width, with its primary means of access onto said street or way. The principle means of access for residential lots shall be through said frontage.

e) The requirements of subsections (a) and (b) are hereby declared to be area and width requirements within the meaning of General Law, Chapter 40A, Section 6 (fourth paragraph, first sentence); or take any other action relative thereto.

Adopted by action of Town Meeting, May 5, 1997, Art #42, ID 25.

## SECTION VII

### SIGNS

A. General. All signs shall comply with the regulations for the erection and construction of signs contained in the Building Code of the Town of Stoughton and other applicable town regulations, except as shall be under the jurisdiction of the State Billboard Act (Chapter 584, Section 4 of the Acts of 1955 and as amended). Signs shall be permitted in accordance with the following regulations:

B. Signs Permitted in Any "R" District.

1. One professional nameplate for each medical doctor or dental practitioner, provided: such sign shall not exceed 1 square foot in surface area.
2. One identification sign for each dwelling unit, provided: such sign shall not exceed 1 square foot in surface area: if lighted, it shall be illuminated with white light by indirect method only; and it shall not be used other than for identifying the occupancy.
3. One identification sign for each membership club, funeral establishment, hospital, church, other place of public assembly, community facility or public utility use, provided the sign shall not exceed 10 square feet in surface area; if lighted, it shall be illuminated with white light by indirect method only; and it shall be set back at least one half of the required depth of the front yard.
4. One unlighted temporary sign offering premises for sale or lease for each parcel in one ownership, provided; it shall not exceed 6 square feet in surface area; and it shall be set back at least 10 feet from the street lot line.
5. One unlighted temporary sign of an architect, engineer or contractor erected during the period such person is performing work on the premises on which such sign is erected, provided; it shall not exceed 4 square feet in surface area; and it shall be set back at least 10 feet from the street lot line.
6. One unlighted temporary sign relating to a new residential subdivision during the actual period of construction, provided; it shall not exceed 20 square feet in surface area; and it shall be set back at least 10 feet from any street lot line.

C. Signs Permitted in Any "B" District

- I. Signs permitted in Paragraph B above, subject to

the same regulations.

2. Signs limited to those which advertise goods, services, or produce manufactured or offered for sale on the premises. General advertising signs shall be prohibited.
3. One wall sign for each lot street frontage of each establishment, provided; it shall be attached and parallel to the main wall of a building; it shall not project horizontally more than 15 inches there from; the surface area of the sign shall not aggregate more than 10 percent of the area of the wall on which they are displayed, or 150 square feet whichever is the lesser; and if lighted, it shall be illuminated internally or by indirect method with white light only.
4. One projecting sign for each lot street frontage of each establishment, provided; it shall be attached to the main wall of a building; it shall not project horizontally beyond a line drawn perpendicularly upward from 2 feet inside the curb line; it shall be erected at a height not less than 9 feet, nor more than 30 feet above the ground or sidewalk; it shall not exceed 40 square feet in surface area; and if lighted, it shall be illuminated internally or by indirect method with white light only.
5. One pole sign for each street frontage of a drive-in establishment, provided; it shall not exceed 40 square feet in surface area; no portion of it shall be set back less than 10 feet from any street lot line; it shall not be erected so that any portion of it is over 30 feet above the ground or sidewalk; and if lighted, it shall be illuminated internally by white light only.
6. One ground sign for each business establishment provided it shall not exceed 40 square feet in surface area; it shall be set back at least ten feet from any street lot line; it shall not be erected so that any portion of it is over 30 feet in height above the ground or sidewalk and if lighted, shall be illuminated internally by white light only.

**D. Signs Permitted in the "I" District.**

1. Wall signs permitted in Paragraph C above subject to the same regulations.
2. One ground sign for each establishment, provided; it shall not exceed 150 square feet in surface

area; it shall be set back at least 15 feet from any street lot line; it shall not be erected so that any portion of it is over 30 feet above the ground or sidewalk; and if lighted, it shall be illuminated internally by white light only.

3. Signs shall be limited in use to identification signs and to those signs which advertise goods, services, or products manufactured or offered for sale on the premises.

**E. Additional Sign Regulations.**

1. Roof signs shall be permitted in any "B" or "I" District. However, the top of the roof sign shall not be at such a height so that the building on which it is located shall exceed the maximum building height requirement set forth in the Table of Dimensional and Density Regulations as measured from the ground to the top of the roof sign.
2. Any traffic or directional sign owned and installed by a governmental agency shall be permitted.
3. Specifically excluded from these regulations are temporary interior window displays or temporary banners for drive-in establishments or automotive establishments, except as provided in No. 4 below.
4. A sign (including temporary interior window displays or banners) or its illuminator shall not by reason of its location, shape, size, or color interfere with traffic or be confused with or obstruct the view or effectiveness of any official traffic sign, traffic signal or traffic marking. Therefore, flashing or animated signs of red, yellow or green colored lights shall not be permitted.
5. No more than two signs shall be allowed for any one business or industrial establishment in the "B" or "I" districts.
6. No more than one sign shall be allowed for any one premises in the "R" District.
7. The limitations as to the number of signs permitted do not apply to traffic or directional signs which are necessary for the safety and direction of residents, employees, customers and visitors, whether in a vehicle or on foot, of any business, industry or residence.

**F. Signs Permitted in the "HB" District**

1. Signs otherwise permitted under Paragraph B, C, D, and E, above, subject to the same regulations.
2. One wall sign for up to two walls of each establishment (if an establishment has more than one wall), provided, each such sign shall be attached and parallel to a wall of the building; each such sign shall not project horizontally more than 15 inches therefrom; the surface area of each such sign shall not exceed the lesser of (a) 10% of the area of the wall on which it is displayed, or (b) 350 square feet; and if lighted, it shall be illuminated internally or, if externally illuminated with white light only.
3. One pole sign for each street frontage of a principal building, provided it shall not exceed 120 square feet in surface area; no portion of it shall be set back less than 10 feet from any street lot line and the setback distance from the pole sign to each lot line shall be equal to or greater than one half the height of the pole sign; it shall be erected so that no portion of it is over 80 feet above the ground or sidewalk; and if lighted, it shall be illuminated internally.

Adopted by action of Special Town Meeting within the Annual Town Meeting, May 5, 1997, Article #11, ID-31

## SECTION VIII

### OFF-STREET PARKING AND LOADING REGULATIONS

A. Off-Street Parking and Loading Requirements. In any district, if any structure is constructed, enlarged, or extended, and any use of land established, or any existing use is changed, after the effective date of this By-Law, parking and loading spaces shall be provided in accordance with the Table of Off-Street Parking Regulations and the Table of Off-Street Loading Regulations. An existing structure which is enlarged or an existing use which is extended after the effective date of this By-Law shall be required to provide parking and loading spaces in accordance with the following tables for the entire structure or use, unless the increase in units or measurements amounts to less than 25 percent whether such increase occurs at one time or in successive stages.

B. Existing Spaces. Parking or loading spaces being maintained in any district in connection with any existing use on the effective date of this By-Law shall not be decreased so long as said use remains, unless a number of parking or loading spaces is constructed elsewhere such that the total number of spaces conforms to the requirements of the tables of this Section provided; this regulation shall not require the maintenance of more parking or loading spaces than is required according to the tables.

C. Computation of Spaces. When the computation of required parking or loading spaces results in the requirement of a fractional space, any fraction over one-half shall require one space. In a Highway Business (HB) District, Compact Parking Spaces shall be allowed in the computation of required off-street parking spaces, provided that not more than 30% of the total parking spaces utilized in computing required off-street parking spaces shall be Compact Parking Spaces. Amended by action of Special Town Meeting within the Annual Town Meeting within the Annual Town Meeting, May 5, 1997, Article #12, ID 32.

D. Combined Facilities. Parking required for two or more buildings or uses may be provided in combined facilities on the same or adjacent lots, subject to approval by the Zoning Inspector, where it is evident that such facilities will continue to be available for the several buildings or uses.

E. Location of Parking Spaces. Except in Highway Business (HB) District, required off-street parking spaces shall be provided on the same lot as the principal use they are required to serve or when practical difficulties as determined by the Board prevent their establishment upon the same lot, they shall be established no further than 200 feet from the premises to which they are appurtenant. In a Highway Business (HB) District, required off-street parking spaces may be provided on a Contiguous Lot (s) to the lot on which the principal use is located; provided that, if a Contiguous Lot (s) is/are so utilized to provide off-street parking spaces to serve a principal use located on another lot in a Highway Business (HB) district, the lot on which such parking spaces are located shall be no further (at the closest point) than 250 feet from the lot which the principal use is located. Amended by action of Special Town Meeting within the Annual Town Meeting on May 5, 1997, Article #13, ID-33.

**Table of Off-Street Parking Regulations**

Use	Number of Parking Spaces per Unit
1. Single and two-family dwellings	Three for each dwelling unit. Amended by action of Town Meeting, June 23, 1975, Article #21.
2. Multifamily dwelling	Two for each single bedroom unit; three for each two bedroom unit; four for each three or more bedroom unit. Amended by Action of Town Meeting, June 23, 1975, Article #21.
3. Lodging House	One for each lodging unit.
4. Theater, restaurant, auditorium, church or similar place of public assembly with seating facilities	One for each three seats of total seating capacity. Amended by action of Town Meeting June 23, 1975, Article #21.
<p><b>NOTE: Off-street parking spaces shall not be required of these uses within the Central Business District (CBD) Zone. Added by action of Town Meeting, April 24, 1978, Article #53.</b></p>	
5. New and used car sales and automotive service establishment and other retail and service establishment utilizing extensive display areas, either indoor or outdoor which are unusually extensive in relation to customer traffic.	One per 1,000 sq. ft. of gross floor space. In the case of outdoor display areas, one for each 1,000 sq. ft. of lot area in such use.
6. Other retail, service, finance, insurance or real estate establishment.	One per each 300 sq. ft. of gross floor space.

**NOTE: Off-street parking spaces shall not be required of these uses within the Central Business District (CBD) Zone. Added by action of Town Meeting, April 24, 1978, Article #53.**

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|---|--|
| <b>7. Hotel, motel, tourist court</b>                                 | <b>One for each sleeping room plus one for each four seats of total seating capacity of the combined public meeting room and restaurant space.<br/>Amended by action of Town Meeting, June 23, 1975, Article #21</b> |
| <b>8. Wholesale establishment, warehouse or storage establishment</b> | <b>One per each 1,000 sq. ft. of gross floor space.</b>  |
| <b>9. Manufacturing or industrial establishment</b>                   | <b>One per each 600 sq. ft. of gross floor space or 0.75 per each employee of the combined employment of the two largest successive shifts, whichever is larger.</b>   |
| <b>10. Hospital</b>   | <b>Two per bed at design capacity.</b>   |
| <b>11. Nursing Home</b>   | <b>One per bed at design capacity.</b>   |
| <b>12. Business, trade or industrial school or college</b>            | <b>One for each 200 sq. ft. of gross floor area in classrooms.</b>   |
| <b>13. Other School</b>   | <b>Two per classroom in an elementary and junior high school; four per classroom in a senior high school plus space for auditorium or gymnasium whichever has the larger capacity.</b>                               |
| <b>14. Community facility Town building, recreation, etc.</b>         | <b>One per each 400 sq. ft. gross floor space.</b>   |
| <b>15. Dormitory, fraternity, sorority, YMCA or similar use</b>       | <b>One for each sleeping room.</b>   |
| <b>16. Public Utility</b>   | <b>One for each 400 sq. ft. of gross floor area devoted to office use.<br/>One for each 800 sq. ft.</b>  |

		of gross floor area per other use.
17.	Transportation terminal establishment	One for each 600 sq. ft. of gross floor area.
18.	Mixed Use	Sum of various uses computed separately.
19.	Any use permitted by this By-Law not interpreted to be covered by this schedule	Closest similar use as shall be determined by the Zoning Inspector.
20.	Retail trade, manufacturing and hospital establishments with over 5,000 sq. ft. of gross floor area	One per 20,000 sq. ft. or fraction thereof of gross floor area up to two spaces; one additional space for each 60,000 sq. ft. or fraction thereof of gross floor area over 40,000 sq. ft. space used for ambulance receiving at a hospital is not to be used to meet these loading requirements.
21.	Business services, other services, community facility (school, church, town building, recreation, etc.) or public utility establishment with over 5,000 sq. ft. of gross floor area	One per 75,000 sq. ft. or fraction thereof of gross floor area up to two spaces; one additional space for each 20,000 sq. ft. or fraction thereof of gross floor area over 150,000-sq. ft.

**F. Location of Loading Spaces.** The loading spaces required for the uses listed in the Table of Off-Street Loading Requirements shall, in all cases, be on the same lot as the use they are intended to serve. In no case shall the required loading spaces be part of the area used to satisfy the parking requirements of this By-Law.

**G. Parking and Loading Space Standards.** All parking and loading areas containing over five spaces, including automotive and drive-in establishments of all types, shall be either contained within structures, or subject to the following:

1. The area shall be effectively screened on each side, which adjoins or faces the side or rear lot line of a lot situated in any "R" District.
2. The area and access driveways thereto shall be surfaced with bituminous or cement concrete material and shall be graded and drained so as to dispose of all surface water accumulation.
3. A substantial bumper of masonry, steel or heavy timber, or a concrete curb or berm curb, which is backed, shall be placed at the edge of surfaced areas except driveways in order to protect abutting structures, properties and sidewalks.

4. Any fixture used to illuminate any area shall be so arranged as to direct the light away from the street and away from adjoining premises used for residential purposes.
5. There shall not be any vehicle repair for profit or gasoline or oil service facilities or any repair made to any motor vehicles, except on a lot occupied by a permitted automotive use. Any gasoline or oil facilities shall be at least 25 feet from any lot line.
6. There shall not be any storage of materials or equipment or display of merchandise within required parking area except as part of approved building operations.
7. Parking spaces shall not be located within the required front yard area in any District except in a single-family residential district.
8. Parking and loading spaces shall be so arranged as not to permit backing of automobiles onto any street.
9. Any portion of any entrance or exit driveway shall not be closer than 50 feet to the curb line of an intersecting street.
10. Any two driveways leading to or from a street to or from a single lot shall not be within 30 feet of each other at their intersections with the front lot line for an interior lot and 40 feet for a corner lot.
11. Any entrance or exit driveway in a single-family district shall not exceed twenty-four (24) feet in width at the property line. Entrance or exit driveways in I or B Districts shall not exceed twenty-four (24) feet in width at the property line except that lots containing in excess of 24,000 square feet may increase the drive width one (1) foot for every 1,000 square feet in excess of 24,000 square feet or lot area up to a maximum of forty (40) feet in width. Curb cuts may be ten (10) feet wider than the allowed driveway width at the street line. (Adopted Special Town Meeting April 25, 1983, Article #39.)
12. An open air parking space shall be at least 5 feet from any building or street line.
13. All off-street parking and loading spaces, access ways and maneuvering area shall be laid out so as to provide for adequate drainage, snow removal, maneuverability and curb cuts.
14. There shall be no paving within the required front yard area, or within five (5) feet of any lot line or building line, except that paved access ways shall be permitted, and that such access ways shall be generally perpendicular to any lot line. Paving to any building line shall be permitted for off-street loading docks or doors. Paved walkways, five (5) feet or less in width shall be permitted in the required front yard. (Added by action of Town Meeting, April 30, 1979, Article #26)  
(Amended by Action Special Town Meeting, April 25, 1983, Article #39.)

## SECTION IX

### NONCONFORMING USES, STRUCTURES AND LOTS

A. **Nonconformity by Initial Enactment or Amendment.** The provisions of this section apply to nonconforming uses, structures and lots as created by the initial enactment of this By-Law or by any subsequent amendment.

B. **Extension and Alteration**

1. Any nonconforming use except primarily for agriculture, horticulture or floriculture, of any open space on a lot outside a structure or of a lot not occupied by a structure shall not be extended, except that a nonconforming principal or accessory use may be extended within the limits of ownership existing as of the date of adoption of this By-Law and shall be in accordance with the dimensional and density regulations of Section VI.

2. Any nonconforming principal or accessory use of a structure shall not be extended, except that a nonconforming principal or accessory use may be extended within the limits of ownership existing as of the date of adoption of this By-Law and shall be in accordance with the density and dimensional regulations of Section VI.

3. Any nonconforming structure may be extended and may be altered and the use extended throughout the altered portion provided that any resultant extension or alteration shall not cause the structure to violate the dimensional and density regulations of the district in which it is located.

4. Any conforming structure or portion thereof which has come into conformity shall not again become nonconforming.

C. **Residential Lot of Record.** Any lot lawfully laid out by plan or deed duly recorded or any lot shown on a plan endorsed by the Planning Board with the words "approval under the Subdivision Control Law not required" or words of similar import, which complies at the time of recording or such endorsement whichever is earlier with the minimum area, frontage, width, and depth requirements, if any, of the zoning by-laws then in effect may be built upon for residential use provided it has a minimum area of 5,000 square feet with front footage minimum of 50 feet and is otherwise in accordance with the provisions of Section 5A of the Zoning Act. (Now section 6 in chapter 40A of the Zoning Act).

D. **Reduction or Increase**

1. Any nonconforming lot or open space on the lot (yards, setbacks, courts, or building area) if already smaller or greater, as the case may be, than that required, shall not be further reduced or increased so as to be in greater nonconformity.

2. Any off-street parking or loading spaces, if already equal to or less than the number of required to serve their intended use, shall not be further reduced in number.

E. **Change**

Any nonconforming use of a structure may be changed to another non-conformity Use, provided; the changed use is not a substantially different use, except as provided in paragraph 2 and approval for the change is granted by a Special Use Permit for an exception by the Board of appeals For purposes of this section, a substantially different use is a use which by reason of its normal operation, would cause readily observable differences in patronage, service, sight, noise, employment or similar characteristics, from the existing nonconforming use or from any permitted use in the district under question.

2. Any nonconforming use which has been once changed to a permitted use or another nonconforming use which is not a substantially different use shall not again be changed to another nonconforming use.
3. Any nonconforming lot, which has come into conformity, shall not again be changed to a nonconforming lot.

F. **Restoration.** Any nonconforming structure, totally destroyed by fire or other cause, may be rebuilt, if in accordance with the use, yard, height, and bulk regulations of this By-law.

G. **Abandonment.** Any nonconforming use of a structure or lot which has been abandoned or not used for a continuous period of one year or more shall not be used again except for a conforming use. For agricultural, horticultural, or floricultural uses, the abandonment period shall be for a five-year period of nonuse.

H. **Moving.** Any nonconforming structure shall not be removed to any other location on the lot or any other lot unless every portion of such structure, the use thereof, and the lot shall be conforming.

I. **Unsafe Structure.** Any structure determined to be unsafe may be restored to a safe condition. Such work on any nonconforming structure shall not place it in greater nonconformity. If the cost to restore any structure shall exceed 50 percent of its physical replacement value, it shall be reconstructed only as a conforming structure and used only for a conforming use.

## SECTION X

### ADMINISTRATION AND ENFORCEMENT

A. **Administrative Official.** It shall be the duty of the Zoning Inspector to administer and enforce the provisions of this By-Law.

B. **Permit Required.** It shall be unlawful for any person to erect construct, reconstruct or alter a structure without applying for and receiving from the Building Inspector a building permit. It shall be unlawful for any person to change the use or lot coverage, or extend or displace the use of any building, structure, or lot without applying for and receiving from the Building Inspector a use permit.

C. **Previously Approved Permit.** The status of previously approved permits shall be as determined by Section 6 of the Zoning Act.

D. **Certificate of Occupancy Required.** It shall be unlawful to occupy any structure or lot for which a building or use permit is required herein without the owner applying for and receiving from the Zoning Inspector a certificate of occupancy. The Zoning Inspector shall take action within ten days of receipt of an application for a certificate of occupancy. Failure of the Zoning Inspector to act within ten days shall be considered approval.

The certificate of occupancy shall state that the building and use comply with the provisions of the Zoning By-Law and of the Building Code of the Town of Stoughton in effect at the time of issuance. No such certificate shall be issued unless the building and its use and its accessory uses and the uses of all premises are in conformance with the provisions of this By-Law and of the Building Code at the time of issuance. A certificate of occupancy shall be conditional on prior approval of the Board of Health where applicable, on the adequacy of parking space and other facilities as required by this By-Law and shall lapse if such areas and facilities are used for other purposes.

A certificate of occupancy shall be required for any of the following in conformity with the Building Code and this By-Law:

1. Occupancy and use of a building hereafter erected or structurally altered.
2. Change in use of an existing building or the use of land to a use of a different classification.
3. Any change in use of a nonconforming structure or use.

Certificates of occupancy shall be applied for coincidentally with the application of a building permit, and shall be issued within ten days after the lawful erection or alteration of the building is complete and after the Zoning Inspector has received a plan (s) for the erection or alteration as it was actually constructed, commonly referred to as "as-built plans". Such certificates of occupancy shall be posted by the owner of the property in a conspicuous place for a period of not less than ten days after issuance. A temporary certificate of occupancy may be issued where a bond or similar means is used to secure the construction for a designated period of time.

4. Prior to the issuance of a Certificate of Occupancy for a building or structure under this section, the Zoning Inspector and/or the Building Official must be satisfied that the roadway system abutting and/or providing access to a lot which the building or structure is located has

been finished with at least one course of

bituminous concrete surfacing or other required bituminous road surfacing material. If a street or way is not under the jurisdiction of the Planning Board by an approval under the Subdivision Control Law, such street or way shall be subject to the submission of a certified check or similar security payable to the Town of Stoughton in a sufficient amount to cover the required surfacing, subject to approval of the Town Manager, prior to the time a building permit is issued.

E. Permit and Certificate Fees. Fees shall be as established by the selectmen.

F. Permit Time Limits. Any work for which a permit has been issued by the Zoning Inspector shall be actively prosecuted within six (6) months and completed within one year of the date of the issuance of the permit. Any permit issued for a project which is actively prosecuted for one year may be extended at the discretion of the Zoning Inspector.

G. Violations. The Zoning Inspector shall serve a notice of VIOLATION AND ORDER to any owner or person responsible for the erection, construction, reconstruction, conversion, alteration of a structure or change in use, increase in intensity of use, or extension or displacement of use of any structure or lot in violation of any approved plan, information or drawing pertinent thereto; or in violation of a permit or certificate issued under the provisions of this By-Law, and such order shall direct the immediate discontinuance of the unlawful action, use or condition and abatement of the violation. Any owner who has been served with a notice and ceases any work or other activity, shall not leave any structure or lot in such a condition as to be a hazard or menace to the public safety, health, morals, or general welfare.

H. Prosecution of Violation. If the Notice of Violation and Order is not complied with promptly, the Zoning Inspector or the Selectmen shall institute the appropriate action or proceeding at law or in equity to prevent any unlawful action, use or condition and to restrain, correct, or abate such violation. Penalties for violations may, upon conviction, be affixed in an amount not to exceed three hundred (300) dollars for each offense. Each day or portion of a day that any violation is allowed to continue shall constitute a separate offense.

(Adopted Special Town Meeting, June 4, 1985 Article 5)

In addition, this By-Law may, in the discretion of the Town Official who is the designated enforcing person be enforced by way of the method provided in Section 21D of Chapter 40 of the General Laws. Enforcing person as used in this section shall mean the Building Inspector and any Police Officer in the Town of Stoughton.

Fines shall be as follows:

First offense, within preceding twelve month period                      \$ 50.00

Second offense, within preceding twelve month period                      100.00

Third offense and each subsequent offense, within preceding twelve month period                      300.00

(Adopted Annual Town Meeting, April 24, 1989, Article 43)

I. Board of Appeals

**I. Membership.** There shall be a Board of Appeals of five members and five associate members.

**2. Appointment.** Members of the Board in office at the effective date of this by-law shall continue in office. Hereafter, as terms expire or vacancies occur, the Board of Selectmen shall make appointments pursuant to the Zoning Act.

**3. Powers.** The Board shall have those powers granted under the Zoning Act.

**4. Adoption of Rules.** The Board shall adopt rules to govern its proceedings pursuant to the Zoning Act.

**5. Appeals.** Appeals to the Board shall be taken in accordance with the rules of the Board and Section 16 of the Zoning Act. The town hereby accepts Section 16 of the Zoning Act which states that no appeal or petition from the terms of this By-Law with respect to a particular parcel of land or the building thereon and no application for a special exception to the terms of this By-Law which has been unfavorably acted upon by the Board of Appeals shall be considered on its merit by said Board within two years after the date of such unfavorable action except with the consent of all but one of the members of the Planning Board.

**J. Variances.** The Board may authorize a variance for a particular parcel of land or to an existing structure thereon from the terms of this By-Law where, owing to circumstances relating to the soil condition, shape or topography of such land or structure and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this By-Law would involve substantial hardship, financial or otherwise to the petitioner and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this By-Law.

**I.** Before any variance is granted, the Board must find all of the following conditions to be present:

**(a)** Conditions and circumstances are unique to the appellant's lot, structure or building and do not apply to the neighboring lands, structures or buildings in the same District.

**(b)** Strict application of the provisions of this By-Law would deprive the applicant of reasonable use of the lot, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighboring lands, structures or buildings in the same District.

**(c)** The unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption of this By-Law.

**(d)** Relief, if approved, will not cause substantial detriment to the public good or impair the purposes and intent of this By-Law.

(Amended by action of Town Meeting, April 24, 1978, Article #64)

(Amended by action Special Town Meeting, May 3, 1999 Article #5)

**K. Special Permits.** The Board shall have the power to hear and decide on applications for special permits for exceptions.

**I.** In applying for a Special Permit, the applicant need not demonstrate hardship, since the basis for the action is of general benefit to the Town as a whole. In granting a Special Permit, the Board, with due regard to the nature and conditions of all adjacent structures and uses, and the District within which the same is located, shall find all of the following general conditions to

be fulfilled:

- (a) The use requested is listed in Table of Use Regulations as a Special Permit in the District for which application is made:
- (b) The requested use is essential or desirable to the public convenience or welfare:
- (c) The requested use will not create undue traffic congestion, or unduly impair pedestrian safety:
- (d) The requested use will not overload any public water, drainage or sewerage system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the town will be unduly subjected to hazards affecting health, safety, or the general welfare:
- (e) Any special regulations for the use, set forth in Section XI, are fulfilled:
- (f) The requested use will not impair the integrity or character of the District or adjoining zones, nor be detrimental to the health, morals, or welfare.

2. The Special Permit Application must be filed with the Town Clerk who shall transmit the application to the Special Permit Granting Authority. The effective date of filing is the date the application is filed with the Town Clerk. Special Permits shall only be issued after a public hearing which must be held within sixty-five (65) days after the effective date of filing of a Special Permit Application.

(Added by action of Town Meeting, April 24, 1978. Article #67)

Upon finding all of the above conditions to be fulfilled, the Board must grant the Special Permit.

L. Other Requirements. The granting of any appeal by the Board shall not exempt the applicant from any provision of this By-Law, which has not specifically been ruled upon by the Board or specifically set forth as expected in this particular case from a provision of this By-Law. It shall be unlawful for any owner or person to reconstruct, convert, or alter a structure or change the use, increase the intensity of use, or extend or displace the use of any building, other structure or lot, or change any required limitations or special conditions imposed by the Board in authorizing a special permit or variance without appealing to the Board as a new case over which the Board shall have complete administrative power to deny, approve or modify.

## SECTION XI

### SPECIAL PERMIT CONDITIONS

- A. Special Conditions.** In addition to the general conditions set forth in Section X-K of this By-Law for all special permits the following special conditions shall apply to the following uses in this Section listed as special permits in various Districts in the Table of Use Regulations.
- B. Removal of Sand, Gravel, Quarry or Other Earth Materials**
- I. For the removal of sand, gravel, quarry, or other earth materials other than that which is incidental to and in connection with the construction of a building on a lot, and for processing and treating raw materials, the following conditions shall govern:**
    - a. Removal and processing operations shall not be conducted closer than 50 feet to a public street.**
    - b. All equipment for sorting, washing, crushing, grading, drying, processing and treating, or other operation machinery, shall not be used closer than 100 feet from any public street or from any adjoining lot line.**
    - c. Off-street parking as required in the Table of Off-Street Parking Regulations shall be provided.**
    - d. Any access to excavated areas or areas in the process of excavation will be adequately posted with KEEP OUT - DANGER signs.**
    - e. Any work face or bank that slopes more than 30 degrees downward adjacent to a public street will be adequately fenced at the top.**
    - f. Adequate provision is to be made for drainage during and after the completion of operations.**
    - g. Lateral support shall be maintained for all adjacent properties.**
    - h. The use of explosives shall be done in accordance with the regulations for storage or handling of explosives as published by the Commonwealth of Massachusetts.**
    - i. All operations shall be conducted in such a manner so as to comply with the laws of the Commonwealth of Massachusetts regulating water pollution and air pollution.**
    - j. The work hours of operation shall be designated.**
    - k. Excavation shall be restricted to those areas, which are at elevations ten feet or more above the maximum groundwater elevation as determined by the most recent testing conducted under the provisions of this section.**

**No permit shall be issued or renewed under this By-Law until the applicant has submitted to the Board current and**

complete information on the actual and proposed depth of excavation and the maximum groundwater elevation throughout the entire area proposed to be excavated. Maximum groundwater elevation shall be determined by means of monitoring wells, test pits and soil borings during the months of March, April or May. Such tests shall be conducted by a Massachusetts Registered Professional Engineer at the expense of the applicant and shall be submitted to the Board over the engineer's stamp.

The groundwater monitoring wells shall be left in place during the period that the applicant holds a permit hereunder, and readings therefrom shall be taken during March, April or May of each year. The results of such readings shall be submitted to the Board over the engineer's stamp.

(paragraph k. added by action of Town Meeting, April 30, 1990, Article #41)

2. Site plans shall be filed with the Board for any land which is used or intended to be used for the extraction of sand, gravel, rock, and associated earth materials. Site plans of the removal areas shall be prepared by a registered professional engineer and a registered land surveyor at a scale of 200 feet to the inch or such other suitable scale as may be determined by the Zoning Inspector and shall be in accordance with and indicate the following:

- a. Lot lines.
- b. Adjacent public streets.
- c. Proper provisions for safe and adequate water supply and sanitary sewerage and for temporary and permanent drainage of the site.
- d. Plan for regrading of all or parts of the slopes resulting from such excavation or fill; and
- e. Plan for replacements of at least 4 inches of topsoil over all excavated, filled, or otherwise disturbed surfaces and seeding with a perennial cover crop, reseeded as necessary to assure uniform growth and soil surface stabilization.
- f. Plan for lighting, if night operation is contemplated.
- g. Proper provision for vehicular traffic, service roads, control of entrances and exits to highways.
- h. The relation of future buildings and operations machinery to the removal areas.
- i. Delineation of removal areas.
- j. Provision for a substantial fence enclosing the excavation or quarry where any excavation or quarry will extend under original ground level or will have a depth of 10 feet or more and create a slope of more than 1 foot in 2 feet. Such fence shall be located 10 feet or more from the edge of the excavation or quarry, and shall be at least 6 feet in height.
- k. Provision shall be made for the submission to the Zoning Inspector of as-built plans of

all final grading and site improvements.

**3. Land reuse plan (s) must be submitted to and approved by the Board subject to the regulations set forth in the following paragraphs:**

a. The Zoning Inspector may require up to three approved alternative future land reuse plans to be submitted for such land as is used for excavation of sand, gravel, rock, and associated earth materials. It is recognized that land reuse of the removal areas is in the public interest.

b. Said land reuse plan and its implementation applies to the conversion of the abandoned site and its planned reuse. It is, therefore, required that any land reuse plan correspond to a situation which could reasonably occur in the immediate future (0 to 5 years), and be revised as necessary as the existing physical character of the removal area changes.

c. The land reuse plan or any part thereof which reasonably applies to an area which has been abandoned from removal use shall be put into effect within one year of the abandonment of said operation.

**4. a. Special Permit Required**

No soil, loam, sand, gravel, stone or other earth materials shall be removed from any premises within the town unless such removal will constitute an exempt operation as hereinafter provided or done pursuant to a special permit therefor issued by the Board of Appeals. (See Section X-K)

(Added by action of Town Meeting, June 10, 1974, Article #10)

**b. Application and Reference to Planning Board**

1. Subject always to Section X-K hereof, each application for a permit for earth material removal shall be accompanied by a plan, submitted in duplicate (the exact size and number of copies of which may be indicated by a rule of the Board of Appeals), prepared at the expense of the applicant by a Registered Land Surveyor or Civil Engineer showing: (1) existing contours of the land, (2) the contours as proposed after completion of the operation, (3) the proposed lateral support to all adjacent property, (4) the proposed drainage, (5) other information necessary to indicate the complete physical characteristics of the proposed operation.(added by action of Town Meeting, June 10, 1974, Article #10.)

2. Within ten (10) days after receipt of the plan, the Board of Appeals shall transmit a copy thereof to the Planning Board which said Board may, in its discretion, investigate the case and in writing its recommendation to the Board of Appeals. The Board of Appeals shall not take final action on such application until it has received a report thereon from the Planning Board, or until said Planning Board has allowed thirty (30) days to elapse after receipt of such plan without submission of a report .

(Added by action of Town Meeting, June 10, 1974, Article #10)

**c. Conditions of Permit**

**1. In granting a special permit hereunder, the Board of Appeals shall impose reasonable conditions specially designed to safeguard the neighborhood and the Town, which shall include conditions as to: (1) method of removal, (2) type and location of temporary structures, (3) hours of operation, (5) routes for transporting the material through the town. (6) area and depth of excavation, (7) distance of excavation to the street and lot lines, (8) steepness of slopes excavated, (9) reestablishment of ground levels and grades, (10) provisions for temporary and permanent drainage, (11) disposition of boulders and tree stumps, (12) replacement of loam over the area of removal, and (13) planting of the area to suitable cover, including trees.(Added by action of Town Meeting, June 10, 1974, Article #10)**

**2. No special permit for removal of earth material shall be issued for a period of more than one (1) year in a Residential District or more than two (2) years in a Non-Residential District, although such a permit may be renewed for additional periods in the same manner as for initial issuance. Where the duration of the period exceed one (1) month, the Board shall require a bond or other security to insure compliance with its conditions of authorization, unless, in a particular case, it specifically finds that such security is not warranted and so states in its decision, giving the reasons for its finding. Where the duration of the permit is one (1) month or less, the Board may, in its discretion, require such security, as hereinafter set forth for all special permits.**

**(Added by action of Town Meeting, June 10, 1974, Article #10)**

**d. Existing Operations**

**A sand or gravel pit, quarry, or other removal activity in lawful operation on any premises on the effective date of this By-Law may continue as an exempt operation unless and until abandoned, or if operating under a prior permit issued by the Board of Appeals, until the expiration thereof. Discontinuance for more than twelve (12) consecutive months shall be deemed constitute abandonment.**

**(Added by action of Town Meeting, June 10,1974, Article #10)**

**e. Other Exceptions**

**1. The removal by an authorized person of material from land in use by the Town or other governmental agency.**

**2. The removal by an authorized person of less than one hundred (100) cubic yards of material in the aggregate in any year from any one premise with the permission of the Building Inspector.**

**(Amended by action of Town Meeting, April 30, 1979, Article #35.)**

**f. Permits in Proposed Subdivisions**

**It is the intention of this By-Law that the removal of earth materials from any parcel of land for which a preliminary or definitive subdivision plan has been prepared shall be allowed only in the same manner as removal from other parcels of land in the Town. Consequently, tentative or final approval of a subdivision plan by the Planning Board shall not be construed as authorizing the removal of material from the premises, even though in connection with the construction of streets shown on the plan.**

**(Added by action of Town Meeting, February 10, 1975, Article #15)**

**5. Removal incidental to and in connection with the construction of a building on a lot. (Accessory Use) Subject to the following:**

**a. No soil, loam, sand, gravel, stone, or other earth material shall be removed from any premises within the Town without a Special Permit therefor issued by the Board of Appeals unless:**

**1. Such removal is by an authorized person of material necessarily excavated in connection with the lawful construction of a building or structure, or a driveway, sidewalk, or path incidental to any such building or structure, provided that the quantity of material removed does not exceed that actually displaced by the portion of building, structure, driveway, sidewalk, or path below the existing grade.**

**2. The removal is by an authorized person of less than one hundred (100) cubic yards of material, in addition to that allowed above in paragraph 1, from any one premises.**

**3. The transfer is by an authorized person of material from one part of a premises to another part of the same premises.**

**4. The removal is by an authorized person of material from land in use by the Town or other governmental agency.**

**(Added by action of Town Meeting, April 30, 1979, Article #35)**

**C. Filling of Any Water, Wet Area, or Depression. For the filling in of any pond, lake, swamp, or other existing body of water or wet area; and the filling in of any swale, valley, or other area or depression, where such filling in requires an amount of fill equivalent to 500 cubic yards or more; or where the area to be filled in exceeds 10,000 square feet, the following conditions apply: (such conditions shall include, where applicable, prior approval by the Board of Selectmen, the Massachusetts Department of Natural Resources and the Massachusetts Department of Public Works under Chapter 131, Sections 40 and 40A of the General Laws, Acts Relating to the Protection of Flood Plains.)**

**1. Submission of a locus plan at a scale of 1" = 1,000' showing the area to be filled in or excavated, lot lines within which the filling is proposed and tie-in to the nearest road intersection.**

**2. Submission of a site plan at a scale of 1" = 40' of the lot and surrounding area within 100 feet showing in addition to No. 1 above, existing and proposed contour lines at intervals of not more than 2 feet resulting from the proposed filling in, in relation to the topography of the premises, said plan to be prepared by a registered professional engineer and registered land surveyor.**

**3. Provision for temporary and permanent drainage of the site.**

**4. Limitation of fill to terrace fills which are not to exceed 10 feet at any one time nor be within 10 feet of an adjacent lot line or any cut.**

**5. Regrading of all or parts of the slopes resulting from such fill.**

6. Replacement of at least 6 inches of loam or topsoil over all filled or otherwise disturbed surfaces and seeding with a perennial cover crop, reseeded as necessary to assure uniform growth and soil surface stabilization.
7. Submission of plan for lighting, if night operation is contemplated.
8. Where any fill will have a depth of 10 feet or more and create a slope of more than 1 foot in 2 feet, there shall be a substantial fence enclosing the fill at least 6 feet in height with suitable gates. Such fence shall be located 10 feet or more from the edge of the fill.

**D. Cluster Residential Development.** For residential development in a cluster pattern subject to the dimensional regulation less than the minimum required for development of an individual lot in the same District, the following conditions shall apply:

1. The tract of single or consolidated ownership at the time of application shall be at least 30 acres in size and shall be subject to approval by the Planning Board under the Subdivision Control Law.  
(Amended by action of Town Meeting, June 23, 1975, Article #22)
2. A site plan shall be presented for the entire tract.
3. Each individual lot shall be subject to all requirements for a one-family detached dwelling in any "R-15" District.
4. The total number of proposed lots in the development within any District shall not exceed the number of lots, which could be developed under normal application of the Table of Dimensional and Density Regulations of zone in which the tract of land is located.  
(Amended by action of Town Meeting, June 23, 1975, Article #23)
  - 4a. All lots are drawn so that the rear lot line shall be no less than 20 feet.  
(Added by action of Town Meeting, June 23, 1975, Article #23)
5. The development shall be served by a public water and sewer system except that individual on-lot sewerage systems may be used where the dimensional and density regulations for the R-20 district are applied.
6. At least 20 percent of the total tract area (of which at least 50 percent shall not be wetlands) shall be set aside as common land.  
(Amended by action of Town Meeting, June 23, 1975, Article #24)
7. Such common land shall be preserved for recreation, conservation or public use. Preservation shall be guaranteed at the time of approval of the definitive plan by the Planning Board as follows:  
(Amended by action of Town Meeting, June 23, 1975, Article #25)
  1. Conveyance to and acceptance by the Town, or
  2. Conveyance to and acceptance by the Conservation Commission, or
  3. Dedicated by covenant or comparable legal instrument for use by residents of the Subdivision, or
  4. Ownership shall be arranged and maintenance permanently assured through a suitable recorded land agreement through which each lot

owner is involved  
and each lot is subject to a charge for a share of the  
maintenance expenses.  
(Added by action of Town Meeting, June 23, 1975, Article #25)

8. Deleted by action of Town Meeting, June 23, 1975, Article #26.

9. Such common land shall have suitable access to a street.

**E. Planned Unit Development.**

Deleted by action of Town Meeting, June 10, 1974, Article #3

**F. Planned Business Development. For planned business development of land subject to maximum building coverage more than the maximum permitted in the Table of Density and Dimensional Regulations and less than the parking requirements contained in the Table of Off-Street Parking Regulations, provided:**

1. The tract shall be in single or consolidated ownership at the time of application and shall be at least 5 acres in size.
2. A site plan shall be presented for the entire tract showing 2-foot finished contours, existing and proposed drainage, sewerage, water, parking, street access and landscaping.
3. Uses shall be contained in one continuous building except that groupings of buildings may be allowed by special permit of the Board where such groupings are consistent with the safety of the users of the development and are further consistent with the overall intent of this section; the development shall be served by one common parking area, exit, and entrance.
4. The ratio of the gross floor area of the building(s) to the total lot area shall not exceed 0.50.
5. The development shall be served by one common parking area and by common exit and entrance areas.
6. Reduction in parking space requirements shall not exceed more than 10 percent of those required under normal application of requirements for the particular uses proposed.
7. The development would be served by a public water system.
8. Any use that requires a special permit under the Table of Uses shall require a separate application. Separate applications for special use permits, if part of the same development proposal, shall be held concurrently; (Added by action of Special Town Meeting September 30, 2009, Article #16)
9. Property benefiting from a special permit for a planned business development or shopping center shall receive necessary approvals under the Site Plan Review By-Law prior to issuance of any construction permits pursuant to the special permit. (Added by action of Special Town Meeting September 30, 2009, Article #16)

**G. Planned Industrial Development.** For the planned industrial development of land for manufacturing or service industrial purposes subject to area regulations less than the minimum required in Table of Density and Dimensional Regulations, provided:

1. The tract in single or consolidated ownership at the time of application shall be at least 15 acres in size.
2. A site plan shall be presented for the entire tract. It shall be referred to the Planning Board for advice and recommendation. Where the site plan constitutes a subdivision, it shall require approval by the Planning Board under the Subdivision Control Law.
3. Individual lot sizes shall not be reduced more than 10 percent below that normally required for manufacturing or service industrial purposes in the District.
4. The total number of establishments in the development shall not exceed the number of establishments which could be developed under normal application requirements of the District.
5. The permitted uses shall be limited to manufacturing or service industrial uses with the total use completely within the building.
6. The development shall be served by a public water system.
7. At least 10 percent of the total tract area (of which at least 50 percent shall not be wetlands) shall be set aside as common land.  
(Amended by action of Town Meeting, June 23, 1975, Article #27)
8. Such common land shall be preserved for recreation, conservation or public use. Preservation shall be guaranteed at the time of approval of the plan by the appropriate Board (Board of Appeal) as follows:  
(Amended by action of Town Meeting, June 23, 1975, Article #28)
  1. Conveyance to and acceptance by the Town of Stoughton, or
  2. Conveyance to and acceptance by the Stoughton Conservation Commission, or
  3. Dedicated by covenant or comparable legal instrument for use by the tenants or owners in the development, or
  4. Ownership shall be arranged and maintenance permanently assured through a suitable recorded land agreement through which each lot owner is involved and each lot is subject to a charge for a share of the maintenance expenses.  
(Added by action of Town Meeting, June 23, 1975, Article #28)
9. Such common land shall be restricted to open space, playfield, golf course, or conservation area.
10. Such common land shall have suitable access to a street.

**H. Home Occupation.** For the use of a dwelling in any District for a home occupation, provided:

1. No more than one nonresident shall be employed therein.
2. The use is carried on strictly within the principal building.
3. Not more than 40 percent of the existing net floor area not to exceed 400 square feet is devoted to such use.
4. That there shall be no display of goods or wares visible from the street.
5. No advertising on the premises other than a small non-electric sign not to exceed 2 square feet in area, and carrying only the occupant's name and his occupation such as physician, artisan, teacher, day-nurses, lawyer, architect, salesman (type), engineer, clergyman, accountant, osteopath, dentist, and similar occupations or professions.
6. The buildings or premises occupied shall not be rendered objectionable or detrimental to the residential character of the neighborhood due to the exterior appearance, emission of odor, gas, smoke, dust, noise, electrical disturbance, or in any other way. In a multifamily dwelling, the use shall in no way become objectionable or detrimental to any residential use within the multifamily structure.
7. Any such building shall include no feature or design not customary in buildings for residential use.
8. Such uses as clinics, barber shops, bakeries, gift shops, beauty parlors, tearooms, tourist homes, animal hospitals, kennels, and others of a similar nature shall not be considered as home occupations.  
(Amended by action of Town Meeting 4-28-86 - Article #21)

I. Environmental Performance Standards. Any use permitted by right or special permit in any District shall not be conducted in a manner as to emit any dangerous, noxious, injurious, or otherwise objectionable fire, explosion, radioactive or other hazard; noise or vibration, smoke, dust, odor or other form of environmental pollution; electrical or other disturbance; glare, liquid or solid, refuse or wastes; conditions conducive to the breeding of insects, rodents, or other substance, conditions or element in an amount as to affect adversely the surrounding environment. The following standards shall apply:

1. Emissions shall be completely and effectively confined within the building, or so regulated as to prevent any nuisance, hazard, or other disturbance from being perceptible (without the use of instruments) at any lot line of the premises on which the use is located.
2. All activities and all storage of flammable and explosive materials at any point, shall be provided with adequate safety devices against fire and explosion and adequate fire-fighting and fire-suppression devices and equipment.
3. No activities that emit dangerous radioactivity, at any point; no electrical disturbances adversely affecting the operation at any point, of any equipment, other than that of the creator of such disturbance, shall be permitted.
4. No emission of visible smoke of a shade darker than No. 1 on the Ringlemann

Smoke Chart as published by the U.S. Bureau of Mines shall be permitted.

5. No emission which can cause any damage to health of animals or vegetation or which can cause excessive soiling, at any point, and in no event any emission of any solid or liquid particles in concentration exceeding 0.3 grains per cubic foot of conveying gas or air shall be permitted.
6. No discharge, at any point, into a private sewage system, stream, the ground, or a municipal sewage disposal system of any material in such a way, or of such a nature or temperature as can contaminate any running stream, water supply or otherwise cause the emission of dangerous or objectionable elements and accumulation of wastes conducive to the breeding of rodents or insects shall be permitted.
7. No vibration which is discernible to the human sense of feeling for three minutes or more in any hour between 7 a.m. and 7 p.m., or for 30 seconds or more in any one hour between 7 p.m. and 7 a.m. shall be permitted. No vibration at any time shall produce an acceleration of more than 0.1 gram shall result in any combination of amplitudes frequencies beyond the "safe" range of Table 7, U.S. Bureau of Mines Bulletin No. 442.
8. Maximum permissible sound pressure levels at specified points of measurement for noise radiated continuously from a facility between 10 p.m. and 7 a.m. shall be as follows:

Frequency Band (Cycles per second)	Sound Pressure Level (Decibel re. 0.0002 dyne/CM <sup>2</sup> )
20-75	69
75-100	54
150-300	47
300-600	41
600-1200	37
1200-2400	34
2400- 4800	31
4800-10,000	28

If this sound is not smooth and continuous, the following corrections should be added to each of the actual decibel levels given:

- a. Daytime operation only-----+5
- b. Noise source operates less than 20 percent of any hour period-----+5

Only one of the above corrections may be applied.

9. Emission of odorous gases or odoriferous matter in such quantities as to be offensive shall not be permitted. Any process which may involve the creation and/or emission of any odors shall be provided with a secondary safeguard system. No objectionable odor greater than that caused by 0.001202 per thousand cubic feet of hydrogen sulfide or any "odor threshold" as defined in Table III in Chapter 5 of Air Pollution Abatement Manual, copyright 1951, by Manufacturing Chemists Association, Inc., of Washington, D. C., shall be permitted.

10. No direct or sky-reflected glare, whether from floodlights or from high temperature processes such as welding shall be permitted.

**J. Conversion of Nonresidential Structures to Residential.** For residential use development within existing nonresidential structures not subject to the table of dimensional and density regulations, the following conditions shall apply:

1. A site plan shall be presented for the entire development. This shall include parcels of land intended for use but separated from the main parcel by a public or private way.
2. The site plan shall be submitted to the Planning Board for advice and recommendation.
3. The following uses shall be permitted: residential, community facilities for exclusive use of the residents, and commercial (retail or service establishment). The gross floor area devoted to commercial uses shall not exceed 5 percent of the total residential gross floor area and shall not be located above the first floor.
4. The proposed conversion shall comply with the dimensional and density regulations for the R-M district (Section VI. B) and to the provisions of Section VI. G. 3, except that the minimum yard dimensions and maximum building area may be adjusted as deemed appropriate by the Board of Appeals.
5. At any one time, not more than 10 percent of the total dwelling units shall contain three or more bedrooms.
6. For multifamily units of two or more bedrooms, there shall be constructed and equipped an outdoor recreation area containing 100 square feet for each dwelling unit within the development with a minimum requirement of 2,000 square feet. Specifically exempt from this requirement are one-bedroom units and housing for the elderly.
7. The development shall be served by public water and sewerage.
8. Parking facilities shall meet the requirement of Section VIII except the required number of spaces shall be one additional for each five units for visitor parking. In housing for the elderly projects, the parking requirements shall be reduced by 50 percent.
9. Such other conditions as the Board may find appropriate in accordance Section X.K. may be imposed.

**K. Fast Order Food Establishments.** In considering special permits for Fast Order Food Establishments, the Board shall give consideration to the following:

1. Impact on traffic and parking.
2. Sensitivity to the visual and physical characteristics of the particular location, including siting, signing, lighting, landscaping, fencing, materials, windows, etc.
3. Fulfillment of a need in the neighborhood or in the Town.
4. Reliance on walk-in trade as opposed to drive-in or automobile related trade.  
(Added by action of Town Meeting, June 23, 1975, Article #30)

**L. Adult Entertainment Establishments may not be located less than 750(seven hundred fifty) feet from the nearest lot line of:**

- a. Each other
- b. Public or Private Nursery Schools
- c. Public or Private Day Care Centers
- d. Public or Private Kindergartens
- e. Public or Private Elementary Schools
- f. Public or Private Secondary Schools
- g. Playgrounds
- h. Churches

(A

(Adopted Special Town Meeting, April 25, 1983, Art. #36)

#### **M. Temporary Additional Living Area**

In considering Special Permits for temporary additional living quarters,  
The Board shall give consideration to the following:

- I. The owner must be the occupant of the residence.
- 2. Living areas must be within the same principal structure.
- 3. Not more than one (1) bedroom shall be permitted.
- 4. Kitchen facilities shall be of a type readily removable.
- 5. That there shall be a maximum of two (2) people.
- 6. The applicant must provide satisfactory proof of kinship.
- 7. Permit would be restricted to applicant.
- 8. Submittal of plans approved by Building Inspector showing floor plan and proposed parking.
- 9. Building Inspector must be notified upon cessation of occupancy.
- 10. Only one (1) permit will be allowed per locus.
- II. No new entrances for the living quarters will be allowed/required; existing entrances will be used by all parties involved.

(Adopted Special Town Meeting April 25, 1983, Art. #40)

## **SECTION XII**

### **Natural Features Conservation and Landscape Review**

#### **A. Intent**

The intent of this Section is to prevent cumulative damage to the landscape and topography and related valuable and nonrenewable natural resources of the Town of Stoughton.

It is not the intent of this Section to interfere with creative land use, but rather to set guidelines, establish procedural steps that require considered planning prior to taking action that will produce lasting consequences to the natural environment; and to provide individual review.

#### **B. Application**

1. All allowed uses in Section V (Table of Use Regulations) of the Zoning By-Law.
2. All Special Permit uses as authorized in Section V (Table of Use Regulations) of the Zoning By-Law.
3. The requirements of Section XII shall not apply to any lots of two acres or less currently occupied by lawful uses or structures unless there is a change of use or expansion for which a permit is required under the Zoning By-Law.
4. The requirements of Section XII shall not apply to a single, one-family detached dwelling. It shall apply to a grouping of two or more one-family detached dwellings.

#### **C. Procedure**

For all allowed uses, as authorized in Section V of the Zoning By-Law, the Building Inspector shall review applications for conformity with Section XII. For all Special Permit uses, as authorized in Section V of the Zoning By-Law, the Board of Appeals shall be responsible for conformity with these requirements.

In order to aid the Building Inspector and the Board in determining conformance with this Section, a Site-Landscaping Plan shall be submitted at the time of application. The Building Inspector or Board shall forward said plan to the Landscaping Review Board. This Board shall review said plan and make an advisory report within fourteen (14) days to the Building Inspector or Board.

The Site-Landscaping Plan shall be drawn at a scale of 1 inch equals 20 ft.-0 inches, and shall contain the following material:

1. Existing and proposed topography with a two-foot contour interval. Existing grades to be shown dotted and proposed grades to be shown solid.
2. The general location, type, and size of existing trees, rock masses, and other natural features with designations as to which features will be retained.
3. Proposed planting marked by name and number.
4. Walks, roads, and parking areas.

5. Other features, if a part of the proposed landscaping, such as fences, screens, rip-rap, retaining walls, benches, tables, pools, patios, gardens, etc.
6. Details (3/4" scale) of tree guying, planting, walks, curbs, benches, retaining walls, rip rap, and fences.
7. Exterior free standing lighting.
8. A plant list indicating Common and Scientific names of all plants and the number of each. The height of each type of plant, and its caliper or pot size.
9. A brief outline specification indicating landscaping standards to be followed:

**D. Standards: Preservation of Landscape**

The landscape shall be preserved in its natural state by minimizing tree and soil removal.

**I. Top soil**

Top soil shall not be disturbed on a site except on areas of grading indicated on the Approved Plan required for a Permit, or within twenty (20) feet of any structure during residential construction, or for other construction within the minimum prescribed area needed for actual construction activity. Any topsoil removed from these areas during the construction process shall be replaced to a depth of not less than six (6) inches within twenty (20) days after completion of construction, but prior to issuance of a Certificate of Occupancy.

**2. Grading and Topography**

Efforts shall be taken to maintain the continuity of the natural topography when building on any site. Cut and fill shall be avoided in all instances possible; and the topography rather than the radically altering the topography to conform to structures. Except in areas where terracing is used, when excavation is necessary, grading shall be done in such a way that the resulting contours follow smooth natural curves that conform to the curves of the surrounding landscape. Straight or angular slopes or cuts which interrupt natural topography shall not normally be allowed. Abrupt changes in topography near lot lines which might otherwise result in excessive water runoff, erosion, or hazards shall not be allowed in excess of the following conditions, except by Permit:

**A. Where adjacent lot is lower in elevation than the lot for which a permit is sought;**

No slope or terrace exceeding fifty (50) percent slope and five (5) feet difference in elevation shall be allowed within twenty-five (25) feet of the lot line.

**B. Where the adjacent lot is higher than the elevation of the lot in question, no slope or terrace exceeding fifty (50) percent slope and five (5) feet difference in elevation shall be allowed within ten (10) feet of the lot line.**

Slope is defined as the ratio of vertical rise over horizontal distance, and is expressed as a fraction or a decimal: e.g. 1/5 or 20%.

Retaining walls of design and construction approved by the Building Inspector or the Board of Appeals, but not exceeding twelve (12) feet in height, may be built on lot lines, but only where there is not sufficient room to utilize properly stabilized slopes.

Upon completion of grading and replacement of topsoil, slopes shall be appropriately

stabilized to prevent erosion. The following guidelines are recommended: slopes greater than thirty-five (35) percent should be avoided in most cases; slopes between twenty-five (25) percent and thirty-five (35) percent, rip-rap, or terracing should be used; slopes between ten (10) percent and twenty-five (25) percent, sod, or established vegetation or seedlings in association with webbing material placed over the soil; slopes between four (4) percent and ten (10) percent, plant seed in association with webbing material placed over the soil, or heavy mulch or gravel.

Plans for Zoning Permits and Special Permits shall include appropriate means to prevent erosion during construction.

### **3. Vegetation**

Natural tree coverage and other desirable natural foliage shall be preserved on all lots to the maximum extent possible, and plans shall be designed accordingly.

A. Without a Permit issued by the Building Inspector, or approval by the Zoning Board of Appeals, if required, there shall be no cutting of trees larger than six (6) in. in diameter (diameter measured at five (5) ft. above grade), and no wholesale clearing of trees in excess of twenty (20) feet tall from any area larger than 3,000 square feet.

B. Outside the areas of actual construction activity, all trees of greater than five (5) inches diameter (measured 5'-0" above grade), should be preserved. If a lot is covered with mature trees of greater than five (5) inches diameter (measured 5'-0" above grade), they should not be thinned by more than fifty percent (50%). Upon completion of construction, trees and shrubs of a species suited to the soil and climate of the area should be planted by the developer. These shall be in a healthy condition, and shall be properly planted to insure survival. These new trees and shrubs are intended to replace ones required to be removed in order to facilitate construction, and shall be selected and located with this in mind.

(Added by action of Town Meeting, April 28, 1975, Art. #40)



**SECTION XIII**

**AMENDMENT, VALIDITY, AND EFFECTIVE DATE**

A. **Amendment.** This By-Law may be amended from time to time in accordance with Section 6 of the Zoning Act. During the amendment procedure subdivision plans in process of review by the Planning Board under the Subdivision Control Law shall be subject to the provisions of the Zoning Act.

B. **Validity.** The invalidity, unconstitutionality, or illegality of any provision of this By-Law or boundary shown on the Zoning Map shall not have any effect upon the validity, constitutionality, or legality of any other provision or boundary.

C. **Effective Date.** This By-Law shall take effect upon the date resulting from the procedure provided for in Section 32 of Chapter 40 of the General Laws of the Commonwealth of Massachusetts.

A True Copy, ATTEST;

\_\_\_\_\_  
Jeanne Fleming  
Town Clerk



**Section 1**  
**Purpose of Site Plan Approval**

The purpose of Site Plan Approval is to protect the health, safety, convenience, and welfare of the inhabitants of the Town of Stoughton by providing a comprehensive review of the land and development plans submitted to the Town for approval to ensure that the following conditions have been met:

- (a) The location of buildings, uses and other site development are properly and legally located on a site as prescribed by the current Zoning By-Law.
- (b) Adjacent properties are protected from nuisance caused by noise, traffic, noxious or harmful fumes and glare of lights.
- (c) Significant natural features on a site are preserved as much as possible (i.e. hills, water bodies, wetlands, trees, tree groves, wooded areas, rock outcrops, native plants, wildlife habitats and other areas of aesthetic and ecological interest).
- (d) Adequate facilities for off street parking and loading, , drainage, snow removal, fire protection and methods of solid waste disposal are provided on site.
- (e) Pedestrian ways, access driveways, loading areas and parking facilities are properly designed and operated for public convenience, universal accessibility and public safety.

**Section 2**  
**Projects Requiring Site Plan Approval**

2.1 **Jurisdiction of Site Plan Review** All buildings, other than single-family and two-family residences and structures accessory thereto, which are to be constructed, removed and reconstructed or demolished and reconstructed, or enlarged, which enlargement is equal to or greater than the percentage of the total building gross square footage listed in Table 1 or 5,000 square feet, whichever is less, shall be subject to Site Plan Approval by the Planning Board. In addition, any change in the use, other than a single or two family, to a use which has an increased requirement for parking as defined by this Bylaw, or an increase in impervious surface, other than building footprint, shall also be subject to Site Plan Approval.

*Table 1*

Size of Building Footprint	% of Increase Requiring Site Plan Approval
Under 1,000 gsf.	40%
1,000 – 4,999 gsf	30%
5,000 – 19,999 gsf.	20%
20,000 – 50,000 gsf.	10%
Over 50,000 gsf.	5%

Note:g.s.f. = gross square footage of the building. G.s.f. shall be calculated using the outside dimension of the building footprint times the number of floors.

**Section 3**  
**Site Plan Approval Procedure**

- 3.1. **Recommended Pre-Filing Procedure** Prior to filing a Site Plan Application, the applicant is encouraged to request, in writing, to schedule a meeting to review the proposed site plan with the Engineering and Building Departments. The purpose of this recommended pre-filing procedure is to review with the applicant the requirements and criteria for site plan approval and address questions in order to give the applicant advice and comments prior to submitting a Site Plan Application and thus avoid unnecessary time and costs to the applicant due to unforeseen problems and issues with a submitted site plan.
- 3.2. **Application Procedure** At the time of filing, the applicant must submit twelve (12) copies of a completed Site Plan Application (*Appendix A*) and twelve (12) copies of the Site Plan, conforming to all requirements listed in this By-Law, along with any pre-filing comments received, to the Planning Board, in care of the Engineering Department. Additionally, a copy of the Site Plan Application (without plans) shall be filed with the Town Clerk.

The Site Plan Application and plans will be date stamped by the Engineering Department and forwarded to the following departments for comment:

- (a) Building Department
- (b) Public Works Department
- (c) Health Department
- (d) Conservation Commission
- (e) Fire Department
- (f) Police Department

Each department shall make every effort to have all comments submitted to the Planning Board within thirty (30) days of receipt of a Site Plan Approval Application. These comments shall be available for review at the Engineering Department prior to the public hearing.

- 3.3. **Contents of Application** An application for Site Plan Approval shall also be accompanied by the following:
- (a) A list of names and addresses of all property owners of record who share a common property line with any portion of the subject property, and abutters to the abutters within three hundred feet (300')
  - (b) An itemized list of all applicable permits required for the subject site prior to the issuance of a building permit, and any approvals, variances and applications applied for and obtained for the project and property, including, as may be

applicable, an application for municipal sewer connection, application for construction of an individual sewerage disposal system, application for municipal water connection, or application for well permit.

- (c) If a variance or a special permit is required to be issued by the Zoning Board of Appeals for a project, it shall be obtained prior to application for Site Plan Approval.
- (d) Written permission from the owner of the property to apply for Site Plan Approval, if the applicant is not the owner.
- (e) For projects proposing demolition of an existing structure, a written finding by the Stoughton Historical Commission that the building or structure is not historically significant.

3.4. **Public Notice** No less than seven (7) days prior to the date of the public hearing, the Applicant shall advertise the public hearing in a newspaper of local circulation, and shall send written notice, by first class mail, to all abutters within three hundred feet (300') of the subject property. Legal advertisement and all required postage shall be paid by Applicant. The legal advertisement and abutter notification shall include, at a minimum, the following information:

- (a) The name and, if applicable, the business name and address of the applicant.
- (b) The street address and the assessor's map and lot number of the property as specified on the Site Plan Application on which construction or expansion is planned.
- (c) A brief description of the type of construction or expansion planned.
- (d) The designated Town office where the Site Plan Application can be reviewed.
- (e) The date, time and place of the public hearing.

3.5. **Public Hearing** A public hearing on the Site Plan Application shall be scheduled within forty-five (45) days of filing. Failure of the Planning Board to hold a public hearing within this forty-five (45) days shall be deemed as constructive approval, upon which the Town Clerk shall issue a certificate to this effect and a notation on the Applicant's Site Plans.

3.6. **Planning Board Action** The Planning Board shall take final action on the Site Plan Application within thirty (30) days of the close of the public hearing. Planning Board action shall be by vote of a majority of the members, or majority of a voting quorum, and shall consist of any one of the following:

- (a) *Approval*, if the Site Plan meets the requirements of this By-Law
- (b) *Approval with conditions*, if the Site Plan would meet the requirements of this By-Law upon satisfaction of certain conditions; or
- (c) *Disapproval*, if the Site Plan does not meet the requirements of this By-Law

3.6.1. **Record of Vote** A record of the Planning Board's action shall be written in triplicate on a Record of Vote form (*Appendix B*), and filed with the Planning Board, Building Department and Town Clerk, respectively.

3.6.2. **Endorsement Upon Approval** In addition to the written Record of Vote, the Planning Board approval, or approval with conditions, shall be indicated by endorsement on the Site Plan by a majority of the Planning Board, with a reference to any specific conditions which may be contained in the written Record of Vote. Once approved, one (1) copy of the approved Site Plan, signed by the Planning Board, or their Authorized representative, shall be forwarded to the Building Inspector and Engineering Department within five (5) days of final Planning Board action.

3.6.3. **Constructive Approval** Failure of the Planning Board to take final action within the prescribed thirty (30) day period shall be deemed as approval, upon which the Town Clerk shall issue a certificate to this effect and a notation on the Applicant's Site Plans. For the purposes of this By-Law, "final action" shall be construed to mean completion of every act required of the Planning Board under this By-Law.

3.6.4. **Disapproval for Failure to Meet Filing Requirements** The Planning Board may, in its discretion, record a vote of disapproval of a Site Plan if the Applicant has failed to meet any of the requirements of filing set forth in this By-Law.

3.7. **Certificate of Occupancy** No occupancy permits shall be issued for any building or structure, or portion(s) thereof, until:

- (a) the Building Inspector receives certification from a registered architect, engineer or land surveyor, that all construction (including utilities) has been done in accordance with the approved site plan (not required for site plans for structures less than 5,000 sq. ft.); and
- (b) the Building Inspector and Engineering Department verifies that all conditions of the approved site plan have been met.

- 3.8. **Security for Incomplete Work** Notwithstanding the requirements of Section 4.7 above, at the option of the Applicant, an occupancy permit may be issued if the only incomplete work shown on the site plan is exterior, cosmetic or landscaping, and if surety, the amount to be set by the Planning Board at a regular meeting, is posted to ensure that the incomplete work is completed within a reasonable time. The Planning Board shall establish a deadline for completion of not more than one (1) year from posting of security. The Planning Board may, at its discretion, allow surety to be posted for site work in addition to landscaping if an unusual or unexpected event prevents the applicant from completing the site work. This allowance is subject to the review by the Planning Board by a site inspection to insure the safety and health for those who occupy the structure and use the site.

In no event may surety be used for incomplete stormwater management areas or wetlands replication that may be required by the Conservation Commission.

#### **Section 4** **Contents of Site Plan and Application**

- 4.1 **Contents of Site Plan** The Site Plan shall contain the following:
- a. Locus map, at a scale of 1"=600' or suitable scale to accurately locate the site in Town, oriented on the plan in the same way as the large scale plan
  - b. The location, width, status (public or private), and name of all streets within 100' of the project.
  - c. On-site and abutting lot lines. On site lot lines shall be described by bearing and distance. Abutting lot lines shall be shown in a general way.
  - d. Zoning District lines, including Flood Plains, Wetland Protection Districts and wellhead protection zones I and II (if applicable).
  - e. A signature block including Five (5) signature lines and a date line for Planning Board approval.
  - f. Existing and proposed surveyed topography contour lines at one (1) or two (2) foot intervals. For projects with structures in excess of 30,000 gsf, see Section 4.3.
  - g. Any streams, brooks or wetland resource area boundaries within 100' of the property lines. Wetland resource areas shall be as defined in the most recent version of the Stoughton Wetland Protection By-Law.
  - h. Information on the location, size and type and number of existing and proposed landscape features. A Landscaping Plan, or acceptable alternative, containing planting locations, species/common name, and size/caliper shall be included as well.
  - i. Information on the location, size and capacity of existing and proposed on-site and abutting utilities, (water, sewer, drainage, natural gas, electrical cable, etc.) including utilities in abutting side streets, if applicable
  - j. Detailed locations and dimensions of all existing and proposed buildings and uses on site and on abutting properties, including sill elevations, overhangs and exterior details relating to the building footprint. All existing and proposed setbacks from property lines.

Any minimum, or below minimum, setback distances shall be clearly noted as such on the plan.

- k. Information on directional on-site signage shall be submitted.
- l. Elevation and facade treatment plans of all proposed structures. Color renderings are encouraged.
- m. Information on the location, size and type of parking, loading, storage and service areas. A parking calculation schedule noting existing, required and proposed spaces for the entire site shall be provided.
- n. Lighting specifications and locations of each light, with explanation of lighting needs at the site. For projects with structures in excess of 30,000 square feet, a manufacturers point to point printout indicating horizontal foot candle levels at grade with proposed property layout shall also be submitted.
- o. Details and specifications (if applicable) for proposed site amenities, including, but not limited to fences, recreation facilities, walls or other barrier materials; and special paving materials.
- p. If any waivers are sought from the Planning Board from this Section of the By Law, they shall be clearly listed with their descriptions on the drawing. If any waivers are requested from Zoning By-Laws, they shall be listed on a separate sheet and submitted as part of the site plan submission material.
- q. Proposed construction schedule.
- r. Limit of Work delineation.
- s. Name and address of Record Owner/Applicant. Cover letter from applicant describing project in detail.

4.2 **Size of Plans** Site Plans shall be preferably either 24" x 36" or 30" x 42". Larger plans may be submitted, at the discretion of the Engineering Department, to prevent match line drawings. The scale shall be a minimum of 1" = 40', except for elevation views and floor plans which shall be at a scale of 1/8" = 1' or 1/4" = 1'. Site Plans shall be legible and include legends. For projects with structures in excess of 30,000 square feet, the proposed layout, planting, utility and grading for the site shall be separated into their own respective sheets.

4.3 **Requirements for Structures Greater than 30,000 GSF**. For projects with structures in excess of 30,000 gsf, the Applicant shall submit traffic impact and drainage design reports, visual impact assessment and proposed grading plans.

4.3.1 **Traffic Report**. Traffic Reports shall include the following for the study area:

- (a) Internal traffic flow analyses
- (b) Existing average daily traffic and peak hour levels
- (c) Analyses of average daily traffic and peak hour levels resulting from the project

- (d) An analysis of existing and resulting intersection levels of service (LOS) (Please refer to the most current edition of the Manual of the Institute of Transportation Engineers for the definition of level of service.)
- (e) Directional vehicular flows resulting from the proposed project
- (f) Proposed methods to mitigate the estimated traffic impact
- (g) Identification of any pedestrian crossing issues
- (h) The methodology and sources used to derive existing data and estimations.

4.3.2 **Visual Impact Report** The Visual Impact Assessment shall be prepared by a registered Landscape Architect and shall include:

- (a) Evaluation of the relationship of proposed new structures or alterations to nearby pre-existing structures in terms of character and intensity of use (e.g. scale, materials, color, odor, door and window size and locations, setbacks, roof and cornice lines, and other major design elements);
- (b) An analysis of the visual impacts on neighboring properties from the proposed development and alterations, and of the location and configuration of proposed structures, parking areas, open space, and gradient changes;
- (c) A site plan rendering.

4.3.3. **Stormwater Management Plan** The contents of the stormwater management plan shall contain sufficient information for the Planning Board to evaluate the hydrological and hydrological-dependent characteristics of the land to be developed, the potential and predicted impacts of land development on the local hydrology, and the effectiveness and acceptability of all measures proposed by the applicant for reducing adverse impacts. Summary data shall be provided in terms understandable to the layperson.

The stormwater management plan shall be prepared in compliance with the Stormwater Management Policy of the Department of Environmental Management and with the requirements of the Environmental Protection Agency's Phase II National Pollutant Discharge Elimination System (NPDES) regulations. Stormwater Management Plan shall include and Operations and Maintenance (O&M) Manual to be performed by the property owner or their agent detailing the responsibilities of the system operator to ensure proper performance of the drainage system.

The following drawings shall be submitted for the Stormwater Management Plan, which shall constitute the Applicants grading plan required by Section 4.1(f):

- (a) Watershed maps to include:
  - (i) All drainage divides within the sub-watershed for existing and developed conditions.
  - (ii) The flow lines of surface runoff entering, passing through, and leaving the site under existing and developed conditions.
- (b) A base map describing the existing hydrological conditions of the site and of receiving or discharging watercourses, water bodies and wetlands. Existing topography shall be described in one foot or two foot contour intervals, depending on how much detail is required to review drainage impacts of the proposed project.
  - i. all changes in topography, described in full contour detail at two foot intervals.
  - ii. all areas where any vegetation is to be cleared or otherwise altered.
  - iii. all areas to be covered with an impervious surface and a description of the surfacing material to be utilized.
  - iv. all changes in natural (predevelopment) infiltration, surface runoff paths, and annual high groundwater table levels.
- (c) The proposed system of stormwater drainage including the location and design of roadway and individual lot sub-drains, construction details for drainage structures including manholes, headwalls, detention basins, outlet and inlet control structures.

4.4 **Certification of Plans**. The site plan must be signed and stamped by a professional deemed appropriate by the Planning Board. This may include, but not limited to a registered Civil Engineer, Surveyor, Landscape Architect, or Architect. For projects with structures in excess of 30,000 gsf, the landscape plan, and visual impact studies shall be prepared and stamped by a registered landscape architect, or other professional as approved by the Planning Board. For projects with structures in excess of 30,000 GSF, the elevations and facade treatment drawings shall be prepared by a licensed architect.

4.5 **Waiver of Filing Requirements** Upon request of the Applicant, the Planning Board may, at its discretion, waive any of the requirements, or portions thereof, of this Section 5. Action by the Planning Board granting either approval or approval with conditions, shall be sufficient evidence of an affirmative waiver by the Board of any of the filing requirements not fulfilled by the Applicant. Waivers of Filing Requirements shall be explicitly requested by the

Applicant in writing, and expressly granted by the Planning Board. Requirements of this By-Law may not be waived except as properly voted by the Planning Board.

## **Section 5** **Standards for Approval**

In reviewing the site plan as part of the approval process, the Planning Board shall ascertain that the site plan meets the following requirements:

### **5.1 Parking Spaces**

- (a) The number and dimensions of parking spaces shown on the Site Plan conforms to the most current requirements of the Zoning By-Law.
- (b) The dimensions of all handicapped accessible parking spaces shall conform to the Rules and Regulations of the Architectural Access Board 521 CMR, and the Americans with Disabilities Act.
- (b) Parking spaces must be clearly marked by painted lines and pavement markings and signs shall be installed identifying compact spaces and accessible parking spaces, in conformance with the Rules and Regulations of the Architectural Access Board 521 CMR, and the Americans with Disabilities Act.

### **5.2 Parking Lot Design** Parking lots shall be designed or re-developed to perform the following functions:

- (a) To promote inbound flow within the lot, so as not to create conflicting movements;
- (b) To promote inbound movement for less backup onto the streets fronting the property, and to avoid conflicts with the inbound flow of cars;
- (c) To locate the project access point to provide visibility of the site before access is reached to prevent difficulties of motorists missing the access point and creating congestion on the streets;
- (d) To create the occasion of convenience and safety for pedestrians traversing through the lot.

### **5.3 Width of Access Drives and Parking Aisles** All access drives and parking lot aisles shall be at least twelve (12) feet wide for one-way traffic and twenty-four (24) feet wide for two-way traffic. Turning radii at the access drives and around the building shall be sufficient for emergency vehicle access as determined by the Fire Chief or his authorized representative.

### **5.4 Site Landscaping.** The following are the criteria used for landscape design evaluation:

- (a) The development, through the use of landscape materials, shall be integrated into the surrounding landscape.
- (b) Landscape materials shall be used to protect abutting properties and enhance the aesthetic quality of the environs and the site. The type, size, and caliper of proposed trees will be evaluated in its effectiveness of enhancing the site. The mixed use of shade trees for defining spaces and providing protection from the elements, evergreens for screening and reduction of noise pollution, as well as the use of ground covers, perennials/annuals/ bulbs and shrubs are encouraged.
- (c) Removal of mature trees and shrubs shall be minimized.
- (d) Objectionable features (such as dumpsters, trash compactors, grease traps, containerized storage and utility boxes) on site shall be screened from neighboring properties, and, if applicable, roadways. Any proposed fencing shall comply with the requirements of the Building Department and the Board of Health.
- (e) Parking lot areas proposed for a site must be adequately landscaped to give relief from the visual impact of an expanse of impervious surface.

5.5 **Minimum Standards for Landscaping.** The minimum total square foot of landscaping to insure the above general standards are met shall be 20% of the total lot area of the proposed development. This calculated square footage shall be marked clearly on the submitted site plan. This percentage shall include landscaping in the following four areas of the site:

- (a) foundation plantings at entry and at building façade facing roadways;
- (b) parking lot interior (such as planting islands);
- (c) screening parking areas, loading areas, rubbish removal bins, and outside storage, if applicable;
- (d) street line plantings, and perimeter lot line plantings, if applicable.

5.6 **Miscellaneous Structures.** The following other site amenities or structures may be proposed in order for the Applicant to meet its landscape requirements of this By-Law, if deemed necessary and appropriate by the Planning Board:

- (a) Walls, fences, and other barrier material, subject to approval of facing materials;
- (b) Special paving materials;
- (c) Other unique landscaping features not named in this By-Law, which the Planning Board may deem appropriate..

5.7 **General Landscaping Guidelines** The following are general guidelines to be used for developing landscape plans:

- (a) Parking lots with twenty (20) or more spaces should be screened along the perimeter from abutting properties and the street.
- (b) For parking lots with forty (40) or more spaces, an area equivalent to at least 15% of the area of the parking lot, should be constructed and landscaped in the interior of the parking lot. The landscaped area should be evenly distributed within the parking lot and should be at least twenty-five (25) feet in area with no dimension less than five (5) feet. One (1) tree, at least three (3) inches in caliper should be installed in each landscaped area. There should be at least one (1) tree for each ten (10) parking spaces.
- (c) A landscaping strip should be provided along foundation walls.

5.8 **Site Lighting** Accesses, parking areas, and pedestrian walkways shall have adequate lighting for security and safety reasons. Lighting shall be arranged and shielded so as to prevent glare from the site shining onto abutting properties and cars. Lighting shall be designed to reduce wasted light from up-lighting and from sky-glow or light loss. Lighting shall also be designed to enhance the site amenities of the properties through specialty lighting. (After the closing of business hours on the site, lighting services shall be reduced for minimum level necessary for security and safety needs.) To perform these conditions, the following standards shall be met:

- (a) The light source should be either High Pressure Sodium or Metal Halide. Other sources, such as Mercury Vapor, Incandescent and Tungsten Halogen may be considered by the Board for low level landscaping lighting.
- (b) The luminaries should be the shoe box type or decorative in nature (with interior directional shields), consistent with the architectural theme of the development. Flood and Area lighting is unacceptable. All luminaries shall have a total cutoff of all light at less than ninety (90) degrees from vertical. The lighting fixture should only be visible from below.
- (c) Reflectors of proper (IES) distribution shall be selected for maximum efficiency. Reflectors and shielding shall provide total cutoff of all light at the property lines of the parcel to be developed.
- (d) Developments, which abut residential areas, or, with structures less than 30,000 GSF shall be reviewed on a case by case basis.
- (e) Where wall pack type luminaries are utilized for exterior illumination, the fixture shall be equipped with a prismatic lens to reduce glare. Means should be designed to a maximum cutoff of seventy (70) degrees from vertical. The location of wall pack luminaries shall not exceed 20'-0" in height. Wall pack luminaries with visible lamping to normal viewing angles are not recommended.

- (f) No light bulb wattage may be in excess of 400 watts.
- (g) Minimum foot-candle requirement, measured at grade level is 1.0 Maximum foot-candle requirement, measured at grade level is 8.0.

5.9 **Loading, Waste Disposal, and Outdoor Storage Areas** Adequate loading and waste disposal areas shall be provided on site. Loading, waste disposal and outdoor storage areas shall be screened by landscaping, walls, fences, or barriers of sufficient height to conceal said areas from the street and abutting residential properties.

5.10 **Drainage** Adequate on-site drainage shall be provided to handle peak stormwater runoff and stormwater runoff shall not adversely affect abutting properties or the Town drainage system. The Applicant shall provide conveyance for the 25 year design storm and storage capable of controlling the 100 year design storm. Drainage systems shall also be designed to meet Best Management Practice and all regulations under the Stormwater Management Policy as most recently amended at the time of filing. Applicant is responsible to demonstrate that the system, as designed, will provide adequate total suspended solids (TSS) removal.

5.11 **Directional Signage**. Directional Signage shall be located on the site so as to provide safe and adequate passage into, out of and through the site. Directional Signage shall be designed to produce quick recognition without distraction on and off the site.

5.12 **Site Construction**. Site work for the proposed development shall conform to the following general requirements:

- (a) All access routes and parking areas shall be graded, paved, and drained to the satisfaction of the Engineering Department.
- (b) Curbing, berms wheelstops, guardrails, and/or bollards shall be placed at the edges of all surfaced parking areas as appropriate. Wheelstops shall be provided wherever a parking area directly abuts a sidewalk.
- (c) All utility connections shall be constructed in accordance with the requirements of the Engineering Department, Public Works and the Building Department, and other utility owners as applicable.

5.13 **Maintenance** All access ways, parking areas, fences, walls, landscaping, lighting, drainage, and waste disposal areas shall be adequately maintained and repaired or replaced wherever and whenever necessary for continued compliance with the appropriate site plan.

**Section 6**  
**Site Plan Administration**

6.1 **Waivers.** Upon request of the Applicant, the Planning Board may grant a waiver of any of the site plan requirements only if it is determined that:

- (a) Literal compliance is impractical due to the nature of the use.
- (b) The location, size, width, depth, shape, or grade of the lot makes compliance impossible.
- (c) Such waivers would be in the public interest and/or
- (d) Such waivers would protect natural features.

6.2 **Modification to Approved Site Plans.** In the event a modification is made to an approved site plan, the applicant shall submit to the Planning Board revised plans showing the modification. Listed below are situations warranting major review as the original filing, minor reviews requiring Board review at a regular meeting, or no review by the Planning Board. A meeting with the Engineering and Building Departments prior to filing is recommended.

6.3 **Major Modifications** The following modifications to a site plan approval constitute “Major Modifications,” requiring the same review and application of the original filing.

- (a) Changes to the principal use structure paved areas, drainage structures, or lot configuration.
- (b) Phasing development to allow structures to be constructed in specific separate time frames.
- (c) Any other modification which the Planning Board finds to be a substantial alteration of the approved Site Plan.

6.4 **Minor Modification.** The following modifications to a site plan approval constitute “Minor Modifications.” The Planning Board may review these following changes to determine the insignificance and consistency within the original approved plan:

- a) Reduction in Landscaping or Parking.
- b) Requests by applicant to revise conditions of previous decision.
- c) Façade changes to the structure.

(e) Any other modification not listed herein, which the Planning Board deems not to be a substantial alteration of the approved Site Plan.

6.5 **Exemptions.** The following alterations or construction operations are exempt from the provisions of this Site Plan Review By-Law:

- (a) Increase in Landscaping, or shifting of landscaping locations, subject to no change in the Plant List quantities or vegetation types (i.e. groundcovers, shrubs, flowering trees, shade/street trees), with exception to landscaping approved for buffering or to meet buffering requirements of this By-Law.
- (b) Changes to infrastructure and utility provisions/apparatus with written approval by the Engineering Division and the agency responsible for the utility, with exception to traffic mitigation (to be considered a minor modification).
- (c) Relocating of less than thirty percent of total approved parking spaces.
- (d) Moving of Handicapped Parking pursuant to 521 CMR as most recently amended.

6.6 **Expiration of Site Plan Approval** Any approval of a site plan which has been granted pursuant to this By-Law shall expire two (2) years from the date of final action, unless work in accordance with the Site Plan Approval has not sooner commenced, except for good cause. Site Plan Approval may, for good cause, be extended in writing by the Planning Board upon the written request of the Applicant

6.7 **Regulations.** The Planning Board may adopt and from time to time amend reasonable procedural regulations, application forms, standard construction detail drawings (as included in the Planning Board Subdivision Rules and Regulations), and specifications for the administration of this by-law, without requiring Town Meeting Approval.

6.8 **Fees.** The Planning Board may adopt reasonable administrative fees and technical review fees for site plan review.

6.9 **Appeal.** The appeal of any decision of the planning board hereunder shall be made in accordance with the provisions of Massachusetts General Laws Chapter 40A, §17.

6.10 **Severability.** If any of the provisions of this By-Law are held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this By-Law, it being hereby expressly declared that that this By-Law and each provision hereof would have been adopted irrespective of the fact that any one or more other provision be declared invalid or unconstitutional. Further, if any provision of this By-Law is for any reason held to be in excess of the authority of the Planning Board, such provision shall not affect any other part of this By-Law.

# STOUGHTON CENTER MIXED USE OVERLAY DISTRICT ZONING BY-LAW

## [1.0] Purpose and Intent

a) There is hereby established a Stoughton Center Mixed Use Overlay District (SCMUOD) zoning by-law and overlay zoning district by-law map. The benefits of the SCMUOD Zoning By-law shall accrue only to those parcels located within the boundary of the SCMUOD.

b) The SCMUOD is intended to apply only to the Town Center portions of the Central Business District (CBD), General Business (GB) district, Industrial (I) district, and Residential Urban (RU) district as shown on the attached overlay zoning district by-law map.

c) The SCMUOD is established for the accomplishment of the following purposes:

- maintain the cultural and architectural integrity of the Center;
- promoting a range and balance of residential and commercial uses in the Center;
- promoting efficient use of land within the Town;
- facilitating integrated physical design and synergies between activities;
- facilitating an increase in the variety of housing stock available in the Center;
- enhancing vitality in the Center during both day- and night-time;
- promoting a pedestrian-friendly living and working environment that encourages transit use and bicycling;
- facilitating economic development of the Center while remaining consistent with the established Design Guidelines and sensitive to environmental impacts;
- encouraging building reuse and appropriate infill development;
- promoting innovative and sustainable building and site design.

## [2.0] Scope of Authority

a) The SCMUOD shall not restrict the owners rights relative to the underlying zoning districts. However, if the owner elects to use the SCMUOD for development purposes, the development shall conform to the requirements of the Stoughton Center Mixed Use Overlay District by-law.

b) Where provisions of this SCMUOD by-law refer to the provisions in the underlying zoning by-laws and there is a conflict between these provisions, the provisions of this SCMUOD by-law shall prevail.

## [2.1] Definitions

For all purposes pursuant to this by-law, all terms and words used shall have the meanings as defined by the current Stoughton zoning by-law and shall also include the following:

**Artist Studio/Residence:** A place of work and residence of one or more persons who are engaged actively, and either gainfully employed or as a vocation, in commercial graphic arts; fine arts, including but not limited to painting, printmaking, sculpting, or ceramics; art and document restoration; the performing and visual arts, including but not

limited dance, choreography, photography or filmmaking or the composition of music. This definition does not include any use included in the Adult Entertainment Establishment in the Stoughton zoning by-laws, as amended.

**Mixed Use Development:** A combination of residential and non-residential uses, as permitted within the SCMUOD, arranged vertically (in multiple stories of buildings), or horizontally (adjacent to one another in one or more buildings) within a lot.

## **[2.2] District Areas**

- a) The SCMUOD shall be divided into two distinct areas: SCMUOD Area A and SCMUOD Area B, as shown on the SCMUOD map.
- b) Unless specified otherwise in this by-law, all use, dimensional and design requirements for developments in SCMUOD Area B shall be the same as those within SCMUOD Area A, as amended.
- c) SCMUOD Area B displays a particular physical character that warrants a slightly different planning approach to the remainder of the SCMUOD. The goal of creating Area B is to preserve the physical character of the Area while allowing architecturally appropriate additions and re-use of buildings.

## **[3.0] Special Permit Granting Authority**

- a) For all purposes pursuant to Section 3.0 of the SCMUOD, the Planning Board is hereby designated as the Special Permit Granting Authority (SPGA). All Special Permit applications made pursuant to the SCMUOD by-law shall conform to the standards and criteria and procedural provisions of the SCMUOD by-law and all relevant procedural provisions in Section X-K of the current Stoughton zoning by-laws, except that, wherever Section X-K refers to 'Board' or 'Zoning Board of Appeals', this shall mean the SPGA for the purposes of the SCMUOD by-law.
- b) The SPGA shall adopt and maintain Stoughton Center Design Review Guidelines to support the standards and criteria contained within the SCMUOD by-law.

## **[4.0] Uses Allowed by Special Permit**

All uses allowed by right in the underlying zoning district are permissible by Special Permit in the SCMUOD unless listed below as being prohibited.

### **[4.1] Permitted Uses**

No building or structure shall be designed, arranged or constructed and no building, structure or land shall be used, in whole or in part, for any purpose other than for one or more of the uses herein set forth as permissible by Special Permit. These uses may be combined within a single structure.

Within the SCMUOD, the SPGA may issue a special permit for the following uses:

- a) Dwelling units located above a retail, restaurant, professional office and service, personal service, or other non-residential use(s) at ground level, provided that no more than 10% percent of the total number of dwelling units at any one time be units of 3 or more bedrooms;
- b) Multistory parking structures, provided that the structure complies with the design standards for parking structures identified in this by-law, as amended;
- c) Artist studio/residence;
- d) Retail stores and offices including, but not limited to salesrooms and showrooms, consumer service establishments, business and professional offices, executive and administrative offices, banks and other financial institutions;
- e) Drive-in automatic teller machines only if located in a secondary “kiosk” style building that is detached from the principle building on the site and the principle building includes 2 or more stories;
- f) Restaurant and other on-premises eating and drinking establishments.

#### [4.2] Prohibited Uses

a) The following uses are prohibited in the Overlay District:

- i) Adult Entertainment Establishment;
- ii) Drive-in establishments other than those described in the permitted uses section of this by-law;
- iii) Funeral establishments;
- iv) Animal or veterinary hospital;
- v) Sale of new or used automobiles and trucks, automobile tires and other accessories, aircraft, boats, motorcycles, and household trailers;
- vi) Automotive repair, automobile service station or garage, including the sale of gasoline;
- vii) Storage trailers and outdoor storage of goods associated with a commercial use;
- viii) Dwelling units located below ground level.

b) Within SCMUOD Area B, the following uses shall be prohibited:

- i) Retail
- ii) Eating and Drinking Establishments

#### [4.3] Special use provisions: Ground floor uses

a) Ground floors of buildings fronting streets or public access ways shall be reserved for commercial uses except as specified below.

- b) Dwelling units shall be allowed on ground floors of buildings only where:
- the building is set behind another building which has commercial uses on the ground floor; or
  - the residential portion of the first floor of a building is set behind street-front retail/office/restaurant uses within the same building; or,
  - in other cases where the SPGA feels that street-front residential uses will not have an adverse impact on the continuity of the commercial street front uses.
- c) Ground floor commercial uses within the SCMUOD Area B are to be limited to professional offices.

## **[5.0] Standards and Criteria**

### **[5.1] General Criteria**

In addition to the specific criteria contained within this section, the SPGA shall consider the following criteria, where relevant before issuing a special permit for development within the SCMUOD:

- a. **Adequacy of the site** in terms of the size of the proposed use(s);
- b. Adequacy of the **provision of open space**, its accessibility to the general public, and / or its association with adjacent or proximate open space areas;
- c. **Suitability of the site** for the proposed uses(s);
- d. **Impact on traffic and pedestrian flow** and safety;
- e. **Adequacy of pedestrian access** to buildings and between public spaces;
- f. Impact on the **visual character** of the Center business area and surrounding neighborhood;
- g. **Adequacy of utilities**, including sewage disposal, water supply and storm water drainage;
- h. Impact of the proposal on the **existing mix of structures** and businesses in the Town Center; and
- i. The alignment of **future road(s)** that may be developed in the Town Center.

The SPGA may disapprove a proposal that results in the loss of architecturally or historically significant buildings or groups of buildings (for example, converted residential buildings fronting Faxon Park, Pearl Street or Canton Street) that contribute to the existing physical character of the Town Center, or which provide for uses key to the success of economics of the Center.

## **[5.2] Minimum Lot Size**

- a) The minimum lot size in the SCMUOD shall be no less than 10,000 square feet, unless stated otherwise in this by-law.
- b) Minimum lot size within the SCMUOD Area B shall be not less than 7,000 square feet.

## **[5.3] Lot Coverage**

In order to enable higher density development within the core business area and lower intensity development nearer to abutting residential districts, the lot coverage requirement within the SCMUOD shall be the same as in the underlying zoning district where the development is proposed. No building area shall be greater than the maximum building area percent shown in the current zoning by-law Table of Dimensional and Density Regulations.

## **[5.4] Minimum Lot Width and Frontage**

Lots within the SCMUOD shall have the following minimum frontage and width, as defined in the current Stoughton zoning by-law:

- a) Minimum lot frontage shall be 20 feet
- b) Minimum lot width shall be 20 feet

## **[5.5] Dwelling Unit Size**

The size of dwelling units shall be as per the required unit size identified in the current Stoughton zoning by-law (section VI-G-9).

## **[5.6] Setbacks and Yard Regulations for Buildings**

Buildings shall be constructed in accordance with the following front, side and rear yard distances, as defined in the current Stoughton zoning by-law:

- a. Minimum Front Yard depth - 0 feet. Note that this depth is to allow zero-setback structures where appropriate in the CBD; it is not meant for all portions of the SCMUOD, where front yard landscaping would be an appropriate amenity.
- b. Maximum Required Front Yard depth – 20 feet or the average of the setbacks to buildings on the same side of the street or way within 200 feet of the lot in question, whichever is the lesser.
- c. Minimum Side Yard Width – 0 feet except where the subject property shares a lot line with a residential home (or Residential District), in which case, minimum is 25 feet (note: minimum is 0 feet in CBD)

- d. Minimum Rear Yard Depth – 10 feet, except where the subject property shares any lot line with parcel in a residential district and not included within the SCMUOD, in which case, minimum is 25 feet

No lot on which a building is located shall be reduced or changed in size or shape so that the building or lot fails to comply with the frontage, building coverage, yard distances, or other dimensional provisions of the SCMUOD by-law.

#### **[5.7] Height**

- a) The maximum height of buildings or structures, other than accessory rooftop equipment discussed below or special architectural features, is forty feet.
- b) The height limit does not apply to necessary appurtenances usually carried above roof not used for human occupancy in accordance with the current Stoughton zoning by-laws (Section VI-G-8).

#### **[5.8] Affordable Housing**

- a) In all developments of more than five dwelling units under the provisions of the SCMUOD, no less than 20% of the total number of units shall be affordable to moderate income households. The affordable units may be available for either rental or ownership. A moderate income household is as defined by the U. S. Department of Housing and Urban Development, or by a similar federal agency created to replace it, as adopted by the Commonwealth of Massachusetts Department of Housing and Community Development.
- b) In computing the number of required affordable units, fractions shall be rounded up.
- c) The affordable units shall be developed under the Local Initiative Program of the Massachusetts Department of Housing and Community Development or another subsidy program that allows housing to count towards the statutory affordable housing requirement of Chapter 40B of Massachusetts General Law.
- d) The affordable units must be subject to use restrictions, deed restrictions, or other legally binding instruments to ensure that the units remain affordable and available in perpetuity exclusively to people with qualifying incomes. The units must be sold or rented on a fair and open basis, and the owners of the units must adopt an affirmative fair marketing plan.
- e) Affordable residential units shall be subject to a Monitoring Agreement to ensure continued compliance with these provisions. The Town may require, for itself or its designee, an option to purchase or lease affordable units for rents, sale prices, or resale prices that are affordable to eligible households. The option shall apply to the initial and any subsequent sale or lease of affordable units.

### **[5.9] Accessory Buildings and Structures**

Detached accessory buildings or structures shall conform to the requirements the current Stoughton zoning by-laws (section VI-F).

### **[6.0] Site Design Criteria / Standards**

#### **[6.1] Open Space**

A minimum of 10% of the site shall remain as open space, designed and intended for appropriate public use. Open space areas shall be maintained as continually open. In order to be included in the required open space calculation, the open space shall be usable, unobstructed space that is not used for vehicle parking, vehicle circulation, loading spaces, nor pedestrian pathways within vehicle parking lots.

#### **[6.2] Public Spaces**

a) All site development other than the re-use of space in existence on the date of passage of this by-law may be required to include the provision of “public spaces” (pedestrian amenities) such as sidewalks, outdoor seating, patios or courts. Such public spaces may include areas such as outdoor cafes clearly identified for a private purpose that increases the street oriented activity of the site itself.

b) These public spaces shall integrate with the existing network of streets and walkways within and adjacent to the SCMUOD to the maximum extent possible, to ensure free movement of motor vehicles, pedestrians and bicycles within the SCMUOD and adjacent neighborhoods. Public spaces that provide for pedestrian connections across the front of the site and between the front of the site and parking facilities located on the property shall be encouraged by the SPGA. These connections may be provided either within the structure or immediately adjacent to the structure within the site's setback area or other areas deemed appropriate by the SPGA.

c) Public spaces provided within the lot may count towards the minimum open space requirements for the site.

#### **[6.3] Landscaping Requirements**

a) All developments, other than the re-use of space in existence on the date of Town Meeting acceptance of this By-Law, shall be landscaped with appropriate low-water vegetation and shall comply with all relevant landscaping standards and guidelines in the current Stoughton Site Plan Review By-Law.

b) Landscaping and screening plant materials within the SCMUOD shall not encroach on the public walkways or roadways in a way that impedes pedestrian or vehicular traffic or blocks views of signs within the roadway alignment.

### **[7.0] Vehicular Access, Parking and Loading Requirements**

#### **[7.1] Vehicle Access**

Driveways shall not occupy more than 25% of the frontage of any parcel, except for lots less than 40 feet wide. Curb cuts shall be minimized and subject to Design Review by

SPGA. Special permit approvals by the SPGA shall encourage off-site pedestrian and vehicular access to existing or future developments on abutting properties in order to facilitate greater pedestrian access and to minimize curb cuts in the SCMUOD.

**[7.2] Vehicle Parking**

- a) Adequate off-street parking shall be provided and maintained in connection with all development pursuant to the SCMUOD by-law. In determining adequacy, the SPGA shall consider the extent to which the design maximizes pedestrian flow within the development, maximizes the efficient use of existing and proposed parking facilities, and minimizes the area of land to be paved for parking.
- b) To maintain a pedestrian-friendly environment, motor vehicle parking spaces shall be located behind or beside buildings wherever possible. Motor vehicle parking shall not be located directly between the building and the street alignment.
- c) The number of off-street parking spaces required in the SCMUOD shall be as per the SCMUOD Table of Parking Space Requirements.

*SCMUOD Table of Parking Space Requirements*

<u>Use</u>	<u>Parking</u>
Permitted commercial uses (including Retail, Offices, and Restaurants)	As per the Table of Off-Street Parking Regulations in the current Stoughton zoning by-law
Residential uses: Studio units and one bedroom dwelling units	1 space per unit, plus 1 space per 10 units or part thereof for guest parking
Dwelling units with 2 or more bedrooms	1.5 spaces per dwelling unit plus 1 space per 10 units or part thereof for guest parking

- d) Where the calculation of the number of required parking spaces results in the requirement of a fractional space, any fraction over one-half shall require one space.
- d) Off-street loading shall be provided in accordance with the Off-Street Loading Standards in the current Stoughton zoning by-law.

**[7.3] Bicycle Parking**

- a) Long-term bicycle parking shall be provided for all new developments in the SCMUOD. Long-term parking shall be at least 50% sheltered from the elements.
- b) Bicycle parking or storage spaces are to be located as close as possible to the building entrance(s). Bicycle parking location and design shall be in accordance with relevant provisions in the Stoughton Center Design Guidelines.
- c) At least 1 long-term bicycle parking or storage space shall be created for every 1 residential unit created.

- d) Condo association documents shall be worded to allow bicycle parking within vehicle parking garages.
- e) At least 2 long-term bicycle parking or storage spaces shall be created for commercial uses within the site.
- f) At least 10 long-term bicycle parking or storage spaces shall be created for structured parking lots.
- g) Any property owner required to have bicycle parking may elect to establish a shared bicycle parking facility with any other property owner within the same block to meet these requirements. This shared agreement shall be submitted to the SPGA as part of the Special Permit request.

#### **[7.4] Special Parking Provisions**

##### **[7.4.1] Shared Motor Vehicle Parking**

Shared use of motor vehicle parking is strongly encouraged, however, parking spaces for one use shall not be considered as providing the required spaces for any other use, except when it can be clearly demonstrated that the need for parking occurs at different times. A shared parking agreement shall be submitted to the SPGA as part of any Special Permit request. Said shared parking agreement shall address issues such as the maintenance, striping and snow plowing of the shared parking area.

##### **[7.4.2] Off Site Motor Vehicle Parking**

- a) Off site motor vehicle parking for any use may be considered by the SPGA if located within 500' walking distance of the subject site boundary. Said walking distance shall be by way of marked pedestrian crossings.
- b) A legally binding agreement from the owner of the subject property containing the proposed off site motor vehicle parking shall be submitted to the SPGA with the Special Permit request. This agreement shall state that easement(s) will be provided for the off site parking upon issuance of a Special Permit. All Special Permits granted pursuant to the SCMUOD by-law shall require that easement(s) be provided for all off site parking. Completed easement documentation shall be presented to the Building Inspector prior to issuance of a Building Permit.

#### **[7.5] Loading and Waste Disposal**

Loading and waste disposal areas installed after the date of passage of this by-law in the SCMUOD shall follow all relevant current State Board of Health regulations and comply with the Loading and Waste Disposal requirements in the current Stoughton Site Plan Review by-law.

## **[7.6] Lighting**

All lighting installed in the SCMUOD after the date of passage of this by-law shall comply with the site lighting requirements in the current Stoughton Site Plan Review by-law. Cobra head light fixtures are not permitted.

## **[8.0] Stoughton Center Design Review Standards**

### **[8.1] Purposes**

The Stoughton Center Design Review Standards are established for the accomplishment of the following purposes:

- Ensure that Stoughton Center continues to be a unique and identifiable place and destination for residents and visitors and is readily understood as "the heart of Stoughton."
- Enhance the social and economic viability of Stoughton's Center by preserving property values and promoting the attractiveness of Stoughton's Center as a place in which to live, work, visit and shop;
- Preserve and enhance Stoughton Center's cultural, economic and historic resources;
- Promote and encourage building design and building alterations that are compatible with the existing physical environment and are of superior quality or appearance; and
- Promote flexibility and variety in future development to enhance the natural and aesthetic qualities of Stoughton Center.

### **[8.2] Administrative Procedures**

a) All applications made pursuant to the SCMUOD by-law shall be subject to Design Review by the SPGA in accordance with the following Design Review Standards and the supporting Stoughton Center Design Review Guidelines. The Stoughton Center Design Review Guidelines shall be made available to anyone upon request.

b) Design Review procedures shall follow all relevant Site Plan Approval Procedures within the current Stoughton Site Plan Review By-Law and shall also include the following:

- i) SPGA shall consult with all other relevant Town Boards, Commissions and Societies, prior to making a determination on an application.. The SPGA may request the Stoughton Historical Society provide input relative to the historic significance of structures in areas proposed for redevelopment under the SCMUOD by-law.
- ii) The applicant shall submit 12 copies of all plans, elevations and illustrations that require Design Review to the members of the SPGA. The SPGA may

require submission of a scale model of the proposed development to assess the impacts of the proposal.

### **[8.3] Design Review Standards**

New buildings shall be of a design similar or complementary to the historic architecture in Stoughton Center in terms of scale, form, massing, roof shape, spacing and exterior materials. The following design review standards are intended to provide for quality development that maintains a sense of history, human scale and pedestrian-oriented village character.

#### **[8.3.1] Scale**

- a) Buildings shall relate well to the pedestrian scale by:
- including appropriate architectural details to add visual interest along the ground floor of all facades that face streets, squares, pedestrian pathways, parking lots, or other significant pedestrian spaces;
  - articulate the base, middle, and top of the facade separated by cornices, string cornices, step-backs or other articulating features.
- b) Continuous length of flat, blank walls adjacent to streets, pedestrian pathways, or open spaces shall not be permitted.

#### **[8.3.2] Entrances**

- a) For visibility and accessibility, all primary commercial and residential building entrances shall be visible from the right-of-way and the sidewalk, shall have an entrance directly accessible from the sidewalk.
- b) Doors shall not extend beyond the exterior facade into a pedestrian pathways.
- c) Where parking is located to the rear of a building, entrances to dwelling units within the building are to be visible and accessible from the parking lot. All entrances are to have sufficient illumination at night time.

#### **[8.3.3] Architectural Details - Existing Historic Buildings**

If a proposed development includes alteration of or addition to an existing historic building, the change shall employ materials, colors, and textures as well as massing, size, scale and architectural features which show consideration for the original structure. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic building shall be preserved whenever possible.

#### **[8.3.4] External Materials and Appearance**

- a) Except for windows and minor trim, the building shall avoid the appearance of reflective materials such as porcelain enamel or sheet metal.

b) Ground floor commercial building facades facing streets, squares, or other significant pedestrian spaces shall contain transparent windows encompassing a minimum of 50% of the facade surface.

c) Predominant wall materials shall have the appearance of wood, brick or stone painted or coated in a non-metallic finish.

#### **[8.3.5] Roof form**

a) New construction, including new development above existing buildings, may incorporate any form of flat or pitched roof, but such roofs shall be complementary to the roofs of historic buildings in the SCMUOD.

b) Flat roofs shall be concealed with parapets along all street frontages and shall not include scuppers or downspouts that outlet above ground level directly into any pedestrian ways.

c) Mechanical equipment shall be screened, organized and designed as a component of the roofscape, and not appear to be leftover or add-on element.

#### **[8.3.6] Signs**

a) All signs and awnings shall conform to the maximum area, height, number, setback and illumination requirements as set forth in the current Stoughton zoning by-laws.

b) Flashing signs, moving signs, and roof signs are not permitted.

c) Signs shall be externally lit from the front. Back lighting of signs is prohibited.

#### **[8.3.7] Service Areas, Utilities and Equipment**

Service and loading areas and mechanical equipment and utilities shall be unobtrusive or sufficiently screened so that they are not visible from streets or primary public open spaces and shall incorporate effective techniques for noise buffering from adjacent uses.

#### **[8.3.8] Parking Structures**

To the extent reasonably feasible, all parking structures shall meet the following design criteria:

a) Where parking structures front streets, retail and other non-residential uses shall be encouraged along the ground level frontage to minimize interruptions in pedestrian interest and activity.

b) Pedestrian scale elements, awnings, signage and other architectural details and elements (such as adequate landscaping, openings, sill details, emphasis on vertical proportions) and other architectural features shall be incorporated into the design to establish pedestrian scale at the street. The architectural design

shall be compatible with existing historic buildings within the immediate vicinity of the site and within the SCMUOD in terms of style, mass, scale, material, height, and other exterior elements.

- c) Auto entrances shall be located to minimize pedestrian/auto conflicts.

### **[8.3.9] Sustainable Building Design**

New buildings constructed in the SCMUOD after the date of passage of this by-law shall comply with the current Leadership in Energy and Environmental Design (LEED) criteria, as promulgated by the U.S. Green Building Council to the extent that is feasible for a developer.

### **[8.3.10] Sustainable Site Design**

The SPGA shall encourage the use of the latest best management practices for storm-water management such as Low Impact Development (LID). This may include the use of roof-top landscaping on buildings that have a flat roof.