



**TOWN OF FRAMINGHAM
ZONING BY-LAW
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I. GENERAL

E. Definitions

1. Terms Defined

For the purpose of this By-Law, the following terms shall have the meanings given in the following clauses, unless a contrary intention clearly appears:

Accessory Drive-thru: Drive-thru facilities associated with any commercial or retail business use; except drive-thru facilities associated with a financial institution, restaurant or Fast Food Establishment.

Accessory Residential Garage: A garage on the same lot or in the same building to which it is accessory and in which no business or industry is conducted, except such necessary repair work as is not of a hazardous nature. Garage space shall not be provided on such lot for more than two motor vehicles, except that space for one additional motor vehicle may be provided for each 2,000 square feet of area by which the lot area exceeds 4,000 square feet, but space shall not be provided for more than five motor vehicles in any case. Not more than one commercial vehicle shall be stored on such lot.

Accessory Use or Structure: A subordinate use, building or structure clearly incidental to and customarily found in connection with the principal use, building or structure and which is located on the same lot with the main use, building or structure. A use or activity ~~not prescribed or permitted~~ which is prohibited in the zoning district shall also be expressly prohibited as an accessory use.

Active Farm Parcel: The portion of the Active Farm that shall have an Agriculture Preservation Restriction (APR) placed on the area in perpetuity. A minimum of 70 percent of the Active Farm shall remain as an Active Farm in perpetuity.

Active Farm: Land located in the Town of Framingham utilized for agriculture, having a minimum of 15 acres, located in a R-3 or R-4 Single Family Residential Zoning District, enrolled in M.G.L. c. 61 and/or 61A and consisting of one or more contiguous parcels in one ownership throughout or any combination of parcels of land consolidated under a Purchase and Sale Agreement where all such owners jointly apply for an Agriculture Preservation Development Special Permit and that do not have a Conservation Restriction or Agricultural Preservation Restriction on the Active Farm.

Adult Bookstore: An establishment having as a substantial or significant portion of its stock in trade, books, magazines and other matter which are distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in MGL Chapter 272 Section 31.

Adult Video Store: An establishment having as a substantial or significant portion of its stock in trade, videos, movies or other film material which are distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in MGL Chapter 272 Section 31.

Adult Paraphernalia Store: An establishment having as a substantial or significant portion of its stock devices, objects, tools, or toys which are distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in MGL Chapter 272 Section 31.

Adult Motion Picture Theater: An enclosed building used for presenting material distinguished by an emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement as defined in MGL Chapter 272 Section 31.

Adult Live Entertainment Establishment: Any establishment which displays live entertainment which is distinguished by an emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement as defined in MGL Chapter 272 Section 31.

Agriculture and/or Farm: These terms shall include farming in all of its branches and the cultivation and tillage of soils; dairying; the production, cultivation, growing and harvesting of any agricultural, floriculture or horticultural commodities; the growing and harvesting of forest products upon forest land; the raising of livestock (including horses, the keeping of horses as a commercial enterprise, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees and fur-bearing animals); and any forestry or lumbering operations performed by a farmer.

Agricultural Preservation Restriction (APR): A restriction and agreement in perpetuity with owners of an Active Farm Parcel, in accordance with M.G.L. c. 184, § 31. An APR is a legally binding set of restrictions that is monitored and enforced by the Massachusetts Department of Agricultural Resources, a town conservation commission and/or a land trust. Owners of Active Farms may voluntarily enter into these agreements by selling the APR for a negotiated price based on the appraised value of the restriction.

Amusement Park: An outdoor amusement facility of a permanent nature, including carnival or midway, with any or all of the following: rides, water slides, concession stands, and games of chance.

Applicant: The owner(s) of land and such duly authorized agent(s), representative(s), assign(s) or attorney(s). The owner(s) of land must be included as an applicant to an application, even if not the proponent. Persons or entities other than the owner may also serve as co-applicants in addition to the owner(s), however, in each instance, such person or entity shall file with the appropriate application authority, sufficient written evidence of authority to act by or on behalf of the owner(s).

As-of-right use: An as-of-right use means that the use is allowed without the need for a special permit, use variance, amendment, waiver, or other discretionary approval. As-of-right uses may be subject to site plan review to determine conformance with this by-law.

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Assisted Living Housing: Housing units and associated facilities designed for the elderly who require daily assistance but who do not require nursing home care. An Assisted Living Housing Unit consists of the same characteristics as a Congregate Living Housing Unit. Associated facilities typically provide additional services beyond Congregate Housing, including daily meals and personal services, medical monitoring and supervision. Assisted Living shall refer to certified Assisted Living Residences only, as defined and certified under G.L. c. 19D, and as regulated under 651 CMR 12.00.

Automatic Carwash: Any facility, its structures, accessory uses, paved areas or grounds used wholly or partly to wash and clean the exterior of passenger automobiles, vans, pick-up and panel trucks using conveyors to move the vehicle or equipment that moves over or around the vehicle or other automated equipment intended to mechanically wash such vehicles and which is open to the public. Subject also to the provisions of Section V.C.

Automobile Dealer: Sale or rental of motor vehicles or trailers, including, but not limited to, used car dealers; sale and installation of vehicle accessories conducted within an enclosed structure, subject to special regulations Section IV.D., herein. Accessory servicing and repair shall be permitted if sufficiently sound-insulated and confined to premises to protect the neighborhood. A used car dealer may not be located within 1,000 feet of another used car dealer unless it is a legal pre-existing use of the land. Such required separation distance shall be measured from all property lines of the proposed use.

Automobile Repair: Automobile repair garage or paint shop facility located principally within an enclosed structure, subject to special regulations Section IV.D., herein. No vehicles other than those under or awaiting repair or awaiting delivery or pick-up after repair shall be stored overnight on the premises except commercial vehicles used in connection with the principal use.

Automobile Storage: Open or enclosed storage of ~~vehicles~~ automobiles, excluding outdoor storage of junk or inoperative motor vehicles. The use shall be subject to special regulations Section IV.D., herein.

Bed and Breakfast: A private owner-occupied single-family residence with guestrooms for rent.

Boarding or lodging house: Every dwelling or part thereof which contains one or more rooming units in which space is let or sublet for compensation by the licensee, owner or operator to four or more persons not within the

second degree of kindred to the person compensated, but shall not include inns, bed and breakfasts, dormitories, fraternity houses or similar places; or convalescent, nursing, or rest homes or group residences licensed or regulated by agencies of the Commonwealth.

Comment [BSA1]: From Town's Lodging House by-law, Article V, §24, based on G.L. c. 140, §22.

Boarding House (conversion): Conversion of non-commercial structure into a boarding or lodging house. The structure for which the special permit is sought shall not be enlarged by any change to the exterior walls or roof.

Buildable Parcel: The portion of the Active Farm that may be used for cluster development. The Active Farm Parcel shall not be included in this area.

Building: Any structure or portion thereof, either temporary or permanent, having a roof or other covering, and designed or used for the shelter or enclosure of any person, animal, process, equipment, goods or materials of any kind or nature.

Business or Professional Office: A place in which functions such as directing, consulting, recording keeping, and sales (without the presence of merchandise) of a firm are carried on; also a workplace of a physician, dentist, lawyer, architect, registered engineer, accountant, planner, psychologist, or other member of a recognized profession.

Carwash: Any facility with one or more bays, its structures, accessory uses, paved areas or grounds used wholly or partly to wash, clean and dry the exterior and/or interior of passenger automobiles, vans, pick-up and panel trucks and which is open to the public, including both automatic and self-service carwashes; subject also to the provisions of Section V.C.

Center for Performing Arts: A public or private space used to create and present various performing and visual arts. A center for performing arts may also include educational and training uses associated with the various performing and visual arts.

Change in Use: A change in part or all of an existing structure from one use category or purpose to another use category or purpose. In a mixed or multi-use facility, an exchange or rearrangement of principal use categories or components shall not be construed as a change in use unless the net change in any of the factors in the Table of Off-Street Parking Regulations, Subsection IV.B.1 (a), requires an addition of 10 or more parking spaces to the amount required by this By-Law prior to the change in use. The calculation of change in use of gross floor area shall be determined by the Building Commissioner based on the aggregate of all changes in use undertaken within a consecutive three year term.

Commercial Dealers: Retail dealers in grain, fuel, lumber, and structural materials, and milk depots.

Comment [BSA2]: Previously called Retail Dealers, this use has been re-named and the definition revised.

Common Open Space: A portion of the Buildable Parcel that may be used for active, passive or leisure activities by the residents of the Agriculture Preservation Development.

Common Open Space Area: A portion of the Open Space Buildable Parcel that may be used for active, passive or leisure activities by the residents of the Open Space Cluster Development.

Complete Streets: The planning, scoping, design, implementation, operation, and maintenance of roads in order to reasonably address the safety and accessibility needs of users of all ages and abilities. Complete Streets considers the needs of motorists, pedestrians, transit users and vehicles, bicyclists, and commercial and emergency vehicles moving along and across roads, intersections, and crossings in a manner that is sensitive to the local context and recognizes that the needs vary in urban, suburban, and rural neighborhoods.

Conservation Restriction (CR): A restriction and agreement in perpetuity for the protection of Open Space, in accordance with M.G.L. c. 184, § 31. A CR is a legally binding set of restrictions that is monitored and enforced by the Massachusetts Department of Conservation Services, the Town's Conservation Commission and/or a land trust.

Congregate Living Housing: Housing units and associated facilities designed for elderly occupants who do not require constant supervision. A Congregate Living Housing Unit consists of a room or group of rooms for one or more persons with provisions for living and sleeping for the exclusive use of the individual or household unit. The Congregate Living Housing unit may provide exclusive cooking and sanitary facilities. Associated or shared facilities may include common dining facilities with limited meals, housekeeping services and common space for indoor and outdoor social, educational and recreational activities.

Cultural Center: A theater, museum, or gallery or any combination thereof.

Cultural and Educational Centers: Centers for cultural and education programs, events and performances, with indoor and outdoor seating capacity not to exceed a total of 200 seats. ~~Only one such facility may be permitted per District.~~

Comment [BSA3]: It was felt that cultural and education centers should be encouraged, not unduly limited.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, blasting, soil compaction or drilling operations.

Drive-thru: Drive-thru facility or automatic teller machine (ATM) as a principle use; subject also to the provision of Section V.J.

Drive-thru facility: A place of business, which serves customers who remain in motor vehicles, that provides goods or services to the exterior of the building by means of a service window, counter, or similar method or device.

Educational/Charitable/Religious: Charitable and philanthropic buildings for religious purposes or educational purposes on land owned or leased by the Commonwealth, or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination or by a nonprofit educational corporation; provided, however, that such land or structure shall be subject to regulations concerning the bulk and height of structures, yard size, lot area, open space, parking, building coverage, and site plan review requirements in accordance with the provisions of this By-Law.

Enlargement: An increase in the size of an existing structure.

Extension: An increase in the amount of existing floor area within an existing building.

Family ~~day~~ Child eCare hHome: An accessory use to a dwelling, allowing not more than six children in care, as defined in M.G.L. c. 15D, section 1A, provided that said dwelling and provider have received a license from the Department of Early Education and Care~~Office for Children~~ to provide family day care, as defined by M.G.L. ch. 15D Chapter 282 of the General Laws.

Comment [BSA4]: Amended to be consistent with state law.

Farm and/or Agriculture: These terms shall include farming in all of its branches and the cultivation and tillage of soils; dairying; the production, cultivation, growing and harvesting of any agricultural, floriculture or horticultural commodities; the growing and harvesting of forest products upon forest land; the raising of livestock (including horses, the keeping of horses as a commercial enterprise, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees and fur-bearing animals); and any forestry or lumbering operations performed by a farmer.

Comment [BSA5]: Same definition as Agriculture and/or Farm

Farmer: A person engaged in agriculture or farming as previously defined, or on a farm as an incident to or in conjunction with such farming operation, including preparations for market, delivery to storage or to market or to carriers for transportation to market.

Fast Food Establishment: A food and beverage serving facility which generally serves ready-to-eat foods and beverages in disposable containers over a general service counter that customer carry to the restaurant's seating facilities or off premises. In the B-1 and B-2 Districts, no special permit may be issued for a Fast Food Establishment with a seating capacity which exceeds 36 seats; safety hazards to pedestrians may not be created; and the design of the building must be architecturally compatible with the nearby building group and neighborhood.

Fixture: The assembly that holds the lamp (bulb) in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

Floor Area Ratio (FAR): The ratio of the gross floor area of the building or group of buildings on a lot, including accessory buildings, to the lot area. Any land within the lot area which is located in another zoning district in which the principal use of the lot is not permitted shall be subtracted from the lot area for the purposes of calculating the Floor Area Ratio. Any land within the lot area located beneath a river, or beneath a brook, stream or creek wider than 10 feet, the boundary of which is the upper boundary of the bank, shall be subtracted from the lot area for the purposes of calculating the Floor Area Ratio.

Gasoline Service Station: ~~Gasoline service station-An Establishment~~ for the retail sale of gasoline, oil, auto accessories, and accessory convenience items, and for minor automotive repairs and servicing. Accessory servicing and repair shall be permitted if sufficiently sound-insulated and confined to premises to protect the neighborhood. The use shall be subject to special regulations for Service Stations and Outdoor Auto Sales, Section IV.D., ~~herein~~.

~~**Geriatric Hospital Facility:** An Accredited geriatric hospital facility, including acute care facilities, extended care facilities, and continuing care facilities.~~

Glare: Light emitted from a luminaire with intensity great enough to produce annoyance, discomfort or visual impairment.

Gross Floor Area: The sum of the area of all stories of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, including any floor area below grade when used for residential, office, business, storage, industrial, or other purposes, but excluding any area used exclusively for heating, air conditioning or other mechanical equipment, and excluding floor area intended or designed for accessory off-street parking.

Gross Leasable Area: The total floor area designed for tenant occupancy and exclusive use, including any basement, mezzanines, or upper floors, expressed in square feet and measured from the center line of joint partitions and from outside wall faces.

Ground Coverage: Land occupied by structures, storage spaces, patios, parking areas, roadways and driveways, and other paved or enclosed areas.

Group Residence: A residential, non-profit school which provides services substantially paid for by the Commonwealth of Massachusetts to six or fewer individuals who may be handicapped, disabled, or undergoing rehabilitation.

Home occupation: An activity customarily conducted by the residents of a dwelling unit, inside the principal dwelling unit or building accessory thereto, requiring only home equipment, including but not limited to type writers and computers. The term "home occupation" shall include but is not limited to the studio of an artist, musician, or photographer; the office of a sales or manufacturer's representative; secretarial or computer-related activities; tailoring; millinery; handicrafts; and small group instruction or tutoring. Such use shall be allowed provided no retail or wholesale merchandise transactions are conducted on the premises, with the exception of handicrafts, art work or clothing produced entirely on the premises. The term "home occupation" shall not be interpreted to include the following: clothing rental, barber shop, hairdresser, restaurant, television repair, real estate broker, orchestra or instrumental group, antique shop, animal hospital, and other similar uses. The term "merchandise transaction" shall not include transactions made solely by mail or telephone, but shall include any pick-up or delivery of goods bought or sold as part of the home occupation.

Comment [BSA6]: Deleted as unnecessary.

Home Office: An office within the dwelling unit, or accessory building thereto, of a resident physician, dentist, lawyer, architect, registered engineer, accountant, psychologist, or other member of a recognized profession. ~~A “recognized profession” is one in which specialized services are provided to clients and which is recognized by a board or agency which grants a license, certification, or registration.~~

Comment [BSA7]: Recognized profession added below as a separate definition.

Hospice Facilities: Facilities designed to provide for the physical and emotional needs of the terminally ill.

~~**Hotel:** A building or buildings containing rooming units for transient overnight lodging accommodations, without individual cooking facilities, and having a common entrance or entrances and which may include accessory uses such as a conference facility or restaurant. As used in this By-law, ~~h~~Hotel shall not include a boarding house, lodging house or rooming house, or multifamily dwelling.~~

Human Habitation: The use of a building for living purposes including working, sleeping, eating, cooking or recreation, or a combination thereof, but excluding use for storage only.

Indoor Amusement Facility: Indoor entertainment, amusement or recreation facility, unless exempted by law, such as movie theater, bowling alley, billiard room, or tennis club. ~~Noisy activities shall be at least 100 feet away from any lot line and effectively sound insulated or screened to protect the neighborhood.~~

Comment [BSA8]: Moved to Section IV.E.5.h.

Indoor Non-profit Recreational Facilities: Indoor non-profit recreational facilities such as swimming pool, tennis court, skating rink, or children’s camp or center.

Independent Living Housing: Housing units and associated facilities designed for the elderly who are self sufficient and require no on-site personal or health care services. An Independent Living Housing unit consists of a room or group of rooms designed or intended to provide a habitable unit for one or more persons with provisions for cooking, living, sanitation and sleeping for the exclusive use of the household unit. Associated facilities may include substantial common and socializing areas and other amenities.

Lamp:— The component of a luminaire that produces the actual light.

Landscaped Open Space Surface Ratio (also, **Landscaped Surface Ratio** or **LSR**): The ratio between (1) the area of a parcel devoted to pervious landscaping or natural vegetated areas and (2) the total area of the parcel. Both components of this ratio shall exclude any wetland resource area, as defined in M.G.L. Ch. 131, Sec. 40, except for wetland areas that are located within one hundred feet of an upland area adjoining a developed area of the project.

Landscaper Business: ~~The premises of a landscaping business, where any of the following purposes may be conducted for the business: indoor or outdoor storage of equipment, supplies and materials; the parking of wheeled equipment; the parking of two or more motorized vehicles with six or less wheels.~~ Abutting properties shall be sufficiently screened for visual and noise impacts to protect the neighborhood.

Large Family Child Care Home: ~~An accessory use to a dwelling, allowing more than six children in care, as defined in M.G.L. c. 15D, section 1A, provided that said dwelling and provider have received a license from the Department of Early Education and Care to provide family day care, as defined by M.G.L. ch. 15D.~~

Comment [BSA9]: Added to be consistent with G.L. c. 40A, §3.

Level of Service: (LOS) shall be determined according to criteria set forth by the Transportation Research Board of the National Research Council

Light Trespass:— The shining of direct light produced by a luminaire beyond boundaries of the lot on which it is located.

~~**Light Manufacturing:** For purposes of the Table of Uses, Light Manufacturing is defined as manufacturing of the following: small tools, clothing, electrical appliances, food products preparation except as prohibited in Section II. C, leather goods, machinery parts and accessories, such as bolts, nuts, screws, washers, gears, etc., provided power forges are not employed on the premises. In no case, however, shall basic materials be processed~~

~~on the premises, a power generating plant be maintained on the premises, nor more than one hundred horsepower to be used as the total capacity in electric motive power for each two thousand square feet of floor area employed for such purposes.~~

Comment [BSA10]: Deleted as archaic.

~~**Limited Manufacturing:** Limited to assembly of materials only, and which does not require any processing of new materials, provided that the use is found to be compatible with the intent of the Central Business District and with the uses allowed therein; provided that the use will not detract from an active streetscape at the pedestrian level; and provided that the use will be limited to the upper floors or basement level of a building on primary downtown streets (Concord St., Union Ave., Waverly St., Irving St. and Hollis St.), except where the use is ancillary to a retail or personal service use in a storefront location.~~

Comment [BSA11]: Moved from footnote 17 of Table of Uses.

Limited Accessory Structure: A structure that does not require a building permit, including but not limited to, a shed, dog house, pool house, oil or natural gas tank covers, wood storage bins, or any other similar accessory structure.

Lot: A parcel of land, with definite boundaries ascertainable by recorded deed or recorded plan and used or set aside and available for use as the site of one or more buildings or for any other definite purpose, in one ownership and not divided by a street ~~or public way.~~

Comment [BSA12]: Deleted because "street" includes public ways.

Lot Area: The horizontal area of the lot including land over which easements have been granted, but exclusive of any area within the limits of a street or recorded ~~public or~~ private way, even if fee to such street is in the owner of the lot.

Comment [BSA13]: Deleted because "street" includes public waye.

Lot Coverage: The area of a lot lying within the outside lines of exterior walls of all buildings on the lot, including the area of any appurtenance; or, if indicated by the context, the ratio of said area to the total area of the lot, expressed as a percentage.

Lot Line: A line dividing a lot from a street or from a contiguous lot.

~~**Lot Line, Front:** The property line adjacent to a street, (a) a public way or a way which the Town Clerk certifies is maintained and used as a public way, or (b) a fully constructed way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, or (c) a way in existence when the subdivision control law became effective in the Town of Framingham, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. Frontage shall provide both rights of access and potential vehicular access across that lot line to a potential building site. Frontage shall be measured in a single contiguous, uninterrupted line along a street or streets.~~

Comment [BSA14]: See definition of street.

Comment [BSA15]: Last two sentences moved to Section IV.E.4.a.

Lot Line, Side: Any lot line that is not a front lot line.

Lumen: ~~==~~ A measure of light energy generated by a light source. One footcandle is one lumen per square foot. For purposes of this By-Law, the lumen output shall be the initial lumen output of a lamp, as rated by the manufacturer.

Luminaire: ~~==~~ The complete lighting unit, including the lamp, the fixture, and other parts.

Medical Office: Office or clinic for medical or dental examination or treatment of persons as out-patients, including laboratories incidental thereto.

Mixed Use: A building containing residential use on any floor above the ground floor of a building combined with an allowed non-residential use or uses on the ground floor and other floors of a building.

Mixed Use Complex: A parcel or contiguous parcels (whether or not in common ownership) of at least five acres with adaptive reuse of historic manufacturing structures for multifamily residential and allowed non-residential uses within the existing historic structures. Such Mixed Use Complex shall have shared parking and integrated facilities and infrastructure. Residential and non-residential uses may be in the same or separate buildings, provided however that neither the total residential uses nor the total non-residential uses shall exceed 80 percent of the gross floor area of the buildings in the Mixed-Use Complex, excluding parking facilities.

Motel: ~~A building or buildings intended and designed solely for transient or overnight occupancy divided into separate rooming units within the same building, each of which has a separate outside entrance leading directly to the room, without a common entrance to the rooming units, and with or without public dining room facilities, but shall not include a boarding house, lodging house or rooming house, or multifamily dwelling.~~

Multi-family Dwelling: A dwelling containing more than two dwelling units.

Municipal Waste Disposal: Municipal plant for the disposal of sewerage, or for the incineration of refuse and garbage and municipal sanitary land fill operation.

Municipal Services: Public services and infrastructure furnished by the Town, including but not limited to, police, fire, schools, public works, inspectional services, finance, water systems, sanitary sewerage systems, communication services, and fire alarm systems.

Nonconforming: ~~—~~ A lawful pre-existing building, structure, vacant lot, or use of buildings or land that does not conform to the zoning regulations for the district in which it is located, but did conform at the time it was built or established. The grant or existence of a variance or special permit for the maintenance of any non-compliance with this By-Law does not make such non-compliance a non-conformity protected under Section I.D.

Nursing Care Facilities: Intermediate and skilled care nursing facilities designed to provide an intensive level of nursing and medical care for patients.

Open Space, Landscaped: The part or parts of a lot designed to improve the visual environment and to provide areas for passive outdoor recreation, including the preservation of existing natural site features and/or the planting or placement of such elements as grass, flowers, shrubs, trees, or permeable ground cover. Such space shall not include lot area used for parking or access drives or any impermeable paved areas.

Open Space, Usable: The part or parts of a lot designed and developed for outdoor use by the occupants of the lot for such recreational uses as swimming pools and tennis courts, vegetable gardens, animal enclosures, or patios. Such space may include landscaped open space and impermeable paved areas, but shall exclude areas used for parking or access drives or accessory structures.

Open Space Buildable Parcel: The portion of the Open Space Parcel that may be used for cluster development. The Preserved Area shall not be included in this area.

Open Space Parcel: Land consisting of 15 acres or more located within the Single Family Residential Zoning District (R-3 and R-4) that has not been protected from development, nor has a conservation restriction or easement placed upon it and consists of one or more contiguous parcels in one ownership throughout or any combination of parcels of land consolidated under a Purchase and Sale Agreement where all such owners jointly apply for Open Space Preservation Development Special Permit and that do not have a Conservation Restriction on the Open Space Preserved Area.

Open Space Preserved Area: The portion of the Open Space Parcel that shall have a Conservation Restriction (CR) placed on the area in perpetuity.

Outdoor Entertainment Facility: Outdoor entertainment facilities such as miniature golf course, driving range or drive-in theater. The use shall not include an Amusement Park. ~~Noisy activities shall be at least 100 feet away from any residential lot line and effectively screened from abutters to protect the neighborhood.~~

~~**Outdoor Café:** Outdoor or sidewalk cafes, ancillary to a restaurant, lunchroom or other eating establishment, other than a fast food establishment.~~

Outdoor Recreational Facility: Parks, picnic areas, play fields and playgrounds; outdoor swimming pools and tennis courts; golf courses and country clubs on parcels of at least 50 acres; boat launching ramps; riding trails; and paths or trails for cycling, hiking, jogging, skiing, etc. Specifically excluded are firing ranges and miniature golf courses.

Comment [BSA16]: Moved to Section IV.E.5.i.

Comment [BSA17]: Deleted as unnecessary, outdoor seating accessory to a restaurant is allowed, see definition of restaurant.

Personal health and exercise facility, or health club: An establishment, providing space or facilities for physical exercise, fitness and health for private members or guest of the private members.

Personal services: Including but not limited to a barber or beautician; pickup or self-service laundry or dry cleaning; garment or shoe makers and repairers; florist; printing, publishing or photocopying; photographer's studio; baker, caterer or confectioner; clothes cleaner and presser, decorator, dressmaker, dyer, furrier, hairdresser, hand laundry, manicurist, milliner, newsdealer, optician, photographer, shoe shiner, tailor, telephone exchange, telegraph office, upholsterer.

Principal Use: The primary or main use of land, building or structure, as distinguished from an accessory use, building or structure. A use or activity not prescribed or permitted in the zoning district shall be expressly prohibited.

Recognized Profession: A business in which specialized services are provided to clients and which is recognized by a board or agency which grants a license, certification, or registration.

Rental of Rooms: The taking of boarders or the letting or renting of rooms by a resident family in a dwelling; but no dwelling so used shall be enlarged, but may be remodeled for the same or like purpose.

Research, Development and Laboratories: Establishment or laboratory for scientific research and development (R&D), including biotechnology. Uses accessory to activities which are necessary in connection with scientific R&D or related production are shall be allowed.

Restaurant: Restaurant, lunchroom, or other eating establishment including lunchrooms primarily for on-premises consumption, which may include outdoor seating; other than a fast food establishment.

Retail Dealers: Retail dealers in grain, fuel, lumber, and structural materials, milk depots and other commercial, non-manufacturing uses not otherwise specified in the zoning by law.

Retail Services: Stores selling goods to the general public, including but not limited to a drug or package store; grocery, variety, clothing or shoe store; hardware or household appliance sales and services; music store; computer store; book, card, or stationery store; or newsdealer, and which may include the rendering of associated services incidental to the sale of such goods or merchandise.

Retail Stores/Custom Work Shop: Retail stores and shops for custom work or the making only of articles to be sold at retail on the premises, including but not limited to artisans, jewelry makers, handicrafts and artist studios.

Self-service Carwash: Any facility with two or more bays, its structures, accessory uses, paved areas or grounds used wholly or partly to wash, clean and dry the exterior of passenger automobiles, vans, pick-up and panel trucks using hand held equipment and which is open to the public. Subject also to the provisions of Section V.C.

Setback: The distance between a front or side lot line and the line of a building or projection thereof, measured on a line perpendicular to the lot line.

Service Establishment: Establishments engaged primarily in providing assistance, as opposed to products, to individuals or businesses and other enterprises, including but not limited to a barber or beautician; pickup or self-service laundry or dry cleaning; garment or shoe makers and repairers; florist; printing, publishing or photocopying; photographer's studio; baker, caterer or confectioner; clothes cleaner and presser, decorator, dressmaker, dyer, furrier, hairdresser, hand laundry, manicurist, milliner, newsdealer, optician, photographer, shoe-shiner, tailor, telephone exchange, telegraph office, upholsterer.

SPGA: Special Permit Granting Authority

Stone or monument works: Stone or monument works, employing not more than five workers, and providing any stone cutting be done behind a screen between the site of such cutting and any street line or property line.

Story: The portion of a building which is between one floor level and the next higher floor level or the roof. If a mezzanine floor area exceeds one-third of the area of the floor immediately below, it shall be deemed to be a

Comment [BSA18]: Re-named Service Establishments and a definition of Service Establishments has been inserted below.

Comment [BSA19]: This definition was previously included in the definition of Home Office.

Comment [BSA20]: Re-named Commercial Dealers and a definition of Commercial Dealers inserted above.

Comment [BSA21]: Moved from Table of Uses 5.G

Comment [BSA22]: This definition is an amended version of the previous definition of Personal Services.

story. Any floor area below finished grade shall be deemed to be a story when its ceiling is four feet six inches or more above grade. Any attic shall be deemed to be a story if more than one-half the floor area has a clear height of seven feet or more.

Street: A way which meets one of the following criteria: (a) a public way or a way which the Town Clerk certifies is maintained and used as a public way, or (b) a fully constructed way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, or (c) a way in existence when the subdivision control law became effective in the Town of Framingham, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

Comment [BSA23]: Previously included in definition of Lot Line, Front

Structure: Any combination of materials assembled at a fixed location providing support or shelter, such as a building, framework, tent, shed, or mast for radio antennas, but excluding sidewalks and paved areas on streets, driveways, parking areas, and patios.

Substantial Alteration: An alteration or improvement of a structure or group of structures under one ownership on the same lot or contiguous lots which results in an increase in gross floor area in excess of either 10 per cent of existing gross floor area or 5,000 square feet, whichever is the lesser amount, or which requires an addition of 10 or more parking spaces to the amount required by this By-Law prior to the alteration. The calculation of a substantial alteration shall be determined by the Building Commissioner based on the aggregate of all repairs, improvements, extensions or enlargements undertaken within a consecutive three year term.

Substantial Improvement: An alteration or improvement of a building, the cost of which, including all materials and labor, based on documented estimates or construction costs submitted by the applicant, equals or exceeds 40 per cent of the full value assessment of the building. The calculation of a substantial improvement shall be determined by the Building Commissioner based on the aggregate of all repairs, improvements, extensions or enlargements undertaken within a consecutive three year term.

Technical Review Team: (TRT) An informal working group consisting of representatives of the various Town Departments to review pre-application projects. The TRT meets on a regular basis to provide comments, concerns, recommendations, and a permit/license determination for pre-application projects prior to the submittal of a formal application. The TRT shall include the Building Commissioner, Conservation Commission, Planning Board, Zoning Board of Appeals, the Board of Health, Community & Economic Development, the Department of Public Works, the Disability Commission, the Fire Department, and the Police Department.

Truck Terminal: A location that acts as an important interchange or the end of a freight transportation route, where the contents of freight trucks are broken into shipments for other carriers. ~~Truck or motor freight terminal.~~ Servicing or repair of such vehicles is prohibited.

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

Upland: Land which is not "Land under Water Bodies and Waterways", "Freshwater Wetlands", or "Vernal Pool Habitat" as set forth in the Wetlands Protection By-Law [General By-Laws Article V, Section 18.2], as well as land which is not an area of special flood hazard, as described under Section III.A.1.

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

Vehicle Storage Yard: Open or enclosed storage of motor vehicles, excluding outdoor storage of junk or inoperative motor vehicles. The use shall be subject to special regulations Section IV.D., herein.

Veterinary Services: Veterinary services or animal groomer, with all activity conducted within an enclosed structure. ~~Noisy activity shall be at least 100 feet from any residential lot line and effectively sound insulated or screened to protect the neighborhood.~~

Comment [BSA24]: Moved to Section IV.E.5.j.

Workshop: Shop of a plumber, carpenter, electrician, upholsterer or similar workshop or repair establishment conducted entirely within an enclosed structure. All work and storage shall be sufficiently sound-insulated and confined to the premises to protect the neighborhood.

Wholesale Business: ~~Places of business including storage such as building trade suppliers and lumber yards which sell goods primarily to retailers, industrial, commercial, institutional or professional businesses. Wholesale business and storage, such as building trade suppliers.~~ Storage of flammable liquids and gas prohibited.

2. Terms Not Defined

Terms not defined in this Section or elsewhere in this By-Law but defined in the State Building Code or in the Massachusetts General Laws shall have the meanings given therein unless a contrary intention is clearly evident in this Zoning By-law.

II. USE REGULATIONS

A. Classes of Districts

For the purpose of this By-Law, the Town of Framingham is hereby divided into classes of Districts as follows:

1. Residence Districts:

~~a. Single Residence: R consisting of sub categories R-1, R-2, R-3, R-4~~

~~b. General Residence: G~~

~~The purpose of the residential districts is to preserve the neighborhood character while reinforcing existing and desired development density. The Town contains five different residential zoning districts: Single Residence (R-1), Single Residence (R-2), Single Residence (R-3), Single Residence (R-4), and General Residence (G). The R-1 District contains the densest single family urban neighborhood, while decreasing in density through to the R-4 District which contains the least dense and largest lots within the Town. Each residential district varies in lot area, frontage, setbacks, open space percentage, and height requirements.~~

2. Business Districts

~~The purpose of the business districts is to offer a range of existing and proposed commercial and mixed-uses specific to each district. The variety of business districts within the Town supports a range of small neighborhood villages to large commercial centers. The Town contains five different business zoning districts: Neighborhood Business (B-1), Community Business (B-2), General Business (B-3 and B-4), Central Business (CB), and Business (B).~~

a. Neighborhood Business: B-1

~~The purpose of the Neighborhood Business District is to preserve and encourage the provision of small scale retail and service uses for nearby residential areas. Development within this District is intended to be pedestrian-oriented and compatible with the scale of surrounding residential areas. This District reinforces historic preservation through the development of traditional neighborhood village centers, with small lots, small setbacks, parking to the side or rear, and a mixed-use of structures containing a variety of businesses. The B-1 District was established to protect adjacent residential neighborhoods from the impacts and encroachment of large scale development by acting in essence as a buffer.~~

~~Intent:~~

- ~~(1) To preserve areas for small businesses in close proximity to residential areas.~~
- ~~(2) To preserve uses and encourage development which support pedestrian patronage and alternative transportation in addition to customers arriving by automobile.~~
- ~~(3) To reinforce the historic development pattern of the Town's traditional commercial centers, with small lots, small setbacks, parking to the side or rear, and mixed use structures containing a variety of businesses which primarily serve the needs of the surrounding neighborhood.~~

~~(4) To protect such areas from commercial retail development that draw patrons primarily from outside the neighborhood.~~

~~(5) To protect adjacent residential neighborhoods from impacts caused by large scale development.~~

b. Community Business: B-2

The purpose of the Community Business District is to foster small commercial sites and compact commercial centers which provide a variety of services to nearby residential neighborhoods and the community. The emphasis of this District is on uses which will provide services for the nearby residential areas. The B-2 District shall be primarily accessible and inviting to motorists, pedestrians, and bicyclists of all ages and abilities. The District allows for a full range of retail, service, and business uses with a local market area. The desired character includes areas which are predominantly built-up, with buildings close to and oriented towards the sidewalk especially at corners. Development is intended to be pedestrian-oriented and buildings with an improved visual quality storefront are encouraged.

Intent:

~~(1) To preserve business uses which serve nearby residential neighborhoods.~~

~~(2) To foster compact commercial centers served primarily by automobiles, yet accessible and inviting to pedestrians.~~

~~(3) To contain general business areas consisting of small shopping centers and commercial strips.~~

~~(4) To encourage improved visual quality of commercial development.~~

c. General Business consisting of subdistricts B-3 and B-4

The purpose of the General Business District is to foster business and commercial areas that allows for the expansion of consolidated shopping centers and mixed-uses at the local and regional scale. Development within the B-3 and B-4 District encourages the consolidation of small parcels, to establish a high density building coverage, which aims to prevent the scattering of small-lot developments. Furthermore, development is intended to be pedestrian oriented with a strong emphasis on a safe and attractive streetscape. Buildings should be located along the street frontage, with parking in the rear or to the side, while promoting shared-access driveways, circulation, and parking facilities where possible to increase the density of the building or landscaped area and reduce traffic hazards.

Intent:

~~(1) To encourage business areas with more expansive uses along regional roadways.~~

~~(2) To preserve such uses that serve both the Town and surrounding region.~~

~~(3) To reduce traffic and safety hazards by promoting shared access driveways, circulation and parking facilities.~~

~~(4) To foster consolidation of small parcels, prevent scattered small lot development from impairing the location of expansive business uses, and to encourage concentrated rather than strip development.~~

~~(5) To encourage improved visual quality of commercial development.~~

d. Central Business: CB

Intent:

- (1) To promote general and specialty retail, office, and other commercial uses in a compact downtown area, complemented by a variety of residential environments.
- (2) To preserve the area as the Town's financial, civic, cultural and governmental center.
- (3) To promote a livable urban Downtown environment with a multitude of activities and pedestrian presence.
- (4) To prevent the location of auto-oriented uses which detract from a high level of pedestrian activity.
- (5) To promote pedestrian flow by preserving unbroken block facades.
- (6) To encourage improved visual quality of commercial development, which respects the existing urban building pattern.

e. Business: B

The purpose of the Business District is to allow ~~auto-accommodating-automobile oriented~~ commercial development in areas already predominantly built in this manner. The zone allows for a full range of retail and service business within a local and regional market. Development is expected to be generally auto-accommodating. The zone's development standards promote attractive development, an open and pleasant street appearance, and compatibility with adjacent residential areas. Development is intended to be aesthetically pleasing for motorists, transit users, pedestrians, bicyclists, and the businesses ownersthemselves.

~~Intent: To provide the business community of Framingham with an appropriate location for commerce.~~

3. Office and Professional Districts: P

The purpose of the Office & Professional District is to serve as a transition zone between commercial, manufacturing, and residential zoning districts. The intent of this District is to accommodate professional, medical, financial, and administrative uses while creating an urban design and landscape that is harmonious with the adjacent residential uses.

4. Planned Reuse Districts: PRD

The purpose of the Planned Reuse District is to encourage the appropriate reuse of land and buildings that are no longer needed or suitable for their original use. This District applies only to land and buildings in municipal ownership on the date of Town Meeting action placing land in this district. All uses allowed in the R-3 Single Residence District are allowed by right in the PRD; other uses are permitted through a Special Reuse Permit process through the Board of Appeals. Reuses are to be compatible with the character of the neighborhood and must take into consideration the interests of abutters, neighbors, and the public, especially where the site abuts a residential area or the building(s) merit preservation.

5. Manufacturing Districts

a. Light Manufacturing: M-1

The purpose of the Light Manufacturing District is to provide space for the expansion, attraction, or retention of office, light industrial, research & development, manufacturing, service, and warehouse uses to locate; promoting the development of businesses which incorporate a mix of industrial and commercial activities, including light manufacturing and research & development, while accommodating a wide range of other employment activities.

b. General Manufacturing: M

The purpose of the Manufacturing District is to provide areas within the Town where research & development, large scale corporations, and industrial uses may locate. Although these areas are often associated with blight, it is the intent of these Districts to promote viable and attractive industrial areas, with a campus style development, promoting walkability, enhancing employment and economic vitality within the Districts. To minimize conflict and preserve the Manufacturing District for its primary purposes, residential uses are not permitted.

Purpose and Intent

The purpose and intent of the General Manufacturing Districts is to promote technological and light industrial development so as to enhance employment and economic vitality by allowing a certain mix of land uses at a higher density, without a corresponding increase in traffic, than is otherwise permitted in other zoning districts and not to permit uses and developments which would be offensive because of injurious or obnoxious noise, vibration, smoke, gas, fumes, odors, dust or other objectionable features, or hazardous to the community on account of fire or explosion or any other cause that would be hazardous to the public health and welfare.

6. Open Space and Recreation Districts: OSR

The purpose of the Open Space and Recreation District is to encourage, preserve, and protect land for recreational and other uses; and to conserve natural conditions, open space, wildlife and vegetation for the general welfare of the public. Lands that are environmentally sensitive shall be preserved and protected to ensure the continued health, safety, and welfare of the community and may serve as a location for passive recreational activities. This District encourages the establishment of trails for pedestrian and non-motorized activities.

Purpose

The purpose of this section is to encourage, preserve and protect land for use for recreational purposes and other uses as enumerated herein; and to conserve natural conditions, open space, wildlife and vegetation for the general welfare of the public.

7. Geriatric Care/Elderly Housing Districts: G-E

The purpose of the Geriatric Care/Elderly Housing District is to encourage the development of senior housing that is compatible and complementary to its neighborhood scale and context, while providing services and amenities required by seniors, and allows for grand encourages neighborhood walkability.

Senior housing developments shall provide for superior functional design, quality of construction, appearance, and operational standards.

8. Technology Park Districts: TP

The purpose of the Technology Park District is to allow lands suitable for technology production and development, such as biotechnology, software and hardware development, and electronics, in addition to industrial, professional office, research and development, and ~~light~~ manufacturing uses that are part of a master planned development project. ~~This District defines the long term development goal for certain jobs and development.~~ Developments within the District shall be designed to provide a pedestrian friendly environment, with a high attention to design and landscape detail.

B. Table of Uses

No building, structure, or land shall be used and no building or part thereof or other structure shall be erected, raised, reconstructed, extended, enlarged, or altered, for any purpose or in any manner other than as permitted as set forth in the Table of Uses or unless otherwise authorized by this Zoning By-law, except that nothing in this By-Law shall affect the existing use of any building or lot. Any use not specifically authorized in this Zoning By-law shall be deemed prohibited.

TABLE LEGEND (subject to the footnotes)

- Y Uses which are permitted as of right
- N Uses which are prohibited
- SPZ Uses that require a special permit from Zoning Board of Appeals
- SPP Uses that require a special permit from the Planning Board
- SP Uses that require a special permit from either Zoning Board of Appeals or Planning Board depending upon the size of the establishment (see footnotes).

For uses with a dash (-), see footnote 11.

Parking codes refer to the numbered uses set forth in the Table of Off-Street Parking Regulations, Section IV.B.1.a; see that Table for the applicable parking requirements.

For those uses with an * under Parking Code, see the Mixed Use Regulations, Section V.G.

Uses which are defined in Section 1.E are in **bold**.

USE CATEGORY	R	G	B-1 ¹	B-2 ²	B-3 B-4 ³	CB ⁴	B ⁵	P ⁶	PRD ⁷	M-1 ⁸	M ⁹	OSR ₁₀	TP ¹¹	Parking code ¹²
1. RESIDENTIAL														
A. Single-family detached dwelling	Y	Y	Y	Y	N	N	Y	Y	Y	N	N	N	N	1
B. Two-family detached dwelling ¹³	N	SPZ	SPZ	SPZ	NSPZ	N	SPZ	N	N	N	N	N	N	2
C. Boarding house (conversion)	N	N	N	SPP	SPP	SPP	N	N	N	N	N	N	N	34
D. Boarding and lodging houses	N	N	N	N	N	N	SP	N	N	N	N	N	N	34
E. Mixed use	N	N	N	NSPP	NSPP	SPP	NSPP	N	N	N	N	N	N	*
F. Mixed use complex	N	N	N	NSPP	NSPP	SPP	NSPP	N	N	N	N	N	N	*
G. Assisted living, congregate living housing	SPZ	SPZ	SP	SP	SP	SP	SP	SPZ	SPZ	SP	SP	N	N	3

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Comment [BSA25]: Previously included in 3.I, Licensed home for sick, aged, etc.

USE CATEGORY	R	G	B-1 ¹	B-2 ²	B-3 B-4 ³	CB ⁴	B ⁵	P ⁶	PRD ⁷	M-1 ⁸	M ⁹	OSR ₁₀	TP ¹¹	Parking code
2. RESIDENTIAL ACCESSORY														
A. Rental of rooms	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	28
B. Home occupation/office	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	30
C. Family child care home	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	7
D. Large family child care home	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	7
D E. Accessory residential garage	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	none
E F. Private stables, barn, similar accessory structures	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	none
F G. Accessory swimming pool	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	none
G H. Amateur radio tower	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	none
H I. Limited accessory structures	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	none
3. INSTITUTIONAL AND RECREATIONAL														
A. Public buildings and grounds Municipal services	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	NY	23
B. Municipal W ater towers and reservoirs	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	NY	none
C. Cemeteries	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	none
D. Educational/charitable/religious	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	7 or 13

Comment [BSA26]: This is provided in G.L. c. 40A, §3.

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USE CATEGORY	R	G	B-1 ¹	B-2 ²	B-3 B-4 ³	CB ⁴	B ⁵	P ⁶	PRD ⁷	M-1 ⁸	M ⁹	OSR ₁₀	TP ¹¹	Parking code
E. Lodge, club or private non-profit social or fraternal organization	N	N	SP	Y	Y	Y	Y	N	N	Y	Y	N	N	9
F. Library, museum, or public or semi-public institution of a philanthropic or charitable character.	N	N	SP	SP	SP	SP	N	N	N	SP	SP	N	N	13
G. Public hospital and accessory — dormitory	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	12
G. Trade, professional, or other school unless exempt	N	N	SP	Y	Y	Y	NY	N	N	Y	Y	N	N	7
H. Day care for elderly	N	N	SP	SP	SP	SP	N	N	N	SP	SP	N	N	7
H. Passenger stations	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	26
I. Licensed nursing, rest or convalescent home establishment for care of sick, aged, crippled, or convalescent persons	SPZ	SPZ	SP	SP	SP	SP	SP	SPZ	YSPZ	SP	SP	N	N	11
J. Public driving ranges on parcel of at least 40 acres	N	N	N	N	N	N	N	N	N	N	N	SPZ	N	6
J. Private or public golf club on parcel of at least 50 acres	SPZ	SPZ	SP	SP	SP	SP	SP	SPZ	Y	SP	SP	N	N	5
K. Outdoor recreational facilities ¹⁴	SPZ	SPZ	SP	SP	SP	SP	SP	SPZ	SPZ	SP	SP	Y ¹⁵	N	5 or 6
L. Indoor non-profit recreational facilities	N	N	N	N	N	N	N	N	N	N	N	SPZ	N	6

Comment [BSA27]: This use seemed unnecessary.

Comment [BSA28]: Moved from Section L below.

Comment [BSA29]: Moved from Section M below.

Comment [BSA30]: This use seemed outdated.

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Comment [BSA31]: Updated description; see also assisted and congregate living.

Comment [BSA32]: Moved from Section S below.

Comment [BSA33]: Duplicative of K., outdoor recreational facilities

Comment [BSA34]: Moved from Section P below.

USE CATEGORY	R	G	B-1 ¹	B-2 ²	B-3 B-4 ³	CB ⁴	B ⁵	P ⁶	PRD ⁷	M-1 ⁸	M ⁹	OSR ₁₀	TP ¹¹	Parking code
L. Trade, professional, or other school unless exempt	N	N	SP	Y	Y	Y	N	N	N	Y	Y	N	N	7
M. Day care for elderly	N	N	SP	SP	SP	SP	N	N	N	SP	SP	N	N	7
NM. Indoor amusement facility	N	N	N	SP	SP	SP	SP	N	N	SP	SP	N	N	6
O. Wildlife reserve, nature area, or similar conservation use	N	N	N	N	N	N	N	N	N	N	N	Y	N	none
P. Indoor non-profit recreational facilities	N	N	N	N	N	N	N	N	N	N	N	SPZ	N	6
QN. Cultural and educational centers	N	N	N	N	N	N	N	N	N	N	N	SPZ	N	913
RO. Center for performing arts	N	N	N	N	N	N	N	N	N	N	N	N	SPP	913
S. Public driving ranges on parcel of at least 40 acres	N	N	N	N	N	N	N	N	N	N	N	SPZ	N	6
T. Day care	N	N	N	N	N	N	N	N	N	N	Y	N	Y	7
U.P. Educational training facilities and conference centers accessory to permitted use	N	N	N	N	N	N	N	N	N	N	Y	N	Y	23
V.Q. Municipal waste disposal facility	N	N	N	N	N	N	N	N	N	Y	Y	N	N	none

Comment [BSA35]: Moved above.

Comment [BSA36]: Moved above.

Comment [BSA37]: Moved above

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Comment [BSA38]: Moved above

Comment [BSA39]: This use is exempt under G.L. c. 40A, §3.

USE CATEGORY	R	G	B-1 ¹	B-2 ²	B-3 B-4 ³	CB ⁴	B ⁵	P ⁶	PRD ⁷	M-1 ⁸	M ⁹	OSR ₁₀	TP ¹¹	Parking code
4. AGRICULTURAL														
A. Farms, greenhouses, nurseries, horticulture, forestry, floriculture	Y	Y	Y SPZ	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	17
B. Stock farms, truck gardens	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	none
CB. Farms and/or Agricultural produce livestock, or animal husbandry; forestry, horticulture, floriculture, and related activities.	N	N	N	N	N	N	N	N	N	N	N	Y	N	none
D. Greenhouse or other building for the raising and distribution of agricultural products or plants	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	SPZ	Y	17
EC. Breeding and raising fur bearing animals and dogs	SPZN	SPZN	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZN	SPZ	19
FDC. Kennels for boarding of dogs domestic animals	SPZN	SPZN	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZ	SPZN	SPZ	19
5. COMMERCIAL														
A. Business or professional office	N	N	Y	Y	Y	Y	Y	SPY	Y	Y	Y	N	Y	15
B. Medical office	N	N	Y	Y	Y	Y	N	NY	Y	Y	Y	N	-	14
C. Financial institution such as bank or credit union	N	N	Y	Y	Y	Y	Y	SPY	Y	Y	Y	N	-	16

Comment [BSA40]: This category includes uses that encompass growing of plants. The definition of "farm and/or agriculture" includes raising livestock. It was felt that farms and agriculture should therefore be a separate use, since raising livestock has different impacts than raising crops.

Comment [BSA41]: Commercial agricultural uses on lots of 5 acres or more, or 2 acres in certain instances, are allowed by right under G.L. c. 30A, §3; use regulations for agriculture apply to lots under 5 acres (or 2 acres)

Comment [BSA42]: Deleted as duplicative.

Comment [BSA43]: Duplicative; covered by Farms and agriculture

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USE CATEGORY	R	G	B-1 ¹	B-2 ²	B-3 B-4 ³	CB ⁴	B ⁵	P ⁶	PRD ⁷	M-1 ⁸	M ⁹	OSR ₁₀	TP ¹¹	Parking code
D. Retail services	N	N	Y	Y	Y	Y	Y	N	Y	Y	Y	N	-	19
E. Retail stores/custom work shops	N	N	NY	NY	NY	N	Y	N	Y	NY	NY	N	-	19
F. Personal Services Establishment	N	N	Y	Y	Y	Y	Y	N	N	Y	Y	N	-	189
G. Artisans, jewelry-makers, handicrafts, artist studios	N	N	K	K	K	K	Y	Y	Y	K	K	N	-	19
HG. Veterinary services	N	N	SP	SP	SP	SP	N	N	N	SP	SP	N	-	14
HI. Mortuary, undertaker, or funeral establishment.	N	N	SP	SP	SP	SP	Y	N	N	SP	SP	N	N	2617
I. Workshop	N	N	SP	Y	Y	Y	Y	N	N	Y	Y	N	-	21
KJ. Restaurant	N	N	SP	SPY	SP	SP	SP	N	N	SP	SP	N	-	9
LK. Fast Food Establishment	N	N	SP	SP	SPP	SP	NSP	N	N	SPP	SPP	N	-	10
M. Outdoor café	N	N	N	N	N	SP	N	N	N	N	N	N	-	9
NML. Drive thru	N	N	N	SPP	SPP	N	SPP	N	N	SPP	SPP	N	-	None
ONM. Financial institution drive thru one lane only	N	N	SPP	SPP	SPP	SPP	SPP	NSPP	N	SPP	SPP	N	-	None
PON. Accessory drive thru	N	N	N	SPP ¹⁶	SPP	N	SPP	N	N	SPP	SPP	N	-	None
QP. Personal health and exercise facility, or health club.	N	N	N	Y	Y	Y	NY	N	N	Y	Y	N	-	6

Comment [BSA44]: Now included in E. Retail stores/custom work shops

Comment [BSA45]: Outdoor seating allowed for restaurants; separate use not needed.

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USE CATEGORY	R	G	B-1 ¹	B-2 ²	B-3 B-4 ³	CB ⁴	B ⁵	P ⁶	PRD ⁷	M-1 ⁸	M ⁹	OSR ₁₀	TP ¹¹	Parking code
RQ. Gasoline service station	N	N	N	SP	SP	N	SP	N	N	SP	SP	N	N	22
RS. Outdoor entertainment facility	N	N	N	N	SPP	N	N	N	N	SPP	SPP	N	-	6
FS. Parking facility	N	N	N	SP	SP	SP	NSP	N	N	SP	SP	N	-	None
UT. Radio or Television Studio	N	N	N	SP	SP	SP	N	N	N	SP	SP	N	-N	24
VU. Landscaper	N	N	N	SPP	SPP	N	N	N	N	SPP	SPP	N	-N	24
WV. Carwash	N	N	N	N	SPP	N	SPP	N	N	SPP	SPP	N	N	27
XW. Automobile repair	N	N	N	N	SPN	N	SP	N	N	SP	SP	N	N	21
YX. Automobile dealer	N	N	N	N	SPN	N	SP	N	N	SP	SP	N	N	22
Z. Used car dealer	N	N	N	N	SP	N	SP	N	N	N	N	N	N	21
AA. Automobile storage	N	N	N	N	SPN	N	N	N	N	SP	SP	N	N	24
BBZ. Motel	N	N	N	N	SPP	N	NSP	N	N	SPP	SPP	N	N	4
CCAA. Hotel	N	N	N	N	SPP	SP	SP	N	N	SPP	SPP	N	N	4
6. MANUFACTURING AND INDUSTRIAL														
A. Research, development & laboratories	N	N	N	SP	SP	SP	NSP	N	N	SPY	Y	N	Y	25

Comment [BSA46]: Deleted as duplicative of Automobile dealer.

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USE CATEGORY	R	G	B-1 ¹	B-2 ²	B-3 B-4 ³	CB ⁴	B ⁵	P ⁶	PRD ⁷	M-1 ⁸	M ⁹	OSR ₁₀	TP ¹¹	Parking code
B. Laboratories, research, experimental and testing	N	N	N	N	N	N	N	N	N	N	N	N	N	25
CB. Wholesale business	N	N	N	N	SPN	N	N	N	N	SP	SPY	N	N	24
D. Wholesale lumberyard	N	N	N	N	SP	N	N	N	N	SP	N	N	N	24
CE. Limited manufacturing	N	N	N	N	N	SPP ¹⁷	N	N	N	N	N	N	N	25
F. Light manufacturing	N	N	N	N	N	N	N	N	N	N	N	N	N	25
G. Light and high tech manufacturing	N	N	N	N	N	N	N	N	N	N	N	N	N	25
HD. Processing, assembly and manufacturing²⁰	N	N	N	N	N	N	N	N	N	N	Y	N	Y	25
IE. RetailCommercial dealers	N	N	N	N	N	N	SP	N	N	SPN	NY	N	N	24
JE. Retail and wholesale ice dealers	N	N	N	N	N	N	SP	N	N	NY	NY	N	N	24
KG. Vehicle storage yard	N	N	N	N	N	N	SP	N	N	N	N	N	N	24
LH. Truck Terminal	N	N	N	N	SP	N	SP	N	N	SP	SP	N	N	24
MI. Contractor yard or shop	N	N	N	N	N	N	N	N	N	N	SPP	N	N	24
NJ. Bottling works	N	N	N	N	N	N	N	N	N	Y	Y	N	N	25
OK. Stone or monument works	N	N	N	N	N	N	N	N	N	Y	Y	N	N	25
PL. Large scale Pprinting and printing presses	N	N	N	N	N	N	N	N	N	N	Y	N	Y	25

Comment [BSA47]: Deleted as duplicative

Comment [BSA48]: Included in Wholesale Business.

Comment [BSA49]: Outdated concept and definition; included in H.

Comment [BSA50]: Deleted as duplicative.

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QM . Delivery services	N	N	N	N	N	N	N	N	N	N	NSP	Y	N	Y	24
USE CATEGORY	R	G	B-1¹	B-2²	B-3 B-4³	CB⁴	B⁵	P⁶	PRD⁷	M-1⁸	M⁹	OSR₁₀	TP¹¹	Parking code	
RN . Indoor recycling facility	N	N	N	N	N	N	N	N	N	N	SPP	N	N	25	
SO . Commercial or private landfill, refuse incinerator, solid waste disposal or processing facility	N	N	N	N	N	N	N	N	N	N	SPP	N	N	25	
TP . Storage and distribution facility	N	N	N	N	N	N	N	N	N	N	SPP	N	Y	24	
U . Yard for storage and sale of used building and junk materials	N	N	N	N	N	N	N	N	N	N	SPP	N	N	24	
7- OTHER															
A . Billboards	N	N	N	N	N	N	SP	N	N	N	N	N	N	None	

Comment [BSA51]: These uses now moved to Section II.C, Prohibited Uses.

¹ No individual establishment shall exceed 3,000 square feet in gross floor area per establishment and no building or structure shall exceed 6,000 square feet in gross floor area in the B-1 District, except as regulated herein. The gross floor area of individual establishments for purposes of this District shall exclude all or part of the area used for ancillary storage space which is secondary and incidental to the allowed principal use, such that the excluded area may not exceed 50 percent of the area of the principal use. The Planning Board may, by special permit, grant approval for individual establishments which exceed 3,000 square feet in gross floor area per establishment, subject to the following requirements: 1) The individual establishment shall be located within a building or structure in existence prior to the establishment of the property within a B-1 zone, where such building exceeded 6,000 square feet in gross floor area at such time; 2) No special permit for size may be issued for individual establishments to exceed 50 percent of the existing building gross floor area, and in no event may a special permit be issued for individual establishments in excess of 10,000 square feet per establishment.

² No individual establishment shall exceed 8,000 square feet in gross floor area per establishment and no building or structure shall exceed 8,000 square feet in gross floor area in the B-2 District, except as regulated herein. Uses designated “SP” require a special permit from the Zoning Board of Appeals for uses under 8,000 square feet of gross floor area. The Planning Board may, by special permit, grant approval for individual establishments with 8,000 or greater than 8,000

square feet of gross floor area per establishment up to a maximum size of 50,000 square feet in gross floor area per establishment and may, by special permit, grant approval for a building or structure up to a maximum of 60,000 square feet in gross floor area.

³ Uses with 8,000 or greater than 8,000 square feet of gross floor area require special permit from planning board in B-3 and B-4 districts. Automobile repair, automobile dealer, automobile storage, truck terminal, and wholesale business with less than 8,000 square feet of gross floor area require special permit from Zoning Board of Appeals.

⁴ Uses designated “SP” require a special permit from the Zoning Board of Appeals for uses under 8,000 square feet of gross floor area. All uses require a special permit from the Planning Board for uses with 8,000 or greater than 8,000 square feet of gross floor area, without limitation as to maximum size of establishment or building.

⁵ Uses designated “SP” require a special permit from the Zoning Board of Appeals for uses under 8,000 square feet of gross floor area. A special permit from the Planning Board is required for all uses with 8,000 or greater than 8,000 square feet of gross floor area. A used car dealer may not be located within 1,000 feet of another used car dealer unless it is a legal pre-existing use of the land. Such required separation distance shall be measured from all property lines of the proposed use. A special permit for used car dealers may not be granted in the Central Business District unless it is a renewal of an existing valid special permit.

⁶ Uses designated “SP” require a special permit from the Zoning Board of Appeals for uses under 8,000 square feet of gross floor area or a special permit from the Planning Board for uses with 8,000 or greater than 8,000 square feet of gross floor area.

⁷ See Section II.E for further provisions regarding the uses allowed in the Planned Reuse District.

⁸ All uses in this district with 8,000 or greater than 8,000 square feet of gross floor area require special permit from Planning Board. Office and commercial uses permitted in the general business district which require the provision of 50 or more parking spaces, calculated in accordance with Section IV of this Zoning By-Law, require a special permit from the Planning Board.

⁹ All uses in the Manufacturing District with 8,000 or greater than 8,000 square feet of gross floor area require a special permit from the Planning Board.

¹⁰ In no case shall the Zoning Board of Appeals issue a special permit for use on any lot within this district a) such that the gross floor area of all buildings and structures in the district exceed eighteen thousand (18,000) square feet, or b) such that the floor area ratio of all buildings and structures in the district exceeds one percent ~~(.01)~~, whichever is the lesser. Ancillary administrative, maintenance and sanitary facilities necessary to serve the recreational uses in the District may be allowed by special permit from Zoning Board of Appeals.

¹¹ See Section II.F for further provisions regarding the uses allowed in the Technology Park District. Retail outlets, accessory to a use permitted by this section, having a gross floor area no greater than two thousand five hundred (2,500) square feet; and non-automotive commercial uses and services intended for the primary use and convenience of the employees of the Technology Park District such as restaurants, branch banks, financial services, personal services and dry cleaners, provided the same do not occupy more than two thousand five hundred (2,500) square feet each are allowed by special permit from the Planning Board.

¹² ~~Parking codes refer to the numbered uses set forth in the Table of Off-Street Parking Regulations, Section IV.B.1.a; see that Table for the applicable parking requirements.~~

¹³ The lot and structure shall conform to the existing area, frontage, width, setback, and lot coverage requirements applicable to the zoning district in which they are located. The Zoning Board of Appeals shall not grant a special permit for a nonconforming lot or structure. Off-street parking shall be provided for both dwelling units in accordance with the requirements set forth in Section IV.B., including without limitation the requirements for number of parking spaces and setbacks from lot lines. A minimum of 200 square feet of parking area shall be provided for each required parking space.

¹⁴ Outdoor recreational facilities such as swimming pools, tennis courts (but not including driving ranges or miniature golf) owned or operated by a non-government agency, subject to the following provisions:

(1) The use shall not be conducted as a private gainful business.

(2) No accessory structure shall be located nearer any lot line than seventy feet.

¹⁵ As defined in Section I.E; not subject to provisions of note 14 above.

¹⁶ Drive-thru facilities associated with a restaurant or fast food establishment are prohibited.

~~¹⁷ Limited manufacturing, limited to assembly of materials only, and which does not require any processing of new materials, provided that the use is found to be compatible with the intent of this Section, and with the uses allowed herein; provided that the use is operated in compliance with all applicable town, state, and federal health and safety laws and regulations; provided that the use will not detract from an active streetscape at the pedestrian level; and provided that the use will be limited to the upper floors or basement level of a building on primary downtown streets (Concord St., Union Ave., Waverly St., Irving St. and Hollis St.), except where the use is ancillary to a retail or personal service use in a storefront location.~~

~~¹⁸ Limited manufacturing and similar uses which may, in specific instances be found to be compatible with uses allowed by right.~~

~~¹⁹ Provided the use does not involve disturbing or offensive noise, vibration, smoke, gas, fumes, odors, dust or other objectionable or hazardous features.~~

²⁰ Provided the use does not involve disturbing or offensive noise, vibration, smoke, gas, fumes, odors, dust or other objectionable or hazardous features.

C. PROHIBITED USES

All uses that pose a present or potential hazard to human health, safety, welfare, or the environment through emission of smoke, particulate matter, noise or vibration, or through fire or explosive hazard, or glare are expressly prohibited in all zoning districts. In addition, the following uses are expressly prohibited in all zoning districts.

- a. Abattoir and commercial slaughtering;
- b. Manufacturing and storage of corrosive, poisonous or malodorous acids and chemicals;
- c. Cement, lime, gypsum and plaster-of-Paris manufacture;
- d. Fertilizer manufacture or fat rendering in manufacture of tallow, grease, and oils;
- e. Glue, size and gelatin manufacture;
- f. Petroleum and kerosene refining or distillation and derivation of by-products;
- g. Manufacture, use, storage, transport or treatment, disposal and/or processing of explosive, toxic or hazardous materials;
- h. Smelting and reduction of metals or ores;
- i. Asphalt plants;
- j. Concrete batch plants;
- k. Reclamation and reprocessing of asphalt and/or concrete;

~~l. Lumber mills; and~~

~~m. Raising and breeding of fur bearing animals; and~~

~~n. Yard for storage and sale of used building and junk materials;~~

~~o. Billboards; and~~

~~p. Any other use that produces disturbing or offensive noise, vibration, smoke, gas, fumes, odors, dust or other objectionable or hazardous features.~~

No use variance shall be granted for any prohibited use set forth in this subsection, within any zoning district in the Town of Framingham.

Nothing in this Zoning By-law shall prohibit or regulate any use in contravention of M.G.L. c. 40A, §3 or any other applicable state or federal law.

E. PLANNED REUSE

3. Special Reuse Permit Provisions

b. Application Procedure

Prior to the filing of an application subject to this Section, the applicant shall submit plans to the Building Commissioner who shall advise the applicant as to the pertinent sections of the Zoning By-Law. The applicant shall then submit five copies of the application to the ZBA which shall forthwith transmit one copy each to the Town Clerk, the Engineering Department, the Planning Department, and the Planning Board. Such agencies shall, within 30 days of receiving said copy, submit a report containing recommendations and the reasons therefor to the ZBA, and may recommend conditions deemed appropriate for the proposed use. The ZBA shall not render a decision on any such application until said recommendations have been received and considered, or until the 30-day period has expired, whichever is earlier. Failure of such agencies to submit their respective recommendations shall be deemed lack of opposition or concurrence thereto. The conduct and notification of hearings and decisions on applications under this Section shall be in accordance with the procedures for all special permits in M.G.L. Ch. 40A, §9.

Comment [BSA1]: For consistency with G.L. c. 40A, §11.

F. TECHNOLOGY PARK DISTRICT

1. Purpose and Intent

The purpose and intent of these Technology Park District regulations is to promote technological and light industrial development so as to enhance employment and economic vitality by allowing a certain mix of land uses at a higher density, without a corresponding increase in traffic, than is otherwise permitted in other zoning districts. In addition, these provisions are intended to ensure that the technology park is served by a sufficient vehicular circulation network and infrastructure to meet the particular demands of the facilities within the park without a corresponding impact on services in surrounding residential neighborhoods and commercial areas in proximity to the park.

2. Applicability

a. The zoning classification of an area of land may be changed to a Technology Park District by vote of at least two-thirds of an annual or special town meeting provided said land complies with all of the following requirements:

- 1) Total land area shall not be less than one-hundred fifty (150) acres.
- 2) The land shall be located within an existing Light Manufacturing (“M-1”) or General Manufacturing (“M”) zoning district.
- 3) The land shall have direct vehicular access onto a divided multi-lane state highway by means of an existing public way or existing curb cut.

b. These regulations shall apply to all new construction as well as all proposals for development within the Technology Park District which must seek a Special Permit from the Planning Board for Off-Street Parking or Site Plan Review.

3. Permitted Uses

No building or structure shall be used, constructed or designed to be used in any part, and no change shall be made in the use of land or premises, except as provided in the Table of Uses for one or more of the following purposes:

- ~~a. Research and development, including biotechnology; processing, assembly and manufacturing, provided the use does not involve disturbing or offensive noise, vibration, smoke, gas, fumes, odors, dust or other objectionable or hazardous features;~~
- ~~b. Printing;~~
- ~~c. Delivery services;~~
- ~~d. Storage and distribution facilities;~~
- ~~e. Business and professional offices;~~
- ~~f. Educational training facilities and conference centers accessory to a permitted use;~~
- ~~g. Day care facilities.~~

Comment [BSA2]: Use provisions have been moved to the Table of Uses.

4. Special Permit for Uses

See Table of Uses. The following uses shall require a special permit from the Planning Board:

~~a. Non automotive commercial uses and services intended for the primary use and convenience of the employees of the Technology Park District such as restaurants, branch banks, financial services, personal services and dry cleaners, provided the same do not occupy more than two thousand five hundred (2,500) square feet each;~~

~~b. Centers for the performing arts.~~

~~c. Retail outlets, accessory to a use permitted by this section, having a gross floor area no greater than two thousand five hundred (2,500) square feet;~~

5. Floor Area Ratio Requirements in a Technology Park District

a. Table of Floor Area Ratios

The ratio of the gross floor area of any building or group of buildings on a lot, including accessory buildings but excluding parking garages or structures, to the area of the lot (Floor Area Ratio (FAR)) shall not exceed the Base FAR as specified in the following Table of Floor Area Ratios, except as provided in I.I.F.5.b. Special Permit for an Increase in FAR.

USE	BASE FAR	MAX. FAR
Retail, Commercial, day care	0.25	0.32
Business and professional offices, educational training facilities, conference centers and centers for the performing arts.....	0.4	0.6
Research and development, processing, assembly, manufacturing, printing, laboratory and associated offices	0.8	1.0
Storage, delivery and distribution facilities.....	0.8	1.0

b. Special Permit for an Increase in FAR

1) The Planning Board may grant, by special permit, an increase in the “Base FAR” up to the maximum FAR as specified in the Table of Floor Area Ratios, Section I.I.F.5.a., above, for parcels located in the Technology Park District, if all of the following conditions are met:

- a) The increase in FAR will achieve the goals, intent and objectives of these Technology Park District Regulations.
- b) The increased development complies with the ~~Development Impact S~~ standards set forth in Section VI.F.6.a.(2),(3),(4),(5),(6), and (7) of the Zoning By-Law.
- c) The applicant agrees to develop a transportation demand management (TDM) plan and actively participate in a transportation demand management program to reduce the number of peak hour vehicle trips. TDM programs shall include, but are not limited to, membership or contribution to a transportation management organization, carpooling program, public transportation voucher program, public transit system, bicycle trail and lane, pedestrian way, or shuttle service.

The Planning Board shall make written findings prior to approving or disapproving any application for Special Permit for an Increase in FAR.

2) Conditions Limitations and Safeguards

In granting approval of a Special Permit for an Increase in FAR, the Planning Board may attach such conditions, limitations and safeguards as are deemed reasonably necessary to promote the purpose and intent of these Technology Park District regulations. Such conditions shall be in writing and shall be part of such approval. Such conditions may include, but not be limited to, the following:

- a) The conditions, limitations and safeguards stated in Section VI.F.8. a. through f.
- b) In lieu of specific traffic mitigation, the applicant may at the request of the Planning Board, deposit with the Town, a sum of money equivalent to the requirements of Section VI.F.6.a.(2) of the Zoning By-Law to be used for construction of roadway or other infrastructure improvements.

Comment [BSA3]: Changed to conform to proposed new site plan review provisions. There are a number of proposed changes throughout the Zoning By-law to conform to the proposed new site plan review.

6. Special Regulations for Technology Park District

a. Participation in TDM:

All proposals for development within the Technology Park District which must seek a special permit from the Planning Board for Off-Street Parking or Site Plan Review, shall, at a minimum, be accompanied by a transportation demand management plan and evidence of active participation in a transportation demand management program.

b. Off-Street Parking Requirements:

The Base Parking Requirement for Research and Development, Processing, Assembly and Manufacturing, Printing, and Laboratory and for Associated Offices that the Planning Board finds are related and ancillary to these uses shall be 1 space per 800 square feet of gross floor area or 1 space per employee, whichever is greater. Additional parking requirements for the square footage above the Base FAR and up to the Maximum FAR shall be additive to the Base Parking Requirement and shall be calculated at 50 percent of the Base Parking Requirement.

7. Landscaped Open Space Requirements in the District

a. Minimum Landscaped Open Space in the Technology Park District shall be 25 percent (LSR=0.25) for all uses within the district, except Research and Development, Processing, Assembly and Manufacturing, Printing, and Storage and Distribution Facilities which shall have a minimum Landscaped Open Space of 20 percent (LSR = 0.20).

b. Landscaping within the Technology Park District shall be provided substantially in accordance with the goals and objectives of **Section III.E.8.** of this By-Law with the following exceptions:

- 1) Landscaped buffer strips along any public street shall be a minimum of 30' wide. The Board may reduce the buffer to 15' along the public way provided that the Applicant replicates the open space elsewhere on the site in the form of courtyard areas or other types of usable open space, as approved by the Board.
- 2) Sub-section h. "Landscaping Within off-Street Parking Areas" shall not apply. However, the parking areas shall, whenever feasible, be designed with landscaping which breaks up large expanses of asphalt with divider or terminal islands.
- 3) Sub-section i. "Landscaping Adjacent to Buildings" shall only apply to office, education and training facilities, conference centers, centers for performing arts and retail facilities that may be constructed within the Park.

G. ACCESSORY USES

Accessory uses shall be such as do not alter the character of the premises on which they are located or impair the neighborhood.

Any use permitted as a principal use is also permitted as an accessory use provided such use is incidental to and customarily found in connection with the principal use, building or structure and which is located on the same lot with the principal use, building or structure. Any use authorized as a principal use by a SPGA may also be authorized as an accessory use by the same SPGA provided such use is incidental to and customarily found in connection with the principal use, building or structure on the same lot with the principal use, building or structure.

Any use not allowed in a zoning district as a principal use is also prohibited as an accessory use. An accessory use is permitted only in connection with a lawfully existing principal use. A use or activity which is prohibited, not prescribed or permitted in the zoning district shall also be expressly prohibited as an accessory use.

In any instance where site plan review approval is required for a principal use, the addition of any new use accessory to the principal use, where such addition exceeds the thresholds established in Section VI.F.2., shall also require site plan review approval as amended from time to time.

H. TRAILERS

- a. No automotive type of trailer, whether mobile or immobile, hereafter put in place upon any land within the Town of Framingham, shall be occupied for living purposes or business purposes for a period exceeding 30 days in the aggregate in any one year, except as may be permitted hereinafter.

Comment [BSA4]: Proposed changes for consistency and clarity.

- b. The Zoning Board of Appeals, in its discretion, may permit such use on a temporary basis for a longer period, after formal application to said Board and after a duly advertised public hearing.
- c. Temporary on-site trailers used for construction purposes shall be exempt from the provisions of this Section, but shall be subject to the State Building Code.
- d. The owner and occupier of a residence which has been destroyed by fire or other natural holocaust shall be permitted to place a manufactured home on the site of such residence and reside therein for a period not to exceed twelve months while the residence is being rebuilt.

Comment [BSA5]: As required by G.L. c. 40A, §3.

III. OVERLAY DISTRICTS

B. PLANNED UNIT DEVELOPMENT DISTRICT

10. Contents and Scope of Application

(5) A ~~D~~development ~~I~~impact ~~S~~statement prepared in accordance with the requirements of Section VI.F.54.a(5) through (10)(f) (Site Plan Review) of this Zoning By-Law, to be evaluated in accordance with the “Site plan review criteria ~~Development Impact Standards~~” of Section VI.F.6. of said By-Law, and subject to the requirements and conditions of Sections VI.F.7. and VI.F.8. of said By-Law.

Comment [BSA6]: Proposed changes in this section and next section for consistency with proposed new site plan review provisions.

E. HIGHWAY OVERLAY DISTRICT REGULATIONS

5. Intensity Regulations

g. Findings Required for a FAR Increase

3) The proposed development complies with all other applicable requirements set forth in the Town of Framingham Zoning Bylaw, including, when required, site plan review (Section VI.F) and/or off-street parking requirements in Section IV., thereof, subject to the following exceptions:

- a) That such requirements are specifically superseded by these Highway Overlay Districts Regulations,
- b) ~~That the contribution for off site improvements required by Section VI.F.6.(a) and VI.F.8.(c) shall be not less than three per cent (3%) of total development cost.~~

F. COMMERCIAL GROUND-MOUNTED SOLAR ~~PHOTOVOLTAIC RENEWABLE ENERGY~~ INSTALLATIONS

~~OVERLAY DISTRICT~~

1. Purpose and Intent

The purpose of this ~~b~~By-law is to provide a permitting process and standards for the creation of new Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installations. This By-law provides standards for the placement, design, construction, operation, monitoring, modification and removal of such installations; while protecting public safety, protecting against undesirable impacts on residential property and neighborhoods, protecting scenic, natural and historic resources and protecting and/or providing for wildlife corridors. Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installations shall not diminish abutting property values and provide adequate financial assurance for the eventual decommissioning of such installations.

The provisions set forth in this section shall apply to the construction, operation and/or repair of Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installations.

2. Definitions

~~**As of Right Siting:** As of Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As of right development may be subject to site plan review to determine conformance with local zoning ordinance or by laws. Projects cannot be prohibited, but can be reasonably regulated by the inspector of buildings, building commissioner or local inspector.~~

Comment [BSA7]: Request had been made for a shorter name for this section. In addition, this section was reviewed for consistency and clarity and various proposed changes made.

Comment [BSA8]: See new definition of as-of-right use.

~~Building Permit: A construction permit issued by an authorized building inspector; the building permit evidences that the project is consistent with the state and federal building codes as well as local zoning by laws, including those governing commercial ground-mounted large-scale solar photovoltaic installations.~~

Comment [BSA9]: Deleted as unnecessary

~~Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installations: A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250kW Direct Current (DC).~~

~~Designated Locations: The locations designated by the Town Meeting of Framingham, in accordance with Massachusetts General Laws Chapter 40A, Section 5, where Commercial Ground-Mounted Solar Photovoltaic Installations may be sited as-of-right, but are subject to site plan review under Section VI.F. Said locations are shown on the Framingham Zoning Map pursuant to Massachusetts General Laws Chapter 40A, Section 4. This map is hereby made a part of this Zoning By-law and is on file in the Office of the Town Clerk.~~

~~Rated Nameplate Capacity: The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC).~~

3. Applicability

~~Commercial Ground-Mounted Solar Installations is an overlay district that may be superimposed by a vote of any annual or special Town Meeting on a parcel or parcels of land. Designating land that requires significant tree cutting is discouraged. Land in industrial or commercial zoning districts, or vacant, disturbed land is encouraged for designation. Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installations are prohibited in all Residential Zoning Districts.~~

Comment [BSA10]: This paragraph moved from below.

~~No Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installations shall be erected or installed except in compliance with the provisions of this Section and other applicable Sections of the Zoning By-law, as well as state and federal law. Such use shall not create a nuisance by virtue of noise, vibration, smoke, dust, odors, heat, glare and radiation, unsightliness or other nuisance as determined by the Planning Board under Site Plan Review, Section VI.F-Approval Granting Authority. The Planning Board will serve as the Site Plan Review Approval Granting Authority herein.~~

~~The Commercial Ground Mounted Solar Photovoltaic Renewable Energy Installations is an overlay district that may be superimposed by a vote of any Annual or Special Town Meeting on a parcel or parcels of land. Designating land that requires significant tree cutting is discouraged. Land in industrial or commercial zoning districts, or vacant, disturbed land is encouraged for designation. Commercial Ground Mounted Solar Photovoltaic Renewable Energy Installations are prohibited in all Residential Zoning Districts.~~

~~The construction and use of a Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installations with 250 kW or larger of rated nameplate capacity within any overlay zoning district designated by a vote of Annual or Special Town Meeting as set forth in the immediately preceding paragraph of this section shall be As-of-Right Siting and shall undergo Site Plan Review Approval by the Planning Board prior to construction, installation or modification as provided in this section.~~

4. General Requirements

A Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installation may be permitted on a lot which contains a contiguous area of not less than four acres and meets the setbacks and maximum lot coverage under Any Other Principal Use of the Table of Dimensional Regulations Section IV.E.2 for the underlying zoning district.

a. Visual Impact

The visual impact of the Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installation, including all accessory structures and appurtenances shall be mitigated. All accessory structures and appurtenances shall be architecturally compatible with each other. Structures shall be shielded from view and/or joined and clustered to avoid adverse visual impacts as deemed necessary by and in the sole opinion of the Planning Board Site Plan Review Approval Granting Authority. Methods such as the use of landscaping, natural features and opaque fencing shall be utilized.

b. Compliance with Laws, Ordinances and Regulations

The construction and operation of Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installations shall be consistent with all applicable ~~town local~~ regulations and by-laws, and state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installation shall be constructed in accordance with the State Building Code and approved by the Building Commissioner.

c. Utility Notification

No Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installation shall be constructed until evidence has been given to the ~~Planning Board Site Plan Review Approval Granting Authority~~ that the utility company that operates the electrical grid where the installation is to be located has been informed of the owner or operator's intent to install an interconnected customer-owned generator. Proof of a fully executed mutual agreement with the utility company shall be provided to the ~~Planning Board Site Plan Review Approval Granting Authority~~. Off-grid systems shall be exempt from this requirement. If the Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installation goes on grid, it shall be required to immediately comply with this requirement, and proof of such compliance shall be provided to the ~~Building Commissioner Site Plan Review Approval Granting Authority~~ within seven days.

d. Maintenance

The Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Fire Chief, Police Chief and Public Works Director and ~~Planning Board Site Plan Review Approval Granting Authority~~. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless said access road(s) is/are accepted as a public way(s).

e. Emergency Services

The Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installation owner or operator shall provide a copy of the project summary, electrical schematic, and the ~~Approved Site Plan~~ to the Fire Chief. The owner or operator shall provide an emergency response plan to the ~~Planning Board Site Plan Review Approval Granting Authority~~, Fire Department, Police Department, and Public Works Department. The emergency response plan is subject to the review and approval of the ~~Planning Board Site Plan Review Approval Granting Authority~~, Fire Department, Police Department and Public Works Department, and shall include at a minimum, explicit instructions on all means of shutting down the Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installation, which shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation and immediately notify the aforementioned parties of any change to the responsible person and/or his/her contact information.

f. Safety and Security

Safety and measures of security shall be subject to the approval of the ~~Planning Board Site Plan Review Granting Authority~~, Fire Department, Police Department and Public Works Department. The owner or operator shall be required to provide emergency services with training on all equipment and procedures referenced in the emergency response plan or which might otherwise be necessary for emergency services to operate or perform.

The owner or operator shall be required to provide a Knox Box (a secure, tamper-proof storage box for keys or other access tools) at each locked entrance to the facility and maintain a complete set of all keys or devices required to gain emergency access to all areas, buildings and equipment of the facility in each Knox Box.

g. Design Standards

(1) Lighting

Lighting of the Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installation, including all ancillary structures and appurtenances, shall not be permitted unless required by the ~~Planning Board Site Plan Review Approval Granting Authority, Site Plan Review Approval Decision~~ or State Building Code. Where used, lighting shall be ~~subject to the standards of Section V.I.F., so arranged as to direct the light away from any street and from any~~

~~premises residentially used or zoned. Such exterior lights shall be mounted and shielded, such that light sources and lenses shall not be visible from any residential district. Luminaries shall be cutoff (down light type), with mounting height not to exceed twenty feet. Light overspill shall not create shadowing discernible without instruments on any residentially zoned premises.~~

Comment [BSA11]: The site plan review standards are applicable, the deleted language is not needed.

(2) Utility Connections

All utility connections from the Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installations shall be underground unless specifically permitted otherwise by the ~~Planning Board~~ Site Plan Review Approval Decision. Electrical transformers, inverters, switchgear and metering equipment to enable utility interconnections may be above ground if required by the utility provider.

(3) Land Clearing, Soil Erosion and Habitat Impacts

Clearing of natural vegetation and trees shall be limited to that which is necessary for the construction, operation and maintenance of the Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installation or otherwise prescribed by applicable laws, regulations and by-laws ~~and meet the soil erosion habitat impacts as required under the Solar Regulations.~~

Comment [BSA12]: There are no Solar Regulations.

(4) Structures and Panels

All structures and panels and all associated equipment and fencing including Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installation shall be subject to all applicable By-laws for the underlying Zoning District and regulations concerning the bulk and height of structures, lot area setbacks, open space, parking and building and lot coverage requirements, and may not exceed 50% of the total lot area.

(5) Modifications

All material modifications to a Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installation made after issuance of the ~~Site Plan Review Approval Decision~~ shall require modification to the Site Plan Review Approval Decision in compliance with Section VI.F.

h. Abandonment and Removal

(1) Abandonment

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installation shall be considered abandoned when it fails to operate for more than one year without having obtained the ~~Planning Board's Site Plan Review Approval Granting Authority's~~ written consent to so suspend operation. If the owner or operator of the Commercial Solar- Photovoltaic Renewable Energy Installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning the town may enter the property and physically remove the installation.

(2) Removal Requirements

Any Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installation, which has reached the end of its useful life or has been abandoned, shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of abandonment or the proposed date of decommissioning. The owner or operator shall notify the ~~Building Commissioner Site Plan Review Approval Granting Authority~~ by certified mail of the proposed date of discontinued operations and plans for removal.

Decommissioning shall consist of:

- i. Physical removal of all Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installations, structures, equipment, security barriers and transmission lines from the site.
- ii. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- iii. Stabilization or re-vegetation of the site as necessary to minimize erosion. The ~~Building Commissioner Site Plan Review Approval Granting Authority~~ may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

i. Financial Security

~~The owner or operator~~**Proponents** of Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installation projects shall provide a non-cancellable surety bond or other form of surety approved by the Planning Board to cover the cost of removal in the event the town must remove the installation and remediate the landscape. The amount and form of the surety bond or other form of surety shall be determined by the ~~Planning Board~~**Site Plan Review Approval Granting Authority**, but in no event shall exceed more than 150 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the ~~Planning Board~~**Site Plan Review Approval Granting Authority**. The ~~applicant~~**project proponent** shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

Before issuance of any building permits for the Commercial Ground-Mounted Solar Photovoltaic Renewable Energy Installation, such construction and installation shall be secured in accordance with this ~~By-law~~**By-law** and/or any regulations adopted pursuant to this ~~Commercial Ground Mounted Solar Photovoltaic Renewable Energy Installation~~**By-law** for this purpose.

IV. DIMENSIONAL REGULATIONS

A. GENERAL PARKING REGULATIONS

~~1. Basic Requirement:~~

~~1. Purpose and Intent:~~

~~In order to promote desirable community planning, minimize traffic congestion, air pollution, and the risk of motor vehicle and pedestrian accidents, design of all off-street parking, loading spaces, circulation, and access shall be required to protect or enhance the desired character of a given center, neighborhood or corridor. Moreover, the intent of this by-law is to:~~

- ~~a. Promote a "park once" environment that will encourage shared parking and enable users to conveniently park and access a variety of commercial and civic enterprises in pedestrian friendly environments.~~
- ~~b. Ensure there are adequate parking and loading facilities to serve the use or uses of a site;~~
- ~~c. Ensure that parking facilities are designed to provide proper circulation, reduce hazards to pedestrians, and protect the users of adjoining properties from nuisance caused by the noise, fumes, and glare of headlights which may result from the operation of vehicles parking off street;~~
- ~~d. Reduce street congestion and contribute to traffic safety;~~
- ~~e. Encourage alternate modes of travel that will reduce dependence upon the single occupancy automobile, including requiring bicycle parking areas;~~
- ~~f. Reduce fragmented, uncoordinated, inefficient, single purpose parking;~~
- ~~g. Avoid adverse parking impacts on neighborhoods adjacent to redevelopment areas;~~
- ~~h. Provide flexibility for redevelopment of small sites; and~~
- ~~i. Encourage Low Impact Development (LID) techniques such as pervious paving and natural infiltration systems, where appropriate.~~
- ~~j. Provide sufficient off-street parking space to meet the needs of persons employed at or making use of a site;~~

~~It is the intention of this By-Law Section that all structures be provided with sufficient off-street parking space to meet the needs of persons employed at or making use of such structures; to ensure that any use of land involving the arrival, departure, or storage of motor vehicles on such land be so designed as to reduce hazards to pedestrians and abutters caused by the noise, fumes, and headlight glare of automobiles parking off the street; to reduce congestion in the streets and contribute to traffic safety by assuring adequate space for parking of motor vehicles off the street; and to provide necessary off-street loading space for all structures requiring the large volume delivery of goods. No building permit or certificate of occupancy for (a) a new structure, or (b) a change in use, or (c) substantial alteration or substantial improvement of an existing structure shall be approved by the Building Commissioner unless off-street parking and loading facilities have been laid out and approved in accordance with the requirements set forth in this section.~~

~~2. Applicability~~

~~The regulations of this Article-Section shall not apply to parking or loading facilities in existence or for which building permits have been issued before the first publication of notice of the public hearing on this By-Law, provided such facilities conformed with all applicable regulations in effect when established and provided the use of the structure served by the parking facility does not change. Any parking or loading facility accessory to a new or substantially altered or substantially improved structure, or accessory to a new use of an existing structure, or the new construction or expansion of a parking or loading facility shall be subject to the requirements of Section IV. ~~The Planning Board shall be the SPGA for~~~~

~~all special permits specified under Section IV.B. Off-Street Parking. No building permit or certificate of occupancy for (a) a new structure, or (b) a change in use, or (c) substantial alteration or substantial improvement of an existing structure shall be approved by the Building Commissioner unless off-street parking and loading facilities have been laid out and approved in accordance with the requirements set forth in this section.~~

Comment [BSA13]: Moved to subsection 5 below.

3. Reduction of Existing Spaces

Off-street parking and loading facilities provided in connection with an existing use on the effective date of this By-Law, or provided in accordance with this By-Law subsequent to such date, shall not be reduced in total extent after their provision, except when such reduction is in accordance with the requirements of this Section.

4. Conformance with Use Regulations

a. Means of Access

Access through a residential zone to non-residential zones shall be prohibited except by a public way.

b. Parking Facility

No land area shall be used for an off-street parking or loading facility which is accessory to a use or structure prohibited in the district in which the off-street parking or loading facility would be located.

5. Special Permits

~~The Planning Board shall be the SPGA for all special permits specified under Section IV.B. Off-Street Parking.~~

B. OFF-STREET PARKING

1. Number of Spaces Required

a. Table of Off-Street Parking Regulations

Off-street parking facilities shall be provided for each type of use in accordance with the following table:

TABLE OF OFF-STREET PARKING REGULATIONS

PRINCIPAL USE	MINIMUM NUMBER OF PARKING SPACES ⁱ
1. Single-family Dwelling	2 per dwelling unit
2. Two-Family and Multi Family Dwellings	2 per dwelling unit; or 1 per bedroom, whichever is greater
3. Assisted Living Multifamily dwelling for the elderly; Congregate Living Housing	1 per dwelling unit; plus 1 per employee space for visitor parking per ten spaces of required resident parking
4. Lodging House; Hotel or Motel	1.25 per unit; plus 1 per two employees
5. Golf Course or Country Club	50 per nine holes; plus 1/2 the requirements for restaurant, club or recreation facility specified below
6. Healthclub ; Entertainment, amusement or recreation facility ⁱⁱ except theatre; Healthclub	1 per three occupants, or , in the case of a non-structural facility, 1 per three persons the facility is intended to accommodate
7. School or day care facility ⁱⁱⁱ	1 per four occupants; plus 1 per two employees
8. Group residence	1 per three occupants
9. Restaurants, clubs, theaters and other similar places of assembly; Cultural and Educational Centers	1 per three occupants; plus 1 per two employees
10. Fast Order Food Establishments	1 per two occupants; plus 1 per two employees

Comment [BSA14]: This section was reviewed for consistency with Table of Uses and also as to the appropriate number of parking spaces allowed for each use.

ⁱ When used to calculate the number of parking spaces required, occupants means design occupancy load as determined by the State Building Code and the number of employees shall be construed as the maximum number of persons employed on the premises at any one time.

ⁱⁱ Any such facility intended primarily for children under driving age may provide only one-half the specified requirement.

ⁱⁱⁱ See footnote ~~ii~~ #2.

11. Licensed Nursing, Rest, or Convalescent Home or other Residential Care Facility; Assisted Living Housing	1 per four occupants; plus 1 per two employees
12. Hospital; Geriatric Hospital; Nursing Care Facilities	1 per 750 s.f. of gross floor area
13 Church, Library, Museum, Cultural and Educational Centers or similar place of assembly	1 per eight occupants; plus 1 per two employees
14. Offices of a physician, veterinarian, chiropractor, dentist or similar medical practitioner; or clinic	1 per 150 s.f. of gross floor area; or 2 per medical practitioner, whichever is greater
15. Non-Medical Offices	1 per 250 s.f. of gross floor area; or 1 per two employees, whichever is greater
16. Bank	1 per 175 s.f. of gross floor area; plus 1 per 250 s.f. of gross floor area for areas not devoted to customer service
17. Commercial greenhouse, funeral home	1 per 50 s.f. of public floor area; plus 1 per two employees
18. Barber shop or beauty parlor Personal Services Establishment	3 1 per 50 s.f. of gross floor area; operator's station
19. Other personal, consumer and r Retail services	1 per 200 s.f. of gross floor area; plus 1 per employee
20. Regional Shopping Center (a center with at least 500,000 s.f. of gross leasable area)	1 per 200 s.f. of gross leasable area
21. Automobile repair, gasoline service station or other workshop; sales or rental of motor vehicles	1 per 400 s.f. of gross floor area; plus 1 per bay employee
22. Automobile sales or rental Gasoline service station	1 3 per 250 s.f. of gross floor area; excluding service bays ; plus 1 per employee

23. Other business, institutional or professional uses not specified	As determined by the Planning Board, but not less than: 1 per 200 s.f. of gross floor area; plus 1 per two employees
24. Wholesale or non-retail business; warehouse or other storage facility	1 per 1,200 s.f. of gross floor area; or 1 per employee, whichever is greater
25. R&D establishment, manufacturing, industrial services, or extractive industry	1 per 800 s.f. of gross floor area; or 1 per employee, whichever is greater
26. Funeral Home Other industrial and transportation uses not specified	As determined by the Planning Board, but not less than: 1 per 250 s.f. of gross floor area
27. Carwash	1 per employee

ACCESSORY USES	MINIMUM NUMBER OF PARKING SPACES ^{iv}
28. Renting rooms or taking boarders in single family dwellings	1 per room offered for rent
29. Dormitory ^v	1 per bed
30. Home occupation or home office	1 per room used for office, or occupation space; plus 1 per non-resident employee; plus 1 per dwelling unit

b. Common Parking Areas and Multiple Use Facilities

- (1) Two or more uses may provide for required parking in a common parking lot if the total space provided is not less than the sum of the spaces required for each use individually.
- (2) For the purpose of determining parking requirements, a facility which contains more than one use may be broken down into its constituent use components, with each use component treated as a principal use. The determination of how a multiple use facility shall be broken down into its constituent components shall be made by the Planning Board.

c. Reduction in Required Number of Parking Spaces

^{iv} See footnote [#1](#).
^v See footnote [#2](#).

Comment [BSA15]: The proposed zoning by-law revisions as printed in the warrant included extensive changes to the parking provisions. It was determined that these changes need additional review. Accordingly, the language currently in the by-law for this and the following sections has been restored, and only minor "housekeeping" changes are proposed for the following parking provisions, in red-lined format.

The number of required parking spaces in a facility may be reduced by special permit, in accordance with the requirements of Section VI.E. of this By-Law, if the SPGA determines that the reduced number will provide adequately for all uses served by the facility.

d. Fractional Numbers

Where the computation of the number of required parking spaces results in a fractional number, only the fraction of one-half or more shall be counted as one.

2. Location of Facilities

a. Proximity to Principal Use

Required off-street parking facilities shall be provided on the same lot or premises as the principal use they are intended to serve, or on a lot in the same ownership adjacent to such use. When practical difficulties, as determined by the SPGA, preclude their establishment on such lot or premises, the SPGA may, by special permit, following a public hearing, allow the establishment of such facilities on another lot. Where such facilities are not owned by the applicant, the applicant shall provide executed instruments establishing to the satisfaction of the SPGA that sufficient legal interest has been acquired in such premises to assure their availability for required parking as long as the use served is in existence.

b. Parking in Required Setbacks

In districts requiring a front setback, no unenclosed parking area shall be allowed within ten feet of a front lot line except on a residential driveway. In districts where no front setback is required, parking areas shall be set back at least five feet from the front lot line. Parking in an enclosed structure shall not be allowed in a required front setback but, for a structure less than 12 feet in height, may extend into a side setback from the buildable portion of the lot up to one-half the required side setback depth. Parking areas, except those associated with single family dwellings in residential districts, shall be set back at least five feet from the side lot lines in all districts. A setback is the specified distance from a front or side lot line within which erection of buildings or structures is prohibited, except as permitted elsewhere in this By-Law.

c. Setback from Building

No parking space shall be located within five feet of a building.

d. Stalls for Oversize Vehicles

In cases where the parking of vans, buses, or other vehicles exceeding 8 feet in width and 18 feet in length is anticipated in connection with a proposed use, stalls for the parking of such vehicles shall be of such dimensions as to accommodate the specified type of vehicle.

e. Parking on Rights-of-Way

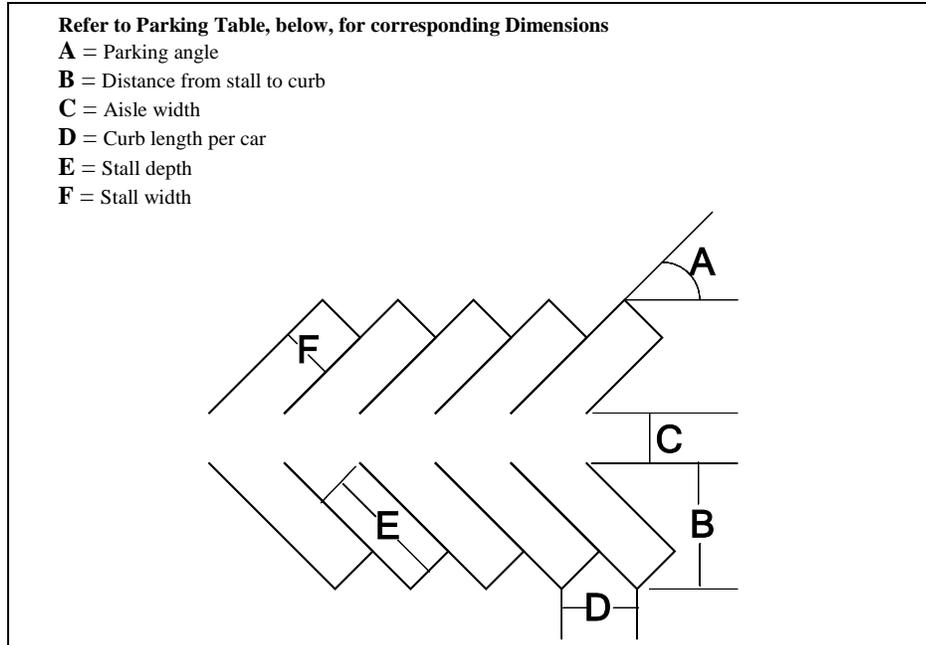
No parking area or aisles shall be laid out on land which is reserved as a vehicular right-of-way, whether developed or undeveloped and whether public or private.

3. Design Standards

All parking facilities shall comply with the following design standards:

a. Dimensions of Stalls and Aisles

The minimum dimensions of stalls and aisles shall be as follows:



PARKING TABLE

(linear measures in feet; angular measures in degrees; see notes at end of table for explanation of symbols)

A	B	C ⁶	D	E	F ⁷
Parallel	9.0	12.0	-	24.0	9.0
30	16.4	12.0	18.0	18.0	9.0
45	18.8	14.0	12.7	18.0	9.0
60	19.9	18.0	10.4	18.0	9.0
70	19.9	19.0	9.6	18.0	9.0
80	19.2	24.0	9.1	18.0	9.0
90	18.0	24.0	9.0	18.0	9.0

⁶ Providing access to stall for one-way use only. For two-way use, the minimum width shall be 20 feet or the aisle width required in column C above, whichever is greater.

⁷ End stalls restricted on one or both sides by curbs, walls, fences, or other obstructions shall have a minimum width of ten feet, and maneuvering space at the aisle end of at least five feet in depth and nine feet in width.

b. Vehicular and Pedestrian Circulation

Pedestrian walkways, driveways, and parking areas shall be designed with respect to topography, integration with surrounding streets and pedestrian ways, number of access points to streets, general interior circulation, adequate width of drives, and separation of pedestrian and vehicular traffic so as to reduce hazards to pedestrians and motorists.

c. Stall Layout

Required parking facilities shall be designed so that each motor vehicle may proceed to and from its parking space without requiring the movement of any other vehicle. The Planning Board may waive such requirement for parking facilities under full-time attendant supervision. In no case shall stalls be so located as to require the backing or maneuvering on to the sidewalk or into a public or private way upon entering or leaving the stall.

d. Entrance and Exit Driveway

For facilities containing fewer than five stalls, the minimum width of entrance and exit drives shall be 12 feet for one-way use and 18 feet for two-way use, and the maximum width 20 feet. Single family dwellings shall have a minimum driveway entrance of 12 feet. For facilities containing five or more stalls, such drives shall be a minimum of 12 feet wide for one-way use and 20 feet wide for two-way use. The minimum curb radius shall be 15 feet. The maximum width of such driveways at the street line shall be 24 feet in Residential Districts and 30 feet in all other districts. The Planning Board may modify such width and radius limitations when a greater width would facilitate traffic flow and safety. All such driveways shall be located and designed so as to minimize conflict with traffic on public streets and provide good visibility and sight distances for the clear observation of approaching pedestrian and vehicular traffic. No portion of an entrance or exit driveway at the street line shall be closer than 25 feet from an intersection in a Residential District, or 35 feet from an intersection in any other District. Distance shall be measured from the edge of the driveway to the extension of the nearest street line of the intersecting street. In the case of a state highway, no Building Permit shall be issued until a State Entrance Permit has been issued for the current use.

e. Parking Areas: Surfacing, Drainage, and Curbing

Parking areas shall be graded, surfaced with asphalt, concrete, or other suitable non-erosive material, and drained in a manner deemed adequate by the Planning Board to prevent nuisance of erosion or excessive water flow across public ways or abutting properties, and natural drainage courses shall be utilized insofar as possible. Design standards and specifications shall be those of Section VII.C. of the Rules and Regulations governing the subdivision of land in the Town of Framingham. Stalls shall be clearly marked to indicate the spaces to be occupied by each motor vehicle, in accordance with the dimensions specified in (a) above. Curbing, with the addition of guard rails wherever deemed necessary by the Planning Board, shall be placed at the edges of surfaced areas, except driveways, in order to protect landscaped areas and to prevent the parking of vehicles within required setback areas. Entrance and exit driveways shall be clearly defined by curb cuts, signs, and striping. All curbing installed within the public way of such driveways shall be of granite.

f. Lighting

Lighting shall not be directed or focused such as to cause direct light from the luminaire to be cast toward buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways. The luminaire shall be redirected, shielded, or its light output controlled as necessary to eliminate such conditions. There shall be no light trespass by a luminaire beyond the property boundaries of the lot on which it is located. Further, lighting shall be designed to complement the character of the Town or neighborhood.

1. Wall Mounted Fixture - The Planning Board may permit a wall mounted fixture attached to the exterior of a building or structure for area lighting at a maximum mounting height of fifteen feet above the finished grade if the Planning Board determines such action is in the public interest. A Wall Mounted Fixture shall be shielded to control glare.
2. Pole Mounted Fixture - The Planning Board may permit a pole mounted fixture height up to twenty-five feet above the finished grade if the Planning Board determines such action is in the public interest. All bases shall be flush with the ground and located in landscaped areas setback a minimum of three feet from the curbline. The Planning Board may permit lamp(s) of up to 1200 watts per pole mounted fixture and up to four pole mounted fixtures per luminaire if the Planning Board determines such action is in the public interest.

3. Ceiling Mounted Fixture - A luminaire mounted on an exterior ceiling such as under a canopy shall be mounted with the refractor or lens flush with or recessed in the ceiling or fixture.

4. Security Lighting - Low-level lighting sufficient for the security of persons or property on the lot is permissible, provided the average illumination on the ground or on any vertical surface is not greater than one half (.5) footcandle.

Based upon the nature of the application the Planning Board may impose reasonable requirements or limitations to minimize the impacts on abutting properties or uses. The Planning Board reserves the right to limit and regulate the amount and timing of illumination on a project site.

g. Special Permit for Dimensional Relief to Off-Street Parking Design Standards

A special permit may be granted by the SPGA to alter the Design Standards for parking facilities as set forth under Sections IV.B. 2, 3, and 4. Any space saved under a special permit for Dimensional Relief to Off Street Parking Design Standards shall be used for landscaped open space in addition to that required in the Zoning By-Law.

h. Handicapped Parking

Parking facilities shall provide specially designated parking stalls for the physically handicapped in accordance with the Rules and Regulations of the Architectural ~~Access Barriers~~ Board of the Commonwealth of Massachusetts ~~Department of Public Safety~~ or any agency superseding such agency. Handicapped stalls shall be clearly identified by a sign stating that such stalls are reserved for physically handicapped persons. Said stalls shall be located in that portion of the parking facility nearest the entrance to the use or structure which the parking facility serves. Adequate access for the handicapped from the parking facility to the structure shall be provided.

4. Landscaped Open Space in Parking Facility

a. Standards for landscaping within parking areas shall be as provided in Section III.E.8.h.

Site constraints shall be considered in applying the standards of Section III.E.8, which may be waived in accordance with Section III.E.10.c. Developments exempt from site plan review are encouraged to meet these standards.

b. Perimeter Landscaped Open Space

The required setback from lot lines specified for parking areas in Section IV.B.2.(b) shall consist entirely of landscaped open space.

c. Tree Requirement

Landscaping in off street parking areas with four parking spaces or fewer shall include at least two trees. Such trees shall be in accordance with Section III.E.8.j. Standards for Plant Materials.

d. Protection From Damage

In order to preserve landscaped open space from damage by parking cars and snow removal operations, bumper overhang areas shall be provided with permeable ground cover that will not be damaged by bumpers or vehicle drippings and all landscaped open space shall be provided with suitable curbing.

e. Waiver

The Planning Board, with respect to existing parking lots and landscaped islands, may waive the provisions of Section IV.B.4.a., b., c., and d. if the Board determines that literal compliance is impracticable and the existing landscaped islands are consistent with the purpose of this By-Law.

5. Maintenance of Parking Areas

No required parking facility shall be used for servicing, repair, storage, or display of merchandise or vehicles for sale or rental or for any other purpose that interferes with its availability for required parking.

Parking facilities and required screens and landscaping shall be continuously maintained in good condition and appearance. Whenever necessary, surfacing, lighting, barriers, markings, and planting materials shall be repaired or replaced with new materials to insure continued compliance with provisions of this By-law. Failure to maintain the same shall be considered a violation of this By-Law and shall be subject to the enforcement procedures contained in Section VI herein.

6. Applicability for Parking Structures and Small Facilities

Parking facilities provided in an enclosed structure shall be subject to the provisions of this Section, except for Sections IV.B.2.(c) and IV.B.4. Unenclosed parking facilities beneath a structure shall be subject to the provisions of this Section, except for Sections IV.B.2.(c), and such parking level shall be deemed to be a story when its ceiling is four feet six inches or more above finished grade. Any residential parking facility containing fewer than five stalls shall not be subject to Section IV.B.2(c), IV.B.3(c), and IV.B.4.

7. Special Provisions for Central Business District and Neighborhood Business District

a. Purpose

The purpose of this section is to further the intent of the Central Business (CB) district, which is to preserve the area as the Town's financial, civic, and government center, and to promote general and special retail uses in a compact area, and to further the intent of the Neighborhood Business District (B-1), which is to reinforce the historic development pattern of the Town's traditional commercial centers.

b. Exemptions

1. Exemption by Downtown Parking Relief Permit

In the Central Business District, a downtown parking relief permit may be granted by the Building Commissioner when an existing building is proposed for reuse, in order to provide parking regulation relief from the minimum number of spaces required in Section IV.B.1.(a) herein, and from the proximity requirements specified in Section IV.B.2.(a) herein. Such downtown parking relief permit may be obtained, following application to the Building Commissioner, only under the following circumstances: (1) the floor area of the building to be reused has not been increased; (2) the proposed reuse occupies less than 8,000 square feet of floor area; (3) the proposed reuse results in the requirement for no more than ten parking spaces above the number of spaces required under this By-Law prior to the proposed reuse; (4) no physical alteration to an existing parking lot or facility is proposed; and (5) the proposed reuse is not subject to Section V.I.F. Site Plan Review under the Planning Board. Decisions under this subsection by the Building Commissioner may be appealed to the Planning Board via an application for a special permit, as provided below. All other requests for parking relief from the required number of parking spaces and parking proximity requirements in the Central Business District shall be by special permit as provided below.

2. Exemption by Special Permit

In the Central Business district and Neighborhood Business District a special permit may be granted to exempt parking facilities from the minimum number of spaces required in Section IV.B.1(a) herein, and from the proximity requirements specified in Section IV.B.2(a) herein. The Planning Board shall be the SPGA for special permits under this section.

c. Contents of Application

1. An application for a special permit under this section shall include a ~~P~~parking ~~P~~plan including all information specified in Section V.I.F. ~~4(9) and (10)5, paragraph 1, herein,~~ regardless of the number of parking spaces proposed to be provided; or, if the proposed development is subject to the ~~major~~ Site Plan Review provisions of this By-Law ~~under Section V.I.F.2.b. or 2.e,~~ an application for Site Plan Review, ~~containing all information specified in Section V.I.F.4.~~
2. Where off-street parking facilities are to be provided upon private premises not owned by the applicant, an application for a special permit under this section shall also include executed instruments establishing to the satisfaction of Town Counsel that the applicant has sufficient legal interest in such premises to assure their permanent availability for off-street parking in connection with the proposed use.

Comment [BSA16]: Changes for consistency with new site plan review.

d. Procedure for Special Permit

1. The procedure for application, review, hearing, and decision shall be in accordance with ~~Section VI.E, the procedure for all special permits as set forth in this By-Law.~~
2. The public notice and hearing process required for the special permit application shall be concurrent with the Planning Board's Site Plan Review, if applicable. In the case of a proposed development subject to Site Plan Review, the Planning Board shall hold a combined public hearing for both the special permit and the site plan review application.

e. Conditions for Approval of Special Permit

The SPGA shall not approve an application for a special permit under this section unless it finds that in its judgment all of the following conditions are met:

1. The exemptions requested are consistent with the ~~conditions for all special permits specified in Section VI.E.3.(a) of this By-Law, the intent and purpose of the Zoning District.~~
2. There are adequate parking facilities of reasonable proximity to the premises.

f. Effect of Special Permit

A special permit granted under this section shall constitute the granting of an exemption from the minimum number of spaces requirement, or the proximity requirement, or both; and shall be deemed to be based on a specific plan or application for Site Plan Review, as applicable. Subsequent amendments to the approved plan or Site Plan Approval require amendment of the special permit.

C. OFF-STREET LOADING

1. Applicability

The requirements of this section shall apply to individual users of new and substantially altered structures, provided that when a building existing on the effective date of this By-Law is altered or expanded so as to increase the gross floor area by at least 5,000 square feet, only the additional gross floor area shall be counted toward the off-street loading requirements.

2. Table of Off-Street Loading Regulations

Principal Use	First loading facility required for area shown below	One additional loading facility required for area shown below
Institutional Uses	10,000	50,000
Dormitory and Hotel or Motel		
Recreation and Entertainment Uses		
Restaurant and Fast Food		
Office Uses	15,000	50,000
Retail Services	5,000	20,000
Personal and Consumer Services	5,000	25,000
Vehicular Services		
Industrial Uses		
Wholesale and Storage Uses	10,000	25,000

3. Location and Design

Off-street loading facilities shall be located and designed in the following manner:

a. Loading Bays

Each required loading space shall be at least 12 feet wide and 25 feet long, exclusive of drives and maneuvering space, and shall be located entirely on the lot being served. All lighting, surfacing, drainage, and maintenance of loading

facilities shall be provided in the same manner as off-street parking facilities, as specified in Section IV.B.3 (e) and (fg), and Section IV.B.5. Loading bays shall be enclosed in a structure if located within 50 feet of a Residential District and if the use served by such bay(s) involves regular night operations, such as a restaurant, bakery, hotel, bottling plants, or similar use.

b. Exemption by Special Permit

The Planning Board may modify by special permit the provisions of this section if said Board determines that literal compliance is impracticable due to the nature of the use or the location, dimensions, or grade of the lot.

D. SERVICE STATIONS AND OUTDOOR AUTO SALES

Gasoline service stations and outdoor automobile rental or sale, and storage for rental or sale shall be designed according to the following standards:

1. Location and Width of Driveways

No portion of a driveway at the street line shall be closer than 10 feet from a side lot line or 20 feet from any portion of another driveway on the same lot. The maximum width of driveways at the lot line shall be 30 feet and the minimum width, 20 feet. The minimum curb radius shall be 15 feet.

2. Dimensional and Landscaping Regulations

Such facilities shall be required to provide year-round opaque screening; comprised of walls, fences, berms, or evergreen plantings; where such facilities abut residential districts or residential uses. In the case of outdoor automobile rental or sale, and storage for rental or sale, such outdoor facilities shall also be subject to the landscaping requirements for parking facilities, as specified in Section IV.B.4.

3. Curbing, Surfacing, and Lighting

A raised curb at least 6 inches high shall be constructed along all lot lines abutting a street except at driveway openings. The area of the lot not landscaped or occupied by structures shall be graded, surfaced with asphalt or other suitable material and drained in a manner deemed adequate by the Planning Board to prevent nuisances or erosion or excessive water flows onto any other property or street. All illumination on outdoor areas and sales lots shall be shielded so as to prevent direct glare onto any other property or street.

4. Access and Circulation

Gasoline Service Stations (with or without an allowed accessory use) shall have adequate access, circulation, and vehicle storage for queues, which will not conflict with other uses. Gasoline service stations (with or without an allowed accessory use) may not gain their access through a parking lot serving another separate use. Access and circulation for a gasoline service station (with or without an allowed accessory use) must be clearly defined and separated from off-street parking areas serving other uses, so that there will not be a circulation conflict.

E. DIMENSIONAL REGULATIONS

1. General Requirement

No division of land shall be made which results in the creation of any lot having dimensions smaller than the minimum required by this Section for the building or use located thereon within the district in which such lot is located.

2. Table of Dimensional Regulations

Minimum lot area, frontage, lot width, setbacks and open space, and maximum height, lot coverage and floor area shall be as specified in the following Table of Dimensional Regulations, subject to the further provisions of this Section:

Comment [BSA17]: Changes made for consistency with Table of Uses, as well as minor changes for clarity.

District	Principal Building or Use	Lot Minimum		Minimum Setback		Minimum Landscaped	Building Maximums		
		Area (s.f.)	Frontage (ft.)	Front ⁺ (ft.)	Side (ft.)	Open Space Surface Ratio	Height Story/ ft.	Lot Coverage	Floor Area Ratio

Single Residence R-4	One-family or two-family detached dwellings Any other principal use	43,560 43,560	100 150	30 or more 30 or more	30 30	50% 50%	3/35 3/35	15% 15%	- -
R-3	One-family or two-family detached dwellings Any other principal use	20,000 43,560	100 150	30 or more 30 or more	15 30	40% 50%	3/35 3/35	25% 15%	- -
R-2	One-family or two-family detached dwelling Any other principal use	12,000 43,560	65 150	30 or more 30 or more	12 30	35% 50%	3/35 3/35	30% 15%	- -
R-1	One-family or two-family detached dwelling Any other principal use	8,000 43,560	65 150	30 or more 30 or more	10 30	30% 50%	3/35 3/35	35% 15%	- -
General Residence G	One-family or two-family detached dwelling Any other principal use	8,000 43,560	65 150	30 or more 30 or more	10 30	30% 50%	3/40 3/40	35% 15%	- -
Neighborhood Bus B-1	Any residential use Any other principal use	8,000 4,000	65 -	30 or more **	10 -	30% 5%***	3/40 3/40	35% 33%	- -
Community Bus B-2	Any residential use Any other principal use	8,000 8,000	65 65	30 or more 25	10 15	30% 20%	3/40 3/40	35% -	- 0.32
General Bus B-3	Any residential use Any other principal use	8,000 8,000	65 65	30 or more 25	10 15	30% 20%	3/40 3/40	35% -	- 0.32
General Bus B-4	Any residential use Any other principal use	8,000 10,000	65 65	30 or more 25	10 15	30% 20%	3/40 6/80	35% -	- 0.32
Business B	Any residential use Any non-residential use Any residential use	8,000 6,000 8,000	65 50 65	30 25 30 or more	10 15 10	30% 20% 30%	3/40 6/80 3/40	35% - 35%	- 0.32 -
Central Business CB	Any residential use Any other principal or mixed use	8,000 -	65 -	30 or more 10**	10 -	30% 5%***	3/40 6/80	35% 60%	- 2.0
Office/Professional P	Residential structure Any other principal use	8,000 6,000	65 50	30 or more 30 or more	15 15	30% 20%	3/40 3/40	35% 20%	- 0.32
Planned Re-use PR	One-family or two-family detached dwellings Other uses permissible in Single Res. Districts	20,000 43,560	100 150	30 or more 30 or more	15 30	40% 50%	3/40 3/40	25% 25%	- -
Light Manufacturing M-1	Any residential use Any non-residential use Any residential use	8,000 6,000 8,000	65 50 65	30 50 30 or more	10 15 10	30% 20% 30%	3/40 6/80 3/40	35% - 35%	- 0.32 -
General Manufacturing M	Any non-residential use Any residential use	6,000 8,000	50 65	50 30 or more	15 10	20% 30%	6/80 3/40	- 35%	0.32 -
Open Space/ Recreation OSR	Golf course or country club Any other principal use	50 ac. 5 ac.	200 200	100 100	100 100	90% 80%	3/40 3/40	5% 10%	- -
Geriatric/Elderly G/E#	Any Principal Use	3.5 ac.	200	20	15	-	3/40	-	0.32
Technology Park TP#	Any Principal Use	43,560	100	30	15	-	6/100	-	-

*Where shown as "30 or more" the minimum front setback shall be 30 feet from the sideline of a street over 40 feet in width, and 50 feet from the center line of a street 40 feet or less in width.

** Minimum front setback as regulated, except where building lines have already been established in which case building lines must be maintained; to be used for landscaping, pedestrian and vehicular access. Additional uses within the front setback in the Central Business District are listed under Section IV.E.119.a., herein. No parking in the front setback.

*** A portion of this requirement may be provided in the public right of way (street trees, etc.)

See §IV.E.814 for additional Dimensional Regulations for Geriatric Care/Elderly Housing District Uses, including regulations on setback requirements, floor area ratio calculations, and minimum landscape open space requirements within this district.

See §II.F.5 and II.F.7 for additional Dimensional Regulations for Technology Park District uses, including floor area ratio regulations and minimum landscaped open space requirements within this District.

3. Lot Area Regulations

a. Lot Area Requirement

Where a minimum lot area is specified in Section IV.E.2., no principal building or use shall be located on any lot of lesser area (such minimum lot area to be determined as set forth in these Lot Area Regulations, Section IV.E.3.), except as may be permitted hereinafter; and no such area shall include any portion of a street.

b. ~~Omitted Residential Area Districts~~

~~The Single Residence and General Residence Districts are divided into four Area Districts, as follows:~~

- ~~• Area District No. 1, 2A and 2B (R-4);~~
- ~~• Area District No. 2C, 2D and 2E (R-3);~~
- ~~• Area District No. 3 (R-2); and~~
- ~~• Area District No. 4 (R-1 and G).~~

Comment [BSA18]: Deleted as unnecessary.

c. Irregularly-Shaped Lots

When the distance between any two points on lot lines is less than 50 feet, measured in a straight line, the smaller portion of the lot which is bounded by such straight line and such lot lines shall be excluded from the computation of the minimum lot area unless the distance along such lot lines between such two points is less than 150 feet in such cases where the Minimum Lot Area is less than 20,000 square feet, as set forth in the Table of Dimensional Regulations, Section IV.E.2. Otherwise, when the distance between any two points is less than 80 feet, measured in a straight line, the smaller portion of the lot which is bounded by such straight line and such lot lines shall be excluded from the computation of the minimum lot area, unless the distance along such lot lines between such two points is less than 240 feet. In all cases, the principal use shall not be located on such excluded area of the lot.

d. Uplands Area Requirement

For the purpose of this Section, any lot laid out to be a buildable lot must contain upland area totaling at least 100 percent of the minimum lot area requirement for the zoning district in which the land is situated. In addition, a minimum of 70 percent of the required minimum lot area must be contiguous upland area, and shall be the location for the principal structure on the lot. Portions of a lot excluded from the computation of a minimum lot area, as provided under subsections IV.E.3.c., above, shall not be used to meet the upland area requirements, herein.

A lot for single or two family residential use, shall be exempt from this subsection d. Uplands Area Requirement, provided such lot conformed to all zoning requirements at the time of recording or endorsement.

~~The term "upland" is defined herein as land which is not "Land under Water Bodies and Waterways", "Freshwater Wetlands", or "Vernal Pool Habitat" as set forth in the Framingham Wetlands Protection By Law [Town of Framingham By-Laws Article V, Section 18.2], as well as land which is not an area of special flood hazard, as described under subsection III.A.1., herein.~~

Comment [BSA19]: Moved to Definitions, Section I.E.

e. Moderate Slope Requirement

~~For the purpose of this Section, a~~ Any lot laid out to be a buildable lot must contain 100 percent of the minimum lot area requirement for the zoning district in which the land is situated, excluding areas that satisfy the moderate slope requirement defined herein. In addition, a minimum of 70 percent of the required minimum lot area must be contiguous, and shall be the location for the principal structure on the lot. Portions of a lot excluded from the computation of a minimum lot area, as provided under subsections IV.E.3.c.and d., above, shall not be used to meet the moderate slope requirement, ~~herein~~.

A lot for single or two family residential use shall be exempt from this Section e. Moderate Slope Requirement, provided such lot conformed to all zoning requirements at the time of the recording or endorsement.

The term "moderate slope" is defined and measured by the procedure as prescribed herein as all areas satisfy with slopes natural and unaltered greater than or equal to twenty percent (20%) over a horizontal distance of 100 feet, as measured perpendicular to the contour line as prescribed herein. For Lots lacking a horizontal distance of 100 feet, the Slope will be calculated as an elevation change across a horizontal distance of 50 feet as measured perpendicular to the contour line. Contours shall be at 2 foot intervals based on the most recent National Geodetic Vertical Datum (NGVD). Plans shall note the collection source of the contour data. Final slope shall be reviewed and confirmed by the Town Engineer and/or by the Town's professional consultant.

4. Lot Frontage and Width Regulations

a. Lot Frontage Requirement

Where a minimum lot frontage is specified in Section IV.E.2., no principal building or use shall be located on a lot which fronts a lesser distance on a ~~way or~~ street. No principal building or use shall be constructed or located on a lot unless adequate vehicular access exists or can be constructed to the buildable portion of the lot, proposed structure or use from the ~~way or~~ street providing the minimum lot frontage required by Section IV.E.2. Vehicular access shall be provided from the lot frontage to the principal building or use, provided that the Planning Board by ~~S~~special ~~P~~permit may allow an alternative vehicular access to the lot. Frontage shall provide both rights of access and potential vehicular access across that lot line to a potential building site. Frontage shall be measured in a single contiguous, uninterrupted line along a street or streets. A lawful pre-existing lot for single or two family residential use that pre-dates the enactment of this section, shall be exempt from this lot access requirement, provided such lot conformed to all zoning requirements at the time of recording or endorsement.

Comment [BSA20]: See definition of street; "way" is superfluous.

Comment [BSA21]: Moved from definition of front lot line.

b. Lot Width Requirement

Each lot shall have a width such that the center of a circle having a minimum diameter of 80% of the required frontage of the lot can be passed along a continuous line from the sideline of the street along which the frontage of the lot is measured to any point of the building or proposed building on the lot without the circumference intersecting any side lot line.

In addition, each lot shall have a width such that the entire portion of the parcel from the lot frontage to the required front setback line shall have a minimum width equal to the required lot frontage as specified in Section IV.E.2., and such that the portion of the lot where any line passes through a principal building on the lot shall also have a minimum width equal to the required lot frontage as specified in Section IV.E.2.

5. Setback Regulations

a. Front and Side Setback Requirements

Where a minimum depth of setback is specified in Section IV.E.2., no building or structure shall be erected within the specified distance from the applicable lot line, except as permitted hereinafter.

b. Projections into Setbacks

1. Uncovered steps and ramps, and walls and fences no greater than six feet in height above the natural grade, may be permitted in a setback.
2. A portico over a front or a side doorway, or both, including a pediment, triangular-shaped or otherwise, supporting columns and decorative pilasters, over a landing or an entrance area, open or enclosed; the entrance area not being more than fifty square feet in area, may be permitted in a setback. Excluded from this exception are porticos in excess of one-story height.

c. Corner Clearance

In any district where a front setback is required, no building, fence or other structure may be erected and no vegetation may be maintained between a plane two and one-half feet above curb level and a plane seven feet above curb level within that part of the lot bounded by the sidelines of intersecting streets and a straight line joining points on such sidelines 25 feet distant from the point of intersection of such sidelines or extensions thereof.

d. Side Setback Abutting Residential District

Where a side lot line of a lot in a non-residential district, abuts a Single Residence or General Residence Zoning District, there shall be a minimum side setback requirement for buildings on such lot of 30 feet; except in the Central Business (CB) or Neighborhood Business (B-1) Districts, where such minimum side setback requirement for buildings on such lot shall be 10 feet. This setback regulation for such lot in a non-residential district shall not be applicable if such lot is for a single family or two family residential use, in which case the setbacks in the Table of Dimensional Regulations shall apply.

e. Determination of Lot Lines

Where the designation of a front or side lot line for the purpose of determining required yards is unclear because of the particular shape or type of lot, the Building Commissioner shall designate the appropriate front or side lot line.

f. Exception for Existing Alignment

In Single Residence, General Residence and Office and Professional Districts, if the alignment of existing principal buildings on adjacent lots on each side of a lot fronting the same street in the same district is nearer to the street line than the required front setback, the average of the existing alignments of all such buildings within 200 feet of said lot shall be the required front setback.

g. Special Permit for Limited Accessory Structures

1. The Zoning Board of Appeals may authorize by special permit the placement of ~~L~~limited ~~A~~accessory ~~S~~structures within the minimum side setback, provide that the board can find that the structure is in keeping with, and not substantially detrimental to, the surrounding neighborhood.
2. Dimensional Regulations for Limited Accessory Structures –
A ~~L~~limited ~~A~~accessory ~~S~~structure:
 - a. Shall be no larger than 120 square feet of gross floor area,
 - b. Shall not be more than twelve feet in height as measured from the average natural grade at a distance of up to three feet from the structure,
 - c. Shall not be located within the required front setback or any closer to that setback than the primary structure.
 - d. For a residential use, the accessory structure may be located at a distance from the lot line not less than one-third of the required minimum side setback.
 - e. For a non-residential use, the accessory structure may be located at a distance from the lot line not less than one-half of the required minimum side setback.
3. No more than three ~~L~~limited ~~A~~accessory ~~S~~structures shall be permitted within the required side setbacks on any one lot.

~~**h. Indoor Amusement Facility:** Noisy activities shall be at least 100 feet away from any lot line and effectively sound-insulated or screened to protect the neighborhood.~~

Comment [BSA22]: Moved from Definitions Section I.E

~~**i. Outdoor Entertainment Facility:** Noisy activities shall be at least 100 feet away from any residential lot line and effectively screened from abutters to protect the neighborhood.~~

Comment [BSA23]: Moved from Definitions Section I.E.

~~**j. Veterinary Services:** Noisy activity shall be at least 100 feet from any residential lot line and effectively sound-insulated or screened to protect the neighborhood.~~

Comment [BSA24]: Moved from Definitions Section I.E.

6. Open Space Regulations

a. Open Space Requirement

Where a minimum percentage of open space is specified in Section IV.E.2., no ~~principal~~ building or use shall be located or substantially altered on any lot in which such space is not provided.

b. Open Space in Front Setback

In any district where a front setback is required, landscaped open space ten feet in depth shall be provided along the entire width of the lot at the front lot line. Said strip may be interrupted by necessary vehicular and walkway entrances and exits.

c. Usable Open Space for One-family and Two-family Dwellings

All one-family and two-family detached dwellings shall have a minimum of 800 square feet of usable open space per bedroom.

d. Open Space in Setback Abutting Residential District or Uses

In any district where a non-residential use abuts or faces a residential zoning district or a single family or two family use, a landscaped open space buffer at a minimum depth of ~~15~~**fifteen** feet, shall be provided and maintained in order to separate, both physically and visually, the residential use from the non-residential use; except in the Central Business (CB) or Neighborhood Business (B-1) Districts where such minimum open space depth shall be **five** feet. The landscaped open space buffer strip shall be continuous except for required vehicular access and pedestrian circulation.

The buffer strip shall include a combination of deciduous and/or evergreen trees and lower-level elements such as shrubs, hedges, grass, ground cover, fences, planted berms, and brick or stone walls. Such open space buffer strips shall provide a strong visual barrier between uses at pedestrian level and shall create a strong impression of spatial separation.

e. Landscaping Requirement

In every district and for all uses and structures, which are subject to site plan review, landscaping shall be provided in accordance with the purpose, intent, objectives and standards of Section III.E.8. of this By-Law, as feasible. All off-street parking plans and site plans, required under Sections IV.B. or VI.F. shall include a landscape plan and planting schedule prepared by a registered landscape architect. Landscaped buffer strips along street right of ways shall be in accordance with this Section IV.E.6. Open Space Regulations, except in Districts where a larger buffer is required. Site constraints shall be considered in applying the standards of Section III.E.8, which may be waived in accordance with Section III.E.10.c.

7. Building Height and Bulk Regulations

a. Maximum Height Requirement

Where a maximum height of buildings is specified in Section IV.E.2., no building or part of a building shall exceed the specified number of stories and furthermore, no building or part of a building shall exceed the specified feet above average finished grade, except as permitted hereinafter.

b. Exceptions to Maximum Height Requirement

1. The maximum height requirement specified in Section IV.E.2. shall not apply to accessory structures or appurtenances normally built above the roof level and necessary for the operation of the building or use, **except in the Single Residence Districts R-1, R-2, R-3, and R-4, and General Residence Districts**. Such structures shall not be intended for human occupancy, and shall be erected only to serve the purpose for which they are intended. These structures include but are not limited to chimneys, penthouses for stairways and elevators, mechanical installations, and screening and parapets. Accessory structures or appurtenances may be built twenty-five percent above the maximum building roofline in the Technology Park and fifteen percent above the maximum building roofline in all other zoning districts, except in the Single Residence Districts R-1, R-2, R-3, and R-4, and General Residence Districts.
2. Steeple, monuments and towers not used for communication purposes and not intended for occupancy may be erected to a greater height than specified by Section IV.E.2 if a special permit is granted by the Zoning Board of Appeals after a public hearing.
3. Accessory structures above the building roofline shall be screened on all sides of the accessory structure, except as required for clearances by the ~~b~~**B**uilding ~~c~~**C**ode. The design of the screen shall be incorporated into the architectural features of the building and constructed of a material and color compatible with other elements of the building.

c. Bulk (Lot Coverage and Floor Area) Requirements

For any building or group of buildings on a lot, including accessory buildings, the percentage of the lot covered by such buildings (Lot Coverage) or ~~the ratio of the gross floor area of the building to the area of the lot~~ (Floor Area Ratio) shall not exceed the maximum specified in Section IV.E.2.

Comment [BSA25]: Floor Area Ratio is a defined term.

d. Height Requirements Near Residential Districts

In addition to the height limitations as set forth under subsection a. and subsection b. herein, the following additional requirements shall apply for all buildings (except for those in single-family or two family use), in non-residential zoning districts, when such building is in close proximity to a single residence or general residence zoning district.

1. Buildings located less than 50 feet from a single residence or general residence district shall be a maximum of 30 feet in height above finished grade.
2. In the Central Business District (CB) and Neighborhood Business District (B-1), buildings located less than 50 feet from a single residence or general residence district may be exempted by the above height restriction, up to a maximum of 40 feet in height above finished grade, by special permit, in accordance with the requirements of Section VI.E. of this By-Law, if the SPGA determines that the proposed building would be consistent with the historic development pattern of the existing commercial center of the area, and that such building would not be more intrusive on the residential district than a building 30 feet in height. The Planning Board shall be the SPGA under this subsection.
3. In all non-residential zoning districts where the maximum building height for a use is designated as 6 stories and 80 feet above finished grade, as specified in Section IV.E.2. Table of Dimensional Regulations, the following height requirement shall apply when such use is in close proximity to a single residence or general residence zoning district:

DISTANCE FROM RESIDENTIAL DISTRICT	BUILDING HEIGHT
equal to or greater than 50 but less than 200 feet	40 feet.
equal to or greater than 200 but less than 300 feet	50 feet.
equal to or greater than 300 but less than 400 feet	60 feet.
equal to or greater than 400 feet	80 feet

For the purposes of this subsection, when a zone line runs along a street, the width of the right of way of the street shall be included in the calculation for distance from a residential zoning district.

8. Dimensional Regulations for Geriatric Care/Elderly Housing District Uses

a. Special Setback Requirements

Buildings on adjoining lots within the Geriatric Care/Elderly Housing District must meet the setback requirements specified by Section IV.E.2. for the district, but may be integrated with walkways and breezeways which interconnect buildings and provide pedestrian connections. Further, a minimum setback from the Geriatric Care/Elderly Housing District ~~B~~boundary ~~L~~ine shall be as follows: 70 foot setback for a one-story or two-story building within the District, and 100 feet setback if building exceeds 2 stories, but a 50 foot setback from an Open Space ~~and Recreation~~ District ~~B~~boundary ~~L~~ine, regardless of height.

b. Floor Area Ratio Calculation Exemptions

Floor area ratio calculations within a Geriatric Care/Elderly Housing District shall not include the gross floor area of garages, attics, and basements of ~~i~~ndependent ~~L~~iving ~~H~~ousing units which are not designed to be used or occupied as living areas.

c. Open Space Requirements in the District

Minimum Landscaped Open Space shall be 30 percent of the total ~~L~~ot ~~A~~rea.

9. Dimensional Regulations and Design Guidelines in the Central Business District

a. Special Setback Requirements

1. Minimum front setback requirements shall be as regulated, except in areas where building lines have already been established, in which case building lines must be maintained.
2. No parking is permitted in the front setback area. The front setback may be used for landscaping and open space, cafes (when approved by special permit), pedestrian uses and access, and vehicular access only.

b. Design Standards

1. New construction or exterior renovation of existing structures in the Central Business District shall maintain a sense of history, pedestrian scale and pedestrian oriented character in order to enhance the quality of development in the District.
2. The Planning Board may require applicants, in need of a special permit for use in the Central Business District, to utilize façade easements in order to protect the values of historic structures. Such requirement would be applicable only where a development proposal, associated with such special permit, would result in the demolition or major exterior renovation of buildings, which are listed on the Inventory of Cultural Resources or are in a National Register District.

V. SPECIAL REGULATIONS

B. HISTORIC RE-USE

(5) Historic Reuse Special Permit Provisions

(c) Contents and Scope of Applications

The contents and scope for all Applications for Special Permit for Historic Reuse shall include the information listed in Section VI.F.4.5.a.1. through 16., ~~including impact assessments in accordance with Section VI.F.5.g.(2) Environmental Impact Assessment, Section VI.F.5.g.(4) Community Impact Assessment and Section VI.F.5.g.(5) Parking Impact Assessment and shall be prepared by qualified professionals. If the proposed number of condominium units or guest rooms is ten or greater, the Planning Board may require the filing of a Traffic Impact Assessment in accordance with Section VI.F.5.g.(1).~~ All plans shall be prepared by a Professional Engineer, Architect, or Landscape Architect Registered in the Commonwealth of Massachusetts. Applications shall include all information unless waived in conformance with Section VI.F.4.c3.b.

To assist the Planning Board in rendering its decision on the application, said application shall also include the following:

- (i) a narrative stating the historical significance of the structures and/or site, and an architectural description of the structures;
- (ii) photographs of all existing elevations;
- (iii) interior floor plan(s) showing the proposed uses of interior space with the gross floor area for each use;
- (iv) if new construction or additions are proposed, a perspective drawing showing the new construction or additions in relation to existing structure(s) on the site and on adjacent land;
- (v) a plan showing existing and proposed landscaping on the site;
- (vi) a list of any requested waivers with the justification for each; and
- (vii) based upon the scope of the project and physical characteristics of the parcel, the Planning Board may require additional information or supplemental impact statement(s).

Comment [BSA26]: Proposed changes to this section are for consistency with proposed new site plan review.

C. AUTOMATIC CARWASH AND/OR SELF-SERVICE CARWASH

7. Any application for review and approval of an Automatic and/or Self-service Carwash shall be subject also to Site Plan Review under Section VI.F.2.a. Such application should be provided concurrently. The application process, review procedure and decision process for this Section shall follow the application process, review procedure and decision process, as applicable, under Site Plan Review, Section VI.F.

F. LAND DISTURBANCE

Comment [BSA27]: Land Disturbance, formerly Section V.L, has been moved to Section V.F., with no changes to the text except as red-lined below.

a. Purpose

The purpose of this by-law is to protect natural resources including but not limited to land, water, wetlands, trees and vegetation, wildlife, and scenic vistas and historic resources and to prevent or minimize the negative impacts of Erosion, Sedimentation, Clearing, Earth Removal and Fill, Earth Moving and Stormwater Runoff both on and off of the project site.

b. Definitions

Best Management Practice (BMP): A structural, nonstructural, or vegetative measure which reduces Erosion, Sediment, peak storm discharge, and/or improves the quality of Stormwater Runoff as described in the Stormwater Management Handbook and any other applicable local regulations.

Clearing: Removal or causing to be removed or destroyed, through either direct or indirect actions, trees six inches (6") in diameter or larger at four and a half feet (4 ½') above the ground (DBH) and shrubs at four feet (4') tall or taller. Actions considered to be Clearing include, but are not limited to: causing irreversible damage to roots or trunks; destroying the structural integrity of vegetation; and/or any Filling, excavation, grading, or trenching in the root area of a tree which has the potential to cause irreversible damage.

Diameter Breast Height (DBH): The diameter of the trunk of a tree four and a half feet (4 ½') above the existing grade at the base of the tree.

Disturbed Area: An area, man-made or natural, where the existing condition has been or is proposed to be altered.

Earth Fill: The addition of earth materials to a Lot or parcel, including but not limited to, sand, gravel, stone, soil, loam, sod, clay and mineral products.

Earth Moving: The addition, removal or relocation of earth materials within the boundaries of a Lot or parcel, including but not limited to, sand, gravel, stone, soil, loam, sod, clay and mineral products.

Earth Removal: The removal of earth materials from a Lot or parcel, including but not limited to, sand, gravel, stone, soil, loam, sod, clay and mineral products.

Erosion: A condition in which the earth's surface, including vegetation, soil or rock fragment, is detached and moved away by the action of water, wind, ice, gravity or other natural means.

Fill: Any Fill used in connection with this project shall be clean Fill and may not contain any trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, asphalt, concrete, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.

Hazardous Tree: A tree with a structural defect or disease, or that impedes safe sight distance or traffic flow, or otherwise currently poses a threat to life or property as verified by a certified arborist or Town Tree Warden.

Landscaping: Improvements made to a Lot or parcel through treatment of the ground surface with planting materials including but not limited to trees, shrubs, grass, ground cover or other growing horticultural material, as well as wood chips, stone or decorative rock.

Lot: For the purposes of this Land Disturbance By-Law, Lot shall be defined as an area of land in one ownership, with definite boundaries ascertainable by recorded deed or recorded plan and not divided by a public street or public way, including land under the control of the same person and land under the ownership of related or jointly owned entities, in existence as of the effective date of this Land Disturbance By-Law.

Sediment: Solid material, whether mineral or organic, that is in suspension, is transported or has been moved from its site of origin by Erosion.

Significant Forest Community: Unfragmented forests including forest types that provide habitat for rare species, unusual ecological processes, highly diverse forest communities, rare forest types, and those forest types which maintain connections between similar or different habitat areas.

Slope: Any elevation change across a horizontal distance of one hundred feet, as measured perpendicular to the contour line. For Lots lacking a horizontal distance of one hundred feet, the Slope will be calculated as any elevation change across a horizontal distance of fifty feet, as measured perpendicular to the contour line.

Soil Disturbance: Clearing, grading, regrading, excavation, stockpiling or Filling of six inches or more.

Specimen Tree: A native, introduced or naturalized tree which is important because of its impact on community character, its significance in the historic or cultural landscape or its value in enhancing the effects of wildlife habitat. Any tree with a diameter of eighteen inches at DBH or larger is presumed to be a Specimen Tree. Trees that have a small height at maturity or are slow growing, such as Flowering Dogwood or American Holly, with a diameter of six inches at two feet above the ground or larger are presumed to be considered Specimen Trees.

Stabilization: The elimination and prevention of Erosion.

Stormwater Management Handbook: "Stormwater Management Handbook," prepared by the Massachusetts Department of Environmental Protection and the Massachusetts Office of Coastal Zone Management as the same may be from time to time revised.

Stormwater Runoff: Water from precipitation or snow melt that does not evaporate or infiltrate into the ground.

c. Applicability

(1) Land Disturbance Permit

This By-Law shall apply to any proposed Land Disturbance activity on all existing Lots and new Lots created by plan as follows:

- (a) Any Soil Disturbance greater than 4,000 square feet on an existing or proposed Slope of more than fifteen percent (15%);
- (b) Any Earth Removal or Earth Fill of more than 400 cubic yards;
- (c) Any Earth Moving activity of more than 1,000 cubic yards;
- (d) Any Clearing of more than fifty percent (50%) of the Lot's area or more than 40,000 square feet, whichever square footage is less, but not including Lots with an area of 10,000 square feet or less.

(2) Exemptions

The provisions of this by-law shall not apply to the following activities:

- (a) Construction of walkways, patios, driveways, gardens, Landscaping, walls, swimming pools, or replacement of wells or septic systems on Lots having an existing dwelling providing the activity is on an existing or proposed Slope of fifteen percent (15%) or less;
- (b) Construction, reconstruction, maintenance or resurfacing of any public way or the installation of drainage structures or utilities within roadway layouts and easements, provided the activity is undertaken by the Town of Framingham, or the stockpiling of sand, gravel, stone, soil and salt at facilities operated by the Town of Framingham;

- (c) Activities undertaken in connection with the refurbishing of an existing athletic field, or with the management of town owned park, or with the management of privately owned lands held by non-profit conservation organizations, or in connection with the management and operation of golf courses;
- (d) Activities undertaken in connection with any existing sand and gravel operation or similar enterprise where such activity is allowed by zoning, but shall not include expanded operations;
- (e) Work in connection with an agricultural use directly related to planting, cultivating or harvesting or the raising or care of animals, or conducted in accordance with an approved Natural Resource Conservation Service Agricultural Plan, or agricultural uses on parcels of land of more than five acres as specified in M.G.L. Ch. 40A, §3, or harvesting of trees on property under M.G.L. Ch. 61 approved by a State Forester;
- (f) Activities in accordance with the terms of an Order of Conditions issued by the Conservation Commission pursuant to M.G.L. Ch. 131 §40, or Framingham Wetlands Protection By-Law, Article V, §18 of the Framingham General By-Laws or mosquito control projects under the jurisdiction of the United States Army Corps of Engineers, except for land disturbance activities on uplands adjacent to a wetland resource area;
- (g) Removal of Hazardous Trees, as defined herein;
- (h) Removal of a tree following a tree removal public hearing, pursuant to the Public Shade Tree Act M.G.L. Ch. 87, when required;
- (i) Routine maintenance of vegetation, removal of dead or diseased limbs and/or trees necessary to maintain the health of cultivated plants, containment of invasive or noxious weeds and/or vines in accordance with a Department of Environmental Management (DEM) approved Forest Management Activities, or Conservation Commission Order of Conditions, or remediation of an identified fire or health hazard or threat to public safety or property;
- (j) Non-commercial cutting for fuel, provided that clear-cutting does not occur as provided herein.

(3) Non-Avoidance of Provisions of By-Law

The provisions of this By-Law shall apply to all Lots in existence on (May 2, 2007). Any segmentation or phasing of a development, or the subdivision or division of land subsequent to the effective date of this By-Law, unless otherwise exempted by law, shall be subject to and must comply with the provisions herein. All thresholds established in Section(c) of this By-Law shall be calculated based upon the Lot(s) in existence as of the effective date of this By-Law. The Planning Board shall not approve any Land Disturbance application if the land or parcels of land were deemed one Lot on the effective date of this By-Law or at any time subsequent thereto, except after considering the compliance of the entire Lot with the provisions of this By-Law.

d. Special Permit Application and Procedure

The Planning Board shall be the SPGA for the issuance of a Special Permit for Land Disturbance. Such special permit application shall be submitted, considered, and issued only in accordance with the provisions of this Section ~~V-L~~ and M.G.L. Ch. 40A, § 9. Prior to filing an Application for Special Permit for Land Disturbance, potential Applicants are strongly encouraged to meet in a pre-application conference with the Planning Board to discuss the review process.

(1) Any person who desires a Land Disturbance Special Permit shall submit a plan prepared and stamped by a Professional Engineer and a Professional Land Surveyor each registered in the Commonwealth of Massachusetts, at a scale of one inch equals twenty feet (1"=20') showing:

- (a) North arrow, scale, and date;
- (b) Locus map showing the parcel in relation to the surrounding properties;

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- (c) Name of record owner(s) of land shown on the plan;
 - (d) Boundaries and existing and proposed topography of the property, including contours at a 2-foot interval, using (National Geodetic Vertical Datum 1929) NGVD29 as it may be updated from time to time and specifying NGVD29 on all elevation drawings, specifically indicating the areas on which the activity is proposed to occur, and clearly noting if the activity is on an area greater than 4,000 square feet or on Slopes 15% or greater;
 - (e) The size and location of all existing and proposed buildings, structures, utilities, roads, driveways, parking areas, and areas of cut and fill on the site and the location of all structures on abutting properties within 100 feet of the property lines of the parcel;
 - (f) Property lines, easements and/or other legal rights within the property lines;
 - (g) All wetlands and wetland resource areas as defined in M.G.L. Ch. 131, §40, and the Framingham Wetlands Protection Bylaw, Article V, §18 of the General By-laws, drainage patterns, and watershed boundaries. Also include a delineation of the 100-year floodplain and all bodies of water, including vernal pools, streams, ponds, and coastal waters within 125-feet of the project site/limit of work and the delineation of a 30-foot no-cut/no alteration zone;
 - (h) Submission of a scaled landscape plan that delineates on a single sheet the existing vegetation both on the Lot and in the right-of-way, the vegetation to be removed or relocated, the re-vegetation and the limit of work. The limit of work shall include all building, parking, and vehicular use areas, and any grading associated with the proposed development. Include a planting plan to ensure permanent re-vegetation of the site except for Disturbed Areas that will be covered by gravel, hardscape or a building or structure. If applicable, include:
 - (i) Upland vegetational communities, including trees, shrub layer, ground cover and herbaceous vegetation;
 - (ii) Size and height of trees, of Specimen Trees and/or significant forest communities;
 - (iii) Location of any rare and endangered species as mapped by the Massachusetts Natural Heritage Program;
 - (i) The location of any proposed stockpile locations;
 - (j) Detailed drawings and design calculations of all temporary and permanent stormwater management and Erosion and Sediment control structures and devices;
- (2) Applications for a Land Disturbance Special Permit must be accompanied by a narrative containing the following elements:
- (a) A narrative description of the methods to be employed and the means proposed to provide Erosion and Sedimentation control, to protect groundwater, to control dust and to protect abutting properties and/or adjacent areas;
 - (b) A description of the project's phases as they relate to land disturbance, including a tabulated sequence of construction and a construction schedule which must include the inspection and maintenance of Erosion Control Measures for the project throughout the construction period and the timing of vegetation Clearing, transplanting or replacement in relation to other construction activities;
 - (c) A description of BMP as they relate to Erosion control to be employed as the standard of performance in development of the project site;

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- (d) A narrative description of pre and post-construction Stormwater Runoff Analysis showing that Stormwater Runoff will be controlled as required by the Findings and Conditions of Approval, accompanied by design calculations using generally accepted analytical tools;
 - (e) Information on predominant soil types and Erosion potential on the site from the Natural Resource Conservation Service;
 - (f) A detailed description of the type of Fill to be used on site;
 - (g) A narrative documenting the species and quantities of Specimen Trees and/or other vegetation to be removed or relocated within the project area;
 - (h) If applicable, include a statement prepared by a certified arborist for the proposed relocation of any existing Specimen Tree explaining how said tree is to be relocated and maintained.
- (3) Photographs of the site prior to disturbance shall accompany the application.
 - (4) Based upon the size or character of the project including the scope of activity, area of disturbance and the percent slopes on which the work is to occur, the Planning Board may require additional information or may waive some or all of the requirements of the Land Disturbance application.
 - (5) The Planning Board, at its sole discretion, may determine that a proposed project's size, scale, complexity or potential impact warrants the use of outside consultants. Such consultants shall provide comment upon the project in plan review, impact analysis, inspection or other technical or legal assistance necessary to ensure compliance with all relevant laws and regulations. Such assistance may include, but shall not be limited to, analyzing an application, providing legal counsel for decisions and covenants, and monitoring or inspecting a project or site during construction or post-construction for compliance with the Board's decisions or regulations. Such consultants shall be selected and retained by the Planning Board, with the actual and reasonable costs for their services to be paid by the applicant in accordance with Article 16 of the Planning Board Rules and Regulations.
 - (6) The applicant shall make all requests for waivers in writing. The Planning Board may require the applicant to submit supporting technical information and documentation to demonstrate why such waivers should be granted. The Planning Board's decision to grant or deny waivers shall be in writing and shall set forth the reasons for the grant or denial.

e. Findings and Conditions of Approval

The Board shall not approve any application for a Land Disturbance Special Permit unless it finds that, where applicable, the following requirements shall be met:

- (1) Site Management and Control
 - (a) Building envelopes for structures, driveways, wastewater disposal, lawn areas and utility work are designed and delineated in a manner to limit land disturbance to the greatest extent possible;
 - (b) Suitable areas are designated for temporary uses such as the parking of construction vehicles, trailers and stockpiling of equipment and materials;
 - (c) All waste products, grubbed stumps, slash, construction materials, etc., shall be lawfully disposed of and shall not be in any manner incorporated into the project site with the exception of the reduction of stumps and slash to mulch;
 - (d) During construction, temporary Erosion and Sedimentation control measures are employed in accordance with the approved plan and the BMP until a Disturbed Area is permanently stabilized;

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- (e) Permanent Erosion control and vegetative measures are in accordance with the BMP;
 - (f) The duration of disturbance is set forth in a written timetable;
 - (g) Dust control is used throughout construction;
 - (h) Throughout the duration of construction, a gravel apron of at least fifteen feet wide and at least twenty-five feet long is required at any site access from a paved public way to prevent unstable material from being transported onto the roadway by vehicle tires.
- (2) Control of Stormwater Runoff
- (a) Whenever possible, the natural topography of a site is preserved so as to reduce unnecessary land disturbance and to preserve natural drainage patterns on the site;
 - (b) The project does not increase the rate, concentration or velocity of runoff from the site, and the project shall minimize the volume increase of runoff from the site to adjoining properties;
 - (c) There is no adverse impact to abutting properties from any change in volume of Stormwater Runoff resulting from land disturbance activities including but not limited to Erosion, silting, flooding, Sedimentation, subsidence or impacts to wetland, groundwater resources, septic systems or wells;
 - (d) There is no adverse impact to groundwater resources in terms of quantity or quality.
- (3) Protection of Natural Features and Vegetation
- (a) Endangered species and wildlife habitats and corridors, natural landscape features, and scenic vistas and views are protected to the maximum extent feasible. Buildings, structures or parking facilities are sited away from the crest of hills in a manner not to detract from the site's scenic qualities;
 - (b) Open space and Specimen Trees are preserved in the site's design and development, giving priority to retention of existing stands of trees, trees at the site perimeter, and contiguous vegetation with adjacent sites (particularly existing sites protected through conservation restrictions);
 - (c) Forested areas are preserved to the maximum extent feasible if they are associated with significant forest communities as defined herein; wetlands, waterbodies and their buffers; critical wildlife habitat areas; and Slopes over 15%;
 - (d) During Clearing and/or construction activities, all vegetation to be retained will be surrounded by temporary protective fencing or other measures before any Clearing or grading occurs, and maintained until all construction and site work is completed and all construction equipment and debris is removed from the site;
 - (e) Where the site is not proposed to be covered with gravel, hardscape or a building or structure, a planting plan to ensure permanent re-vegetation of the site, including but not limited to providing a loam depth of not less than six inches for areas to be planted, has been provided by means of adequate revegetation techniques;
 - (f) Existing grade will be maintained around trees such that the ground level is not raised over the root area.
- (4) Protection of Historic Resources

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- (a) Reasonable measures are employed to protect historic resources including but not limited to historic landscape features both above and below ground, buildings, structures, objects, stone walls, foundations, designed landscapes and gardens.

f. Additional Requirements, Conditions, Limitations and Safeguards

In granting approval of an application the Planning Board may impose additional requirements, conditions, limitations and safeguards which shall be in writing and shall be a part of such approval. Such conditions may include but are not limited to:

- (1) Controls on the location and type of access to the site during all site activity;
- (2) Controls on the number of vehicles that arrive or depart during the morning and/or evening peak hours during all site activity (including controls on the maximum number of vehicles which may use the off-street parking areas during said periods);
- (3) Conditions to minimize off-site impacts on traffic and environmental quality during site activity;
- (4) Requirements for screening from adjoining premises or from the street by walls, fences, plantings or other devices to mitigate adverse impacts;
- (5) Conditions to mitigate adverse impacts to the neighborhood and abutters, including but not limited to adverse impacts caused by noise, dust, fumes, odors, lighting, headlight glare, hours of operation or snow storage;
- (6) Compliance with all applicable federal, state and local regulations and guidelines, including but not limited to the Stormwater Management Handbook as it may be amended;
- (7) Submission of a response from the Massachusetts Historical Commission (MHC) and the Framingham Historical Commission regarding the potential for archaeological or historical resources on the site, as may be applicable;
- (8) Submission of homeowner's or condominium documents which shall provide for the long term operation and maintenance of all permanent ~~E~~rosion control and stormwater management measures;
- (9) Requirement of a cash performance guarantee to ensure compliance with these requirements. With the approval of the Board, the applicant may substitute an irrevocable letter of credit or performance bond from a bond company or financial institution acceptable to the Town of Framingham in lieu of the cash performance guarantee. Any performance bond or letter of credit shall be executed and maintained by a financial institution, surety, or Guarantee Company qualified to do business in the Commonwealth of Massachusetts.
- (10) Requirement to record the Special Permit decision with the Registry of Deeds or Registry District of the Land Court prior to commencement of any land disturbing activity authorized under this Special Permit, the applicant shall submit to the Planning Board written proof of such recording.
- (11) Submission in writing of the name and contact information of the person who is responsible at all times for the land disturbing activity that is the subject of the application. Said person shall ensure that the approved activity takes place in accordance with the application, plan and special permit requirements.

The applicant, when other than the owner(s), and the owner(s) of land will be responsible for conditions which are required as part of a favorable decision for issuance of the Special Permit.

g. The Planning Board may deny a Land Disturbance Special Permit if it determines:

- (1) The requirements of Section V.~~LF~~ herein are not met, or

- (2) The project violates or circumvents other provisions of any Town zoning by-law or regulation, or
- (3) The project received a variance issued by the Zoning Board of Appeals from the requirements of Section V.F. herein without first receiving a favorable recommendation from the Planning Board.

F. OPEN SPACE RESIDENTIAL DEVELOPMENT

1. Purpose and Intent

~~The purpose of this Section is to allow, by special permit from the Planning Board, an alternate pattern of land development to the standard subdivision permitted in the single family residential districts (R-3 and R-4) in order to provide for the public interest:~~

- ~~a. by encouraging the preservation of open space and natural landscape features in perpetuity;~~
- ~~b. by encouraging creative site planning and the efficient use of land in harmony with its natural features through development which is designed to accommodate a site's physical characteristics such as topography, vegetation and wildlife habitat, wetlands and other water resources, and open spaces such as farmlands and meadows; and~~
- ~~c. by preserving significant natural, historical or archaeological resources, including major scenic views.~~

~~The intent of this Section is to guide development consistent with the Town's Master Plan, Open Space Plan, and Preservation Plan and to establish flexible residential development standards and procedures that will support these objectives.~~

2. Applicability

~~Open Space Residential Development (OSRD) shall be allowed, by special permit, within "Single Residence R-3" and "Single Residence R-4" Zoning Districts, subject to the requirements of this By Law for those districts, and in accordance with the additional requirements and standards specified herein. The Planning Board shall be the SPGA for all special permits issued under this Section. The Planning Board may issue a special permit under this Section, subject to the requirements of this By Law, and in accordance with the additional requirements and standards specified within this Section V.F., only if no variances have been issued from the requirements of this Section V.F.~~

3. General Requirements

- ~~a. Any parcel or parcels of land containing ten or more acres, in one ownership, or any combination of parcels of land consolidated under a Purchase and Sale agreement containing ten or more acres, or any combination of contiguous parcels of land containing ten or more acres under ownership by two or more property owners where all such owners jointly apply for an OSRD Special Permit, in all cases, with definite boundaries ascertainable from a recorded deed or recorded plan, located within a zone permitting Open Space Residential Development and which may be developed as a conventional subdivision, may be considered for an Open Space Residential Development subject to a special permit. Such parcel or parcels to be included in an Open Space Residential Development Special Permit shall be defined herein as the OSRD tract~~
- ~~b. After an Open Space Residential Development application has been submitted, no tree removal, no utility installation, no ditching, grading or construction of roads, no grading of land or lots, no excavation except for purposes of soil testing, no dredging or filling, and no construction of buildings or structures shall be done on any part of the development site until the application has been reviewed and a decision issued, as provided by these regulations.~~

4. Open Space Residential Development Standards

- ~~a. Permitted Uses: Permitted Uses in an OSRD shall be detached single family dwellings, accessory uses associated with residential uses as may be permitted in the Single Residence District, and accessory facilities owned and operated by the owner of the OSRD or the residents, such as building and grounds maintenance facilities, and recreation facilities and other uses noted under subsection 4.g. Use of Common Open Space, herein.~~
- ~~b. Minimum OSRD Tract Size:~~

Comment [BSA28]: OSRD deleted since the Zoning By-law now has Neighborhood Cluster, Agricultural Preservation, and Open Space Cluster, which have similar purposes. OSRD is not often used and seems superfluous at this time.

~~(1) The total area of the OSRD tract proposed for Open Space Residential Development shall be at least ten contiguous acres. The OSRD tract must have at least 40 feet of frontage on an existing Town way. While existing public and private ways need not constitute boundaries of the OSRD tract, the area within such ways shall not be counted in determining its size.~~

~~(2) The Planning Board may permit lots on directly opposite sides of a street to qualify as a single OSRD tract of land. To permit such division of an OSRD tract of land by a street, the Planning Board must find that this would comply with the purposes of this section and not result in any more dwelling units than would be possible in accordance with the provisions of this Bylaw if the lots on either side of the street were developed separately. If the Planning Board approves an OSRD tract of land divided by a street, it may permit the total number of permitted dwelling units to be constructed on either side of the street, subject to the Dimensional Regulations and Design Standards under subsection 4. herein.~~

~~e. **Density:** The number of dwelling units in an OSRD shall be calculated via a Density Yield Plan.~~

~~(1) **Density Yield Plan:** The number of building lots which the Planning Board finds would be permitted by a conventional subdivision under the zoning requirements of the Zoning By Law (other than the Special Permit provisions under this Section IV.F.) and all applicable land use regulations in the district (including wetlands protection), and complying with the Subdivision Rules and Regulations, as demonstrated by a preliminary subdivision density yield plan. Major site features and constraints to development should be delineated on this plan. In parcels located in areas not serviced by public sewer, and not proposed for extension of public sewer, the applicant must certify that each lot identified on the plan is buildable, as evidenced by a soils test, consistent with Title 5. In parcels located partly in more than one district, no more than the total number of lots which would be permitted under the zoning requirements of the Zoning By Law (other than the special permit provisions under this Section IV.F.) in the combined districts, and complying with Subdivision Rules and Regulations, shall be permitted.~~

~~Such Density Yield Plan shall be submitted, as provided under Section 5 Special Permit Application and Procedures, herein. The applicant is encouraged to submit such material to the Planning Board office early in the development process, prior to submittal of a completed application, for verification and acceptance of the proposed development density.~~

~~d. **Dimensional Regulations:** The Planning Board may grant a reduction of all dimensional regulations, specified in Section IV.E. for the zoning district, for all portions of an Open Space Residential Development, if the Planning Board finds that such reduction will result in better design, improved protection of natural and scenic resources, and will otherwise comply with these regulations, provided that in no instance shall any residential building lot deviate from the following Requirements:~~

~~(1) **Minimum Lot Area:** Each lot within an OSRD shall have a minimum lot area of 12,000 square feet in the R-3 Single Residence District, and shall have a minimum lot area of 20,000 square feet in the R-4 Single Residence District where public sewer or a community sewage collection and treatment system is provided.~~

~~(2) **Minimum Frontage and Width:** Each lot within an OSRD shall have a minimum frontage and width requirement of forty feet.~~

~~(3) **Minimum Lot Width at Building Line:** Each lot within an OSRD shall have a lot width of not less than sixty-five feet in all directions where residential buildings or accessory structures are located.~~

~~(4) **Minimum Front Setback Requirement:** The minimum front setback within an OSRD shall be thirty feet.~~

~~(5) **Building Location Requirements:** No structure shall be located within thirty feet of a residential structure on another lot in the OSRD tract in an R-3 zone, or within forty-five feet of a residential structure on another lot in the OSRD tract in an R-4 zone, or within thirty feet of the nearest point of the layout of a common drive, or within thirty feet from the sideline of a street, or within thirty feet of the Common Open Space (as set forth under subsections f., g., and h. herein), or within fifty feet of the side boundaries of the OSRD tract. The Planning Board may require increased setbacks of buildings within the OSRD from some or all of the boundaries of the OSRD tract. A landscaped or natural vegetative area along the OSRD tract boundaries may be required, as appropriate, in order to provide a physical or visual separation between abutting uses. Natural vegetation should be retained in this vegetative area, whenever possible.~~

~~(6) Building Height Requirements: The maximum building height shall not exceed the building height requirements as specified for the district under Section IV.E. herein.~~

~~(7) Maximum Building Lot Coverage: The maximum building lot coverage shall not exceed twelve percent.~~

~~e. Streets and Utilities: All streets, whether public or private, and all drainage facilities and utilities, shall be designed and constructed in accordance with the Design Standards and Specifications set forth in the of the "Rules and Regulations Governing the Subdivision of Land in the Town of Framingham", as amended. Waivers to the Subdivision Rules and Regulations may be authorized by the Planning Board in granting a special permit hereunder, in accordance with Massachusetts General Laws, Chapter 41, Section 81R, provided the Board determines such exceptions are in the public interest and are not inconsistent with the purposes of this Section, the Subdivision Rules and Regulations, and the Zoning By Law.~~

~~f. Common Open Space Design Standards~~

~~(1) Within an Open Space Residential Development, no less than forty percent (40%) of the land area shall be devoted to Common Open Space in an R-4 District, and no less than twenty five percent (25%) of the land area shall be devoted to Common Open Space in an R-3 District. The Common Open Space shall not include land set aside for roads or residential parking, nor shall it include the residential building lots. No more than fifty percent (50%) of the Common Open Space shall contain wetlands as defined by Massachusetts General Laws, Chapter 131, Section 40.~~

~~(2) Common Open Space shall be designed and planned as large, contiguous units, whenever possible, with logical boundaries. Strips or narrow parcels of Common Open Space shall be permitted only when necessary for access, when necessary to connect to other significant areas, when they are designed to protect linear resources such as trails or streams, or as vegetated buffer strips along the site's perimeter where the Planning Board finds that such strips are deemed appropriate and consistent with the purpose of the OSRD.~~

~~(3) Common Open Space may be set aside in more than one parcel provided that the size, shape and location of such parcels are suitable for the designated uses.~~

~~(4) Common Open Space shall be designed as part of larger continuous and integrated open space systems. Whenever possible, it should connect with existing or potential conservation or open space areas on adjoining parcels.~~

~~(5) The Common Open Space shall include adequate upland access from a way or street.~~

~~(6) The Common Open Space shall generally be directly accessible to each dwelling unit in the OSRD, unless the Planning Board finds that, due to topography or other conditions, this access is not practical.~~

~~(7) The Common Open Space shall have a shape, dimension, character and location suitable to assure its use for park, recreation, conservation, or agricultural purposes. The Common Open Space shall include the most sensitive resource areas of a property. In determining whether the intent of this section has been satisfied, the Planning Board shall consider the extent to which land having one or more of the following characteristics is included in the proposed open space:~~

~~(a) Land which enhances or protects wetlands or floodplain adjacent to a water body, or which provides public access to the water body, or which provides water related recreational opportunities;~~

~~(b) Land which currently is in agricultural use or land which is suitable in size, location and soil characteristics for agricultural use;~~

~~(c) Land which provides a significant wildlife habitat or which is a unique natural area;~~

~~(d) Land which is to be developed for active recreational use including playing fields, boat launching areas, playgrounds, and neighborhood parks;~~

~~(e) Land which preserves existing trail networks or land on which new trails will be developed, for integration into an existing trail network;~~

~~(g) Land which enhances or provides significant scenic vistas or views, or which provides scenic roadside views;~~

~~(h) Land providing desirable public access to existing recreational or conservation land.~~

~~g. Use of Common Open Space~~

- ~~(1) Common Open Space shall be identified as such on the Concept Plan, and submitted in accordance with Section 5 herein and, subject to appropriate municipal approvals as needed, shall be dedicated for conservation, active and passive recreation, park purposes, outdoor and/or environmental education, forestry, agriculture, or horticultural uses, natural buffers, maintenance structures necessary for approved uses, utilities, and other facilities necessary for the convenience and enjoyment of the residents of the OSRD tract.~~
- ~~(2) A portion of the Common Open Space may also be used for ways serving as pedestrian walks, bicycle paths and emergency access or egress to the OSRD or adjacent land, if it is determined that such a use is consistent with the purpose and intent of the Open Space Residential Development.~~
- ~~(3) A portion of the Common Open Space may also be used for the construction of leaching areas associated with septic disposal systems serving the OSRD or for water supply wells serving the OSRD, if the Planning Board determines that such use will enhance the specific purpose of Open Space Residential Development and promote better overall site planning. Septic disposal easements shall be no larger than reasonably necessary.~~
- ~~(4) The Common Open Space shall be subject to easements for the construction, maintenance, and repair of utility and drainage facilities serving the OSRD or adjacent parcels.~~
- ~~(5) The Common Open Space shall remain unbuilt upon, except that an overall maximum of five percent (5%) of such land may be subject to pavement and structures accessory to the dedicated use or uses of the Common Open Space.~~
- ~~(6) The proposed use of the Common Open Space shall be specified on a Land Use Plan, and appropriate dedications and restrictions shall be part of the deed to the Common Open Space.~~

~~h. Common Open Space Ownership and Maintenance~~

- ~~(1) Common Open Space may be conveyed in whole or in part: (a) to the Town of Framingham (subject to approval by Town Meeting and all other appropriate municipal authorities), and may be accepted by it for park, recreation, open space and/or conservation use; (b) to a nonprofit organization, the principal purpose of which is the conservation of open space and/or any of the purposes and uses to which the Common Open Space is to be dedicated; and/or (c) to a corporation, homeowners association or trust owned or to be owned by all of the owners of lots or dwelling units within the OSRD. If such a corporation, homeowners association, or trust is utilized, ownership thereof shall pass with conveyances of the lots or residential units~~
- ~~(2) The proposed ownership of all Common Open Space shall be shown on the Land Use Plan for the OSRD.~~
- ~~(3) If any portion of the Common Open Space is not to be conveyed to the Town of Framingham, then a perpetual restriction of the type described in M.G.L. Chapter 184, sections 31—33 (as may be amended), approved by the Planning Board and running to and enforceable by the Town or such department or official who may be delegated this authority, shall be imposed on the use of such land, providing in substance that the land be kept in its open or natural state and that the land shall not be built upon or developed or used except in accordance with provisions of an OSRD as set forth herein.~~
- ~~(4) Common Open Space shall not be permitted to be divided into individual backyard areas.~~
- ~~(5) At the time of its conveyance, the Common Open Space shall be free of all encumbrances, mortgages or other claims (including pre-existing conservation easements or restrictions), except as to easements, restrictions and encumbrances required or permitted by this OSRD By Law.~~
- ~~(6) If any portion of the Common Open Space is conveyed to a corporation, homeowners association, or trust of the homeowners of the dwelling units in the OSRD, then, the following shall be required. In order to ensure that the grantee will properly maintain the land deeded to it under this section, the developer shall cause to be recorded in the appropriate Registry of Deeds, a Declaration of Covenants and Restrictions which shall, at a minimum, provide for (a) mandatory membership in an established corporation, homeowners association, or trust, as a requirement of ownership of any residential unit or lot in the OSRD tract; (b) provisions for maintenance assessments of all owners of residential units or lots in order to ensure that the open land is~~

~~maintained in a condition suitable for the approved uses, and failure to pay such assessment shall create a lien on the property assessed, enforceable by the corporation, association or trust; (c) provision which, so far as possible under the existing law, will ensure that the restrictions placed on the use of the open land will not terminate by operation of law. The developer of the OSRD shall be responsible for the maintenance of the common land and any other facilities to be held in common until such time as the grantee is capable of assuming said responsibility.~~

- ~~(7) Areas of the Common Open Space which are to remain as naturally existing woods, fields, meadows, and wetlands shall be maintained in their current state, or managed in accordance with good conservation practices, all in accordance with existing regulations and laws.~~
- ~~(8) If any portion of the Common Open Space is used for the purpose of construction of leaching areas associated with septic disposal systems or for water supply wells serving the OSRD, the Planning Board shall require adequate assurances and covenants that such facilities shall be maintained by the owners of the lots within the OSRD, individually or in common, as applicable, including the requirement that all shared septic tanks to be located within the Common Open Space must be pumped at least every two years by the homeowners' association and must be maintained in accordance with good septic system maintenance practices. Adequate assurances for access rights for maintenance and repair of such systems shall be noted in the affected deeds. Wells and septic tanks serving individual lots should generally be located on the residential building lot for the house being served, and not on the Common Land.~~
- ~~(9) All required covenants, grants of easements, or conveyance, must be submitted to the Planning Board for review and approval prior to the recording and the deeding out of any of the OSRD lots.~~

~~i. Additional Design Criteria for Siting of Residential Buildings and Ways~~

~~In addition to the standards set forth above, the following objectives are encouraged in the design of the OSRD:~~

- ~~(1) Buildings and streets should be placed in a manner which maximizes the usable area remaining for Common Open Space.~~
- ~~(2) Buildings should be sited within any woodland contained in the parcel or along the edges of the open fields adjacent to any woodland, in order to enable new construction to be visually absorbed by the natural landscape features.~~
- ~~(3) Buildings should be sited in locations least likely to interrupt scenic vistas, as seen from the public roadways, with significant public road frontage left undeveloped.~~
- ~~(4) Buildings should be sited, where possible, to take maximum advantage of solar exposure.~~
- ~~(5) Buildings shall be sited to avoid sensitive environmental features, including wildlife habitat, wetlands, water bodies, steep slopes or other important site features.~~
- ~~(6) In the vicinity of existing historic structures on public roads, new buildings may be sited in groups close to the road to reflect the traditional locations, patterns and setbacks of nearby existing historic buildings. Such roadside groupings of residential and accessory structures should be compatible with the scale of the surrounding neighborhood. Architectural design (proportions, roof pitches and fenestration) should reflect the character of nearby existing structures.~~
- ~~(7) Buildings should be sited to maximize the number of house lots with open space views and with convenient nearby access to usable open space.~~
- ~~(8) Buildings should be sited so that they will not have an undue adverse impact on the surrounding neighborhood.~~
- ~~(9) Buildings and ways shall be sited in order to provide for and maintain convenient and safe emergency vehicle access to all buildings and structures at all times.~~
- ~~(10) Buildings and ways shall be sited, to the extent feasible, within the existing topography in order to minimize the amount of soil removal, tree cutting and general disturbance to the landscape and to preserve the natural features of the site.~~

5. Special Permit Application and Procedures

~~An application for an Open Space Residential Development Special Permit shall be submitted as outlined below and shall cover the entire Open Space Residential Development tract.~~

~~The applicant is strongly encouraged to meet with the Planning Board for an OSRD Pre Application Conference, as provided under subsection 5.a., below. Such a Pre Application Conference is optional and is advisory only.~~

~~An application for an OSRD Special Permit shall be accompanied by an OSRD Site Plan, as provided under subsection 5.b., below. The OSRD Site Plan shall contain a plan in the form and with the contents required of a Definitive Subdivision Plan as set forth by the Town of Framingham Subdivision Rules and Regulations. The applications for an OSRD Special Permit and for approval of a Definitive Subdivision Plan shall be filed concurrently. To the extent permitted by law, the Planning Board shall consider both applications at the same time. Once an application for an OSRD Special Permit is properly submitted, the Planning Board shall hold a public hearing and shall grant or deny a special permit based upon the information contained in the OSRD Site Plan.~~

~~a. Pre Application Conference~~

~~(1) The applicant, is encouraged to meet with the Planning Board for an OSRD Pre Application Conference prior to submitting a formal application for OSRD Special Permit. Materials which should be submitted prior to such Conference include the calculation of dwelling unit density by way of a Density Yield Plan sketch, and an Existing Conditions Plan, both as described under subsection 5.c. below, as well as one or more preliminary Concept Plan alternatives. These materials should allow confirmation of the agreed upon density yield for a proposed OSRD tract early in the process and should provide an opportunity for informal staff and Planning Board review in the early stages of project design, preferably while various design options are still open. The applicant is advised to provide 10 copies of such plans and any accompanying material to the Planning Board at least 3 weeks prior to the proposed date for a Pre Application Conference.~~

~~b. Procedure for Submission of Special Permit Applications~~

~~(1) The applicant shall submit to the Planning Board ten copies of an Open Space Residential Development Site Plan, conforming to the requirements of this Section V.F.5.b., together with one original and one copy of the application form and such documents or other instruments as may be required as set forth in said application. Upon receiving the completed application, the Planning Board shall forthwith transmit one copy each to the Building Commissioner, the Community and Economic Development Department, the Police Department, the Fire Department, the Department of Public Works, the Board of Health, the Conservation Commission and such other departments and boards as the Planning Board may determine appropriate.~~

~~(2) Any such Board or agency to which applications are referred for comment shall make its recommendations and send copies thereof to the Planning Board within thirty five days of receipt of the referral request from the Planning Board or there shall be deemed to be no opposition or desire to comment. The Planning Board shall not act upon said special permit application until either it has received and considered all reports requested from Town departments and boards, or said thirty five days from the date of the referral request have elapsed, whichever is sooner.~~

~~(3) The Planning Board shall hold a public hearing on any properly completed application. All costs of the notice requirements shall be at the expense of the applicant.~~

~~c. Contents of OSRD Special Permit Applications~~

~~The application for an Open Space Residential Development Special Permit, shall be accompanied by an OSRD Site Plan prepared by a professional landscape architect registered in Massachusetts, including all of the plans and information below.~~

~~(1) An "Existing Conditions (Site Analysis) Plan" (at a scale of 1" = 40'), which shows~~

~~(a) the boundaries of the proposed Open Space Residential Development and the area of the OSRD parcel;~~

~~(b) identification of all wetlands, waterbodies, floodways and areas within the 100 year floodplain, and land prohibited from development by reason of legally enforceable restrictions, easements or covenants; and the area square footage of the items noted above; and~~

(c) existing topography, including the location of land with slopes exceeding 25 percent; soil types, including the location of soils subject to slumping; 100-year floodplains; springs, mature trees greater than 12 inches in diameter in all areas where existing vegetation will be considered for alteration under the proposed special permit, and general areas of existing vegetation including treelines and woodlands; and the location of other significant features, including rock outcrops, open fields or meadows, drumlins, scenic views into or out of the property, tracks and trails; and existing streets, structures, including historic structures, fences and stone walls within and contiguous to the site; and existing easements.

(2) A "Concept Plan" for the proposed OSRD (at a scale of 1" = 40') which shows

(a) the intended location, ownership and use(s) of the proposed Common Open Space, and all improvements and structures intended to be constructed on the proposed Common Open Space;

(b) the approximate intended location of each residential building, accessory structure and facility and of the building envelope on each lot;

(c) the approximate location of all lot lines, with approximate areas and dimensions, with lot numbers assigned to each lot in sequence;

(d) the identification and location of all significant natural and manmade features of the site to remain, and to be removed under this proposal;

(e) the intended location and layout of all roads and accessways, with approximate finished grades, and street widths;

(f) the proposed system of drainage and the methods for providing water distribution and sewerage facilities, including easements; and

(g) a table containing the total area of the OSRD; the total area of the proposed Common Space and its percentage of the OSRD area; and the total area of wetlands and its percentage of the OSRD area and its percentage of the proposed Common Space.

(3) A "Density Yield Plan" sketch (at a scale of no less than 1" = 100') showing how development of the parcel would be achieved by a conventional subdivision plan, in accordance with all applicable land use regulations; and identifying major site features, as provided under Section V.F.4.c.(1) herein, to determine the maximum allowable density under this special permit.

(4) A "Locus Plan" (at a scale of 1" = 100'), which shows the relation of the proposed OSRD streets, utilities and easements to the existing systems, and shows the relation of the proposed OSRD Common Open Space to existing open space areas and corridors for a distance of 1,000 feet beyond the project boundaries, and which shows the relation of the approximate intended location of residential structures and other buildings in the proposed OSRD tract to all lots, identified by ownership, and all existing structures for a distance of 300 feet beyond the project boundaries.

(5) Standard information, including a Title Block with the subdivision or OSRD name, date, scale, legend, and title of the plan; a Planning Board Signature Block at approximately the same location on each page, names and addresses of owner(s), developer(s), and subdivider(s), and name, address, signature(s) and seal(s) of the surveyor or engineer and of the landscape architect responsible for preparation of the plans; and a north arrow; all of which should be located similarly on each plan submitted; as well as identification of parcel by sheet, block and lot number from the Assessor's Maps; identification of the parcel as legally recorded; identification of owners of abutting lots, including owners of those lots separated only by a street from the proposed parcel; as determined from the most recent Assessor's tax records, and as certified by the Assessors of the Town of Framingham; and a zoning table showing the development dimensional standards both under existing zoning and under the proposed Special Permit, along with the dimensions being considered for the proposed development; and the maximum allowable density as obtained under item (3) above.

(6) Copies of all instruments to be recorded with the Open Space Residential Development special permit, including the proposed deed(s) for the Common Open Space, the articles of organization and bylaws of the corporation or trust to be organized to own the land, and the language of all restrictions to be imposed on the land.

~~(7) A Management Plan for the Common Open Space to be incorporated in deed covenants to be executed with purchasers of land or other interests in the OSRD.~~

~~(8) A narrative description of the project, including the development concept, intended uses of the Common Open Space, ownership and maintenance of the Common Open Space, and an evaluation of its value to the Town with respect to protection of natural resources, open space and recreation, and accessibility to the Town, a reclamation plan in the event the parcel includes previously disturbed land, a discussion on how the development meets the design standards and criteria under this bylaw, and a description of the surrounding neighborhood and the impact of this proposal on the neighborhood.~~

~~(9) The Planning Board may request additional information and data about site environmental conditions in order to assist it in establishing that the Concept Plan Standards and Special Permit Criteria of this section have been met.~~

d. ~~Special Permit Criteria~~

~~(1) In evaluating the proposed OSRD, the Planning Board shall consider the general purpose and objectives of this Section; the existing and probable future development and use of surrounding areas; the appropriateness of the proposed layout of streets, ways, lots and structures; and the design and use of the Common Open Space in relation to both the proposed dwelling units in the OSRD, and the important natural features of the proposed OSRD tract of land.~~

~~(2) The special permit shall be granted only if the Planning Board finds each of the following:~~

~~(a) The proposed development shall be consistent with the Purpose and Intent of an Open Space Residential Development as described in Section V.F.1. herein.~~

~~(b) The proposed development shall comply with the requirements, standards, and objectives of this Section V.F., and other applicable requirements of this Zoning By Law.~~

~~(c) The proposed development shall be in harmony with the existing and probable future uses of the area and with the character of the surrounding area and neighborhood.~~

~~(d) The proposed development shall provide for efficient use and delivery of municipal and other services and infrastructure.~~

~~(e) The proposed development shall not create a hazard to abutters, vehicles or pedestrians.~~

e. ~~Special Permit Conditions~~

~~As a condition of approval, the Planning Board may require such changes in the proposed development plans and may impose such conditions and safeguards, including bonding, to secure the objectives of this bylaw, and to protect the health, safety and welfare of the inhabitants of the neighborhood and the Town of Framingham.~~

6. ~~Administration and Relation to Subdivision~~

a. ~~Compliance with Subdivision Control Law Required~~

~~Planning Board approval of a special permit under this Section shall not substitute for compliance with the subdivision control law, nor oblige the Planning Board to approve any related definitive plan for subdivision, nor reduce any time periods for Planning Board consideration under the law.~~

b. ~~Change in Plans After Grant of Special Permit~~

~~No substantial variation from the approved OSRD Concept Plan shall be permitted in the Subdivision Plan. Following approval of the Subdivision plan, no further change in the location or use of the Common Open Space shall be permitted. No change in any aspect of the approved Subdivision Plans shall be permitted unless approved in writing by the Planning Board. Once an OSRD special permit has been obtained by the applicant, a new or amended OSRD special permit, including the requisite public hearing, will be required if the Planning Board determines any proposed change between the Definitive Plan and the OSRD Concept Plan to be substantial.~~

c. ~~Limitation of Subdivision~~

~~No land shown on a Definitive Plan for which an OSRD special permit is granted under this Section may be further subdivided, unless such special permit lapses or is rescinded. Exceptions may be made for minor shifts of a lot line between residential lots within the OSRD tract, but under no circumstances may the lot lines of the Common Open~~

~~Space be amended or may additional lots be created. A notation to this effect shall be shown on the Definitive Plan for an area which makes use of this special permit. Upon the written request of the applicant/owner for a recession of the special permit, the Planning Board will automatically rescind an OSRD special permit, on the condition that development of the site has not yet commenced.~~

~~d. **Building Permits**~~

~~The Applicant shall provide for Engineering Department review and approval plans prepared and stamped by a Registered Engineer or Land Surveyor showing proposed house location, elevations, grades and any foundation drains prior to the issuance of building permits for each lot. Concurrent with the submission of this plan a composite subdivision lot grading plan showing the proposed grading for the individual lot for which a permit is being issued shall be submitted.~~

~~e. —~~

~~**Rules and Regulations**~~

~~The Planning Board may adopt and amend reasonable rules and regulations for the administration of this Section, including a schedule of fees. As the OSRD special permit process will occur simultaneously with a definitive subdivision plan, the application fee for both the definitive subdivision review and for the OSRD special permit shall be equal to the current fee required under a definitive subdivision review fee. A portion of this fee may be assessed upon submission of the Pre-Application Conference materials. Such fee shall be deducted from the total OSRD special permit/definitive subdivision fee noted above. Direct costs associated with required legal notices shall be charged to the Applicant.~~

G. MIXED USE REGULATIONS

3. Mixed Use Development Standards

f. Community Impact

~~A Community Impact Assessment, as set forth under Site Plan Review, Section V.F.5.g.(4), shall be required of all proposed developments under this special permit, regardless of project size, and the SPGA shall consider such Assessment in its review of a proposed Mixed Use development.~~

~~(a) **Purpose:** To evaluate the impacts of the proposed development with respect to the Town's visual and historic character and development goals.~~

~~(b) **Format and Scope:**~~

~~(i) Site design and neighborhood impact: 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, door and window size and locations, setbacks, roof and cornice lines, and other major design elements); and of the location and configuration of proposed structures, parking areas, and open space with respect to neighboring properties.~~

~~(ii) Historic impact: identification of impacts on significant historic properties, districts or areas, or archaeological resources (if any) in the vicinity of the proposed development.~~

~~(iii) Development goals: evaluation of the proposed project's consistency or compatibility with existing local and regional plans.~~

Comment [BSA29]: This is now covered in site plan review

I. ACTIVE ADULT HOUSING

12. Common Open Space

b. The Common Open Space shall be designed in accordance with the following requirements ~~of Section V.F.4.f.(2) through (7) inclusive.~~

Comment [BSA30]: Active Adult Housing used the common space provisions of the OSRD, which is proposed to be deleted. The provisions from the OSRD Section V.F.4.f.(2) through (7) have been inserted into this section, so that there is no substantive change.

- (1) Common Open Space shall be designed and planned as large, contiguous units, whenever possible, with logical boundaries. Strips or narrow parcels of Common Open Space shall be permitted only when necessary for access, when necessary to connect to other significant areas, when they are designed to protect linear resources such as trails or streams, or as vegetated buffer strips along the site's perimeter where the Planning Board finds that such strips are deemed appropriate and consistent with the purpose of this Section OSRD.
- (2) Common Open Space may be set aside in more than one parcel provided that the size, shape and location of such parcels are suitable for the designated uses.
- (3) Common Open Space shall be designed as part of larger continuous and integrated open space systems. Whenever possible, it should connect with existing or potential conservation or open space areas on adjoining parcels.
- (4) The Common Open Space shall include adequate upland access from a way or street.
- (5) The Common Open Space shall generally be directly accessible to each dwelling unit in the OSRD development, unless the Planning Board finds that, due to topography or other conditions, this access is not practical.
- (6) The Common Open Space shall have a shape, dimension, character and location suitable to assure its use for park, recreation, conservation, or agricultural purposes. The Common Open Space shall include the most sensitive resource areas of a property. In determining whether the intent of this section has been satisfied, the Planning Board shall consider the extent to which land having one or more of the following characteristics is included in the proposed open space:
 - (a) Land which enhances or protects wetlands or floodplain adjacent to a water body, or which provides public access to the water body, or which provides water related recreational opportunities;
 - (b) Land which currently is in agricultural use or land which is suitable in size, location and soil characteristics for agricultural use;
 - (c) Land which provides a significant wildlife habitat or which is a unique natural area;
 - (d) Land which is to be developed for active recreational use including playing fields, boat launching areas, playgrounds, and neighborhood parks;
 - (e) Land which preserves existing trail networks or land on which new trails will be developed, for integration into an existing trail network;
 - (g) Land which enhances or provides significant scenic vistas or views, or which provides scenic roadside views;
 - (h) Land providing desirable public access to existing recreational or conservation land.

Comment [BSA31]: Moved from Section V.F.4.7 (2) through (7).

NL. OPEN SPACE CLUSTER DEVELOPMENT

Comment [BSA32]: Open Space Cluster Development was moved from Section V.N with only those changes that are red-lined below. The current Section V.L, Land Disturbance, was moved to Section V.F.

1. Purpose and Intent

The Open Space Cluster Development (OSCD) By-law shall apply to parcels of land within the Town of Framingham that meet the definition of Open Space Parcel (OSP). The OSCD provides landowners with an alternative to conventional residential subdivision while protecting a large portion of the property in its current state or use.

The intent of the OSCD is to:

- a. Promote and protect the OSP through conservation of those lands in their natural condition, to preserve habitat and environmentally sensitive areas, or passive recreational opportunities;

-
- b. Preserve land which, by virtue of its soil composition, acreage, location adjacent to and contiguous with farmland or preserved open space forming discrete blocks of land, and its lack of protection under existing zoning or other laws, comprises the critical unprotected open space areas of the Town of Framingham.
 - c. Create a unique cluster development neighborhood setting while preserving important open space resources;
 - d. Establish non-motorized vehicular connections between open space parcels, water resources, neighborhoods, and/or public amenities; and
 - e. Promote land use consistent with the Town's Master Plan and Open Space & Recreation Plan.

2. Open Space Parcels

a. Applicability

To qualify for a special permit under the OSCD the proposed land shall be:

- i. located in a R-3 or R-4 Single Family Residential Zoning District;
- ii. consistent with the definition of an Open Space Parcel; and
- iii. not have been subdivided into smaller parcels, including Approval Not Required (ANR) within a 5 year period prior to submission of an application for Section V.~~NL~~, herein.

b. Development Requirements

The development of the Open Space Parcel shall require the following conditions:

- i. The Applicant shall file with the Planning Board a Preliminary Plan conforming to the requirements of Section V.C. of the Framingham Subdivision Rules and Regulations, the Massachusetts Wetlands Protection Act (M.G.L. c. 131 §40) and the Town of Framingham Wetlands Protection By-law (article V, section 18). A Professional Land Surveyor or Engineer licensed in the Commonwealth of Massachusetts shall prepare the Preliminary Plan to determine the number of buildable lots that would be created under conventional zoning. The Preliminary Plan shall identify the quality of the land by identifying all wetlands, other resource areas, and slopes over 15 percent. The number of lots shall also be consistent with Section V.~~LF~~ Land Disturbance by-law and shall be reviewed and approved as to accuracy by the Town Engineer. A copy of the preliminary plan and all documents shall be filed with the Conservation Commission for review. The Conservation Commission shall review the delineated wetlands, resource areas and buffer zones and issue an Order of Conditions under state and local regulations and make a recommendation to the Planning Board
- ii. A minimum of 60 percent of the Open Space Parcel shall be known as the Open Space Preserved Area and shall be preserved under a Conservation Restriction in accordance with Section 4.b.
- iii. A maximum of 40 percent of the Open Space Parcel shall be known as the Open Space Buildable Parcel and may be utilized for residential development.
- iv. The Applicant shall submit a proposed site plan that may request a unit density bonus of up to 20 percent of the number of buildable lots determined under the Preliminary Plan. During a pre-application meeting, the Planning Board shall determine if the proposed density bonus is acceptable based on the quality of the Open Space Preserved Area. Factors that the Planning Board shall consider to determine the density bonus include the quality of the land preserved and locations of wetlands, vernal pools and all other resources and buffer zones as reviewed by the Conservation Commission and slopes over 15 percent and any possible need for septic systems and wells.

3. Open Space Cluster Development Requirements

Areas allowed for residential development on the Open Space Buildable Parcel shall be required to meet the following conditions:

a. Dimensional Regulations

The OSCD shall comply with Section V.NL.3.a Table of Dimensional Regulations. However, the Planning Board may waive the requirements for Section V.NL.3.a Table of Dimensional Regulations by a four-fifth vote where such waivers will allow for a better design and/or improved protection of natural and scenic resources.

Table of Dimensional Regulations

Open Space Buildable Parcel	R-3 & R-4
Lot Frontage for the Buildable Parcel	150 Feet
Vegetated Buffer Surrounding the Development Adjacent to the Active Farm	100 Feet
Vegetated Buffer Surrounding the Development Adjacent to other land uses	75 Feet
Front Building Setback	30 Feet
Side Building Separation	50 Feet
Rear Building Separation	75 Feet
Maximum Number of Attached Units	3
Maximum Building Height	3 stories/35'

b. Design Standards

The Building Parcel shall be consistent with the following Site Development and Building Design Standards.

- i. Dwelling Units: The OSPD shall be comprised of attached dwelling units and/or single-family dwelling units.
- ii. Design: The Neighborhood Cluster Development design standards found in Section V.K.3.d.2., 4., 7., 9-12, 15-18 and the Affordable Housing requirements of Section V.H. of the Framingham Zoning By-law apply to this section.
- iii. Layout of buildings: To maintain the visual scale of the community, each dwelling unit shall have its own exterior entrances.
- iv. Streets and Utilities: All streets, whether public or private, shall be designed and constructed in accordance with the American Association of State Highway and Transportation Officials (AASHTO) "Guidelines for Geometric Design of Very Low-Volume Local Roads," dated 2001 and "Complete Streets Policies" of the Massachusetts Department of Transportation.
- v. Water and Sewer facilities and systems and other utilities, whether public or private, shall be designed and constructed in accordance with the requirements set forth by the Department of Public Works and Board of Health and/or Department of Environmental Protection. At the request of an applicant the Planning Board, with approval of the Department of Public Works, may waive the Design Standards under the Subdivision Rules and Regulations provided the Board determines such exceptions are in the public interest, and that the waiver furthers the purposes of this Section. Individual or community septic systems may be allowed, subject to Board of Health and/or Department of Environmental Protection approval, regulations, conditions and restrictions. Public water and sewer infrastructure shall not be constructed or paid for by the Town.
- vi. Drainage: The Planning Board shall require the use of non-structural stormwater management techniques and other drainage techniques that reduce impervious surface and enable infiltration utilizing "Low Impact Development Techniques" for stormwater management recommended by the Massachusetts Department of Environmental Protection where feasible.

c. Common Open Space Area

- i. An area within the Open Space Buildable Parcel shall be designated as Common Open Space Area for the use by the residents of the OSCD. At least 800 square feet per bedroom shall be designated as Common Open Space Area. Common Open Space Area may be used for active, passive or leisure activities.
- ii. Common Open Space Area shall meet the following minimum standards:
 - a. The wetlands or slopes greater than 15 percent shall not comprise more than 25 percent of the Common Open Space Area, as identified in the Preliminary Plan, Section V.NL.2.b.i. herein.

d. Open Space and Connectivity

- i. A trail within the Open Space Preserved Area accessible to the general public shall be established connecting the Open Space Parcel with abutting open space parcels, trail networks, water resources, public amenities, public ways and/or neighborhoods.
- ii. A minimum of two parking spaces shall be provided for public use, to be utilized while using the trail. One of the two parking spaces shall be ADA compliant. "No Overnight Parking" signage shall be installed.
- iii. Public access details shall be determined during the public hearing process and written into the Conservation Restriction (CR) documents and the homeowners and/or condominium association documents.

4. Conservation Restriction

The Open Space Preserved Area shall be required to meet the following requirements:

- a. The Town of Framingham acting through its Conservation Commission, a land trust, or the Commonwealth of Massachusetts shall hold the CR. The CR of the Open Space Preserved Area shall not remain under Open Space Preserved Area Owner. In no event may the land subject to the CR be combined, included or joined with or considered as part of the Open Space Parcel nor shall the owner of the Open Space Preserved Area hold the CR. In all cases, the terms of the CR, including the nature and extent of public access and provisions for property maintenance, must be reviewed and approved by the Planning Board and Town Counsel.
- b. The entire Open Space Preserved Area shall be placed under a CR in perpetuity prior to the issuance of the first building permit at the expense of the Applicant, held by the Town of Framingham and a non-profit land trust.
- c. The CR shall be drafted to include the provision that no active recreational facilities shall occur on the Open Space Preserved Area. The holder of the CR may allow for passive recreation opportunities on the Open Space Preserved Area through consent with the owner of the land.
- d. All of the above restrictions must be written into the CR.

5. Application Review

a. Pre-Application Meeting

The applicant shall be required to attend a pre-application meeting with the Planning Board prior to submitting a formal application for OSCD. Materials shall be submitted prior to the meeting with the Planning Board and shall include preliminary plan and proposed Preliminary Plan as required in Section V.NL.2.b.i and iv. The pre-application meeting, preliminary materials, and discussions within the meeting shall not be binding upon the Planning Board or Applicant for the final approval of the project.

b. Application Submittal

Application: The Applicant shall apply for a special permit and site plan review (Section VI.F.) from the Planning Board.

c. Approval

The review procedure shall be in conformance with M.G.L. c. 40A, §§ 9, 11 and Section VI.E. of the Framingham Zoning By-law and other permitting and approval processes as may be applicable. The Planning Board may require the Applicant to fund project review consultants to assist in the technical review of the proposal in accordance with the Planning Board’s Administrative Rules and Regulation and M.G.L. c.44, § 53G.

d. Homeowners and/or Condominium Association Documentation

Homeowner and/or Condominium Association Documentation shall be submitted to the Planning Board prior to the approval of an OSCD.

f. Variance Limitation

The Planning Board may issue a special permit under this Section, subject to the requirements of this By-law, and in accordance with the additional requirements and standards specified within this Section V.LN., only if no variance has been issued from the requirements of this Section V.NL., herein. A variance under Section V.NL. shall render a property ineligible for the filing of an OSCD application and special permit under this section.

g. No Alterations

No substantial alteration to a parcel of land, which shall include tree removal, utility installations, ditching, grading or construction of roads, grading of land or lots, alteration of or near a wetland or vernal pool or excavation except for purposes of soil testing shall be done within 12 months prior to the filing of an OSCD application. The above activities shall render a property ineligible for the filing of an OSCD application and special permit under this section. For the purposes of soil testing and/or well testing the Applicant shall seek appropriate approvals through the Conservation Commission and the Board of Health.

L. LAND DISTURBANCE

Purpose

~~The purpose of this by law is to protect natural resources including but not limited to land, water, wetlands, trees and vegetation, wildlife, and scenic vistas and historic resources and to prevent or minimize the negative impacts of Erosion, Sedimentation, Clearing, Earth Removal and Fill, Earth Moving and Stormwater Runoff both on and off of the project site.~~

d.—Definitions

~~**Best Management Practice (BMP):**—A structural, nonstructural, or vegetative measure which reduces Erosion, Sediment, peak storm discharge, and/or improves the quality of Stormwater Runoff as described in the Stormwater Management Handbook and any other applicable local regulations.~~

~~**Clearing:** Removal or causing to be removed or destroyed, through either direct or indirect actions, trees six inches (6”) in diameter or larger at four and a half feet (4 ½’) above the ground (DBH) and shrubs at four feet (4’) tall or taller. Actions considered to be Clearing include, but are not limited to: causing irreversible damage to roots or trunks; destroying the structural integrity of vegetation; and/or any Filling, excavation, grading, or trenching in the root area of a tree which has the potential to cause irreversible damage.~~

Comment [BSA33]: Land Disturbance has been moved to Section V.F due to proposed deletion of OSRD.

Diameter Breast Height (DBH): The diameter of the trunk of a tree four and a half feet (4 ½') above the existing grade at the base of the tree.

Disturbed Area: An area, man-made or natural, where the existing condition has been or is proposed to be altered.

Earth Fill: The addition of earth materials to a Lot or parcel, including but not limited to, sand, gravel, stone, soil, loam, sod, clay and mineral products.

Earth Moving: The addition, removal or relocation of earth materials within the boundaries of a Lot or parcel, including but not limited to, sand, gravel, stone, soil, loam, sod, clay and mineral products.

Earth Removal: The removal of earth materials from a Lot or parcel, including but not limited to, sand, gravel, stone, soil, loam, sod, clay and mineral products.

Erosion: A condition in which the earth's surface, including vegetation, soil or rock fragment, is detached and moved away by the action of water, wind, ice, gravity or other natural means.

Fill: Any Fill used in connection with this project shall be clean Fill and may not contain any trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, asphalt, concrete, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.

Hazardous Tree: A tree with a structural defect or disease, or that impedes safe sight distance or traffic flow, or otherwise currently poses a threat to life or property as verified by a certified arborist or Town Tree Warden.

Landscaping: Improvements made to a Lot or parcel through treatment of the ground surface with planting materials including but not limited to trees, shrubs, grass, ground cover or other growing horticultural material, as well as wood chips, stone or decorative rock.

Lot: For the purposes of this Land Disturbance By Law, Lot shall be defined as an area of land in one ownership, with definite boundaries ascertainable by recorded deed or recorded plan and not divided by a public street or public way, including land under the control of the same person and land under the ownership of related or jointly owned entities, in existence as of the effective date of this Land Disturbance By Law.

Sediment: Solid material, whether mineral or organic, that is in suspension, is transported or has been moved from its site of origin by Erosion.

Significant Forest Community: Unfragmented forests including forest types that provide habitat for rare species, unusual ecological processes, highly diverse forest communities, rare forest types, and those forest types which maintain connections between similar or different habitat areas.

Slope: Any elevation change across a horizontal distance of one hundred feet, as measured perpendicular to the contour line. For Lots lacking a horizontal distance of one hundred feet, the Slope will be calculated as any elevation change across a horizontal distance of fifty feet, as measured perpendicular to the contour line.

Soil Disturbance: Clearing, grading, regrading, excavation, stockpiling or Filling of six inches or more.

Specimen Tree: A native, introduced or naturalized tree which is important because of its impact on community character, its significance in the historic or cultural landscape or its value in enhancing the effects of wildlife habitat. Any tree with a diameter of eighteen inches at DBH or larger is presumed to be a Specimen Tree. Trees that have a small height at maturity or are slow growing, such as Flowering Dogwood or American Holly, with a diameter of six inches at two feet above the ground or larger are presumed to be considered Specimen Trees.

Stabilization: The elimination and prevention of Erosion.

~~**Stormwater Management Handbook:** “Stormwater Management Handbook,” prepared by the Massachusetts Department of Environmental Protection and the Massachusetts Office of Coastal Zone Management as the same may be from time to time revised.~~

~~**Stormwater Runoff:** Water from precipitation or snow melt that does not evaporate or infiltrate into the ground.~~

~~**e. Applicability**~~

~~**(3) Land Disturbance Permit**~~

~~This By Law shall apply to any proposed Land Disturbance activity on all existing Lots and new Lots created by plan as follows:~~

- ~~(a) Any Soil Disturbance greater than 4,000 square feet on an existing or proposed Slope of more than fifteen percent (15%);~~
- ~~(b) Any Earth Removal or Earth Fill of more than 400 cubic yards;~~
- ~~(c) Any Earth Moving activity of more than 1,000 cubic yards;~~
- ~~(d) Any Clearing of more than fifty percent (50%) of the Lot's area or more than 40,000 square feet, whichever square footage is less, but not including Lots with an area of 10,000 square feet or less.~~

~~**(4) Exemptions**~~

~~The provisions of this by law shall not apply to the following activities:~~

- ~~(a) Construction of walkways, patios, driveways, gardens, Landscaping, walls, swimming pools, or replacement of wells or septic systems on Lots having an existing dwelling providing the activity is on an existing or proposed Slope of fifteen percent (15%) or less;~~
- ~~(b) Construction, reconstruction, maintenance or resurfacing of any public way or the installation of drainage structures or utilities within roadway layouts and easements, provided the activity is undertaken by the Town of Framingham, or the stockpiling of sand, gravel, stone, soil and salt at facilities operated by the Town of Framingham;~~
- ~~(c) Activities undertaken in connection with the refurbishing of an existing athletic field, or with the management of town owned park, or with the management of privately owned lands held by non-profit conservation organizations, or in connection with the management and operation of golf courses;~~
- ~~(d) Activities undertaken in connection with any existing sand and gravel operation or similar enterprise where such activity is allowed by zoning, but shall not include expanded operations;~~
- ~~(e) Work in connection with an agricultural use directly related to planting, cultivating or harvesting or the raising or care of animals, or conducted in accordance with an approved Natural Resource Conservation Service Agricultural Plan, or agricultural uses on parcels of land of more than five acres as specified in M.G.L. Ch. 40A, §3, or harvesting of trees on property under M.G.L. Ch. 61 approved by a State Forester;~~
- ~~(f) Activities in accordance with the terms of an Order of Conditions issued by the Conservation Commission pursuant to M.G.L. Ch. 131 §40, or Framingham Wetlands Protection By Law, Article V, §18 of the Framingham General By Laws or mosquito control projects under the jurisdiction of the United States Army Corps of Engineers, except for land disturbance activities on uplands adjacent to a wetland resource area;~~
- ~~(g) Removal of Hazardous Trees, as defined herein;~~

- ~~(h) Removal of a tree following a tree removal public hearing, pursuant to the Public Shade Tree Act M.G.L. Ch. 87, when required;~~
- ~~(i) Routine maintenance of vegetation, removal of dead or diseased limbs and/or trees necessary to maintain the health of cultivated plants, containment of invasive or noxious weeds and/or vines in accordance with a Department of Environmental Management (DEM) approved Forest Management Activities, or Conservation Commission Order of Conditions, or remediation of an identified fire or health hazard or threat to public safety or property;~~
- ~~(j) Non-commercial cutting for fuel, provided that clear cutting does not occur as provided herein.~~

~~(3) Non Avoidance of Provisions of By Law~~

~~The provisions of this By Law shall apply to all Lots in existence on (May 2, 2007). Any segmentation or phasing of a development, or the subdivision or division of land subsequent to the effective date of this By Law, unless otherwise exempted by law, shall be subject to and must comply with the provisions herein. All thresholds established in Section(c) of this By Law shall be calculated based upon the Lot(s) in existence as of the effective date of this By Law. The Planning Board shall not approve any Land Disturbance application if the land or parcels of land were deemed one Lot on the effective date of this By Law or at any time subsequent thereto, except after considering the compliance of the entire Lot with the provisions of this By Law.~~

d. Special Permit Application and Procedure

~~The Planning Board shall be the SPGA for the issuance of a Special Permit for Land Disturbance. Such special permit application shall be submitted, considered, and issued only in accordance with the provisions of this Section V.L and M.G.L. Ch. 40A, § 9. Prior to filing an Application for Special Permit for Land Disturbance, potential Applicants are strongly encouraged to meet in a pre-application conference with the Planning Board to discuss the review process.~~

~~(1) Any person who desires a Land Disturbance Special Permit shall submit a plan prepared and stamped by a Professional Engineer and a Professional Land Surveyor each registered in the Commonwealth of Massachusetts, at a scale of one inch equals twenty feet (1"=20') showing:~~

- ~~(k) North arrow, scale, and date;~~
- ~~(l) Locus map showing the parcel in relation to the surrounding properties;~~
- ~~(m) Name of record owner(s) of land shown on the plan;~~
- ~~(n) Boundaries and existing and proposed topography of the property, including contours at a 2-foot interval, using (National Geodetic Vertical Datum 1929) NGVD29 as it may be updated from time to time and specifying NGVD29 on all elevation drawings, specifically indicating the areas on which the activity is proposed to occur, and clearly noting if the activity is on an area greater than 4,000 square feet or on Slopes 15% or greater;~~
- ~~(o) The size and location of all existing and proposed buildings, structures, utilities, roads, driveways, parking areas, and areas of cut and fill on the site and the location of all structures on abutting properties within 100 feet of the property lines of the parcel;~~
- ~~(p) Property lines, easements and/or other legal rights within the property lines;~~
- ~~(q) All wetlands and wetland resource areas as defined in M.G.L. Ch. 131, §40, and the Framingham Wetlands Protection Bylaw, Article V, §18 of the General By Laws, drainage patterns, and watershed boundaries. Also include a delineation of the 100-year floodplain and all bodies of water, including vernal pools, streams, ponds, and coastal waters within 125 feet of the project site/limit of work and the delineation of a 30-foot no-cut/no-alteration zone;~~

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- ~~(r) Submission of a scaled landscape plan that delineates on a single sheet the existing vegetation both on the Lot and in the right of way, the vegetation to be removed or relocated, the re-vegetation and the limit of work. The limit of work shall include all building, parking, and vehicular use areas, and any grading associated with the proposed development. Include a planting plan to ensure permanent re-vegetation of the site except for Disturbed Areas that will be covered by gravel, hardscape or a building or structure. If applicable, include:~~
- ~~(i) Upland vegetational communities, including trees, shrub layer, ground cover and herbaceous vegetation;~~
 - ~~(ii) Size and height of trees, of Specimen Trees and/or significant forest communities;~~
 - ~~(iv) Location of any rare and endangered species as mapped by the Massachusetts Natural Heritage Program;~~
- ~~(s) The location of any proposed stockpile locations;~~
- ~~(t) Detailed drawings and design calculations of all temporary and permanent stormwater management and Erosion and Sediment control structures and devices;~~
- ~~(2) Applications for a Land Disturbance Special Permit must be accompanied by a narrative containing the following elements:~~
- ~~(i) A narrative description of the methods to be employed and the means proposed to provide Erosion and Sedimentation control, to protect groundwater, to control dust and to protect abutting properties and/or adjacent areas;~~
 - ~~(j) A description of the project's phases as they relate to land disturbance, including a tabulated sequence of construction and a construction schedule which must include the inspection and maintenance of Erosion Control Measures for the project throughout the construction period and the timing of vegetation Clearing, transplanting or replacement in relation to other construction activities;~~
 - ~~(k) A description of BMP as they relate to Erosion control to be employed as the standard of performance in development of the project site;~~
 - ~~(l) A narrative description of pre and post construction Stormwater Runoff Analysis showing that Stormwater Runoff will be controlled as required by the Findings and Conditions of Approval, accompanied by design calculations using generally accepted analytical tools;~~
 - ~~(m) Information on predominant soil types and Erosion potential on the site from the Natural Resource Conservation Service;~~
 - ~~(n) A detailed description of the type of Fill to be used on site;~~
 - ~~(o) A narrative documenting the species and quantities of Specimen Trees and/or other vegetation to be removed or relocated within the project area;~~
 - ~~(p) If applicable, include a statement prepared by a certified arborist for the proposed relocation of any existing Specimen Tree explaining how said tree is to be relocated and maintained.~~
- ~~(3) Photographs of the site prior to disturbance shall accompany the application.~~
- ~~(4) Based upon the size or character of the project including the scope of activity, area of disturbance and the percent slopes on which the work is to occur, the Planning Board may require additional information or may waive some or all of the requirements of the Land Disturbance application.~~

~~(5) The Planning Board, at its sole discretion, may determine that a proposed project's size, scale, complexity or potential impact warrants the use of outside consultants. Such consultants shall provide comment upon the project in plan review, impact analysis, inspection or other technical or legal assistance necessary to ensure compliance with all relevant laws and regulations. Such assistance may include, but shall not be limited to, analyzing an application, providing legal counsel for decisions and covenants, and monitoring or inspecting a project or site during construction or post construction for compliance with the Board's decisions or regulations. Such consultants shall be selected and retained by the Planning Board, with the actual and reasonable costs for their services to be paid by the applicant in accordance with Article 16 of the Planning Board Rules and Regulations.~~

~~(6) The applicant shall make all requests for waivers in writing. The Planning Board may require the applicant to submit supporting technical information and documentation to demonstrate why such waivers should be granted. The Planning Board's decision to grant or deny waivers shall be in writing and shall set forth the reasons for the grant or denial.~~

e. Findings and Conditions of Approval

The Board shall not approve any application for a Land Disturbance Special Permit unless it finds that, where applicable, the following requirements shall be met:

(1) Site Management and Control

- ~~(a) Building envelopes for structures, driveways, wastewater disposal, lawn areas and utility work are designed and delineated in a manner to limit land disturbance to the greatest extent possible;~~
- ~~(b) Suitable areas are designated for temporary uses such as the parking of construction vehicles, trailers and stockpiling of equipment and materials;~~
- ~~(c) All waste products, grubbed stumps, slash, construction materials, etc., shall be lawfully disposed of and shall not be in any manner incorporated into the project site with the exception of the reduction of stumps and slash to mulch;~~
- ~~(d) During construction, temporary Erosion and Sedimentation control measures are employed in accordance with the approved plan and the BMP until a Disturbed Area is permanently stabilized;~~
- ~~(e) Permanent Erosion control and vegetative measures are in accordance with the BMP;~~
- ~~(f) The duration of disturbance is set forth in a written timetable;~~
- ~~(g) Dust control is used throughout construction;~~
- ~~(h) Throughout the duration of construction, a gravel apron of at least fifteen feet wide and at least twenty five feet long is required at any site access from a paved public way to prevent unstable material from being transported onto the roadway by vehicle tires.~~

(2) Control of Stormwater Runoff

- ~~(a) Whenever possible, the natural topography of a site is preserved so as to reduce unnecessary land disturbance and to preserve natural drainage patterns on the site;~~
- ~~(b) The project does not increase the rate, concentration or velocity of runoff from the site, and the project shall minimize the volume increase of runoff from the site to adjoining properties;~~

~~(c) — There is no adverse impact to abutting properties from any change in volume of Stormwater Runoff resulting from land disturbance activities including but not limited to Erosion, silting, flooding, Sedimentation, subsidence or impacts to wetland, groundwater resources, septic systems or wells;~~

~~(d) — There is no adverse impact to groundwater resources in terms of quantity or quality.~~

~~(3) — Protection of Natural Features and Vegetation~~

~~(a) — Endangered species and wildlife habitats and corridors, natural landscape features, and scenic vistas and views are protected to the maximum extent feasible. Buildings, structures or parking facilities are sited away from the crest of hills in a manner not to detract from the site's scenic qualities;~~

~~(b) — Open space and Specimen Trees are preserved in the site's design and development, giving priority to retention of existing stands of trees, trees at the site perimeter, and contiguous vegetation with adjacent sites (particularly existing sites protected through conservation restrictions);~~

~~(c) — Forested areas are preserved to the maximum extent feasible if they are associated with significant forest communities as defined herein; wetlands, waterbodies and their buffers; critical wildlife habitat areas; and Slopes over 15%;~~

~~(d) — During Clearing and/or construction activities, all vegetation to be retained will be surrounded by temporary protective fencing or other measures before any Clearing or grading occurs, and maintained until all construction and site work is completed and all construction equipment and debris is removed from the site;~~

~~(e) — Where the site is not proposed to be covered with gravel, hardscape or a building or structure, a planting plan to ensure permanent re-vegetation of the site, including but not limited to providing a loam depth of not less than six inches for areas to be planted, has been provided by means of adequate revegetation techniques;~~

~~(f) — Existing grade will be maintained around trees such that the ground level is not raised over the root area.~~

~~(5) — Protection of Historic Resources~~

~~(a) — Reasonable measures are employed to protect historic resources including but not limited to historic landscape features both above and below ground, buildings, structures, objects, stone walls, foundations, designed landscapes and gardens.~~

f. — Additional Requirements, Conditions, Limitations and Safeguards

In granting approval of an application the Planning Board may impose additional requirements, conditions, limitations and safeguards which shall be in writing and shall be a part of such approval. Such conditions may include but are not limited to:

(12) — Controls on the location and type of access to the site during all site activity;

(13) — Controls on the number of vehicles that arrive or depart during the morning and/or evening peak hours during all site activity (including controls on the maximum number of vehicles which may use the off-street parking areas during said periods);

(14) — Conditions to minimize off-site impacts on traffic and environmental quality during site activity;

(15) — Requirements for screening from adjoining premises or from the street by walls, fences, plantings or other devices to mitigate adverse impacts;

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- ~~(16) Conditions to mitigate adverse impacts to the neighborhood and abutters, including but not limited to adverse impacts caused by noise, dust, fumes, odors, lighting, headlight glare, hours of operation or snow storage;~~
 - ~~(17) Compliance with all applicable federal, state and local regulations and guidelines, including but not limited to the Stormwater Management Handbook as it may be amended;~~
 - ~~(18) Submission of a response from the Massachusetts Historical Commission (MHC) and the Framingham Historical Commission regarding the potential for archaeological or historical resources on the site, as may be applicable;~~
 - ~~(19) Submission of homeowner's or condominium documents which shall provide for the long-term operation and maintenance of all permanent Erosion control and stormwater management measures;~~
 - ~~(20) Requirement of a cash performance guarantee to ensure compliance with these requirements. With the approval of the Board, the applicant may substitute an irrevocable letter of credit or performance bond from a bond company or financial institution acceptable to the Town of Framingham in lieu of the cash performance guarantee. Any performance bond or letter of credit shall be executed and maintained by a financial institution, surety, or Guarantee Company qualified to do business in the Commonwealth of Massachusetts.~~
 - ~~(21) Requirement to record the Special Permit decision with the Registry of Deeds or Registry District of the Land Court prior to commencement of any land disturbing activity authorized under this Special Permit, the applicant shall submit to the Planning Board written proof of such recording.~~
 - ~~(22) Submission in writing of the name and contact information of the person who is responsible at all times for the land disturbing activity that is the subject of the application. Said person shall ensure that the approved activity takes place in accordance with the application, plan and special permit requirements.~~

~~The applicant, when other than the owner(s), and the owner(s) of land will be responsible for conditions which are required as part of a favorable decision for issuance of the Special Permit.~~

~~**g. The Planning Board may deny a Land Disturbance Special Permit if it determines:**~~

- ~~(1) The requirements of Section V.L. herein are not met, or~~
- ~~(2) The project violates or circumvents other provisions of any Town zoning by-law or regulation, or~~
- ~~(3) The project received a variance issued by the Zoning Board of Appeals from the requirements of Section V.L. herein without first receiving a favorable recommendation from the Planning Board.~~

M. AGRICULTURAL PRESERVATION DEVELOPMENT

2. Active Farm Parcels

b. Development Requirements

The development of the Active Farm Parcel shall require the following conditions:

- i. The Applicant shall file with the Planning Board a ~~P~~preliminary ~~P~~plan conforming to the requirements of Section V.C. of the Framingham Subdivision Rules and Regulations, the Massachusetts Wetlands Protection Act (M.G.L. c. 131, §40) and the Town of Framingham Wetlands Protection By-law (article V, Section 18). A Professional Land Surveyor or Engineer licensed in the Commonwealth of Massachusetts shall prepare the ~~P~~preliminary ~~P~~plan to determine the number of buildable lots that would be created under conventional zoning. The

Preliminary Plan shall identify the quality of the land by identifying all wetlands, other resource areas and slopes over 15 percent. The number of lots shall also be consistent with Section ~~V.L.F.~~ Land Disturbance by-law and shall be reviewed and approved as to accuracy by the Town Engineer. A copy of the preliminary plan and all documents shall be filed with the Conservation Commission for review. The Conservation Commission shall review the delineated wetlands, resource areas and buffer zones and issue an Order of Conditions under state and local regulations and make a recommendation to the Planning Board.

Comment [BSA34]: Moved to Section V.L.

~~N. OPEN SPACE CLUSTER DEVELOPMENT~~

~~1. Purpose and Intent~~

~~The Open Space Cluster Development (OSCD) By-law shall apply to parcels of land within the Town of Framingham that meet the definition of Open Space Parcel (OSP). The OSCD provides landowners with an alternative to conventional residential subdivision while protecting a large portion of the property in its current state or use.~~

~~The intent of the OSCD is to:~~

- ~~f. Promote and protect the OSP through conservation of those lands in their natural condition, to preserve habitat and environmentally sensitive areas, or passive recreational opportunities;~~
- ~~g. Preserve land which, by virtue of its soil composition, acreage, location adjacent to and contiguous with farmland or preserved open space forming discrete blocks of land, and its lack of protection under existing zoning or other laws, comprises the critical unprotected open space areas of the Town of Framingham;~~
- ~~h. Create a unique cluster development neighborhood setting while preserving important open space resources;~~
- ~~i. Establish non-motorized vehicular connections between open space parcels, water resources, neighborhoods, and/or public amenities; and~~
- ~~j. Promote land use consistent with the Town's Master Plan and Open Space & Recreation Plan.~~

~~2. Open Space Parcels~~

~~a. Applicability~~

~~To qualify for a special permit under the OSCD the proposed land shall be:~~

- ~~iv. located in a R-3 or R-4 Single Family Residential Zoning District;~~
- ~~v. consistent with the definition of an Open Space Parcel; and~~
- ~~vi. not have been subdivided into smaller parcels, including Approval Not Required (ANR) within a 5-year period prior to submission of an application for Section V.N, herein.~~

~~b. Development Requirements~~

~~The development of the Open Space Parcel shall require the following conditions:~~

- ~~i. The Applicant shall file with the Planning Board a Preliminary Plan conforming to the requirements of Section V.C. of the Framingham Subdivision Rules and Regulations, the Massachusetts Wetlands Protection Act (M.G.L. c. 131 §40) and the Town of Framingham Wetlands Protection By-law (article V, section 18). A Professional Land Surveyor or Engineer licensed in the Commonwealth of Massachusetts shall prepare the Preliminary Plan to determine the number of buildable lots that would be created under conventional zoning. The Preliminary Plan shall identify the quality of the land by identifying all wetlands, other resource areas, and slopes over 15 percent. The number of lots shall also be consistent with Section V.L. Land Disturbance by-law and shall be reviewed and approved as to accuracy by the Town Engineer. A~~

copy of the preliminary plan and all documents shall be filed with the Conservation Commission for review. The Conservation Commission shall review the delineated wetlands, resource areas and buffer zones and issue an Order of Conditions under state and local regulations and make a recommendation to the Planning Board

- ii. A minimum of 60 percent of the Open Space Parcel shall be known as the Open Space Preserved Area and shall be preserved under a Conservation Restriction in accordance with Section 4.b.
- iii. A maximum of 40 percent of the Open Space Parcel shall be known as the Open Space Buildable Parcel and may be utilized for residential development.
- iv. The Applicant shall submit a proposed site plan that may request a unit density bonus of up to 20 percent of the number of buildable lots determined under the Preliminary Plan. During a pre-application meeting, the Planning Board shall determine if the proposed density bonus is acceptable based on the quality of the Open Space Preserved Area. Factors that the Planning Board shall consider to determine the density bonus include the quality of the land preserved and locations of wetlands, vernal pools and all other resources and buffer zones as reviewed by the Conservation Commission and slopes over 15 percent and any possible need for septic systems and wells.

3. Open Space Cluster Development Requirements

Areas allowed for residential development on the Open Space Buildable Parcel shall be required to meet the following conditions:

a. Dimensional Regulations

The OSCD shall comply with Section V.N.3.a Table of Dimensional Regulations. However, the Planning Board may waive the requirements for Section V.N.3.a Table of Dimensional Regulations by a four-fifth vote where such waivers will allow for a better design and/or improved protection of natural and scenic resources.

Table of Dimensional Regulations

Open Space Buildable Parcel	—R-3 & R-4
Lot Frontage for the Buildable Parcel	150 Feet
Vegetated Buffer Surrounding the Development Adjacent to the Active Farm	100 Feet
Vegetated Buffer Surrounding the Development Adjacent to other land uses	75 Feet
Front Building Setback	30 Feet
Side Building Separation	50 Feet
Rear Building Separation	75 Feet
Maximum Number of Attached Units	3
Maximum Building Height	3 stories/35'

b. Design Standards

The Building Parcel shall be consistent with the following Site Development and Building Design Standards:

- vii. Dwelling Units: The OSPD shall be comprised of attached dwelling units and/or single family dwelling units.
- viii. Design: The Neighborhood Cluster Development design standards found in Section V.K.3.d.2., 4., 7., 9-12, 15-18 and the Affordable Housing requirements of Section V.H. of the Framingham Zoning By-law apply to this section.

- ~~ix. — Layout of buildings: To maintain the visual scale of the community, each dwelling unit shall have its own exterior entrances.~~
- ~~x. — Streets and Utilities: All streets, whether public or private, shall be designed and constructed in accordance with the American Association of State Highway and Transportation Officials (AASHTO) "Guidelines for Geometric Design of Very Low Volume Local Roads," dated 2001 and "Complete Streets Policies" of the Massachusetts Department of Transportation.~~
- ~~xi. — Water and Sewer facilities and systems and other utilities, whether public or private, shall be designed and constructed in accordance with the requirements set forth by the Department of Public Works and Board of Health and/or Department of Environmental Protection. At the request of an applicant the Planning Board, with approval of the Department of Public Works, may waive the Design Standards under the Subdivision Rules and Regulations provided the Board determines such exceptions are in the public interest, and that the waiver furthers the purposes of this Section. Individual or community septic systems may be allowed, subject to Board of Health and/or Department of Environmental Protection approval, regulations, conditions and restrictions. Public water and sewer infrastructure shall not be constructed or paid for by the Town.~~
- ~~xii. — Drainage: The Planning Board shall require the use of non-structural stormwater management techniques and other drainage techniques that reduce impervious surface and enable infiltration utilizing "Low Impact Development Techniques" for stormwater management recommended by the Massachusetts Department of Environmental Protection where feasible.~~

e. Common Open Space Area

- ~~iii. — An area within the Open Space Buildable Parcel shall be designated as Common Open Space Area for the use by the residents of the OSD. At least 800 square feet per bedroom shall be designated as Common Open Space Area. Common Open Space Area may be used for active, passive or leisure activities.~~
- ~~iv. — Common Open Space Area shall meet the following minimum standards:

 - ~~a. — The wetlands or slopes greater than 15 percent shall not comprise more than 25 percent of the Common Open Space Area, as identified in the Preliminary Plan, Section V.N.2.b.i. herein.~~~~

d. Open Space and Connectivity

- ~~iv. — A trail within the Open Space Preserved Area accessible to the general public shall be established connecting the Open Space Parcel with abutting open space parcels, trail networks, water resources, public amenities, public ways and/or neighborhoods.~~
- ~~v. — A minimum of two parking spaces shall be provided for public use, to be utilized while using the trail. One of the two parking spaces shall be ADA compliant. "No Overnight Parking" signage shall be installed.~~
- ~~vi. — Public access details shall be determined during the public hearing process and written into the Conservation Restriction (CR) documents and the homeowners and/or condominium association documents.~~

4. Conservation Restriction

The Open Space Preserved Area shall be required to meet the following requirements:

- ~~e. — The Town of Framingham acting through its Conservation Commission, a land trust, or the Commonwealth of Massachusetts shall hold the CR. The CR of the Open Space Preserved Area shall not remain under Open Space Preserved Area Owner. In no event may the land subject to the CR be~~

~~combined, included or joined with or considered as part of the Open Space Parcel nor shall the owner of the Open Space Preserved Area hold the CR. In all cases, the terms of the CR, including the nature and extent of public access and provisions for property maintenance, must be reviewed and approved by the Planning Board and Town Counsel.~~

- ~~f. The entire Open Space Preserved Area shall be placed under a CR in perpetuity prior to the issuance of the first building permit at the expense of the Applicant, held by the Town of Framingham and a non-profit land trust.~~
- ~~g. The CR shall be drafted to include the provision that no active recreational facilities shall occur on the Open Space Preserved Area. The holder of the CR may allow for passive recreation opportunities on the Open Space Preserved Area through consent with the owner of the land.~~
- ~~h. All of the above restrictions must be written into the CR.~~

5. Application Review

a. Pre-Application Meeting

~~The applicant shall be required to attend a pre-application meeting with the Planning Board prior to submitting a formal application for OSCD. Materials shall be submitted prior to the meeting with the Planning Board and shall include preliminary plan and proposed Preliminary Plan as required in Section V.N.2.b.i and iv. The pre-application meeting, preliminary materials, and discussions within the meeting shall not be binding upon the Planning Board or Applicant for the final approval of the project.~~

b. Application Submittal

~~Application: The Applicant shall apply for a special permit and site plan review (See VI.F.) from the Planning Board.~~

c. Approval

~~The review procedure shall be in conformance with M.G.L. c. 40A, §§ 9, 11 and Section VI.E. of the Framingham Zoning By law and other permitting and approval processes as may be applicable. The Planning Board may require the Applicant to fund project review consultants to assist in the technical review of the proposal in accordance with the Planning Board's Administrative Rules and Regulation and M.G.L. c.44, § 53G.~~

d. Homeowners and/or Condominium Association Documentation

~~Homeowner and/or Condominium Association Documentation shall be submitted to the Planning Board prior to the approval of an OSCD.~~

f. Variance Limitation

~~The Planning Board may issue a special permit under this Section, subject to the requirements of this By-law, and in accordance with the additional requirements and standards specified within this Section V.N., only if no variance has been issued from the requirements of this Section V.N., herein. A variance under Section V.N. shall render a property ineligible for the filing of an OSCD application and special permit under this section.~~

g. No Alterations

~~No substantial alteration to a parcel of land, which shall include tree removal, utility installations, ditching, grading or construction of roads, grading of land or lots, alteration of or near a wetland or vernal pool or excavation except for purposes of soil testing shall be done within 12 months prior to the filing of an OSCD application. The above activities shall render a property ineligible for the filing of an OSCD~~

~~application and special permit under this section. For the purposes of soil testing and/or well testing the Applicant shall seek appropriate approvals through the Conservation Commission and the Board of Health.~~

VI. ADMINISTRATION

D. ZONING BOARD OF APPEALS

2. Powers

The Board of Appeals shall have the following powers:

- d. To hear and decide petitions for variances as set forth in Section VI.FG.

In exercising these powers, the Board of Appeals may make orders or decisions; may reverse or affirm in whole or in part or modify any order or decision of the Building Commissioner under chapter 40A ; and may direct the issuance of a permit.

F. SITE PLAN REVIEW

1. Purpose and Intent:

The purpose of Site Plan Review is to protect the health, safety, quality of life, and general welfare of the community. Site Plan Review ensures that each project provides the following: Accessibility for all users; site design that promotes shared facilities, where feasible; opportunities for the implementation of complete streets, pedestrian, and bicycle amenities; access to open or community space; and preservation of historic buildings and neighborhoods. Specifically, the Planning Board reviews project impacts on traffic, municipal services and utilities, as well as the natural and built environment.

The intent of Site Plan Review is to:

- a. Promote site design that is consistent with the Master Land Use Plan;
- b. Create walkable and bicycle friendly environments which are safe and accessible for all users; thereby decreasing dependency on the personal automobile;
- c. Encourage and utilize the use of low impact development techniques, alternative energy sources, and best management practices to create a sustainable site and neighborhood;
- d. Minimize the impacts on traffic and Town infrastructure;
- e. Promote designs that create visual cohesiveness with the surrounding neighborhood, while establishing a neighborhood community;
- f. Protect historic buildings and neighborhoods; and
- g. Establish and sustain a high quality level of development throughout the Town.

2. Applicability:

The Planning Board shall conduct site plan review and approval. Site Plan Review applies to all construction, reconstruction, and/or site redevelopment projects which include any increase in impervious surface except for: single and two-family detached dwelling on its own individual lot; multi-family residential dwellings requiring fewer than nine parking spaces; alterations that do not increase the required number of off-street parking spaces by more than five; or commercial construction, reconstruction, and/or site redevelopment projects that do not exceed 3,000 gross square feet.

- a. The following types of activities and uses require minor site plan review by the Planning Board unless the activity or use also falls into a category which requires major site plan review, in which case major site plan review shall prevail:
 - 1) All existing structures or expansions of existing nonresidential or multi-family structures which results in a total floor area between 3,000-158,000 gross square feet;
 - 2) All modifications to properties with prior site plan approval that have not been determined to be an insignificant field change;

Comment [BSA35]: Site plan review was one of the areas identified by the Working Group as needing substantial changes. Accordingly, the changes proposed for this section are more extensive.

Comment [BSA36]: Single and two-family houses have never been subject to site plan review; this is to make sure that is clear.

- 3) Construction or expansion of a parking lot ~~that which~~ results in a total of more than five parking spaces for a ~~municipal, institutional, commercial, industrial, nonresidential or multi-family structure or purpose;~~
- 4) All new construction or expansion, alteration, or enlargement of only a parking facility, off-street loading facility, and/or a facility for the storage or sale of any type of new or used vehicles, including construction vehicles, truck trailers and/or any vehicle that ~~would normally require~~ licensing by the Commonwealth of Massachusetts; or
- 5) Any new structure or alteration of an existing structure or change of use in any structure for an entity claiming exception under G.L. c. 40A, § 3. Site plan review shall be limited in such circumstances to the imposition of reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements.

- b. ~~All construction, reconstruction, and/or site redevelopment projects which are subject to site plan review and are not listed in Section 2.a above. The following types of activities and uses require major site plan review by the Planning Board including but not limited to the following types of activities and uses:~~
- 1) All construction of ~~for a new nonresidential or multi-family structure or group of new structures;~~
 - 2) All expansion of an existing nonresidential or multi-family structure which results in a total greater than ~~158,000 gross square feet of floor area;~~
~~Construction of new or expansion of existing structures in any zoning district which results in 20 or more off-street parking spaces;~~
 - 3) All projects with new or existing drive-thru facilities;
 - 4) Commercial Ground-Mounted Solar Installations; or
 - 5) All new Mixed Use and new Mixed Use Complex projects.

For purposes of this Section VI.F, the calculation of increase in floor area shall be based on the aggregate of all new structures, improvements, alterations or enlargements, calculated from the date of enactment of this section.

Comment [BSA37]: This provision unchanged from current site plan review.

3. Application and Review Procedure

- a. Prior to the filing of an application pursuant to site plan review, the Applicant shall submit preliminary plans and appropriate documentation to the Technical Review Team (TRT), for the Building Commissioner's determination of **major or minor** site plan review.
- b. Once the Building Commissioner determines **major or minor** site plan review is required for the project, the Applicant shall submit to the Planning Board the application for site plan approval, conforming to the requirements of this Section VI.F.
- c. The Planning Board staff shall review submitted applications for completeness to determine if all application submittal requirements have been met. Once the application is deemed complete the Planning Board shall transmit one copy of the complete application to the Town Clerk. The Planning Board shall transmit copies thereof to the Building Commissioner and other appropriate Town boards and offices, as determined by the Planning Board.
- d. The Building Commissioner and other appropriate Town boards and offices as denoted in Section 3.c. herein shall have 35 days to provide comments and reports to the Planning Board. The Planning Board shall not render a decision on said application until it has received and considered all reports requested from Town departments and boards, or until the 35 day period has expired, whichever is earlier. Where circumstances are such that the 35 day period is insufficient to conduct an adequate review, the Planning Board may, at the written request of the Applicant, extend such period to 60 days. Comments and reports shall be based on the following criteria:
 - 1) The adequacy of the data and the methodology used by the Applicant to determine impacts of the proposed Project;
 - 2) The effects and impacts of the project ~~on~~ the Town, neighborhood, and within the purview of the commenting Department, Board, and/or Commission; and
 - 3) The Department, Board, and/or Commission's ~~may~~ recommended conditions or remedial measures to accommodate or mitigate the expected impacts of the Project.
- e. The Planning Board shall hold a public hearing within 65 days of the filing of a complete application with the Town Clerk. The Planning Board at the expense of the Applicant shall properly advertise notice of the first public hearing in accordance with M.G.L. c.40A, Section 11, and Section VI.C. of this By-law. The Planning Board shall render a decision within 90 days of closing the public hearing.

- f. In reviewing the impacts of a project, the Planning Board shall consider the information presented in the application for site plan approval, including all items specified in Section VI.F.5.; all reports of Town departments submitted to the Planning Board pursuant to Section VI.F.4.(c); and any additional information submitted or referenced during the public hearing. The Planning Board may, at the Applicant's expense, retain a peer review consultant to review any aspect of the project as deemed necessary by the Board.
- g. If the Applicant's Project is located within 200 feet of a residential district or residential use, the Applicant shall coordinate at least one informational meeting with residents to solicit neighborhood input prior to the opening of the public hearing.

Comment [BSA38]: Moved from Section V.F.4.a.11 to allow peer review consultants as needed.

4. Contents and Scope of Applications

An application for site plan review and approval shall be prepared by qualified professionals registered in the Commonwealth of Massachusetts as follows: a professional land surveyor and/or engineer shall prepare all site plans; registered and/or a professional landscape architect who is registered in the Commonwealth of Massachusetts shall prepare all sitelandscape plans; and an registered architect shall prepare all renderings for building elevations and building plans. The Planning Board shall review projects based on major and minor site plan review as outlined in Section VI.F.2.

- a. Applicants for both major and minor site plan review shall submit the following technical documents for review with the site plan application, unless noted herein.
- 1) A written statement outlining the estimated time required to complete the proposed project, expected start of construction, and all phases thereof.
 - 2) A written summary, where appropriate, detailing the following:
 - i. The number of dwelling units to be built and the acreage in residential use,
 - ii. The number of seats and/or number of employees,
 - iii. Evidence the project is in compliance with the Town's off-street parking and off-street loading requirements,
 - iv. The forms of ownership of the property, and
 - v. A summary of the provisions for ownership and maintenance thereof, identification of all land that will become common or public land, and any other evidence necessary to indicate compliance with this By-law.
 - 3) Drainage calculations prepared by a professional engineer registered in the Commonwealth of Massachusetts. Storm drainage design must conform to the requirements set forth by the MassDEP Stormwater Management Standards and Department of Public Works, using Best Management Practices. Furthermore, the report may include Town, state, and federal requirements or established standards for implementing best management practices for stormwater management.
 - 4) A written summary containing the Urban Design Objectives Narrative which provides a description of how the project will be designed to encourage complete streets including transit access and pedestrian and bicycle amenities, and their potential connections to the Town's bicycle and pedestrian system.
 - 5) A written summary which outlines proposed best management practices, low impact development (LID) features, and energy efficiency features utilized on-site.
 - 6) A written summary of the design and location of proposed mechanical equipment, including HVAC equipment; noise levels related to mechanical equipment; information regarding possible future expansion, if relevant; location and operation of trash storage and removal systems; location and operation of loading facilities, measures taken to minimize the negative visual and noise impacts of such facilities on abutters; and hours of operation for each proposed use.
 - 7) A written report of the existing and/or proposed sewer service infrastructure on-site and connection points. The report shall include a detailed description of the conditions of the pipes; a video inspection where appropriate and/or necessary; a detailed description of the anticipated impact of the project on the Town's sanitary, stormwater, and sewer infrastructure. Where such determinations cannot be made at the time of application, the report shall indicate what investigations must be undertaken by the Applicant to make such determinations; also, a timeline for completion of the report shall be submitted for review by the Department of Public Works.
 - 8) A written report of any proposed blasting or soil compaction activities that will take place during construction activities. The report shall include methods of abutter notification, methods for testing and data collection, and a summary of how real property damage will be investigated.
 - 9) A written summary of water service infrastructure detailing the anticipated impact of the project on the Town's water delivery infrastructure and supply. The summary shall indicate the likely improvements

to infrastructure that are necessary to accommodate the identified impacts. Where such determinations cannot be made at the time of application, the report shall indicate what investigations must be undertaken by the Applicant to make such determinations; a timeline for completion of the report shall be also submitted for review by the Department of Public Works.

10) A written Parking Impact Report shall be submitted detailing the existing and proposed parking for the project including the following:-

- i. Existing off-site neighborhood parking conditions, including identification of streets likely to be affected by the project;
- ii. Projected impact of project; and
- iii. Proposed methods to mitigate the estimated adverse impacts cause by the project related to parking such as promoting the use of bicycles, public transportation, or other appropriate means.

11) A written Traffic Impact Report shall be submitted for all projects requiring major site plan review. This report shall include existing pedestrian and vehicular traffic volume, composition, peak hour levels, existing street and sidewalk capacity, and analysis of existing and resulting level of services (LOS) for the following:

- i. The nearest and/or most impacted public roadway intersection;
- ii. The estimated average daily traffic generation, including composition and peak hour levels;
- iii. The directional flows resulting from the project;
- iv. Any proposed methods to mitigate the estimated traffic impact such as promoting the use of public transportation, roadway improvements, or other appropriate means;
- v. The methodology and sources used to derive existing data and estimations; and
- vi. The feasibility of traffic calming measures such as textured crosswalks, bike lanes, roundabouts, rumble strips, street trees, or bulb-outs.

A detailed traffic access and impact study may also be required for the project. At the Applicant's expense, the Planning Board may engage a traffic consultant to review said report and make its recommendations to the Planning Board.

12) A written Environmental Impact Report, including a Stormwater Report, and a Stormwater Management System Maintenance Report shall be submitted for projects requiring major site plan review, new construction of a building of any size, and/or installation of a stormwater management system. The report should include:

- i. Information regarding the impact of storm water runoff on adjacent and downstream water bodies, subsurface ground water, and water tables.
- ii. Information regarding the potential erosion and sedimentation caused by the operation and maintenance of the project and the mitigation efforts proposed. To this end, high intensity soil mapping, i.e., test borings and analysis, may be required.
- iii. For projects with significant environmental impacts to wetlands, floodplains, or other sensitive resources the Applicant shall include a report detailing the relationship of the project to the natural and man-made environment, and compatibility of the project with adjacent or surrounding land uses and neighborhoods. An Environmental Impact Report (EIR) required through the Massachusetts Environmental Policy Act (MEPA) process, which addresses the Planning Board's concerns, may be substituted in lieu of this report;
- iv. Proposed methods to mitigate the estimated environmental impacts such as promoting the use LID, best management practices, and other methods of design.

b. Applications for both major and minor site plan review shall submit plan sets in accordance with the requirements set forth in Article 21: Site Plan Review of the Framingham Planning Board Rules & Regulations.

c. Waiver. The Planning Board, at its discretion, may waive technical and/or submittal requirements of Section VI.F.5. for a project, where such technical and/or submittal requirements are not appropriate or relevant to the project. All Applicants seeking waiver request shall provide a detailed description of the need for relief from the technical and/or submittal requirement.

5. Design Standards

a. Site Circulation and Site Design

Comment [BSA39]: See Section VI.F.3.f.

- 1) Bicycle infrastructure shall be incorporated into the site design when deemed necessary by the Planning Board. The site plan shall provide for safe vehicular and pedestrian movement within the site and to adjacent ways, including sidewalks, cross-walks and the like.
- 2) All pedestrian walkways on-site shall abide by regulations prescribed in the Americans with Disabilities Act regarding handicapped access.
- 3) A pedestrian walkway having a minimum width of six feet shall be integrated into, and shall be in addition to, any required landscaped areas adjacent to buildings.
- 4) The design of the project shall minimize the visibility of visually degrading elements such as trash collectors, loading docks, etc. All utilities within the property boundaries that are intended to serve the project shall be placed underground. If waste or refuse disposal areas are located outside of any existing or proposed building, the waste and refuse shall be placed in a container kept fully closed. Such containers shall be surrounded entirely by solid fencing or other material as approved by the Planning Board and incorporated into the site design and landscaping. Adequate waste and refuse facilities shall be provided for all proposed uses and shall not impede pedestrian or vehicular circulation.
- 5) Where possible, public amenities shall be incorporated into the site design.
- 6) The snow storage area(s) shall be located so as not to encroach upon or obstruct any sidewalks or walkways or parking spaces, interior travel lanes or lot ingress/egress, inhibit site visibility, reduce the recommended minimum stopping sight distances or turning radii at any point on the site, or obstruct or encroach upon fire lanes or emergency access points

Comment [BSA40]: Renumbered, no change in substance.

b. Building Placement and Design

- 1) Building Placement for New Construction: The placement of buildings shall reinforce the street wall where applicable, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation. The first floor of buildings shall be situated as close to a roadway as possible, while conforming to the dimensional regulations set forth in Section IV.E of this By-law located not more than 30 feet from the front lot line, except where a greater yard is required by the Planning Board. In the case of a corner lot, the building wall adjacent to each street shall be located not more than 30 feet from the lot line, except where a greater yard is required for landscaping, outdoor space, and/or pedestrian amenities. The area between the building and the front lot line shall include amenities such as landscaping, tables and seating, and/or other pedestrian amenities. Buildings shall be oriented so that at least one principle entrance faces the public street rather than the interior of the site.
- 2) The site design and building design shall relate harmoniously to the historical character, unique physical characteristics, and natural resources of the surrounding neighborhood.
- 3) Historic, traditional, or significant uses, structures, or architectural elements on an existing building shall be preserved where possible and any removal or disruption shall be minimized.
- 4) The structures shall be designed to be free from light shadows that would otherwise impact existing structures adjoining the project. Any project within the Central Business District shall be exempt from this standard.
- 5) Building design shall provide visual interest and avoid monotony and repetition relative to adjacent or nearby structures. The architecture shall be designed to provide variation and interest through the use of color, building material, detail, breaks in roof and wall lines, windows, porches, detailed cornices, and substantial roof overhangs, dormers, screenings and/or other architectural elements. Traditional materials such as wood and masonry are strongly encouraged for exterior facades. Windows and exterior doors shall be consistent and compatible with the materials, style, and color of the building, and shall be designed to give the façade a sense of balance, proportion, and significance. For residential projects, traditional materials such as wood and masonry are strongly encouraged for exterior facades. The Planning Board may at the Applicant's expense retain a peer review consultant to review the architecture of the building.
- 6) Buildings on the site shall be situated as close to a roadway as possible, while conforming to the dimensional regulations set forth in Section IV.E. of this By-law. Parking facilities shall be located behind buildings where possible.

Comment [BSA41]: Deleted as duplicative.

Comment [BSA42]: Deleted as duplicative.

c. Sidewalks

- 1) The Applicant shall construct and/or repair, reconstruct, or construct sidewalks along the street frontage of the property as part of the project. The sidewalk shall be designed to meet the required ADA standards for all users.
- 2) The Applicant shall provide a buffer strip between the roadway and sidewalk where feasible.

d. Stormwater System, Utilities, and Infrastructure

- 1) Stormwater drainage systems shall incorporate LID techniques and best management practices to achieve sustainability objectives outlined in the Master Land Use Plan.
- 2) The utilities shall employ energy efficient devices and techniques in accordance with the State Building Code, which may include but is not limited to Energy Star, LED lighting, LEED both for individual residences and development to achieve sustainability.
- 3) The placement of electric, telephone and other utility lines and equipment, such as water, sewer or gas, shall be coordinated together and placed underground and located to eliminate all adverse impacts on the groundwater levels. The proposed method of sanitary sewage disposal and solid waste disposal from all buildings shall be precisely indicated on the plans.

e. Landscaping

- 1) In any district where a front setback is required, landscaped open space a minimum of ten feet in depth shall be provided along the entire width of the lot at the front lot line. On corner lots located in any district where a front setback is required, landscaped open space a minimum of ten feet in depth shall be provided along the entire width of the lot at the front lot line for both frontages. Said strip may be interrupted by necessary vehicular and walkway entrances and exits.
- 2) In any district where a non-residential use abuts or faces a residential zoning district or a single family or two family use, a landscaped open space buffer at a minimum depth of fifteen feet shall be provided and maintained in order to separate, both physically and visually, the residential use from the non-residential use, except in the Central Business (CB) or Neighborhood Business (B-1) Districts where such minimum open space depth shall be 20 feet. The landscaped open space buffer strip shall be continuous except for required vehicular access and pedestrian circulation.
- 3) The buffer strip shall include a combination of deciduous or evergreen trees and lower-level elements such as shrubs, hedges, fences, and/or brick or stonewalls. When necessary for public safety or to prevent adverse impacts on neighboring properties, the Planning Board may require that the buffer strip contain opaque screening.
- 4) The minimum distance between trees (trunk to trunk) shall be twenty to thirty feet, depending upon the tree species and other local conditions.
- 5) Arrangement may include planting in linear, parallel, serpentine, or broken rows, as well as the clustering of planting elements.
- 6) When used in required landscaping or buffers, mulch shall be limited to bark mulch and decorative stone, or equivalent materials. No more than twenty-five percent of the coverage of the landscaped area shall be mulch or non-living material.
- 7) Landscaped areas at least ten feet in depth shall be provided adjacent to buildings on every side of such building that has a public access point. However, in no case shall any parking space or vehicle travel lane be located less than five feet from the building.
- 8) Landscape buffers should, to the greatest extent possible, serve as usable open space, providing an environment for pedestrian access between uses. Therefore, buffers shall be designed to include appropriate means of pedestrian access and crossing, both along the landscape area and across the buffer. Buffers and screens shall provide for appropriate hardscape pedestrian access points and walkways where property lines abut roadways.
- 9) The design of the Project shall minimize the area over which existing vegetation is to be removed. Tree removal shall be minimized and, if established trees are to be removed, special attention shall be given to the planting of replacement trees.
- 10) Landscaping shall be consistent with the Planning Board's Landscape Design Guidelines.

Comment [BSA43]: One and two family homes are not subject to site plan review.

6. Decision Site Plan Review Criteria

a. Site plan review criteria

In reviewing and evaluating the site plan, and in making a final determination regarding site plan approval, the Planning Board shall require that the site plan promote the objectives set forth in Section 7.a. herein, and comply with the Project and Design Standards contained in Section 5, herein. These standards embrace the following goals and criteria which strive to:

1a. Retain community character:

- 1) Minimizes obstruction of scenic views from publicly accessible locations;
- 2) Minimizes impacts to important natural or historical features;
- 3) Screens objectionable features such as large blank walls, open dumpster, loading or storage areas, from neighboring properties and roadways;
- 4) Blends and harmonizes with the architectural style of the adjacent buildings and immediate neighborhood;
- 5) Provides consistency with the architectural style, scale, density, massing and setbacks if located within a National Historic District and/or local historic district;
- 6) Promotes architectural consistency using general design that is relevant to the significance of the site, building or structure, arrangement and texture, materials and color of the features involved and the relation of each feature to similar features of building and structures in the immediate neighborhood and surrounding area; and
- 7) Demonstrates appropriateness in regards relative to the size and shape of the buildings or structures both in relation to the land area upon which the building or structure is situated and to the adjacent buildings and structures within the neighborhood.

2b. Traffic, parking, and public access:

- 1) Minimizes vehicular traffic and safety impacts of the project on adjacent highways or roads;
- 2) Provides adequate and appropriate facilities for the proper operation of the proposed use, including adequate off-street parking. Adequacy of proposed off-street parking facilities shall be determined by the Planning Board, in accordance with the provisions of Sections IV.A., IV.B., and IV.C. of this By-Law;
- 3) Maximizes the convenience and safety of vehicular, bicycle, and pedestrian movement within the neighborhood and site;
- 4) Minimizes adverse impacts on neighborhood on/off-street parking and includes incentives for the use of alternatives to single-occupant vehicles; and
- 5) Reviews all intersections and roadways projected to receive at least five percent of the expected traffic generated by the project, either based upon the total anticipated peak hour traffic generated by the proposed project, or based upon the total anticipated average daily traffic counts generated by the proposed project shall operate at a Level of Service of "B" or better for rural, scenic and residential streets and for all new streets and intersections to be created in connection with the project; and Level of Service (LOS) "D" or better for all other streets and intersections. The Applicant shall mitigate all derogation in LOS level of service caused by the project through traffic improvements or cash payment for mitigation procedures to be conducted by the Town. The Applicant shall provide an itemized list of necessary traffic improvements to bring the level of service LOS as stated herein. For projects that cannot adequately mitigate their impacts on the LOS due to the size of the project, the Applicant shall contribute a cash payment determined by the Planning Board, to be used for future reconstruction and/or construction of the impacted roadway(s).

c. Environmental Impact:

- 1) The project shall not create any significant emission of noise, dust, fumes, noxious gases, radiation, or water pollutants, or any other similar significant adverse environmental impact. The Applicant may be required to submit data, reports, or other information sufficient to demonstrate compliance with this requirement.
- 2) The project shall not increase the potential for erosion, flooding or sedimentation, either on-site or on neighboring properties; and shall not increase rates of runoff from the site to the satisfaction of the Town Engineer and Department of Public Works. Provision for attenuation of runoff pollutants and for

ground water recharge shall be included in the proposal. The project shall comply with Massachusetts Department of Environmental Protection's (DEP's) Stormwater Management Standards, 310 CMR 10.00.

d. Health:

- 1) Minimizes adverse air-quality impacts, noise, glare, and odors;
- 2) Does not create a hazard to abutters, vehicles, or pedestrians; and
- 3) Provides for appropriate handling and disposal of hazardous materials and transmissions.

e. Public services and utilities:

- 1) Is served with adequate water supply, wastewater systems, and solid waste disposal systems;
- 2) Is within the capacity of the Town's infrastructure as defined by the water, sewer and Department of Public Works infrastructure;
- 3) Includes measures to prevent pollution of surface or groundwater, minimizing erosion and sedimentation, as well as measures to prevent changes in groundwater levels, increased run-off, and potential for flooding; and
- 4) Demonstrates an effort to conserve energy and water.

f. Land use planning:

- 1) Demonstrates consistency with the land-use goals of the Town's Master Land Use Plan.
- 2) Open space and environmental protection:
- 3) Minimizes adverse impacts to open space usage and retention and is integrated into the natural landscape. Minimizes adverse environmental impacts to such features as wetlands, floodplains, and aquifer recharge areas and minimizes tree, vegetation, and soil removal, and grade changes; and
- 4) Proposes a landscape design that favors native and drought-tolerant species and avoids invasive plants.

7. Decision

a. Specific Findings Required

Prior to granting approval or disapproval, the Planning Board shall make written findings with supporting documentation as specified below. Such findings shall pertain to the entire proposed development including any site plan or design modifications imposed by the Planning Board as a condition of its approval, and any off-site improvements proposed by the applicant or required by the Planning Board as a condition of its approval.

b. Approval

The Planning Board shall approve an application, based on its review of the projected development impacts and the proposed methods of mitigating such impacts, if said Board finds that the proposed development is in conformance with this By-Law, after considering whether the proposed development will comply, to the extent feasible, with the standards set forth ~~herein in Sections VI.F.6.(a) – (e); provided, however, that an application for site plan review and approval under Section VI.F.2.a shall be evaluated using only the standards contained in Section VI.F.6.b. and Section VI.F.6.e.~~

c. Disapproval

- 1) The Planning Board may reject a site plan that fails to furnish adequate information required by the by-law;
- 2) The Planning Board may reject a site plan where, although proper in form, the plan depicts a use or structure so intrusive on the needs of the public in one regulated aspect or another that rejection by the board would be tenable.

d. Expiration

A site plan review approval granted under this section shall lapse within two years, not including such time required to pursue or await the determination of an appeal as referred to in MGL, Chapter 40A §17, from the grant

thereof, if a substantial use thereof has not sooner commenced except for good cause, or in the case of a permit for construction, if construction was not begun by such date except for good cause.

8. Conditions, Limitations and Safeguards

In granting approval of an application the Planning Board may impose conditions, limitations and safeguards which shall be in writing and shall be a part of such approval. Such conditions may include, among other matters and subjects:

- a. Controls on the location and type of access to the site;
- b. Controls on the number of vehicles that arrive or depart during the morning and/or evening peak hours (including controls on the maximum number of vehicles which may use the off-street parking areas during said periods);
- c. Requirements for off-site improvements up to a maximum value of six per cent (6%) of the total development cost of the proposed project to improve the capacity and safety of roads, intersections, pedestrian ways, water, sewer, drainage and other public facilities which are likely to be affected by the proposed development;
- d. Requirements for donation and/or dedication of land for right-of-way to provide for future roadway and/or intersection widenings or improvements;
- e. Requirements for securing the performance of all proposed work, including proposed off-site improvements, by **any** ~~either or both~~ of the following methods **as determined by the Planning Board: (1)** a performance bond, a deposit of money, ~~negotiable securities, or~~ letter of credit ~~or bank passbook~~ in an amount determined by the Planning Board to be sufficient to cover the cost of all or any part of the improvements required as conditions of approval; ~~(2) or~~ a covenant running with the land, executed and duly recorded by the owner of record, whereby the required improvements shall be completed before the property may be conveyed by other than a mortgage deed.
- f. Conditions to minimize off-site impacts on traffic and environmental quality during construction.
- g. Requirements for reductions in the scale of the proposed development, including reductions in height, floor area, or lot coverage, provided, however, that any such reduction be limited to that which is reasonably necessary to reduce the level of impact of the proposed development to a level that will permit the Board to make the written findings required under Section VI.F.7.(a) herein.
- h. Requirements for screening parking facilities from adjoining premises or from the street by walls, fences, plantings, or other devices to mitigate adverse impacts;
 - i. Conditions to mitigate adverse impacts to the neighborhood and abutters, including but not limited to adverse impacts caused by noise, dust, fumes, odors, lighting, headlight glare, hours of operation, or snow storage.
- j. The applicant, when other than the owner(s), and the owner(s) of land will be responsible for mitigation measures or conditions which are required as part of a favorable decision for issuance of site plan approval.

9. Administration

- a. The Planning Board shall establish and may periodically amend rules and regulations relating to the administration of this section, including additional regulations relating to the scope and format of reports required hereunder.
- b. The Planning Board shall establish and may periodically amend a schedule of fees for all applications under this section. No application shall be considered complete unless accompanied by the required fees.
- c. The Planning Board shall be responsible for deciding the meaning or intent of any provision of this section which may be unclear or in dispute.
- d. Any person aggrieved by a decision of the Planning Board with regard to Site Plan Review may appeal such decision to a court having jurisdiction, in accordance with Massachusetts General Laws, Chapter 40A, Section 17.

e. No building permit shall be issued for, and no person shall undertake, any use, alteration or improvement subject to this section unless an application for site plan review and approval has been prepared for the Project in accordance with the requirements of this section, and unless such application has been approved by the Planning Board.

f. No occupancy permit shall be granted by the Building Commissioner until the Planning Board has given its approval that the Project and any associated off-site improvements conform to the approved application for site plan review and approval, including any conditions imposed by the Planning Board.

g. The Applicant, when other than the owner, and the owner of land will be responsible for mitigation measures or conditions which are required as part of a favorable decision for issuance of site plan approval.

Comment [BSA44]: Deleted as duplicative.

1. Purpose

The purpose of this section is to protect the health, safety, convenience and general welfare of the inhabitants of the Town by providing for a review of plans for uses and structures which may have significant impacts on traffic, municipal and public services and utilities, environmental quality, community economics, and community values in the Town.

Comment [BSA45]: The following are the sections of the current site plan review provisions that were deleted and replaced above.

2. General Provisions

The Planning Board shall conduct site plan review and approval. Notwithstanding any provision of this By Law to the contrary, any structure, use, alteration or improvement which meets any of the following criteria shall require site plan review and approval as set forth in this section:

- a. The following shall be subject to the provisions of the first paragraph of Section VI.F.5, herein with regard to Contents and Scope of Applications: (1) any new structure, or group of structures under the same ownership on the same lot or contiguous lots, or any substantial improvement, substantial alteration, or change in use of an existing structure or group of structures, which results in the development of any off-street parking or loading facilities (except for residences requiring fewer than five stalls) and less than 8,000 square feet of gross floor area; (2) any new construction or expansion, alteration or enlargement of a parking facility, off-street loading facility and/or any facility for the storage or sale of any type of new or used vehicle, including construction vehicles, truck trailers and/or any vehicle which would normally require licensing by the Commonwealth of Massachusetts;
- b. any new structure, or group of structures under the same ownership on the same lot or contiguous lots, or any substantial improvement, substantial alteration, or change in use of an existing structure or group of structures, which results in the development, redevelopment, reuse, change in use, or increase of at least 8,000 square feet of gross floor area, or which requires the provision of 30 or more new or additional parking spaces under this By Law, or which results in a floor area ratio (FAR) greater than 0.32, shall be subject to this Section VI.F. in its entirety;
- c. any new structure, or group of structures under the same ownership on the same lot or contiguous lots, which results in the development of 3,000 square feet of gross floor area or requires 5 or more parking spaces or an off-street loading facility, when any portion of any lot or parcel of land on which said structure or use is located in or lies within 200 feet of a residential district, shall be subject to this Section VI.F. in its entirety.
- d. any substantial improvement or substantial alteration or change in use of an existing structure or group of structures which results in the development, redevelopment, reuse, change in use or an increase of 3,000 square feet of gross floor area or requires 5 or more parking spaces or an off-street loading facility, when any portion of any lot or parcel of land on which said structure or use is located in or lies within 200 feet of a residential district, shall be subject to this Section IV.I in its entirety.
- e. Mixed Use and Mixed Use Complex in the Central Business District are subject to this Section VI.F in its entirety.

For purposes of this Section VI.F, the calculation of increase in floor area shall be based on the aggregate of all new structures, improvements, alterations or enlargements, calculated from the date of enactment of this section.

Comment [BSA46]: This section unchanged in proposed site plan review.

3. Basic Requirements

- ~~— a. Notwithstanding anything contained in this By Law to the contrary, no building permit shall be issued for, and no person shall undertake, any use, alteration or improvement subject to this section unless an application for site plan review and approval has been prepared for the proposed development in accordance with the requirements of this section, and unless such application has been approved by the Planning Board.~~
- ~~— b. The Planning Board, at its discretion and based on a preliminary assessment of the scale and type of development proposed, may waive or modify the requirements for submission of any of the elements in Subsection 5 and the development impact standards in Subsection 6. Such waiver shall be issued in writing with supporting reasons.~~
- ~~— c. No occupancy permit shall be granted by the Building Commissioner until the Planning Board has given its approval that the development and any associated off site improvements conform to the approved application for site plan review and approval, including any conditions imposed by the Planning Board.~~

4. Application and Review Procedure

- ~~— a. Prior to the filing of an application pursuant to this section, the applicant shall submit a preliminary draft of such application to the Building Commissioner, who shall advise the applicant as to the pertinent sections of this Zoning By-law.~~
- ~~— The applicant is encouraged to meet with the Planning Board for a pre-application conference prior to submitting a formal application. The purpose of the conference is to identify the scope of the proposed development, timeline for review, and need for potential outside consultants and to identify special development issues and necessary applications, permits and approvals required in preparation for a formal filing. Materials that are typically helpful to facilitating the conference include preliminary concept plan alternatives.~~
- ~~— b. The applicant shall submit to the Planning Board the application for site plan approval, conforming to the requirements of this Section VI.F. and as specified on the application. Upon receiving the completed application, the Planning Board shall forthwith transmit one copy each to the Building Commissioner, the Community and Economic Development Department, the Police Department, the Fire Department, the Department of Public Works and such other departments and boards as the Planning Board may determine appropriate.~~
- ~~— c. Such agencies shall, within 35 days of receiving said copy, report to the Planning Board on (1) the adequacy of the data and the methodology used by the applicant to determine impacts of the proposed development and (2) the effects of the projected impacts of the proposed development. Said agencies may recommend conditions or remedial measures to accommodate or mitigate the expected impacts of the proposed development. Failure by any such agency to report within the allotted time shall be deemed lack of opposition by that agency of the adequacy of the submittal and also that, in the opinion of that agency, the proposed project will cause no adverse impact.~~
- ~~— d. The Planning Board shall not render a decision on said application until it has received and considered all reports requested from Town departments and boards, or until the 35-day period has expired, whichever is earlier. Where circumstances are such that the 35-day period is insufficient to conduct an adequate review, the Planning Board may, at the written request of the applicant, extend such period to 60 days.~~
- ~~— e. The Planning Board shall hold a public hearing on any properly completed application within 65 days after filing, shall properly serve notice of such hearing, and shall render its decision within 90 days of said hearing. The hearing and notice requirements set forth herein shall comply with the requirements of G.L. c.40A section 11, and with the requirements of Section VI.C. of this By Law. All costs of the notice requirements shall be at the expense of the applicant.~~
- ~~— f. In reviewing the impacts of a proposed development, the Planning Board shall consider the information presented in the application for site plan approval, including all items specified in Section VI.F.5.; all reports of Town departments submitted to the Planning Board pursuant to Section VI.F.4.(c); and any additional information available to the Planning Board, submitted to the Planning Board by any person, official or agency, or acquired by the Planning Board on its own initiative or research.~~
- ~~— g. The corner points and angle changes of the subject property lines shall be clearly marked in the field.~~

- ~~h. If the Applicant's proposed development is located within 200 feet of a residential district or residential use, the Applicant is strongly encouraged to coordinate at least one informational meeting with residents through the Town Meeting Representatives in the applicable precinct(s), including adjacent precinct(s), to solicit public input. The Applicant shall submit a statement regarding the extent of communication with residents of the area about the proposed development with its application submittal. The Applicant shall post a Community Notice in a conspicuous location on the subject property. The Community Notice shall be as prescribed by the Planning Board, informing the public of the proposed Site Plan Application for the property. Said Community Notice shall be posted at least five days prior to an application submittal to the Planning Board, and shall be considered an application requirement.~~

5. Contents and Scope of Applications

~~An application for site plan review and approval under Section VI.F.2.a shall be prepared by qualified professionals, including a Registered Professional Engineer, a Registered Architect, and/or a Registered Landscape Architect, and shall be limited to a parking plan, pursuant to subsection 5.f, herein, containing items 1-15 as set forth in subsection 5.a, below, an environmental impact assessment, as set forth in subsection 5.g.(2), below, and a parking impact assessment, as set forth in subsection 5.g.(5), below. The Planning Board may require additional information be provided by the applicant, including but not limited to a Traffic Impact Assessment, should traffic and circulation matters or other development related issues be deemed important considerations to a site plan evaluation and decision.~~

~~An application for site plan review and approval under Section VI.F.2.b or 2.c or 2.d or 2.e shall be prepared by qualified professionals, including a Registered Professional Engineer, a Registered Architect, and/or a Registered Landscape Architect, and shall include:~~

- ~~a. A site plan at a scale of one inch equals twenty feet (1"=20'), or such other scale as may be approved by the Planning Board, containing the following items and information:~~
- ~~1. Topography of the property, including contours at a 2 foot interval based on the most recent National Geodetic Vertical Datum (NVGD).~~
 - ~~2. Location of all buildings and lot lines on the lot, including ownership of lots, and street lines, including intersections within 300 ft.~~
 - ~~3. Dimensions of proposed buildings and structures, including gross floor area, floor area ratio, total lot coverage of building, and breakdown of indoor and outdoor floor area as to proposed use. Area dimensions to include Lot Coverage of Building, Paved Surface Coverage, and Landscaped Open Space and Other Open Space, with percentages of these items to be provided and to total 100 percent of the lot area.~~
 - ~~4. Maximum seating capacity, number of employees, or sleeping units if applicable.~~
 - ~~5. Locations and dimensions, including total ground coverage, of all driveways, maneuvering spaces and aisles, parking stalls and loading facilities, and proposed circulation of traffic.~~
 - ~~6. Location of pedestrian areas, walkways, flow patterns and access points, and provisions for handicapped parking and access, and bicycle accommodations.~~
 - ~~7. Location, size, and type of materials for surface paving, curbing, and wheel stops.~~
 - ~~8. Location, dimension, type and quantity of materials for open space, planting, and buffers where applicable.~~
 - ~~9. Provisions for storm water drainage affecting the site and adjacent parcels, and snow storage areas. Drainage computations and limits of floodways shall be shown where applicable.~~
 - ~~10. A photometric plan showing both the intensity of illumination expressed in footcandles at ground level to the property's boundaries and the location, orientation, height, wattage, type, style and color of outdoor luminaire(s) for all existing and proposed lighting.~~
 - ~~11. Identification of parcel by sheet, block, and lot number of Assessors Maps.~~

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- ~~12. Planning Board Signature Block at approximately the same location on each page of the submitted plans.~~
 - ~~13. Zoning Table to be located on both the front page of the submitted plans and on the Parking Plan/Site Plan page.~~
 - ~~14. Water service, sewer, waste disposal, and other public utilities on and adjacent to the site.~~
 - ~~15. An area designated for the storage of waste and refuse.~~
 - ~~16. Sign submittal showing sign locations and construction details which shall include the following information as may be applicable: a scaled drawing of each proposed sign showing all dimensions, colors, lettering, graphics, materials and type of illumination; scaled drawing showing all dimensions of facades proposed to contain signage and indicating the location and dimensions of the proposed sign and any landscaped or other areas in which a freestanding sign is to be placed clearly showing the locations of the sign.~~
 - ~~17. Any additional information required by the Planning Board to ensure compliance with this section. The Planning Board may waive any of the above requirements.~~

For convenience and clarity, this information may be shown on one or more separate drawings.

- ~~b. A landscape plan at the same scale as the site plan, showing the limits of work, existing tree lines, and all proposed landscape features and improvements including planting areas with size and type of stock for each shrub or tree.~~
- ~~c. An isometric line drawing (projection) at the same scale as the site plan, showing the entire project and its relation to existing areas, buildings and roads for a distance of 100 feet from the project boundaries.~~
- ~~d. A locus plan at a scale of one inch equals 100 feet (1"=100'), or such other distance as may be approved by the Planning Board, showing the entire project and its relation to existing areas, buildings and roads for a distance of 1,000 feet from the project boundaries, or such other distance as may be approved or required by the Planning Board.~~
- ~~e. Building elevation plans at a scale of one quarter inch equals one foot (1/4"=1'-0") or one half inch equals one foot (1/2"=1'-0") or such other scale as may be approved by the Planning Board, showing all elevations of all proposed buildings and structures and indicating the type and color of materials to be used on all facades.~~
- ~~f. A parking plan, at the same scale as the site plan.~~
- ~~g. A Development Impact Statement which shall describe potential impacts of the proposed development, compare them to the impacts of uses which are or can be made of the site without a requirement for site plan review, identify all significant positive or adverse impacts, and propose an acceptable program to prevent or mitigate adverse impacts. The Development Impact Statement shall consist of the following five elements~~

~~(1) Traffic Impact Assessment~~

~~(a) Purpose: To document existing traffic conditions, which includes vehicle, pedestrian and bicycle accommodations, in the vicinity of the proposed project, to describe the volume and effect of projected traffic generated by the proposed project, and to identify measures proposed to mitigate any adverse impacts on traffic.~~

~~(b) Format and Scope:~~

- ~~(i) Existing traffic conditions average daily and peak hour volumes, average and peak speeds, sight distances, accident data, and levels of service (LOS) of intersections and streets likely to be affected by the proposed development. Generally, such data shall be presented for all streets and intersections adjacent to or within 1,000 feet of the project boundaries, and shall be no more than 12 months old at~~

~~the date of application, unless other data are specifically approved by the Planning Board. Where a proposed development will have an impact on a critical intersection or intersections beyond 1,000 feet of the project boundary, particularly intersections of arterial and collector roadways which are integral to the circulation of the proposed development, the Planning Board may require that such intersections beyond 1,000 feet of the project boundary be included in the analysis of traffic conditions.~~

- ~~(ii) Projected traffic conditions for design year of occupancy; statement of design year of occupancy; background traffic growth on an annual average basis; impacts of proposed developments which have already been approved in part or in whole by the Town.~~
- ~~(iii) Projected impact of proposed development; projected peak hour and daily traffic generated by the development on roads and ways in the vicinity of the development; sight lines at the intersections of the proposed driveways and streets; existing and proposed traffic controls in the vicinity of the proposed development; and projected post development traffic volumes and levels of service of intersections and streets likely to be affected by the proposed development (as defined in (i) above).~~

~~(2) Environmental Impact Assessment~~

~~(a) Purpose: To describe the impacts of the proposed development with respect to on-site and off-site environmental quality.~~

~~(b) Format and Scope:~~

- ~~(i) Identification of potential impacts: description and evaluation of potential impacts on the quality of air, surface water, and ground water adjacent to or directly affected by the proposed development; on-site or off-site flooding, erosion, and/or sedimentation resulting from alterations to the project site, including grading changes and increases in impervious area; on-site or off-site hazards from radiological emissions or other hazardous materials; adverse impacts on temperature and wind conditions on the site and adjacent properties; impacts on solar access of adjacent properties; and off-site noise or light impacts.~~
- ~~(ii) Systems capacity: evaluation of the adequacy of existing or proposed systems and services for water supply and disposal of liquid and solid wastes.~~
- ~~(iii) Proposed mitigation measures: description of proposed measures for mitigation of any potential adverse impacts identified above.~~
- ~~(iv) The Stormwater Impact Analysis shall describe the impacts of the proposed development on the quality, volume and rate of on-site and off-site stormwater runoff. The format and scope of the analysis shall identify any potential impacts of stormwater runoff and shall demonstrate compliance with the Massachusetts Department of Environmental Protection's Stormwater Management Standards, 310 CMR 10.00 using the guidelines and structure set forth in the latest edition of the Massachusetts Stormwater Handbook.~~

~~(3) Fiscal Impact Assessment~~

~~(a) Purpose: To evaluate the fiscal and economic impacts of the proposed development on the Town.~~

~~(b) Format and Scope:~~

- ~~(i) Projections of costs arising from increased demands for public services and infrastructure.~~
- ~~(ii) Projections of benefits from increased tax revenues, employment (construction and permanent), and value of public infrastructure to be provided.~~
- ~~(iii) Projections of the impacts of the proposed development on the values of adjoining properties.~~

~~(iv) Five-year projection of increased Town revenues and costs resulting from the proposed development.~~

~~(4) Community Impact Assessment~~

~~(a) Purpose: To evaluate the impacts of the proposed development with respect to the Town's visual and historic character and development goals.~~

~~(b) Format and Scope:~~

- ~~(i) Site design and neighborhood impact: 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, door and window size and locations, setbacks, roof and cornice lines, and other major design elements); and of the location and configuration of proposed structures, parking areas, and open space with respect to neighboring properties.~~
- ~~(ii) Historic impact: identification of impacts on significant historic properties, districts or areas, or archaeological resources (if any) in the vicinity of the proposed development.~~
- ~~(iii) Development goals: evaluation of the proposed project's consistency or compatibility with existing local and regional plans.~~

~~(5) Parking Impact Assessment~~

~~(a) Purpose: To document existing neighborhood parking conditions, to evaluate the off-site impacts of the proposed parking, and to mitigate any adverse parking impacts on the neighborhood.~~

~~(b) Format and Scope:~~

- ~~(i) existing off-site neighborhood parking conditions, including identification of streets likely to be affected by the proposed development;~~
- ~~(ii) projected impact of proposed development;~~
- ~~(iii) proposed mitigation measures for adverse impacts identified above.~~

The Planning Board, at its discretion and based on a preliminary assessment of the scale and type of development proposed, may waive or modify the requirements for submission of any of the elements of the development impact assessment listed in this paragraph g. Such waiver shall be issued in writing with supporting reasons.

6. Development Impact Standards

The following standards shall be used in evaluating projected impacts of proposed developments; provided, however, that an application for site plan review and approval under Section VI.F.2.a shall be evaluated using only the standards contained in Section VI.F.6.b. and Section VI.F.6.e, below. New building construction or other site alteration shall be designed, to the extent feasible, and after considering the qualities of the specific location, the proposed land use, the design of building form, grading, egress points, and other aspects of the development, so as to comply with the following standards:

a. Traffic Impact Standards

~~(1) The "level of service" (LOS) of all impacted intersections and streets shall be adequate following project development, or the total value of off-site traffic improvements required or approved by the Planning Board as a condition of approval in any location within the Town affected by the proposed project shall be equal to a minimum of three per cent (3%) of the total development cost of the proposed project. For purposes of this standard:~~

- ~~(i) "level of service" (LOS) shall be determined according to criteria set forth by the Transportation Research Board of the National Research Council;~~

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- ~~— (ii) “impacted” means intersections projected to receive at least five per cent (5%) of the expected traffic generated by the proposed development, either based upon the total anticipated peak hour traffic generated by the proposed project, or based upon the total anticipated average daily traffic counts generated by the proposed project;~~
 - ~~— (iii) “adequate” shall mean a level of service of “B” or better for rural, scenic and residential streets and for all new streets and intersections to be created in connection with the project; and “D” or better for all other streets and intersections; and~~
 - ~~— (iv) “total development cost” shall mean the total of the cost or value of land and all development related improvements, and shall be determined on the basis of standard building or construction costs, such as published in the Engineering News Record or other source acceptable to the Planning Board, for the relevant type of structure and use.~~
 - ~~(2) The proposed site plan shall minimize points of traffic conflict, both pedestrian and vehicular. The following guidelines shall be used to achieve this standard:~~
 - ~~— (i) Entrance and exit driveways shall be so located and designed as to achieve maximum practicable distance from existing and proposed access connections from adjacent properties.~~
 - ~~— (ii) Where possible, driveways shall be located opposite similar driveways.~~
 - ~~— (iii) Sharing of access driveways by adjoining properties and uses is encouraged.~~
 - ~~— (iv) Left hand turns and other turning movements shall be minimized.~~
 - ~~— (v) Driveways shall be so located and designed as to discourage the routing of vehicular traffic to and through residential streets.~~
 - ~~— (vi) Pedestrian and bicycle circulation shall be provided for in the site design and shall be separated from motor vehicle circulation as far as practicable.~~

b. Environmental Impact Standards

- ~~(1) The proposed development shall not create any significant emission of noise, dust, fumes, noxious gases, radiation, or water pollutants, or any other similar significant adverse environmental impact.~~
- ~~(2) The proposed development shall not increase the potential for erosion, flooding or sedimentation, either on site or on neighboring properties; and shall not increase rates of runoff from the site to the satisfaction of the Town Engineer and Board of Public Works. Provision for attenuation of runoff pollutants and for ground water recharge shall be included in the proposal. The proposed development shall comply with Massachusetts Department of Environmental Protection’s (DEP’s) Stormwater Management Standards, 310-CMR-10.00.~~
- ~~(3) The design of the proposed development shall minimize the destruction of unique natural features.~~
- ~~(4) The location and configuration of proposed structures, parking areas and open space shall be designed so as to minimize any adverse impact on temperature levels or wind velocities on the site or adjoining properties.~~
- ~~(5) Outdoor lighting, including lighting on the exterior of a building or lighting in parking areas, shall be arranged to minimize glare and light spillover to neighboring properties.~~
- ~~(6) Proposed structures, and existing structures adjoining the project site shall be free from shadows created by the proposed development from 9:00 a.m. to 3:00 p.m. on December 21. Proposed development within the Central Business District shall be exempt from this standard.~~
- ~~(7) All outdoor lighting shall be designed and located so that a line drawn from the height of the luminaire along the angle of cutoff intersects the ground at a point within the development site; except that this requirement~~

shall not apply to (a) low level intensity pedestrian lighting with a height of less than ten feet, or (b) security lighting directed off the wall of a principal structure.

— **c. Fiscal Impact Standards**

~~(1) Projected positive net fiscal flow for first five years after design year of occupancy.~~

— **d. Community Impact Standards**

- ~~(1) Design elements shall be compatible with the character and scale of neighboring properties and structures.~~
- ~~(2) The design of the development shall minimize the visibility of visually degrading elements such as trash collectors, loading docks, etc. All utilities within the property boundaries that are intended to serve the project shall be placed underground. If waste or refuse disposal areas are located outside of any existing or proposed building, the waste and refuse shall be placed in a container kept fully closed. Such containers shall be surrounded entirely by solid fencing or other material as approved by the Planning Board and incorporated into the site design and landscaping. Adequate waste and refuse facilities shall be provided for all proposed uses.~~
- ~~(3) The design of the development shall be consistent or compatible with existing local plans, including plan elements adopted by the Planning Board, Conservation Commission, Parks Commission, and other Town bodies having such jurisdiction.~~
- ~~(4) The design of the development shall minimize earth removal and volume of cut and fill. Any grade changes shall be in keeping with the general appearance of neighboring developed areas.~~
- ~~(5) The design of the development shall minimize the area over which existing vegetation is to be removed. Tree removal shall be minimized and, if established trees are to be removed, special attention shall be given to the planting of replacement trees.~~

— **e. Parking Standards**

- ~~(1) The facility will not create a hazard to abutters, vehicles or pedestrians.~~
- ~~(2) Appropriate access for emergency vehicles will be provided to the principal structure.~~
- ~~(3) Adverse impacts on the abutters, residents, or businesses in the area or on the character of the neighborhood will be mitigated satisfactorily.~~
- ~~(4) The snow storage area(s) shall be located so as not to encroach upon or obstruct any sidewalks or walkways or parking spaces, interior travel lanes or lot ingress/egress, inhibit site visibility, reduce the recommended minimum stopping sight distances or turning radii at any point on the site, or obstruct or encroach upon fire lanes or emergency access points.~~

VII. DESCRIPTIONS OF BOUNDARIES OF ZONING DISTRICTS

Comment [BSA47]: Because it was determined not to change the minimum area requirements for the R-1, R-2 and G districts, there are no changes currently recommended for Section VII.

A. INCORPORATION OF THE ZONING MAP

The boundaries of the zoning districts are hereby established as shown on the Map which accompanies, and is hereby declared to be part of this By-Law. Descriptions of boundaries of Zoning Districts are filed in the Town Engineering Office.

EXPLANATORY NOTES REGARDING ZONING MAP

The Zoning Map of the Town, prepared by the Town Engineer's office and dated June 18, 2013, includes all of the map changes made by Town Meetings up to that date. Amendments to the Zoning Map after that date are provided with the purchase of the Zoning Map of the Town.

In accordance with the tabulation in Section II.A., "CLASSES OF DISTRICTS", the map symbols have been correlated with their corresponding districts as follows:

DISTRICTS	MAP SYMBOLS
RESIDENCE DISTRICTS: Single Residence General Residence Geriatric Care/Elderly Housing	R-1,R-2, R-3 and R-4 G G-E
BUSINESS DISTRICTS Neighborhood Business Community Business General Business Business Central Business	B-1 B-2 B-3 AND B-4 B CB
Office and Professional Districts	P
Open Space and Recreation Districts	OSR
Planned Reuse Districts	PRD
INDUSTRIAL DISTRICTS: Light Manufacturing Districts General Manufacturing Technology Park	M-1 (Light Manufacturing) M (Manufacturing) TP
OVERLAY DISTRICTS: Planned Unit Development Districts Highway Corridor Districts Regional Center District Adult Use District Floodplain Districts Groundwater Protection District	(PUD) (HC) (RC) (AU) See FIRM & Floodway Maps (FEMA) (GPD)

Area districts designating lots sizes in the community are shown on the Zoning map by the symbols in accordance with the following correlation.

MAP SYMBOL	MINIMUM LOT SIZE
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R-4	43,560 square feet
R-3	20,000 square feet
R-2	12,000 square feet
R-1	8,000 square feet
G	8,000 square feet

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