ZONING BY-LAWS
OF THE
TOWN OF SEEKONK
MASSACHUSETTS

APPROVED OCTOBER 2, 1958

INCORPORATING SUBSEQUENT REVISIONS THROUGH TOWN MEETING

CONCLUDED November 17, 2015

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The following By-laws, having been adopted by the Town on April 28, 1958, and approved by the Attorney General of the Commonwealth of Massachusetts on October 2, 1958, supersede the original Zoning Laws approved November 14, 1942 and the amendments thereto.

SEEKONK PLANNING BOARD

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Section 1. AUTHORITY, PURPOSE, DEFINITIONS AND GENERAL PROVISIONS

1.1 Authority

The Town of Seekonk Zoning By-law is adopted under Chapter 40A of the General Laws (the Zoning Act) and Article 89 of the Amendments to the Constitution (the Home Rule Amendment).

1.2 Purpose

The zoning districts and regulations pertaining thereto as herein set forth are made in accordance with a comprehensive plan to regulate the use of land, buildings, and structures for the purpose of promoting and protecting the health, safety and general welfare of the community and the present and future inhabitants of the Town of Seekonk.

They are designed to lessen congestion in the streets; to conserve health; to secure safety from fire, flood, panic and other dangers; to provide adequate light and air; to prevent over-crowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water supply, drainage, sewerage, schools, parks, open space, and other public requirements; to conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment; to encourage the most appropriate use of land throughout the Town, including consideration of the Master Plan adopted by the Planning Board and the Comprehensive Plan, if any, of the Southeastern Regional Planning and Economic Development District; and to preserve and increase amenities, to promote responsible economic development; and to support quality housing for persons of all income levels. They are made with reasonable consideration given to the character of each district and its peculiar suitability for particular uses.

Since the purpose of these By-laws is to promote the quality of life and environment in Seekonk by regulating property uses, whenever there appear to be multiple interpretations of points within these By-laws, the more restricting or more controlling interpretation is intended and will prevail unless ruled otherwise by due course of law.

Subsections of this By-law will not be interpreted out of the context of the next superior section within which it appears.

These Zoning By-laws are intended to be and shall be interpreted and construed as permissive.

1.3 Definitions

In this By-Law words used in the present tense include the future; the singular includes the plural; and the plural includes the singular. The word “used” includes “designed, intended or arranged to be used”. The following terms for the purpose of this By-Law are defined as follows:

ACCESSORY BUILDING: A subordinate building incident to and located on the same lot as the principal building or use.

ACCESSORY USE: A subordinate use that is customarily incidental to the principal use.

ADMINISTRATION: (as an Industrial Use) The process or activity of running a business or organization.

ADULT BOOKSTORE: As defined by G.L. c.40A, Section 9A.

ADULT MOTION PICTURE THEATER: As defined by G.L. c.40A, Section 9A.

ADULT PARAPHERNALIA STORE: As defined by G.L. c.40A, Section 9A.

ADULT VIDEO STORE: As defined by G.L. c.40A, Section 9A.

AFFORDABLE HOUSING UNIT: A dwelling unit that is affordable to and occupied by a low-or moderate-income household and that meets the definition of low-or moderate-income housing set forth under 760 CMR 56.02 or any successor provision and is eligible for inclusion in the Massachusetts Department of Housing and Community Development's Subsidized Housing Inventory, including through the Local Initiative Program, as evidenced by a certification issued by the Massachusetts Department of Community Development (or any successor agency) to the Town that the affordable units in the Project shall be eligible for inclusion in the Subsidized Housing Inventory for the Town and with any such certification to be provided with the application for a affordable housing special permit under Zoning By-law §25 and with the certificate to recite any condition(s) for inclusion of the affordable units in the Inventory and with any such condition(s) to be imposed by the Planning Board as a condition of approval of any affordable housing special permit issued under Zoning By-law §25.

AGRICULTURE: Except as otherwise defined for an agricultural use that satisfies the requirements for eligibility for the agricultural exemption provided for under G.L. c.40A, §3, the term "agriculture" shall mean the following: Farming in all of its branches and the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural 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, fur-bearing animals, and any forestry or lumbering operations, performed by a farmer, who is hereby defined as one engaged in agriculture or farming as herein defined, or on a farm as an incident to or in conjunction with such farming operations, including preparations for market, delivery to storage or to market or to carriers for transportation to market. Farming shall not include any activity that involves mining of minerals, even if the end product results in products that are to be used for human consumption. The pumping of water for the purpose of bottling or otherwise packaging and selling drinking water shall not be deemed to be agricultural in nature and shall be deemed a form of mining.

AQUIFER: A geologic formation composed of rock, sand, or gravel, capable of yielding over eighty gallons per minute of potentially usable, or recoverable, amounts of water.

ASSEMBLY: (as an Industrial Use) The process of putting together a number of parts to make a machine or other product.

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. Site Plan Review is a non-discretionary approval and certain as-of-right uses may be subject to site plan review.

AUTO SERVICE STATION: Any commercial building or structure, premises or other place used to support or sell motor fuels (including alternative fuels such as natural gas or hydrogen), lubricants, tires, batteries, and other small accessories to motor vehicles. Automobile maintenance is permitted in conjunction with a service station.

BAKERY: An establishment primarily engaged in the baking and/or sale of baked products for consumption off site. The products may be prepared either on or off site. Such use may include incidental food service.

BANK: A financial institution that is open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and fiduciary activities.

BASE FLOOD LEVEL: The elevation of flood waters having a one percent chance of being equaled or exceeded in any given year. This is also referred to as the "100-year flood level", and shall include the Base Flood Elevation shown on the Flood Insurance Rate Maps published by the Federal Emergency Management Agency.

BED AND BREAKFAST ESTABLISHMENT: A private dwelling with an on-site manager where no more than eight rooms are let and a breakfast is included in the daily rate.

BOARDING HOUSE: A dwelling where more than two, but fewer than six rooms are provided for lodging with definite periods of times. Meals may or may not be provided, but there is one common kitchen facility. No meals are provided to outside guests.

BUILDING HEIGHT: The vertical distance measured from the average elevation of the finished lot grade at the front of the building to the highest point of the top story in the case of a flat roof or to the mean height between the plate and the ridge in the case of a pitched roof. In determining building height, belfries, steeples, chimneys, outdoor theater screens, and similar projections shall be excluded.

BUILDING OFFICIAL. The official designated by the Town to issue building permits under the State Building Code.

BUILDING PERMIT: A foundation or building permit issued by the Building Official in accordance with the requirements of the state and federal building codes as well as the Zoning By-laws.

CAFÉ: An informal restaurant primarily offering coffee, tea, and other beverages, and where light refreshments and limited menu meals may also be sold.

CEMETERY: An area of land set aside and dedicated for the final disposition of the remains of one or more deceased persons.

CHILD CARE FACILITY: A child care center or a school-aged child care program, as defined in M.G.L Ch. 15D, section 1A.

COLLEGE: An educational institution other than a trade school that provides full-time or part-time education beyond high school.

COMMERCIAL RECREATION ESTABLISHMENTS, INDOOR: A commercial recreation land use conducted entirely within a building, including arcade, arena, art gallery and studio, art center, assembly hall, athletic and health club, auditorium, bowling alley, club or lounge, community center, conference center, exhibit hall, gymnasium, library, movie theater, performance theater, pool or billiard hall, skating rink, swimming pool, tennis court.

COMMERCIAL RECREATION ESTABLISHMENTS, OUTDOOR: A commercial recreation land use predominantly in open or partially enclosed or screened facilities. Typical uses include golf driving ranges, golf courses, miniature golf, swimming pools, tennis courts, outdoor racquetball courts, and motorized cart and motorcycle tracks.

CORNER LOT: A lot at the junction of and fronting on two or more public ways intersection at an angle of less than 135 degrees.

CORPORATION: That entity or enterprise incorporated under the General Laws of Massachusetts, including those from other states and legally entitled to conduct business in Massachusetts; to include corporations which are similar in nature and/or which have identical principals as owner or lessees, be they individual or other corporations. No lot or use shall be further subdivided or sublet as to circumvent or lessen other requirements of these By-Laws.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT ("DHCD"). The department created by the Commonwealth of Massachusetts to oversee affordable housing (or any successor department or agency) and that is responsible for maintaining the so-called Subsidized Housing Inventory ("SHI").

DEVELOPMENT: Any artificial change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations and including any structure or building placed in or over water such as a pier or float and other marine uses.

DRIVE-THROUGH FACILITY: A commercial establishment, which has direct window access for customers traveling in motor vehicles for services, including, but not limited to banking, fast food, pharmacy and bakery sales.

DWELLING: Any building used in whole or in part for human habitation as approved in accordance with the Massachusetts State Building Code, per 780 CMR and all incorporated codes.

ESTABLISHMENT PROCESSING FOR DIRECT CONSUMPTION: Facility where the principal products are customarily delivered to individuals or retail outlets, as for example, bakeries, cleaning and dying plants, carpet cleaning plants, ice plants, soft drink bottling plants, printers, provided such establishments comply with industrial district construction and operation standards and limitations.

ESTABLISHMENT WHICH DISPLAYS LIVE NUDITY FOR ITS PATRONS: As defined by G.L. c.40A, Section 9A.

FABRICATION: (as an Industrial Use) The process of constructing one or more products from diverse and usually standardized parts.

FAMILY: Related persons or not more than four unrelated persons.

FARM: A parcel of land used for the cultivation of the soil for the purpose of producing crops and/or for the raising of livestock with exception of the following noxious uses: piggeries, turkey farms and guinea hen farms.

FAST FOOD ESTABLISHMENT: Restaurants principally providing prepared and packaged food for customer pick-up at a counter for take-out or for self-service within the building.

FLOOD INSURANCE RATE MAP ("FIRM"): An official map produced by or for the Federal Emergency Management Agency ("FEMA"), delineating both special flood hazard areas and risk premium zones.

FLOOD PROOFING: Any combination of structural and non-structural alterations to property, which minimize or eliminate flood damage.

FRATERNAL BUILDING: An establishment for a group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings and formal written membership requirements.

FREIGHT HANDLING: The undertaking of the transportation of goods and people for compensation, and which may, in turn, make use of other transportation establishments in effecting delivery.

FUNERAL HOME: A building used for the preparation of the deceased for burial and display of the deceased and rituals connected therewith before burial or cremation.

GAS OR FUELING STATION: See Auto Service Station.

GOLF COURSE: A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course includes a clubhouse and shelters as accessory uses.

GROUNDWATER: Water in the surface zone beneath the water table in which most or all pore spaces are filled with water.

HAZARDOUS SUBSTANCE: Any hazardous substance or mixture of such physical, chemical, or infectious characteristics as to pose significant actual or potential hazard to water supplies, or to human or animal health, if such substance or mixture were discharged to land or waters of this town. These would include organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalies, and other products such as pesticides, herbicides, solvents, and thinners, as also defined by M.G.L., Chapter 21E and Chapter 111.

HOSPITAL: Any institution, however named, whether conducted for charity or for profit, which is advertised, announced, established or maintained for the purpose of caring for persons admitted thereto for diagnosis or medical, surgical or restorative treatment which is rendered within said institution. This definition shall not include any hospital operated by the Commonwealth of Massachusetts or by the United States.

HOTEL OR MOTEL: A building in which lodging is provided and offered to the public for compensation only for transient occupation, and which is not a boarding house or bed and breakfast establishment as herein defined.

IMPERVIOUS SURFACE: Any material or structure on or above the ground that prevents water from infiltrating through the underlying soil. Impervious cover shall include, without limitation, exposed stone, paved or gravel parking lots, concrete or asphalt sidewalks, roof tops, paved driveways, patios or staging areas, and compacted dirt surfaced roads.

KENNEL: Except for a use that establishes eligibility for the agricultural use exemption provided for under G.L. c.40A, §3, a kennel shall be defined as one pack or collection of dogs on a single premises, whether maintained for breeding, boarding, sale, training, hunting or other purposes and including any shop where dogs are on sale, and also including every pack or collection of more than three dogs three months old or over owned or kept by a person on a single premises irrespective of the purpose for which they are maintained.

LEACHABLE WASTES: Waste materials, be they directly relatable or by-products of surface or subsurface generators including solids, sewage, sludge, and agricultural wastes that are capable of releasing waterborne contaminants to the surrounding environment.

LANDSCAPE NURSERY: Except for a use that establishes eligibility for the agricultural use exemption provided for under G.L. c.40A, §3, a landscape nursery shall mean a form of agriculture in which land is used to raise trees, shrubs, flowers, and other plants for sale or for transplanting.

LARGE-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC FACILITY: A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum rated nameplate capacity of 250 kW DC.

LIBRARY: A public facility for the use, but not sale, of literary, musical, artistic, or reference materials.

LOT: A parcel of land defined by metes, bounds, or boundary lines in a recorded deed or shown on a recorded plan or plat.

LOT AREA: The minimum required area for a Lot to be lawfully used or built upon as provided for under these Zoning By-laws.

LOT COVERAGE: The amount of any lot that is covered with artificial impervious surface.

LOW-AND MODERATE-INCOME HOUSEHOLD: A household with income at or below 80% of area median income, adjusted for household size, for the metropolitan or non-metropolitan area that includes the Town of Seekonk or as otherwise determined by the U.S. Department of Housing and Urban Development and DHCD.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the application non-elevation design requirements of this ordinance.

MANUFACTURING: The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, including but not limited to oils, plastics, resins, etc.

MEAN SEA LEVEL: The average height of the sea for all stages of the tide based on the North American Vertical Datum of 1988 (NAVD 88).

MEDICAL LABORATORY: A facility for scientific laboratory analysis in support of medical, dental or veterinary treatment where blood, tissue or other human or animal products are stored and analyzed.

MEDICAL MARIJUANA TREATMENT CENTER: "Not-for-profit entity, as defined by Massachusetts law only, registered by the Department of Public Health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers." Conducted in full accordance with Massachusetts state law.

MINING OF LAND: Removal or relocation of geologic materials, including topsoil, for the purpose of extracting sand and gravel, metallic ores, or bedrock. The pumping of water for the purpose of bottling or packaging it for sale as drinking water shall constitute mining.

MINI-STORAGE: A building or group of commercial buildings divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers, and other residential uses; and may include refrigerated facilities.

MOTEL: See Hotel or Motel.

MULTI-FAMILY DWELLING: A building for residential use containing more than two dwelling units.

MUNICIPAL RECREATION AREA: Indoor and/or outdoor publicly owned or operated by the Town of Seekonk as recreational land use.

MUNICIPAL USE: Uses owned and/or operated by the Town of Seekonk or its agencies and the Seekonk Water District.

MUSEUM: A building or structure having public significance by reason of its architecture or former use or occupancy or a building serving as a repository for a collection of natural, scientific, or literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the sale of goods to the public as gifts or for their own use.

NONCONFORMING LOT: A lot of less than minimum size as defined in Section 5.1.4 of this By-law and recorded prior to November 14, 1942.

NONCONFORMING USE/STRUCTURE: Any lawful building or structure or any lawful use of land, building, or structure which is not an authorized use in the district in which it is located by virtue of the adoption or subsequent amendment of these By-laws is a nonconforming use.

NEWSPAPER OR JOB PRINTING ESTABLISHMENT: A building used for the production of publications, printed on newsprint or otherwise.

OFFICE: A room, or group of rooms, for conducting the affairs of a business, profession or service industry.

PROCESSING: (as an Industrial Use) To subject to some special process or treatment, as in the course of manufacture; change in the physical state or chemical composition of matter; the second step in use of a natural resource.

PUBLIC OR PRIVATE UTILITY: A building or structure used or intended to be used by any public or private utility, including but not limited to any gas treatment plant reservoir, tank, or other storage facility; electric generating plant, distribution, or transmission substation; telephone switching or other communications plant, earth station, or other receiving or transmission facility; any storage yard for public utility equipment or vehicles; and any parking lot for parking vehicles or automobiles to serve a utility.

QUALIFIED PURCHASER: A low- or moderate-income household that purchases and occupies an affordable housing unit as the household's principal residence and that satisfies the income requirements published by DHCD, so that the unit is eligible for inclusion in the Subsidized Housing Inventory maintained by DHCD.

RATED NAMEPLATE CAPACITY: The maximum rated output of electric power production of the photovoltaic system in Direct Current (DC).

RECHARGE AREA: That area composed of permeable stratified sand and gravel, and certain wetlands that collect surface water and carry it to aquifers. Primary recharge area lies directly over the designated aquifer, and adjacent areas of strata, from which groundwater flows directly into the aquifer. Secondary recharge area lies adjacent to the primary area, and from which groundwater moves downgradient into the aquifer. Tertiary recharge area is the upstream drainage area of streams that traverse the primary and/or secondary recharge areas.

REGULATORY FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

RELIGIOUS PURPOSE: A use undertaken for the primary purpose of a belief system concerning more than the earthly and temporal to which the adherent is faithful.

RESEARCH: (as an Industrial Use) The conduct of systematic investigation, development, and testing in various fields of science, such as but not limited to chemistry, pharmacy, medicine, electricity, transportation and engineering.

RESIDENTIAL APARTMENT: A part of a building consisting of a room or rooms intended, designed, or used as a residence by an individual or a family as defined hereunder.

RESTAURANT (NOT INCLUDING FAST FOOD ESTABLISHMENTS): A structure in which the principal use is the preparation and sale of food and beverages.

RETAIL STORE: A commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

SANITORIUM: Health station, retreat, or an institution for the recuperation and treatment of persons suffering from physical or mental disorders.

SCHOOL, PUBLIC, PRIVATE AND/OR PAROCHIAL: An institution for the teaching of children or adults and including accessory facilities traditionally associated with a program of study which meets the requirements of the laws of the state.

SEPTAGE: Sludge produced by domestic waste that is pumped from septic tanks.

SERVICE ESTABLISHMENT: Any establishment whose primary activity is the provision of assistance, as opposed to products, to individuals, businesses, industry, government and other enterprises.

SINGLE-FAMILY DWELLING: A building containing one (1) dwelling unit for one family as defined hereunder.

SOLID WASTE: Discarded solid material, decomposing or not, which may contain other liquid or gaseous materials, but with insufficient liquid content to be free flowing. This includes, but shall not be limited to, rubbish, garbage, scrap materials, junk, refuse, inert fill material.

SPECIAL FLOOD HAZARD AREA: Land subject to a one percent or greater chance of flooding in any given year.

SPECIAL PERMIT: A special permit that is issued and has taken final effect that allows a use that would not be appropriate generally or without restriction throughout the zone, but which if controlled as to number, area, location or relation to the neighborhood, would promote the public

health, safety, morals, or general welfare. Such uses may be permitted in such zone by special permit, if specific provision for such special permit uses is made in these zoning By-laws. Special permits shall be issued only for uses which are in harmony with the general purpose and intent of these By-laws and only upon subjecting the specially allowed use to general or specific provisions set forth therein, as appropriate. Special permits may impose conditions, safeguards and limitations on time and/or use. Every special permit shall be duly recorded before it expires in order to take effect.

SPECIAL PERMIT GRANTING AUTHORITY: The Town Board or Boards designated by these Zoning By-laws to issue special permits under authority of Section 1 of Chapter 40A of the Massachusetts General Laws. The Special Permit Granting Authority in the Town of Seekonk shall normally be the Zoning Board of Appeals, unless otherwise specified.

STABLE: A building in which horses are sheltered; may be accessory to a residential use or a freestanding principal use.

START OF CONSTRUCTION: When excavation, installation, alteration, expansion, erection, repair, renovation, demolition, removal, or other development activity begins as specifically allowed by a Town-issued permit.

STORAGE: (as an Industrial Use) A space or place where goods, materials, or personal property is placed and kept for more than 24 consecutive hours.

STORY: That portion of a building between the upper surface of any floor and the upper surface of the floor next above, having more than one-half of its height above the average elevation of the finished lot grade adjoining the building and any portion of a building, used for human occupancy and/or material storage between the topmost floor and the roof.

STREET: A public way established by or maintained under public authority.

STREET LINE: The dividing line between a public way and an adjacent lot.

STRUCTURE: Anything erected requiring location on the ground or attachment to something having location on the ground specifically excepting canopies and dispensing islands for gasoline filling stations. For floodplain management purposes, a structure is a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a mobile home.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either (a) before the improvement or repair is started or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either, (a) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or (b) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

TELECOMMUNICATIONS FACILITY: Any equipment used to provide telecommunication service, as defined by the Telecommunications Act of 1996, as amended, including but not limited to towers, antennas, appurtenant devices and accessory buildings.

TEMPORARY MOBILE HOME: A transportable structure suitable for year-round single-family occupancy and having water, electrical, and sewage connections similar to those of conventional dwellings that is on the site of a residence which has been destroyed by fire or other natural holocaust for occupancy by the owner and occupier of the destroyed residence for a period not to exceed twelve months while the residence is being rebuilt. (Said mobile home must satisfy the provisions of the state sanitary code while being so used and must be recorded with the Inspector of Buildings upon commencement of such use.).

TRAILER, HOME: Any vehicle basically designed for human habitation and for occasional or frequent mobile use whether on wheels or rigid support.

TWO-FAMILY DWELLING: (also referred to as duplex) A structure containing two dwelling units, each of which has direct access to the outside.

VARIANCE: A variance is a relaxation of the terms of these Zoning By-laws where such variance will not be contrary to the public interest or nullify or substantially derogate from the intent of these Zoning By-laws and where, owing to circumstances relating to the soil conditions, shape, or topography of such land or structures but no affecting generally the zoning district in which it is located and not the result of any action or inaction of the owner or applicant, a literal enforcement of these Zoning By-laws would involve substantial hardship, financial or otherwise to the petitioner or appellant. Establishment or expansion of a use or activity otherwise prohibited shall not be allowed by variance. Conditions, safeguards and limitations of both time and use may be applied. Every variance shall be duly recorded before it expires in order to take effect.

WORKSHOP: a room or small establishment where manufacturing or handicraft activities are carried on.

YARD: A required space on a lot, open, and unoccupied and unobstructed by structures, except as otherwise provided in this By-law.

YARD, FRONT: A required yard extending across the full width of the lot adjacent to the front street line.

YARD, REAR: A required yard extending across the full width of the lot adjacent to the rear lot line.

YARD, SIDE: A required yard extending from the rear of the required front yard or from the street line where no front yard is required, to the front of the required rear yard, or to the rear lot line where no rear yard is required.

YARD, INTERIOR SIDE: A required side yard not adjacent to a public way.

YARD, CORNER SIDE: A required side yard adjacent to a public way.

1.4 General Provisions

1.4.1 Zoning Affects Every Structure and Use

No structure or land shall be hereafter used and no structure or part thereof shall be erected, altered, or moved unless in conformity with the regulations herein specified for the district in which it is located, except as otherwise provided.

1.4.2 **Certified Plot Plan**

1.4.2.1 Contents of Certified Plot Plan

1.4.2.1.1 The certified plot plan shall indicate the location of the existing foundation, and/or accessory buildings such as porch, garage, etc. The location shall be fixed by perpendicular distances from existing street lines and property lines. It shall also indicate zoning designation, top of foundation elevation, cellar floor elevation, highest groundwater elevation encountered at the foundation area, relating bench mark, assessors plat and lot numbers, street designation (public, private, accepted, non-accepted), abutters, easements, north arrow, and appropriate scale.

1.4.2.1.2 A statement by a Massachusetts Professional Land Surveyor shall appear: "I certify that the location of the foundation is as shown on this plan and the lot does (or does not) lie within a flood hazard zone of the countywide map panel number:" [_____] "on which said lot is shown, dated:" [ ] "on the flood insurance rate map (FIRM) of Bristol County." This certification shall be based on the flood insurance rate map (FIRM) of Bristol County countywide panel numbers 25005C0114F, 25005C0118F, 25005C0202F, 25005C0203F, 25005C0204F, 25005C0206F, 25005C0208F, or 25005C0212F dated July 7, 2009; or panel numbers 25005C0214G, 25005C0216G or 25005C0218G dated July 16, 2014; or panel numbers 25005C0114G, 25005C0202G, 25005C0203G, or 25005C0204G dated July 16, 2015 or such subsequent map panels or amendments thereto as may be duly authorized and adopted by the Federal Emergency Management Agency to supersede any of the above countywide panels.

1.4.2.1.3 A certified plot plan for all new dwellings and commercial construction must be submitted to and approved by the Building Official and Health Agent before a building permit is issued. A certified plot plan will be required for additions and alterations if deemed necessary by the Building Official.

1.4.3 **Lot Design/Layout**

Porkchop, rat-tail, or excessively distorted lots shall not be allowed if in the opinion of the Planning Board their shape is caused by the attempt to meet the lot size requirements of these By-laws while evading the By-laws' intent.

Section 2. ADMINISTRATION

2.1 Board of Appeals

2.1.1 Organization

The Zoning Board of Appeals shall consist of five members who are citizens living within the confines of the town, and to be appointed by the Board of Selectmen in accordance with provisions of Section 12, Chapter 40A of the General Laws.

The terms of office for members of the Zoning Board of Appeals shall be for three years and the term of at least one member shall expire each year as provided in the Town Charter and G.L. c.40A, §12.

There shall also be appointed by the Board of Selectmen three Associate Members of the Zoning Board of Appeals, also citizens living within the confines of the Town, in accordance with the provisions of the same section of the General Laws.

The terms of office for Associate Members shall be for three years and shall be staggered so that the term of one associate member shall expire each year.

The Zoning Board of Appeals heretofore established under the Zoning By-law previously in effect shall continue as the Zoning Board of Appeals under this By-law. The members and associate members thereof shall continue in office for the duration of their appointed terms as modified by the Board of Selectmen to conform to the provision for staggered terms described in the preceding paragraphs.

The Zoning Board of Appeals shall elect annually a Chairman from its own number and a Clerk, and may, subject to appropriation, employ experts and clerical and other assistants.

Any member may be removed for cause by the Board of Selectmen upon written charges and after a public hearing as provided for under G.L. c .40A, §12.

Vacancies shall be filled for unexpired terms in the same manner as in the case of original appointments.

The Chairman of the Zoning Board of Appeals shall designate an Associate Member to sit on the Board in case of absence, inability to act or conflict of interest on the part of any member thereof or in the event of a vacancy on the Board until said vacancy is filled in the manner provided in this section.

The Zoning Board of Appeals shall adopt rules not inconsistent with the Zoning By-laws of the Town of Seekonk for the conduct of its business and for the purposes of Chapter 40A of the General Laws.

A copy of said rules shall be filed with the Town Clerk.

2.1.2 Powers

The Zoning Board of Appeals shall have all the powers and duties of Board of Appeals under the applicable provisions of the General Laws of the Commonwealth of Massachusetts and of this By-law as specified therein.

The Board shall:

2.1.2.1 Hear and decide appeals in accordance with G.L. c.40A, §8, including from any person aggrieved by reason of inability to obtain a permit or enforcement action from any administrative officer under the provisions of this By-law or Chapter 40A of the General laws, or by any person including an officer or Board of the Town of Seekonk, or of an abutting city or town aggrieved by an order or decision of the Building Official, or other administrative official, in violation of any provision of these Zoning By-laws or Chapter 40A of the General laws. Prior to making a decision on an appeal, including under Section 2.1.3, the Board may request the opinion of the Planning Board and one or more expert consultants selected by the Board as qualified to advise as to whether a proposed use will conform to performance standards contained in these Zoning By-laws.

Any building permit so authorized and issued shall be conditioned on, among other things, the applicant's completed building and installations in operation being in conformity with the applicable performance standards of these Zoning By-laws.

2.1.2.2 Hear and decide petitions or appeals for variances as set forth in Section 2.3 of this By-law, which shall not include use variance relief.

2.1.2.3 Hear and decide applications for special permits.

In exercising its powers, the Zoning Board of Appeals may, in conforming with the provisions of this By-law and Chapter 40A of the General Laws, make orders or decisions, reverse or affirm in whole or in part, or modify any order or decision, and to that end shall have all the powers of the office from whom the appeal is taken and may issue or direct the issuance of a permit.

2.1.3 Appeals Procedure

Any appeal to the Zoning Board of Appeals under Section 2.1.2.1 of this By-law shall be taken within thirty days from the date of the order or decision which is being appealed, by filing a notice of appeal, specifying the grounds thereof, with the Town Clerk, who shall forthwith transmit copies thereof to such Officer or Board whose order is being appealed and to the Zoning Board of Appeals. Such Officer or Board shall forthwith transmit to the Zoning Board of Appeals all documents and papers constituting the record of the case in which the appeal is taken.

Meetings of the Zoning Board of Appeals shall be held at the call of the chairman or when called in such other manner as the Board shall determine in its rules. The Zoning Board of Appeals shall hold a hearing on any appeal, application or petition transmitted to it by the Town Clerk within sixty-five days from the transmittal to the Board of such appeal, application or petition. The Board shall cause notice of such hearing to be published and sent to parties in interest as required under G.L. c.40Aand shall notify the Planning Board of the Town of Seekonk and, the Planning Board of adjacent cities and towns which may forward recommendations with respect to said matter for the consideration of the Zoning Board of Appeals. The Chairman, or in his absence the Acting Chairman, may administer oaths, summon witnesses, and call for the production of papers.

The concurring vote of four members of the Zoning Board of Appeals shall be necessary to reverse any order or decision of any administrative official under this By-law or to effect any variance in the application of any By-law.

All hearings of the Zoning Board of Appeals shall be open to the public. The decisions of the Board shall be made within one hundred days after the date of the filing of an appeal, application or petition and then filed with the Town Clerk, as required and provided for under G.L. c.40A, except in regard to special permits. Failure by the Board to timely act shall be deemed, as provided for under G.L. c.40A, to be the constructive grant of the relief, application or petition sought, subject to an applicable judicial appeal as provided for in Chapter 40A of the General Laws. The Board shall cause to be made a detailed record of its proceedings, indicating the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and setting forth clearing the reason or reasons for its decision and of its official actions, copies of all of which shall be filed within fourteen days in the office of the Town Clerk and shall be a public record; and notice of the decision shall be mailed forthwith to the petitioner, applicant or appellant, to the parties in interest designated in Section 2.3.1 and to every person present at the hearing who requested that notice be sent to him and stated the address to which such notice was to be sent. Each notice shall specify that appeals, if any, shall be made pursuant to Section 2.7 and shall be filed within twenty (20) days after the date of filing of such notice in the office of Town Clerk.

2.2 Special Permits

2.2.1 Definition

The Zoning By-laws of the Town of Seekonk provide for specific types of uses which shall only be permitted in the specific districts upon the issuance of a special permit.

2.2.2 Powers

The Special Permit Granting Authority ("SPGA"), as defined in Section 1.3 shall have the power, after public hearing notice has been given by publication and posting as provided in Section 2.4.1 and by mailing to all parties in interest, to issue, upon application, special permits for uses permitted thereby in certain districts.

Special permits are to be issued only for uses which are in harmony with the general purpose and intent of these Zoning By-laws, and shall be subject to general or specific provisions set forth herein. Special permits may also impose conditions, safeguards and limitation on time or use.

2.2.3 Procedures

Special permits shall only be issued following public hearings held, as required under G.L. c.40A, within sixty-five (65) days after filing of an application with the Town Clerk, a copy of which shall forthwith be given to the SPGA, normally the Zoning Board of Appeals, by the Town Clerk. The SPGA shall adopt and from time to time amend rules relative to the issuance of such permits and shall file a copy of said rules in the office of the Town Clerk. Such rules must prescribe the size, form, contents, style and number of copies of plans and specifications and the procedure for the submission and approval of such permits. Failure to conform to submission requirements shall constitute a reason to deny the relief sought.

The SPGA shall act within ninety (90) days following the close of the public hearing for which notice has been given by publication or posting as provided in Section 2.4.1 and by mailing to all

parties in interest. Failure by the SPGA to take final action upon an application for a special permit within said ninety (90) days following the date of the close of the public hearing shall be deemed to be a grant of the permit applied for. Special permits issued by the SPGA shall require four (4) concurring votes.

2.2.4 Period of Validity

A special permit granted under this section shall lapse after two years, plus such time as is required to pursue or await the determination of an appeal referred to in Section 2.7 from the grant thereof, if a substantial use thereof has not soon commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause. The special permit shall be recorded before it lapses and before it is exercised in order for it to take effect.

2.2.5 Special Permits for Scientific Research Development / Production Uses

Uses, whether or not on the same parcel as activities permitted as a matter of right, accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production, may be permitted upon the issuance of a special permit provided the SPGA finds that the proposed accessory use does not substantially derogate from the public good.

2.3 Variances

2.3.1 Definitions, Powers

The Zoning Board of Appeals shall have the power, after public hearing, notice for which has been given by publication and posting as provided in Section 2.4.1 and by mailing to all parties in interest, to grant, upon petition with respect to particular land or structures, a variance from the terms of the By-law where the Zoning Board of Appeals specifically finds that owing to circumstances relating to the soil conditions, shape, size or topography of such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the By-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of these By-laws. No variance may authorize a use or activity not otherwise permitted in the district in which the land or structure is located, provided, however, that such use variances that were properly granted prior to January first, nineteen hundred and seventy-six but that were limited in time, may be extended on the same terms and conditions that were in effect for any such variance upon said effective date.

2.3.2 Conditions of Variance

The Zoning Board of Appeals may impose conditions, safeguards and limitations both of time and use, including the continued existence of any particular structures but excluding any condition, safeguards and limitation based upon the continued ownership of the land or structures to which the variance pertains by the applicant, petitioner or any owner.

If the rights authorized by a variance are not exercised within one year of the date of grant of such variance such rights shall lapse; provided, however, that the Zoning Board of Appeals in its discretion and upon written application by the grantee of such rights may extend the time for exercise of such rights for a period not to exceed six months; and provided, further, that the

application for such extension is filed with the Zoning Board of Appeals prior to the expiration of such one year period. If the Zoning Board of Appeals does not grant such extension within thirty (30) days of the date of application, and upon the expiration of the original one year period, such rights may be reestablished only after notice and a new hearing pursuant to the provisions of this section.

2.4 Public Hearing

2.4.1 General Requirements

In all cases where notice of a public hearing is required under these Zoning By-laws, notice shall be given by publication in a newspaper of general circulation in the Town of Seekonk once in each of two successive weeks, the first publication to be not less than fourteen days before the day of the hearing and by posting such notice in a conspicuous place in the Town Hall for a period of not less than fourteen days before the day of such hearing. In all cases where notice to individuals or specific boards or other agencies is required, notice shall be sent by mail, postage prepaid.

2.4.2 Parties of Interest

"Parties in interest" as used in these Zoning By-laws shall mean the petitioner, abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the petitioner as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town, the Seekonk Planning Board, and the Planning Board of every abutting city or town. If the applicant owns any parcel of land adjacent to the parcel for which the permit is sought, 'parties in interest' shall also include abutters within 300 feet of the boundary line of any such adjacent parcel. The Assessors maintaining any applicable tax list shall certify to the Zoning Board of Appeals or the Planning Board the names and addresses of parties in interest and such certification shall be conclusive for all purposes. The Zoning Board of Appeals or Planning Board may accept a waiver of notice from, or an affidavit of actual notice to any party in interest or, in his stead, any successor owner of record who may not have received a notice by mail, and may order special notice to any such person, giving not less than five nor more than ten additional days to reply.

2.4.3 Public Hearing Notice Content

Publications and notices required by this section shall contain the name of the petitioner, a description of the area or premises, street address, if any, or other adequate identification of the location, of the area or premises which is the subject of the petition, the date, place and time of the public hearing, the subject matter of the hearing, and the nature of action or relief requested, if any. No such hearing shall be held on any day on which a state or municipal election, caucus or primary is held in the Town.

2.4.4 Reviewing Agencies

All applications for special permits, petitions for variance, or appeals submitted to the Zoning Board of Appeals shall be submitted to and reviewed by the following, and such reviews may be held jointly: the Board of Selectmen, the Board of Health, the Planning Board, the Building Official, the Superintendent of Public Works, the Conservation Commission and the Industrial Development Commission. Any such board or agency to which said petitions, or appeals, or applications are referred for review shall make such recommendations as they deem appropriate

and shall send copies thereof to the Zoning Board of Appeals and to the applicant, provided, however, that failure of any such board or agency to make recommendations within 35 days shall be deemed lack of opposition thereto.

2.5 Repetitive Petitions

Any appeal, application or petition which has been unfavorably and finally acted upon by the Special Permit Granting Authority or Permit Granting Authority shall not be acted favorably upon within two years after the date of final unfavorable action unless said Special Permit Granting Authority or Permit Granting Authority finds, by a vote of four of the five members, that there are specific and material changes in the conditions upon which the previous unfavorable action was based and shall describe such changes in the record of proceedings. No favorable action shall occur in such circumstances unless all but one member of the Planning Board consents thereto after notice is given to parties in interest of the time and place of the proceedings when the question of such consent by the Planning Board will be considered.

Any petition for a variance or application for a special permit which has been transmitted to the Zoning Board of Appeals may be withdrawn, without prejudice, by the petitioner prior to the publication of the notice of a public hearing thereon, but thereafter may be withdrawn without prejudice only with the approval of the Zoning Board of Appeals.

2.6 Notice of Decision

Upon the granting of a variance or special permit, or any extension, modification, or renewal thereof, the Zoning Board of Appeals or Planning Board shall issue to the owner and to the applicant, if other than the owner, a copy of its decision, certified by the relevant Board, containing the name and address of the owner, identifying the land affected, setting forth compliance with the statutory requirements for the issuance of such a variance or special permit and certifying that copies of the decision and all plans referred to in the decision have been filed with the Planning Board and Town Clerk.

No variance, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the city or town clerk that twenty days have elapsed after the decision has been filed in the office of the city or town clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, or that if it is a variance which has been approved by reason of the failure of the permit granting authority or special permit granting authority to act thereon within the time prescribed, a copy of the petition for the variance accompanied by the certification of the city or town clerk stating the fact that the permit granting authority failed to act within the time prescribed, and no appeal has been filed, and that the grant of the petition resulting from such failure to act has become final, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

A special permit, or any extension, modification or renewal thereof, shall not take effect until a copy of the decision bearing the certification of the town clerk that twenty (20) days have elapsed after the decision has been filed in the office of the town clerk and either that no appeal has been filed or the appeal has been filed within such time, or if it is a special permit which has been approved by reason of the failure of the permit granting authority or special permit granting authority to act thereon within the time prescribed, a copy of the application for the special

permit-accompanied by the certification of the town clerk stating the fact that the permit granting authority or special permit granting authority failed to act within the time prescribed, and whether or not an appeal has been filed within that time, and that the grant of the application resulting from the failure to act has become final, is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone. This section shall in no event terminate or shorten the tolling, during the pendency of any appeals, of the six (6) month periods provided under the second paragraph of M.G.L. Chapter 40A Section 6. The fee for recording or registering shall be paid by the owner or applicant.

2.7 Appeal

Any person aggrieved by a decision of the Zoning Board of Appeals or any Special Permit Granting Authority or by the failure of either board to act as provided for under G.L. c.40A, §17, ¶1, whether or not previously a party to the proceedings, or any municipal officer or board may appeal to a court of competent jurisdiction under G.L. c.40A, §17.

2.8 Site Plan Review

2.8.1 Purpose

The purpose of this section is to protect the safety, public health, convenience and general welfare of the inhabitants of the Town of Seekonk by providing detailed review of the design and layout of certain developments which may have a substantial impact upon the character of the Town and upon traffic, utilities and services therein.

2.8.2 Powers and Administrative Procedures

All site plans are subject to the review and approval by the Planning Board (hereinafter, in this Section, the Board). The Board shall impose any conditions they find reasonably appropriate to improve the site design as based on the design standards below, but shall not have the discretion to prohibit the use. The Board may adopt and periodically amend rules and regulations to effectuate the purposes of this By-law. Failure by them to promulgate such rules and regulations shall not have the effect of suspending or invalidating this By-law.

2.8.3 Applicability

Any construction or alteration of a non-residential structure or change of use of a building or property to a non-residential use that would necessitate an on-site change to any of the design standards of Section 8 shall be subject to Site Plan Review. Residential uses shall be exempt from this section.

Notwithstanding the aforesaid, all activities subject to the provisions in Section 6.8 of the Zoning By-law (Solar Photovoltaic Facility Overlay District) and the associated Site Plan Review process shall not be subject to Site Plan Review as described in this section.

2.8.4 Pre-Application Review

The applicant is strongly encouraged to request a pre-application review with the Town Planner, Conservation Agent, Building Official, Health Agent, Fire Chief, Water Superintendent and Public Works Superintendent. The applicant's consultants are strongly encouraged to attend.

The purpose of this review is to outline the applicant's preliminary plan and receive comments from the members of the town staff listed above so as to minimize the applicant's costs for engineering and other technical experts that may arise throughout the development process.

2.8.5 Procedure

Applicants shall submit an application for Site Plan Review in accordance with the rules and regulations effectuating the purposes of this By-law adopted and periodically amended by the Board. Said application shall be deemed complete by the Town Planner in accordance with the required items for a completed application as outlined in the rules and regulations. An application will be deemed either complete or incomplete within one week of its receipt. Applicants who have submitted incomplete applications will then be notified of which required items are missing.

When reviewing an application for approval, the Board may determine that the assistance of outside consultants is warranted due to a project's potential impacts. The cost of such outside consultants shall be borne by the applicant. Review fees shall be in the form of a check made out to the Board's reviewing engineer. Said review fee should be forwarded to the Board for payment to the Board's reviewing engineer.

Prior to the issuance of a building permit for a project to which site plan review is applicable, a site plan shall be submitted to the Planning Board for review for compliance with these Zoning By-laws. Such a building permit shall not be issued without either an approved site plan signed by the Clerk of the Board that is compliant with any conditions put forth as part of the approval by the Board or by indicated default approval as follows. If the Planning Board does not act to reject such plan within sixty (60) consecutive days after receipt of a completed application, it shall be deemed to be acceptable and the site plan shall be signed "Approved by Default" by the Town Clerk.

Site Plan approvals are valid for one year following the date of approval. Construction shall commence within this timeframe. A one-year extension can be granted by Board upon receipt of correspondence by the applicant seeking said extension. Prior to construction, all necessary erosion and sedimentation control measures shall be in place in accordance with any requirement regulating said measures.

2.8.6 Design Standards

The development and design standards outlined in Section 8, in addition to any standards prescribed elsewhere in this By-law, shall be utilized by the Board in considering all site plans.

2.8.7 Compliance:

Before the issuance of a permanent occupancy permit by the Building Department, the Town Planner shall verify compliance with the approved site plan and an as-built plan, certified by a registered professional land surveyor or engineer, shall be submitted to the Planning Board and Building Official. The as-built plan shall attest to the development's conformity to its approved site plan by indicating landscaping, buildings, drainage flow, number of parking stalls, and limits of parking areas and drives and other required details. Any deviation from the approved site plan and any deviation from any condition imposed on the site plan approval shall be prominently noted on the as-built plan.

Any changes in the approved site plan or in the activity to be conducted on the site that would cause a change to any of the design standards of Section 8 shall be submitted to the Planning Board for review and approval. The Town Planner may administratively approve any changes to the approved site plan that do not cause a change in any of the design standards of Section 8.

2.8.8 Appeals

Any person aggrieved by a decision of the Board under this section, shall first appeal to the Zoning Board of Appeals after a building permit decision has been made. Subsequent appeals shall be brought to a court of competent jurisdiction under G.L. c.40A, §17.

2.9 Subdivision of Land

The subdivision of land in all districts shall conform to the subdivision regulations as approved by the Planning Board.

2.10 Single Lot Development within Residential Districts

The creation of or development of a single lot which is not included in an approved subdivision (as per Chapter 41, Section 81K-81GG of the MA General Laws) shall conform with the following requirements. These requirements are in addition to those in effect under other local Boards, the Building Official, and other sections of these By-laws.

2.10.1 A site plan at a scale of at least 1″ = 40′ shall be submitted to the Building Official, and it shall:

2.10.1.1 List Assessors Plat and Lot number;

2.10.1.2 Identify abutting street(s) and property owner(s);

2.10.1.3 Locate proposed building(s) on the site and indicate the proposed lowest floor elevation of said building(s);

2.10.1.4 Indicate existing and proposed grades on the lot at 1-foot contour intervals;

2.10.1.5 Locate existing water bodies, wetlands, drainage swales and/or drainage structures that are on or abut the site;

2.10.1.6 Locate the test hole(s) and indicate soil types found and the percolation rate; and

2.10.1.7 Locate proposed drainage swales, structures and/or retention areas and indicate the means of disposing of stormwater runoff.

2.10.2 The Building Official shall review this plan to ensure that the following conditions are met on the site.

2.10.2.1 Stormwater runoff is disposed of so as not to cause additional runoff onto abutting lots nor to cause roadway flooding.

2.10.2.2 The lot is graded so as to shed stormwater runoff away from the proposed building(s).

2.10.2.3 The groundwater level is not raised so as to cause groundwater infiltration of basements or the malfunctioning of sewerage disposal systems in the proposed/existing building(s) of this property and of those abutting properties.

2.10.2.4 The Conservation Commission has reviewed and approved the plans whenever such action was required by State Statute or local By-laws.

2.10.2.5 The lot is graded and landscaped so that the driveway entrance area provides an unobstructed view for exiting vehicles and roadway traffic.

2.11 Enforcement

2.11.1 Building Official

These Zoning By-laws shall be enforced by the Board of Selectmen through the Building Official. The Building Official shall approve no application, plan, or permit, or the specifications thereof except in conformity with this By-law.

2.11.2 Building Permits

No structure shall hereafter be erected or structurally altered and no premises shall hereafter be changed in use until a permit authorizing the same shall be issued by the Building Official. The Building Official shall withhold a permit for the construction, alteration or moving or any building or structure if the building or structure as constructed, altered, or moved would be in violation of these Zoning By-laws. No permit shall be granted for a new use of a building, structure or land which use would be in violation of this By-law. If the Building Official is requested in writing to enforce this By-law against any person allegedly in violation of the same and declines to act, he shall notify, in writing, the party requesting such enforcement of any action or refusal to act, and the reasons therefore, within thirty days of receipt of such request or within a reasonable time thereafter if the Official needs to obtain more information.

Any application for a building permit shall be accompanied by plans and specifications in duplicate showing the actual shape and dimensions of the lot to be built upon, the exact location and size of all buildings or structures already on the lot, the applicable yard dimensions, together with the lines within which all buildings or structures are to be erected, the existing and intended use of each building or structure, and such other information as may be necessary under the provisions of these Zoning By-laws to provide for its execution and enforcement.

A record of all such applications, plans and permits shall be kept on file by the Building Official.

2.11.3 Construction and Operation Standards Data

The Building Official may require the submission both of plans of any proposed machinery, operations and products and of specifications for the mechanisms and techniques to be used in restricting the emission of dangerous and objectionable elements referred to in Sections 4.2 and 8.12. The Building Official may also require an affidavit from the applicant acknowledging his/her/its understanding of the applicable performance standards of Sections 4.2 and 8.12, and his/her/its agreement to conform with the same at all times. No applicant will be required to reveal any secret processes, and any information will be treated as confidential to the extent allowed; however, all documents should be presumed to be a public record that is required to be disclosed upon request unless a statutory exemption exists to the requirement for disclosure upon request.

If there is any reasonable doubt concerning the likelihood of conformance with the performance standards of Sections 4.2 and 8.12, the Building Official shall deny the application and refer the applicant to the Board of Appeals, which shall take action in accordance with the provisions of Section 2.1.2.

2.12 Amendment

These Zoning By-laws or any portion thereof may be amended, modified or repealed in the following manner:

2.12.1 Initiation

Change of Zoning By-laws may be initiated by the submission to the Board of Selectmen, by the Zoning Board of Appeals, by an individual owning land to be affected by the change, by request of registered voters of the town pursuant of Section 10 of Chapter 39 of the General Laws, by the Planning Board, by the Southeastern Regional Planning and Economic Development District, or by other methods provided by municipal charter. The Board of Selectmen shall, within fourteen days of receipt of such Zoning By-law, submit it to the Planning Board for review.

2.12.2 Public Hearing

No Zoning By-law or amendment thereto shall be adopted until after the Planning Board has held a public hearing thereon at which interested persons shall be given an opportunity to be heard. Said public hearing shall be held within sixty-five days after the proposed Zoning By-law is submitted to the Planning Board by the Board of Selectmen. Notice of time and place of such public hearing, of the subject matter, sufficient for identification, and of the place where texts and maps thereof may be inspected shall be published in a newspaper of general circulation in the town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of the hearing and by posting such notice in a conspicuous place in the Town Hall for a period of not less than fourteen days before the day of said hearing. Notice of said hearing shall also be sent by mail, postage prepaid, to the Department of Community and Housing Development Affairs, the Southeastern Regional Planning and Economic Development District and the Planning Boards of all abutting cities and towns. Notice also may be sent to all abutters within 300 feet of parcel boundary/boundaries affected by the proposed amendment. Notices mailed to abutters shall be in the form of certified mail return receipt requested and shall be prepared by the applicant for the zoning amendment. Said notices shall then be forwarded to the Planning Board for mailing.

A separate, conspicuous statement shall be included with property tax bills sent to non-resident property owners, stating that notice of hearings under this By-law shall be sent by mail, postage prepaid, to any such owner who files an annual request for such notice with the Town Clerk no later than January first, and pays a fee of five dollars per annum. In cases involving boundary or use changes within a district, notice shall be sent without charge to any such nonresident property owner who has filed such a request with the Town Clerk and whose property lies in the district where the change is sought. No defect in the form of any notice required under G.L. c.40A, §5 or under these Zoning By-laws shall invalidate any Zoning By-laws unless such defect is found to be misleading.

2.12.3 Town Meeting Action

No vote to adopt any such proposed amendment to these Zoning By-laws shall be taken, except as provided for under G.L. c.40A, §5 (i.e., until a report with recommendations by the Planning Board has been submitted to Town Meeting or twenty-one (21)days have elapsed after such hearing without submission of such report or recommendations). After such notice, hearing and report, or after twenty-one days shall have lapsed after such hearing without submission of such report, a Town Meeting may adopt, reject, or amend these Zoning By-laws. If a Town Meeting

fails to vote to adopt any proposed amendment to the Zoning By-laws within six months after such hearing, no action shall be taken thereon by Town Meeting until after a subsequent public hearing is held with notice and an opportunity to report by the Planning Board as above provided.

No amendment to these Zoning By-laws shall be adopted under G.L. c.40A, §5, except by a minimum 2/3 vote of a Town Meeting.

2.12.4 Reconsideration

No proposed Zoning By-law which has been unfavorably acted upon by a Town Meeting shall be considered by Town Meeting within two years after the date of such unfavorable action unless the adoption of such proposed By-law is recommended in the final report of the Planning Board.

2.12.5 Submission to Attorney General

When Zoning By-laws or amendments thereto are submitted to the Attorney General for approval as required by Section 32 of Chapter 40A of the General Laws, he or she may also be furnished with a statement prepared by the Planning Board explaining the By-laws or amendments proposed, which statement may be accompanied by explanatory maps or plans if appropriate.

2.12.6 Effective Date of Amendment

The effective date of the amendment of the Zoning By-laws shall be the date on which such amendment was voted upon by a Town Meeting and its application to particular uses and structures shall be as otherwise provided under G.L. c.40A.

2.13 Penalty for Violations

Violation of any provision of these Zoning By-laws shall be subject to a fine pursuant to Category 39 of the Town of Seekonk General By-laws and G.L. c.40, §21D.

Whenever it is necessary to take administrative or other action to recover a fine or damages or to compel the removal, alteration or relocation of any structure or alteration of a structure by reason of any violation of these By-laws, the provisions of this section and Section 2.1 of these By-laws and G.L. c.40A, §7 and/or G.L. c.40, §21D shall be followed.

Enforcement regarding nonconforming uses and structures shall be governed and limited as provided for by G.L. c.40A, §7 and by these Zoning By-laws.

The Superior Court and the Land Court have jurisdiction to enforce the provisions of Chapter 40A of the General Laws, and any violations of these Zoning By-laws, and may restrain by injunction violations thereof.

2.14 Validity

2.14.1 Invalidity

The invalidity of any section or provision of these Zoning By-laws shall not invalidate any other section or provision.

2.14.2 Other Regulations

These Zoning By-laws shall supersede and replace the Town’s prior Zoning By-laws, except where otherwise provided by state or decisional law. Exemptions and Special Protections

Nothing in this By-law shall be construed or administered so as to prohibit or unreasonably regulate use of land in a manner that is inconsistent with Chapter 40A Section 3 of Massachusetts General Laws or any other state and federal laws that curtail the authority of local zoning.

2.15 Exemptions and Special Protections

Nothing in this By-law shall be construed or administered so as to prohibit or unreasonably regulate use of land in a manner that is inconsistent with Chapter 40A Section 3 of Massachusetts General Laws or any other state and federal laws that curtail the authority of local zoning.

Section 3. ESTABLISHMENT OF ZONING DISTRICTS

3.1 Classification of Districts

For the purpose of this ordinance, the Town of Seekonk is hereby divided into classes of districts, designated as follows:

<u>Base Zoning Districts</u>

1. Residence “R-1” District
2. Residence “R-2” District
3. Residence “R-3” District
4. Residence "R-4" District
5. Local Business District
6. Highway Business District
7. Luther’s Corners Village District
8. Industry District

<u>Overlay and Special Districts</u>

1. Planned Unit Development District
2. Wetlands and Floodplain Protection District
3. Mixed Use Zone
4. Groundwater Aquifer Protection District
5. Adult Entertainment Overlay District
6. Multifamily Development Overlay District
7. Telecommunication Facilities Overlay District
8. Solar Photovoltaic Overlay District
9. Economic Development Area Overlay District
10. Continuing Care Residency Campus Overlay District
11. Medical Marijuana Overlay District

3.2 Zoning Map

The boundaries of the majority of the zoning districts are hereby established as shown on the Seekonk, Massachusetts, Zoning Map dated June 2014, which is hereby made a part of this By-law and which is on file in the offices of the Building Official, the Town Clerk, and also at the Planning Board Office. Where zoning districts are not shown on the Zoning Map, their boundaries are described in Section 3.3.

3.3 Location of Boundaries of Districts

3.3.1 Unless otherwise shown on the Seekonk, Massachusetts, Zoning Map, the boundary lines of districts are lot lines, center lines of streets or alleys, or such lines extended, railroad right-of-way lines, or the center lines of water courses.

3.3.2 A district boundary otherwise shown and approximately parallel to a street, railroad, or water course line shall be deemed to be parallel to such line, and the figure placed on the zoning map between the boundary and such line shall be the distance in feet between them, as measured at a right angle from such line unless otherwise indicated.

3.3.3 Questions concerning the exact location of district boundary lines as shown on the zoning map shall be decided by the Board of Appeals after consultation with the Planning Board.

3.3.4 The boundaries of the Wetlands and Floodplain Protection District are shown on the Flood Insurance Rate Maps and Flood Boundary and Floodway Maps as prepared by the Federal Insurance Administration in the Flood Insurance Study for the Town of Seekonk, Bristol County, Massachusetts, and on the map entitled Superimposed Zoning District, October 1975, by Metcalf & Eddy. Both maps are on file in the offices of the Town Clerk, Building Official, and Planning Office.

3.4 Lots in more than One District

Where a district boundary line divides a lot, the regulations applicable to the less restricted portion of such lot may extend not more than 30 feet into the more restricted portion.

Section 4. USE REGULATIONS

4.1 Base Zoning Districts

4.1.1 Residence Districts

The Residence Districts are intended for typical residential uses and non-commercial uses. Please see Section 4.2 for the allowed uses as well as Section 5.1.4 for the dimensional standards for the Residence Districts.

4.1.1.1 Residence “R-1” District

This district represents older or otherwise well-established residential areas within the community.

4.1.1.1 Residence “R-2” District

This district represents residential areas of moderate density within the community.

4.1.1.2 Residence “R-3” District

This district represents residential areas of low density within the community.

4.1.1.3 Residence "R-4" District

This district represents rural residential areas within the community, which are characterized by scenic roadways, agricultural uses, sparse residential development, preserved land, and large recreational uses.

4.1.2 Commercial Districts: The Commercial Districts are intended to meet local and regional needs for retail goods and services primarily within a building. Please see Section 4.2 for the allowed uses as well as Section 5.1.4 for the dimensional standards for the Commercial Districts.

4.1.2.1 Local Business District

This district represents areas of the community distinguished by intensive commercial activities that serve the daily shopping and service needs of the local community.

4.1.2.2 Highway Business District

This district includes commercial areas that serve the shopping needs of the greater regional community, and are accessible by major highways. Viability of businesses in this district depends in large part upon a large volume of vehicular traffic.

4.1.2.3 Luther's Corners Village District

This district represents a pocket of traditional village style development, which provides a significant opportunity to bolster access for all residents to local goods and services.

4.1.2.4 Industry Districts

The Industry Districts are intended to encourage and permit industrial uses that are compatible with the community.

4.2 Use Table

The following Use Table is divided into five sections:

1) Agricultural Uses;
2) Institutional, Utility and Recreation Uses;
3) Residential Uses;
4) Business and Commercial Uses; and
5) Industrial Uses.

Sections are organized and formatted to best suit the category of land uses contained therein. Where applicable, readers are strongly encouraged to read the introductory language to individual sections. Where an activity might be classified under more than one of the uses provided in the Land Use Table, the more specific classification shall govern, if equally specific, the more restrictive shall govern.

The following shall apply to this section:

Y: Permitted by-right

N: Prohibited

SP: Subject to Special Permit

4.2.1 Agricultural Uses

Principal Uses (unless specified otherwise)	**Residence Districts**				**Business Districts**			**Industrial District**
	R-1	**R-2**	**R-3**	**R-4**	**LBD**	**HBD**	**LCVD**	**I**
Agricultural Uses								
1.Agriculture								
a.On parcels not protected under M.G.L. Chapter 40A Section 3 and devoted principally to the raising of crops	SP	SP	SP	SP	SP	SP	SP	SP
b.On parcels protected under M.G.L. Chapter 40A Section 3 and devoted principally to the raising of crops	Y	Y	Y	Y	Y	Y	Y	Y
c.On parcels not protected under M.G.L. Chapter 40A Section 3 and devoted to the raising of livestock	SP	SP	SP	SP	SP	SP	SP	N
d.On parcels protected under M.G.L. Chapter 40A Section 3 devoted to the raising of livestock[1]	Y	Y	Y	Y	Y	Y	Y	Y
2.Stables	SP	SP	SP	SP	SP	SP	SP	N
3.Kennels[2]	SP	SP	SP	SP	SP	SP	SP	N
4. Commercial greenhouses[3]	Y	Y	Y	Y	Y	Y	Y	Y

[1]Agriculture on parcels protected under M.G.L. Chapter 40A Section 3 devoted to the raising of livestock is permitted provided the following reasonable standards and limitations shall be met:

- Physical restraint – livestock shall be restrained from passing outside the farm's property lines while unattended or uncontrolled to prevent a public nuisance; and
- Odors – no objectionable odor shall be observable at the property line that creates a public nuisance. Detailed plans for the elimination of odor may be required before the issuance of any building permit.

[2]Please see Section 8.9 for standards related to Kennels.

[3]Minimum lot size for greenhouses in residence districts shall be 45,000 square feet.

4.2.2 Institutional, Utility and Recreational Uses

Principal Uses (unless specified otherwise)	**Residence Districts**				**Business Districts**			**Industrial District**
	R-1	**R-2**	**R-3**	**R-4**	**LBD**	**HBD**	**LCVD**	**I**
Institutional or Utility Uses								
1. Protected Institutional Uses (protected as principal and accessory uses) that are under G.L. c.40A, §3)								
a. All religious purposes	Y	Y	Y	Y	Y	Y	Y	Y
b. All education purposes by a nonprofit educational corporation[1]	Y	Y	Y	Y	Y	Y	Y	Y
c. Child Care Facility (day care center or school age child care program as defined in M.G.L. Ch. 15D §1A)	Y	Y	Y	Y	Y	Y	Y	Y
2. Other Institutional Uses that are not protected under G.L. c.40A, §3								
a. Private and parochial schools	SP	SP	SP	SP	SP	SP	SP	SP[2]
b. Colleges	SP	SP	SP	SP	SP	SP	SP	SP[2]
c. Libraries	SP	SP	SP	SP	SP	SP	SP	SP[2]
d. Museums	SP	SP	SP	SP	SP	SP	SP	SP[2]
e. Hospital or sanatoria	SP	SP	SP	SP	SP	SP	SP	SP[2]
f. Municipal uses	SP	SP	SP	SP	SP	SP	SP	SP[2]
g. Public or private utilities[3]	SP	SP	SP	SP	SP	SP	SP	SP[2]
h. Fraternal or civic buildings	SP	SP	SP	SP	SP	SP	SP	SP[2]
i. cemeteries	SP	SP	SP	SP	SP	SP	SP	SP[2]
Recreational Uses								
1. Municipal recreation areas, Indoor and Outdoor	SP	SP	SP	SP	SP	SP	Y	SP[2]
2. Golf courses	SP	SP	SP	SP	N	SP	N	SP[2]
3. Commercial recreation establishments, Indoor	N	N	N	N	N	Y	Y	SP[2]
4. Commercial recreation establishments, Outdoor	N	N	N	N	N	Y	Y	SP[2]

[1]Uses for educational purposes as referred to in item 1.b shall include classrooms, laboratories, research centers, auditoria, study halls, libraries, dormitories, housing for students, faculty and staff, campus infirmaries, campus centers, bookstores, athletic facilities, executive and administrative offices, staff offices, maintenance and service facilities, parking facilities, vehicular ways and pedestrian walkways of a campus, open spaces and all other elements and features associated with educational institutions.

[2] Must be consistent with the intent of an industry district as outlined in Section 4.1.2.4.

[3]Where individual renewable energy uses or other energy generating uses are specifically regulated elsewhere in the Zoning By-law, and where the provisions contained therein may conflict with the allowances for “public or private utilities”, the provisions contained therein specific to that individual use shall govern unless contrary to a great protection afforded under state law.

4.2.3 Residential Uses

Principal Uses (unless specified otherwise)	**Residence Districts**				**Business Districts**			**Industrial District**
	R-1	**R-2**	**R-3**	**R-4**	**LBD**	**HBD**	**LCVD**	**I**
Residential Uses								
1. Single-family dwelling units (not including mobile homes[1])	Y	Y	Y	Y	N	N	Y	N
2. Two-family dwelling units	N	N	N	N	N	N	Y	N
3. Multi-family dwelling units	N	N	N	N	N	N	Y	N
4. Temporary mobile homes	Y	Y	Y	Y	N	N	Y	N
5. Trailer of mobile home, as a temporary office incidental to continuous construction on the site on which the trailer or mobile home is located	SP	SP	SP	SP	N	N	Y	N
6. Conversion of single-family dwelling unit to a two-family dwelling unit[2]	SP	SP	SP	SP	N	N	Y	N
Other Residential Uses								
5. Bed and breakfast establishment[3]	SP	SP	SP	SP	SP	SP	Y	SP[4]
6. Boarding house	N	N	N	N	N	N	Y	SP[4]
Accessory Residential Uses								
1. Accessory residential apartment above ground floor commercial (maximum 8 units)	N	N	N	N	SP	SP	Y	SP[4]

[1]With the following exception: mobile home on the site of a residence which has been destroyed by fire or other natural holocaust for occupancy by the owner and occupier of the destroyed residence for a period not to exceed twelve months while the residence is being rebuilt. (Said mobile home must satisfy the provisions of the state sanitary code while being so used and must be recorded with the Inspector of Buildings upon commencement of such use.)

[2]Conversion of a single-family structure to contain no more than two dwelling units provided that each resulting dwelling unit shall contain a minimum floor area of 800 square feet and provided further that the lot area is at least double the lot area required in the district.

[3]Provided that: It shall: (1) be operated by the family residing on the premises; (2) be a property with historical significance; (3) be on one lot with a minimum of (three) 3 acres of land; (4) have no more than (eight) 8 bedrooms used by Bed and Breakfast guests; (5) have off street parking and shall meet the standards set in Section 8.1 of the Zoning By-laws; (6) have a sewage disposal system that shall be approved by the Board of Health; and (7) be found by the special permit granting authority to be a use that will be appropriate for and maintain the character of the neighborhood.

[4] Shall be consistent with the intent of an industry district as outlined in Section 4.1.2.4.

4.2.4 Business and Commercial Uses

Principal Uses (unless specified otherwise)	**Business Districts**			**Industrial District**
	LBD	**HBD**	**LCVD**	**I**
Business and Commercial Uses				
1. Offices[1]				
a. Under 2,000 square feet	Y	Y	Y	SP[2]
b. Equal to or over 2,000 square feet, but less than 25,000 square feet	Y	Y	N	SP[2]
c. Equal to or over 25,000 square feet	Y	Y	N	SP[2]
2. Retail stores and service establishments (other than restaurants, mini-storage facilities and Adult Uses defined in MGL Ch40A Sec. 9A)				
a. Under 2,000 square feet	Y[3]	Y[4]	Y	SP[2]
b. Equal to or over 2,000 square feet	Y[3]	Y[4]	N	SP[2]
3. Restaurants (not including bakeries, cafes or fast food restaurants)	Y	Y	N	SP[2]
4. Bakery/café (not including drive-through)	Y	Y	Y	SP[2]
5. Fast food establishments	N	Y	N	SP[2]
6. Banks	Y	Y	Y	SP[2]
7. Funeral homes	Y	Y	N	SP[2]
8. Wholesale establishments[5]	N	Y	N	SP[2]
9. Hotels or motels	N	Y	N	SP[2]
10. Establishments processing for direct consumption[6]	N	Y	N	SP[2]
11. Auto service stations[7]	N	Y	N	SP[2]
12. Carpentry, plumbing and electrical workshops	N	N	Y	SP[2]
13. Medical or Health Related Laboratory				
a. Under 2,000 square feet	Y	Y	Y	SP[2]
b. Equal to or over 2,000 square feet, but less than 25,000 square feet	Y	Y	N	SP[2]
c. Equal to or over 25,000 square feet	SP	SP	N	SP[2]
14. Newspaper or job printing establishment	N	N	Y	SP[2]
15. Nursing homes	N	N	N	SP[2]
16. Non-residential mixed use development	N	N	N	SP[2]
17. Any allowed business use that incorporates a drive-through facility	SP[8]	Y[8]	N	SP[2]

(See footnotes 1-8 for Section 4.2.4 on page 32)

(Section 4.2.4 footnotes - continued from page 31)

[1]The principal activities of which shall be the conduct of governmental, professional, management, or financial activities.

[2]Shall be consistent with the intent of an industry district as outlined in Section 4.1.2.4.

[3]Retail stores and service establishments, other than restaurants and mini-storage facilities, the principal activities of which shall be the selling of merchandise at retail; the merchandise and services of which are sold for use or consumption either within the building or principally off of the premises; and the customers of which are provided with goods and services principally within a building.

[4]Retail stores and service establishments, excluding mini-storage facilities – the principal activities of which are the selling of services or merchandise at retail and the operations of which may be carried on outside a building as customarily as within.

[5]The principal activities of which are the sale of merchandise to individuals and corporations for resale to the public.

[6]The principal products from which are customarily delivered to individuals or retail outlets, as for example, bakeries, cleaning and dying plants, carpet cleaning plants, ice plants, soft drink bottling plants, printers, provided such establishments comply with industrial district construction and operation standards and limitations.

[7]Provided that any building or facility within a service station site shall be at least 50 feet away from any residential district boundary and be at least 200 feet away from any entrance or exit to or from a school, playground, public library, church, hospital, or children's home, and provided further that any lubricating, washing, or repairing not conducted within a building shall be permitted only if a wall of solid appearance or a tight evergreen hedge not less than six (6) feet in height is erected and maintained between such uses and any adjoining residence district. That the minimum frontage measured at the street line shall be 150 feet and if a corner lot, it shall be 150 feet on both streets. That the minimum lot area shall be 15,000 square feet or if a corner lot, 22,500 square feet.

[8]See Section 8.2 for performance standards related to drive-through facilities.

4.2.5 Industrial Uses

Principal Uses (unless specified otherwise)	**Business Districts**			**Industrial District**
	LBD	**HBD**	**LCVD**	**I**
H. Industrial Uses[1]				
1. Administration	N	N	N	Y
2. Research	N	N	N	Y
3. Manufacturing	N	N	N	Y
4. Processing	N	N	N	Y
5. Fabrication	N	N	N	Y
6. Assembly	N	N	N	Y
7. Storage	N	N	N	Y
8. Mini-storage	N	N	N	Y
9. Freight handling	N	N	N	Y

[1]Excluding junk and used material storage or salvage operations, which are not pertinent to a manufacturing or fabrication use on the premises.

4.2.6 Accessory Uses

Accessory Uses	**Residence Districts**				**Business Districts**			**Industrial District**
	R-1	**R-2**	**R-3**	**R-4**	**LBD**	**HBD**	**LCVD**	**I**
1. Accessory buildings and uses	Y	Y	Y	Y	Y	Y	Y	Y[1]

[1]Within any industry district, buildings, accessory buildings and uses of the land consistent with the principal land use are permitted. Accessory buildings shall not be located in any required front, side, or rear yard. Accessory buildings and uses in the industrial district include but shall not be limited to:

a. Garage for storage or repairs of appurtenant motor vehicles;
b. Offices pertaining to the industrial operation;
c. Employee restaurant and athletic facilities;
d. Laboratories;
e. Retail sales when such sales comprise a minor part (less than 10%) of the industrial operation and/or gross floor area, and sale of any of these items to be directly manufactured by that particular firm and/or corporation on that particular lot. No lot shall be further subdivided in order to meet the intent of this section. The gross floor area of the anticipated retail sales shall have parking, in addition to that required for the industrial use, in conformance with Section 8.1 of these By-laws, and as part of a parking plan approved by the Planning Board.

4.3 Non-Conforming Uses and Structures

4.3.1 Applicability

Except as hereinafter provided, the provisions of this section shall apply to:

4.3.1.1 Any change to or substantial extension of a lawfully nonconforming use of a building, structure, or parcel of land;

4.3.1.2 A building or special permit issued after first notice of public hearing on a zoning By-law or amendment that would cause such use, building or structure to become nonconforming;

4.3.1.3 Any reconstruction, extension or structural change of a lawfully nonconforming structure;

4.3.1.4 Any alteration of a structure, the use of which began after the first notice of a public hearing on a Zoning By-law or amendment that caused it to become lawfully nonconforming, to provide for the structure's use for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent than the lawfully nonconforming use.

4.3.2 Extension

Lawfully nonconforming structures or uses may be extended or altered by special permit upon a finding by the SPGA that such change, extension or alteration shall not be substantially more detrimental than the lawfully nonconforming structure or use to the neighborhood.

Lawfully nonconforming structures or land used for the primary purpose of agriculture, horticulture, or floriculture on parcels of more than five acres in size may be expanded or reconstructed even if it prolongs the use of a nonconforming structure. However, the reconstruction or expansion shall conform to the dimensional regulations for the district if such regulations would not prohibit the re-establishment of the agricultural use or structure. For such purposes land divided by a public or private way or waterway shall be construed as one parcel.

4.3.3 Exemptions

The following buildings, structures or use of land, building or structures are exempted from the provisions of this section:

4.3.3.1 Lawfully nonconforming structures and Uses and building and special permits issued before the first publication of notice of the public hearing on a Zoning By-law or amendment that would cause the structure or use to become nonconforming.

Construction or operations under a building or special permit shall conform to any subsequent amendment of these Zoning By-laws unless the use or construction is commenced within a period of not more than six months after the issuance of the permit, and, in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

4.3.3.2 Alteration, reconstruction, extension or structural change to a single or two-family residential structure where such action(s) does not increase the nonconforming nature of said structure.

4.3.3.3 Any increase in area, frontage, width, yard or depth requirements of these Zoning By-laws shall not apply to a lot for single and two-family residential use which, at the time of recording or endorsement, whichever occurs sooner, was not held in common ownership with any adjoining land, conformed to then existing requirements and has less than the proposed requirement but at least 5,000 square feet of area and fifty feet of frontage, as provided for under G.L. c.40A, §6, ¶4.

4.3.3.4 If two or more adjacent nonconforming lots are in the same ownership on the date of adoption of these Zoning By-laws, and such combination of nonconforming lots, or a portion thereof, constitutes a lot of minimum size as defined in Section 5.1.4 of this By-law, such combinations or portions shall be considered as merged in conformance with the requirements of this By-law and no structure may be constructed on the individual portions. If such combination of the portions does not contain sufficient area to permit conformance with Section 5.1.4, a structure may be constructed thereon, either in accordance with G.L. c.40A, §6, ¶4 or subject to the special permit approval by the Board of Appeals.

4.3.4 Discontinuance or Abandonment of a Nonconforming Use

No lawfully nonconforming building, structure or use, other than an agriculture, horticulture, or floriculture use, which has been abandoned or ceased to be used for two years or more shall again be devoted to a nonconforming use.

No lawfully nonconforming agricultural, horticultural, or floricultural use on a parcel of five acres or less in size in areas not zoned for agriculture, horticulture, or floriculture which has ceased for more than five years shall be devoted again to a nonconforming use, unless the use is protected under G.L. c.40A, §3.

Section 5. DIMENSIONAL REGULATIONS

5.1 General Standards

5.1.1 No lot, yard, frontage, required open space, or parking area shall be so reduced, diminished, or maintained such that the resulting yards, other open spaces, total lot area or parking area shall be smaller than prescribed by these Zoning By-laws. After the date of adoption of these Zoning By-laws, land in all residence districts shall be subdivided only so that every lot shall conform to these Zoning By-laws.

5.1.2 No part of a yard, parking space, or other open space required for any building or use for the purpose of complying with the provisions of this By-law shall be included as part of a yard, parking space, or other open space required under this By-law for another building except as provided in Section 2.8.

5.1.3 Each residential unit, be it in a single or multi-unit structure, be it fixed or mobile, be it permanent or temporary, shall meet or exceed, either individually or in combined totals, the minimum lot area requirements of this By-law for the residential zone in which the unit exists. If the residential unit is in other than a residential zone, it shall meet or exceed the minimum lot area requirements of the least restricted residential zone. This is not authorization of any particular form of residential unit, but is a mandatory requirement for any residential unit not specifically covered by these By-laws.

5.1.4 Dimensional Table

District	Minimum Lot Area (Square Feet)	Maximum Lot Coverage (%)	Minimum Frontage[1] (feet)	Minimum Depth of Front Yard/ Corner Side Yard (feet)[2]	Minimum Depth of Rear Yard (feet)	Minimum Depth of Both Front and Rear Yards	Minimum Width of Each Interior Side Yard	Maximum Height (Stories/ Feet)
R-1[3]	14,400	--	100	35/35	25	50% of longest side	15 feet + 5 feet for each story over one	3/40[4]
R-2[3]	22,500[5]	--	120	35/35	50	--	20 feet + 5 feet for each story over one	3/40[4]
R-3[3]	40,000[5]	--	150	50/50	70	--	35 feet + 5 feet for each story over one	3/40[4]
R-4[3]	62,500[5]	--	200	50/50	80	--	35 feet + 5 feet for each story over one	3/40[4]
LBD	--	40	50	50/50[6,7]	See note 8	--	15 feet[6,7]	3/40
HBD	--	30	50	70/50[6,7]	See note 8	--	15 feet[6,7]	3/40
LCVD	--	75	50	0/5[6,7]	See note 8	--	5 feet[6,7]	4/45
I	20,000	50	50	50	20[9,10]	--	20[9,10]	3/40[11]

(See page 39 for footnotes for Dimensional Table 5.1.4)

(Section 5.1.4 footnotes - continued from page 38)

[1]In any district, a lot having frontages on two streets that do not intersect shall have two front yards each of a depth as provided in this By-law.

[2] In any residence district, the required front yard of any residence hereafter erected shall conform to the average alignment of any existing dwellings on the same side of the street within 250 feet except that no residence shall have a front yard of less than 10 feet in depth or need have a front yard of greater depth than 50 feet in an R-4 District or 50 feet in an R-3 District or 35 feet in an R-2 District or 35 feet in an R-1 District.

[3]Alternate to Standard Minimums in Residential Districts: this alternate is offered to encourage more normally acceptable lot configurations, increased open space, decreased density, reduced lengths of roads, utilities and drains, and to legalize potential nonconforming uses:

- The minimum lot area shall be increased by 250 square feet for each foot, or fraction thereof, of reduction of the minimum frontage measured at the street line.
- The minimum frontage may be reduced to not less than 75% of the standard minimum of the affected zone, but not to less than 100 feet.
- Any lot designed under this alternate shall be prominently identified on plans submitted for approval and/or endorsement.

[4]However, with respect to buildings or structures used for municipal purposes, including water and sewerage, no restrictions relative to height shall apply.

[5]Residential lots being subdivided in the R-2, R-3, and R-4 zones shall be designed geometrically as to show a 100 foot square resting at the midpoint of the setback line at its perpendicular. Residential lots being subdivided in the R-1 zone shall be designed geometrically as to show a 60 foot square resting at the midpoint of the setback line at its perpendicular.

[6]When a side yard adjoins a lot in a residence district, the side yard shall be of the same width as the required side yard in the more restrictive district.

[7]The side and rear yard adjoining any district or use shall include a minimum of 15 feet around any buildings. This includes appurtenances extending out from any building, or other items, which in the opinion of the Planning Board unduly constitute an obstruction or which impeded safe vehicular travel by current emergency vehicles.

[8]When a rear yard abuts a lot in a residence district, the rear yard shall be of the same depth as the required more restrictive yard, side or rear. When a rear yard abuts a street, the rear yard shall be of sufficient depth to provide the required off-street loading space.

[9]Except along boundaries abutting railroad tracks.

[10]Minimum side and rear yards when adjacent to a residence district shall be 50 feet.

[11]Whichever is less.

5.2 Location of Detached Private Garages and Other Detached Accessory Buildings

A detached garage or other accessory buildings other than roadside stands shall not be located in any required front or side yard, or within ten feet of any rear lot line, or within ten feet from any other building. However, the words "within ten feet of any rear lot line" do not apply to garden/yard sheds of 200 square feet or less.

Accessory farm buildings, except roadside stands, shall be located at least 60 feet from any dwelling. Roadside stands shall be located at least 25 feet from any street line.

5.3 Location of Attached Garages and Carports

An attached garage or carport shall not be located nearer to the front and side lot lines than the minimum distance provided herein for the main building.

Section 6. OVERLAY AND SPECIAL DISTRICTS

6.1 Planned Unit Development District

6.1.1 Definition and Intent

A planned unit development district means a non-residential mixed use development on a plot of land containing a minimum of the greater of sixty thousand square feet or five times the minimum lot size of the zoning district in which a mixture of commercial uses or a mixture of industrial uses and a variety of building types are determined to be sufficiently advantageous to render it appropriate to grant special permission to depart from the normal requirements of the district to the extent authorized by these By-laws.

Planned unit development districts may be for commercial use - PLANNED UNIT DEVELOPMENT DISTRICT COMMERCIAL - or industrial use - PLANNED UNIT DEVELOPMENT DISTRICT INDUSTRIAL. Such districts may be established from time to time in such a manner as best to fit the general pattern of land use established by these By-laws and to constitute a harmonious, efficient, and convenient commercial or industrial center.

Planned unit development districts shall be established by process of amendment.

6.1.2 Site Plan Prerequisite for Approval

Any amendment to this Zoning By-law by which a planned district may be established shall be adopted in accordance with the provisions of Section 2.12 of this By-law and only after a site plan for said district shall have been reviewed and given final approval by the Seekonk Planning Board. Any such adoption shall become effective only after the site plan has been recorded with the Planning Board and Bristol County Registry of Deeds. Site plans as recorded may be revised provided such revisions are approved by the Town authority having appropriate jurisdiction, after a public hearing and after such revisions shall have been recorded with the Planning Board and the Bristol County Registry of Deeds.

6.1.3 Content of Site Plan

A site plan for a planned district shall be certified by a Registered Land Surveyor, Professional Engineer, Landscape Architect, or Architect, and it shall indicate the location of main and accessory buildings on the site and the relation of one to another, the traffic circulation features within and without the site, the height and bulk of buildings, the provision of off-street parking and loading spaces, the location of other open spaces on the site, the location and design

of signs, and the description of uses of buildings and areas, provided, however, that the uses of buildings and areas which by virtue of the design of the building or area may be occupied by more than one type of enterprise need not be designated.

6.1.3.1 A site plan for a planned district commercial shall provide:

a.) Front, side, and rear yards of depth at least as great as those required in highway business districts.

b.) A wall of solid appearance or tight evergreen hedge at least six (6) feet high to be erected and maintained in any side or rear yard adjacent to a residence district.

c.) Paved parking areas in a ratio of at least four square feet of parking area (including driveways) for each one square foot of gross floor area designed for retail business or service establishment use and excluding basement storage area.

6.1.3.2 A site plan for a planned district industrial shall provide:

a.) Front, side, and rear yards of depths at least as great as those required in industry districts.

b.) A wall of solid appearance or tight evergreen hedge at least six (6) feet high to be erected and maintained, said wall or hedge to be required in accordance with the provisions of Section 8.4.

c.) In considering any site plan for a planned district, the Planning Board shall assure safety and convenience of traffic movement, both within the area covered by the plan and in relation to access streets, and harmonious and beneficial relations between the planned district and contiguous and adjacent neighborhoods.

6.1.4 Duration of Approval

Any amendment to this By-law by which a planned district is established shall cease to be in effect three years from the date of its adoption unless a building permit for construction in the planned district shall have been taken out. The zoning classification of any planned district, which has ceased to be in effect, shall revert to the classification in effect before the adoption of the appropriate planned district amendment.

6.2 Wetlands and Floodplain Protection District

6.2.1 Purpose and Intent

The purpose of the Wetlands and Floodplain Protection District is as follows:

6.2.1.1 To provide that lands in the Town of Seekonk subject to seasonal or periodic flooding as described hereinafter shall not be used for residence or other purposes in such a manner as to endanger the health, safety, or welfare of the occupants thereof, or of the public generally, or so as to burden the public with costs resulting from unwise individual choices of land use.

6.2.1.2 To protect, preserve and maintain the water table and water recharge areas within the Town so as to preserve present and potential water supplies for the public health and safety of the Town.

6.2.1.3 To assure the continuation of the natural flow pattern of the watercourse within the Town, in order to provide adequate and safe floodwater storage capacity to protect persons and property against the hazards of flood inundation.

6.2.2 Definition of the District

The Wetlands and Floodplain Protection District is superimposed over any other district established by this Zoning By-law.

6.2.2.1 The Wetlands portion of this District shall be defined as all lands in the Town as shown on the map entitled "Superimposed Zoning District" and which have been identified as follows:

- shallow fresh water marsh (FM)
- deep fresh water marsh (DM)
- salt marsh (SM)
- shrub swamp (SS)
- wooded swamp (WS)
- cranberry bog (CB)
- pond (P)
- river (R)
- drainage ditches and other
- water courses

6.2.2.2 The floodplain portion of this District includes all special flood hazard areas within the Town of Seekonk designated as Zone A or AE on the Bristol County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Bristol County FIRM that are wholly or partially within the Town of Seekonk are panel numbers 25005C0118F, 25005C0206F, 25005C0208F, and 25005C0212F dated July 7, 2009; panel numbers 25005C0214G, 25005C0216G and 25005C0218G dated July 16, 2014; and panel numbers 25005C0114G, 25005C0202G, 25005C0203G, and 25005C0204G dated July 16, 2015. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Bristol County Flood Insurance Study (FIS) report dated July 16, 2015. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, and Conservation Commission.

6.2.3 Uses Permitted

Municipal use, such as waterworks, pumping stations, essential services and parks, is permitted under this section. Land in the Wetlands and Floodplain Protection District may be used for any purpose otherwise permitted in the underlying residential, business or industrial district subject to all the provisions of this section, as well as all provisions of the underlying district.

6.2.3.1 No structure intended for human occupancy or use on a permanent basis having water and sewerage facilities and no other building, wall, dam or structure (except flagpoles, signs, or the like) intended for permanent use shall be erected, constructed, altered, enlarged or otherwise created or moved for any purpose unless a Special Permit is granted by the SPGA.

However, a structure existing at the time this By-law becomes effective may be reconstructed or repaired to the original proportions after a fire or other casualty provided that no other provisions of these By-laws are violated.

6.2.3.2 Dumping, filling, mining, dredging, grading, drilling, paving, or transferring of any earth material within the district is prohibited unless the SPGA grants a Special Permit.

However, this does not prohibit ordinary gardening or farming activities in lawn, garden or farm areas, which are used for such purposes at the time this By-law becomes effective.

6.2.3.3 No ponds or pools shall be created nor shall there be other changes in water courses for swimming, fishing, or other recreational uses, agricultural uses, scenic features, or drainage improvements or any other uses without a Special Permit being issued by the SPGA.

6.2.3.4 Within the regulatory floodway, no development or encroachment, including fill or change of grade, shall be allowed.

6.2.4 Special Permits and Procedure

Any persons(s) desiring a Special Permit shall submit an application to the SPGA which shall comply with the conditions and submittal requirements as listed in the following subsections. Such conditions shall include, where applicable, approval by the Conservation Commission, the Massachusetts Department of Public Works, and the Massachusetts Division of Environmental Management under Chapter 131 of the General Laws, acts relating to the protection of the inland wetlands of the Commonwealth.

6.2.4.1 Submittal Requirements

a.) An application for a Special Permit shall be accompanied by the following information:

b.) <u>LOCUS PLAN</u>: A location plan at a scale of 1" = 600' shall be submitted showing the lot(s) to be developed, lot lines within which the development is proposed and tie-in to the nearest road intersection.

c.) <u>SITE PLAN</u>: A site plan at a scale of 1" = 40' shall be prepared by a registered land surveyor, professional engineer, landscape architect or architect. The site plan shall show the following information:

i. The location, boundaries and dimensions of each lot in question.

d.) One foot contours of the existing and proposed land surface.

e.) Delineation of the wetlands and/or base flood level on the lot(s).

f.) The location of existing and proposed structures, water courses, drainage easements, and means of access and the location of drainage and sewage disposal facilities.

g.) The elevation of the basement and first floor.

h.) The area and location of leaching fields.

6.2.4.2 Development Conditions

For the development of land within the Wetlands and Floodplain Protection District, the following conditions shall apply:

a.) All new construction and substantial improvements, including the placement of prefabricated and manufactured buildings, shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure, and be constructed with materials and utility equipment resistant to flood damage, and by methods and practices that minimize flood damage. Methods of anchoring may include, but are not limited to, use of over-the-top, or frame ties, to ground anchors, in addition to applicable state and local anchoring requirements for resisting wind forces.

b.) All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage and shall provide adequate drainage to reduce exposure to flood hazards.

c.) All electrical, heating, ventilation, plumbing and air conditioning equipment, and all other service facilities and public utilities, shall be designed and/or located so as to prevent water from entering or accumulating within any component during conditions of flooding.

d.) All new and replacement water supply systems and sanitary sewerage systems shall be constructed to minimize or eliminate infiltration of floodwaters into the systems. Sanitary sewer systems shall also be constructed to minimize or eliminate discharges from the system into flood water, and on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

6.2.4.3 Special Permit Procedure

The applicant shall file for a Special Permit in accordance with Section 2.2, Special Permits, of these By-laws.

6.2.5 Administration

This By-law shall be administered by the Building Official as follows:

6.2.5.1 Review proposed development within the Wetlands and Floodplain Protection District to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State Law.

6.2.5.2 Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.

6.2.5.3 Obtain, review and reasonably utilize any base flood elevation data from a federal, state, or other source as criteria for requiring that all new construction, substantial improvements, or other development in Zone A and other special flood hazard areas meet the requirements of these By-laws. All new subdivision proposals or any development greater than fifty lots or five acres, whichever is the lesser, any portion of which is in the floodplain of Zone A, shall include base flood elevation data based on the Hundred Year Storm. In Zones A and AE, along watercourses

that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

6.2.5.4 Obtain the elevation, in relation to mean sea level, of the lowest floor, including basement, of all new or substantially improved structures. Also determine whether the structure has been flood proofed, and if so, the elevation to which it was flood proofed.

6.2.5.5 Prior to any alteration or relocation of a watercourse, notify adjacent affected communities and the Massachusetts Department of Conservation and Recreation, and also submit copies of such notification to the Federal Emergency Management Agency Region I office.

6.2.5.6 Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

6.2.5.7 No occupancy permit shall be issued until all Boards with jurisdiction under this By-law have given written notice to the issuing officer that they are satisfied with compliance by the applicant with this By-law. Failure by any Board to respond within 21 days to a written request from the issuing officer for an opinion on compliance will constitute agreed compliance by the requested Board.

6.2.5.8 All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

a.) Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR);

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

c.) Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);

d.) Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, title 5);

6.2.5.9 Area and Yard Requirements

6.2.5.10 A lot, a portion of which is in the Wetlands and Floodplain Protection District, meets the minimum area regulations as specified under other sections of these By-laws, provided that not more than 20% of the lot area which is required to meet the minimum area requirements is within the Wetlands and Floodplain Protection District, and provided no construction or drains are planned or executed within this protected district.

6.3 Mixed Use Zone

6.3.1 Definition and Intent

A mixed use zone is an overlay zone, which is superimposed upon residential zones along major designated traffic routes. The purpose of this zone is to preserve the rural character along Seekonk's major roadways, to prevent strip commercial development and its associated problems, to concentrate commercial activity in clusters, to preserve and enhance the environmental assets of the Town, and to promote well planned viable commercial development in the community.

6.3.2 Uses Permitted

Residence district uses permitted in Section 4.2.

6.3.3 Uses Permitted by Special Permit of the SPGA

Residence district uses permitted by Special Permit in Section 4.2.

The following business activities:

6.3.3.1 Businesses such as antique shops, craft shops, specialty shops, etc.

6.3.3.2 Nursing homes and funeral homes.

6.3.3.3 Professional offices, such as doctors, attorneys, real estate and insurance offices.

6.3.3.4 Businesses, which do not generate traffic flows in excess of those listed in Sections 6.3.3.1, 6.3.3.2, and 6.3.3.3.

6.3.3.5 The type and number of commercial vehicles to be parked on the property shall be appropriate to the location.

6.3.3.6 No outside display, storage or demonstration shall be allowed.

6.3.4 Site Plan Prerequisite for Approval

6.3.4.1 Content of Site Plan: The site plan shall indicate the location of main and accessory buildings on the site and the relation of one to another, the traffic circulation features within and without the site, off-street parking and loading spaces, the location of open spaces and natural features on the site, the location and design of signs, the description of uses of buildings and areas, and landscaping.

6.3.4.2 Design Requirements: The site plan shall be designed in conformance with the provisions of Section 8.1, Parking, of the Zoning By-laws, as well as the following provisions. (If there is a conflict between other sections of this By-law and the following provisions, the more restrictive shall be considered in effect.)

a.) Setback: Buildings, parking areas and all associated improvements, with the exception of free-standing signs, shall be located no closer than 50 feet to the street lot line.

b.) Side and Rear Yards: Buildings, parking areas and all associated structures shall be located no closer than the side and rear yard requirements of the underlying residential district of the area.

c.) Building Coverage: Buildings shall cover no more than 30% of the total lot area.

d.) Landscaping: All landscaping shall be of natural vegetation. A screening type of landscaping of at least six feet in height, and of solid appearance, shall be located along the property lines to the rear of the setback line.

e.) Entrance/Exit: The entrance/exit shall be limited to one, but otherwise shall conform with Section 8 of these By-laws.

f.) Natural Features: Any natural features of the site such as hills, ledge outcroppings, wetlands, floodplain, trees of at least 10" in diameter, etc., shall be retained in the site design to the extent feasible.

g.) Building Height: The height of all buildings shall be limited to three stories, but shall not exceed 40 feet.

h.) In the event that dimensional variance relief is obtained from the Zoning Board of Appeals, then the use shall still be eligible to apply for and obtain a special permit; however, the variance relief may form a basis for denial of the special permit relief.

6.3.5 Period of Validity

A special permit granted under this section is subject to the provisions as specified in Section 2.2, Special Permits, of the Zoning By-laws of the Town of Seekonk.

6.4 Water Resource Protection District

6.4.1 PURPOSE and INTENT

6.4.1.1 To protect, preserve, and maintain the existing and potential wells, groundwater supply and groundwater recharge areas and aquifers within the Town of Seekonk, and adjoining cities and towns, so as to promote the health, safety, and general welfare of the community;

6.4.1.2 To ensure an adequate quality and quantity of drinking water for the residents, institutions and businesses of the Town of Seekonk;

6.4.1.3 To preserve and protect present and potential water resources;

6.4.1.4 To conserve the natural resources of the town;

6.4.1.5 To prevent blight and pollution of the environment.

6.4.2 DEFINITION OF TERMS

AQUIFER: A geologic formation composed of rock, sand, or gravel, capable of yielding over eighty gallons per minute of potentially usable, or recoverable, amounts of water.

GROUNDWATER: Water in the surface zone beneath the water table in which most or all pore spaces are filled with water.

HAZARDOUS SUBSTANCE: Any hazardous substance or mixture of such physical, chemical, or infectious characteristics as to pose significant actual or potential hazard to water supplies, or to human or animal health, if such substance or mixture were discharged to land or waters of this town. These would include organic chemicals, petroleum products, heavy metals,

radioactive or infectious wastes, acids and alkalies, and other products such as pesticides, herbicides, solvents, and thinners, as also defined by M.G.L., Chapter 21E and Chapter 111.

IMPERVIOUS SURFACE: Material above or on the surface of, or immediately occurring within 12" of the surface of, the ground that does not allow water to penetrate into the soil below.

LEACHABLE WASTES: Waste materials, be they directly relatable or by-products of surface or subsurface generators including solids, sewage, sludge, and agricultural wastes that are capable of releasing waterborne contaminants to the surrounding environment.

MINING OF LAND: Removal or relocation of geologic materials, including topsoil, for the purpose of extracting sand and gravel, metallic ores, or bedrock.

RECHARGE AREA: That area composed of permeable stratified sand and gravel, and certain wetlands that collect surface water and carry it to aquifers. Primary recharge area lies directly over the designated aquifer, and adjacent areas of strata, from which groundwater flows directly into the aquifer. Secondary recharge area lies adjacent to the primary area, and from which groundwater moves downgradient into the aquifer. Tertiary recharge area is the upstream drainage area of streams that traverse the primary and/or secondary recharge areas.

SEPTAGE: Sludge produced by domestic waste that is pumped from septic tanks.

SOLID WASTE: Discarded solid material, decomposing or not, which may contain other liquid or gaseous materials, but with insufficient liquid content to be free flowing. This includes, but is not limited to, rubbish, garbage, scrap materials, junk, refuse, inert fill material.

WELL: A water source owned and operated by the Seekonk Water District.

6.4.3 DEFINITION OF THE WATER RESOURCE PROTECTION DISTRICT

The Water Resource Protection District (hereinafter called "WRPD" in this section) shall be considered as overlying other zoning districts established by these Zoning By-laws, as it may be revised from time to time.

6.4.3.1 The WRPD shall be defined as all lands in the Town of Seekonk as shown on a map entitled "Town of Seekonk Zoning Map" comprising the following elements and which also lie within said WRPD:

1. <u>WRPD Well Protection Zone (WPZ)</u>: The 400 foot protective radius around a public water system well or wellfield. WRPD WPZ is Zone 1 as defined in 310 CMR 22.00.

2. <u>WRPD Groundwater Protection Zone (GPZ)</u>: The groundwater capture zone of average-day water withdrawals.

3. <u>WRPD Aquifer Protection Zone (APZ)</u>: The area of an aquifer which contributes water to a public well under the most severe pumping and recharge conditions that can be realistically anticipated (180 days of pumping at a safe yield with no recharge from precipitation as defined in 310 CMR 22.00. WRPD APZ is Zone II as defined in 310 CMR 22.00. For the purposes of this By-law, WRPD APZ also includes Wellhead Protection Area as defined by 310 CMR 22.00 where a definitive Zone II has not been approved by DEP. Unless otherwise specified by 310 CMR 22.00, an Interim Wellhead Protection Area is defined as a one-half mile radius measured from the well or well field.

6.4.3.2 The WRPD shall also include the entire length of shorelines(s), to the seasonal high water line(s), plus an additional twenty (20) horizontal feet, of any stream or river, or other body of water, flowing into said WRPD.

6.4.3.3 The WRPD has been superimposed onto a map, which is hereby made a permanent part of this By-law, and may be amended from time to time by a vote of Town Meeting, in accordance with Chapter 40A of the Massachusetts General Laws.

6.4.4 USES REGULATED

This WRPD shall apply to all new construction, reconstruction, or expansion of existing buildings and new or expanded uses.

6.4.4.1 WRPD WELL PROTECTION ZONE (WPZ) USE REGULATIONS:
Public water supply uses are permitted in WRPD WPZ as defined in 310 Code of Massachusetts Regulations 22.00. No other uses are allowed in this Zone.

6.4.4.2 WRPD GROUNDWATER PROTECTION ZONE (GPZ) USE REGULATIONS:

1. WRPD GPZ -PERMITTED USES: The following uses are permitted within WRPD GPZ, provided that all necessary permits, orders or approvals required by local, state or federal law are also obtained:

a.) Any use allowed in the underlying zoning districts, except those specifically prohibited in 6.4.4.2 (2) below.

2. WRPD GPZ – PROHIBITED USES: The following uses are prohibited in WRPD GPZ:

a.) Any use prohibited in the underlying zoning districts.

b.) All uses prohibited in 6.4.4.3 below.

c.) Parking and/or storage of transport vehicles for fuel, including, but not limited to oil, coal and gas.

d.) Parking and/or storage of transport vehicles for toxic and/or hazardous substance.

e.) Any use which uses, generates or stores, including racking for resale, toxic or hazardous substances, totaling at any one time more than 50 gallons liquid volume or 25 pounds dry weight.

f.) Lot Coverage. Unless the applicant demonstrates that all runoff is recharged on site, no more than 15% or 2,500 square feet, whichever is greater, of the total area of any lot shall be rendered impervious by the installation of buildings, structures and paved surfaces. If all recharge is disposed of on site, no more than 20% of the total upland area of any lot shall be made impervious by the installation of buildings, structures, and paved surfaces.

g.) Site Clearing. A minimum of 30% of the total upland area of any lot shall be retained in its natural state. This shall not prevent the removal of dead, diseased or damaged trees.

6.4.4.3 WRPD AQUIFER PROTECTION ZONE (APZ) USE REGULATIONS:

1. WRPD APZ- PERMITTED USES: The following uses are permitted within WRPD APZ, provided that all necessary permits, orders or approvals required by local, state or federal law are also obtained:

a.) Conservation of soil, water, plants, and wildlife.

b.) Foot, bicycle, and/or horse paths and bridges.

c.) Outdoor recreation, nature study, fishing, and hunting where otherwise legally permitted.

d.) Normal operation and maintenance of existing water bodies and dams, splash boards and other water control, supply and conservation devices.

e.) Maintenance repair and reconstruction of any existing structure, except uses subject to Section 6.4.4.3.2 (Prohibited Uses) or Section 6.4.4.3.3 (Special Permit Uses).

f.) Residential development, except uses subject to Section 6.4.4.3.2 (Prohibited Uses) or Section 6.4.4.3.3 (Special Permit Uses).

g.) Farming, gardening, nursery, conservation, forestry, harvesting, and grazing, except uses subject to Section 6.4.4.3.3 (Prohibited Uses) or Section 6.4.4.3.3 (Special Permit Uses).

h.) Construction, maintenance, repair, and enlargement of drinking water supply related facilities such as, but not limited to, wells, pipelines, aqueducts, and tunnels. Underground storage tanks related to these activities are not categorically permitted.

i.) Storage of petroleum products within a freestanding container or above ground tank either of which must be on an impervious surface within buildings it will heat.

2. WRPD APZ PROHIBITED USES The following uses are prohibited in WRPD APZ:

a. Landfills and open dumps as defined in 310 CMR 19.006 *Solid Waste Management* and disposal of solid wastes as defined herein.

b. Landfills receiving wastewater residuals and/or septage (wastewater residuals "monofills") pursuant to MGL c.21§26-53 *Hazardous Waste;* MGL c.111§17 *Public Health;* and, MGL c.83 §6-7 *Sewers, Drains and Sidewalks* and regulations promulgated thereunder.

c. The removal of soil, loam, sand, gravel, or any other mineral substance to within four (4') feet of historical high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey, or by Title V Soil Evaluation, defined by 310 CMR 15.00, except for excavations necessary for building foundations or utility works.

d. Facilities that generate, treat, store, or dispose of hazardous waste subject to MGL 21C and 310 CMR 30.000 *Hazardous Waste Regulations,* as amended, except for:

i. very small quantity generators as defined under 310 CMR 30.000 - Hazardous Waste Regulations;

ii. household hazardous waste centers and events under 310 CMR 30.390 - Hazardous Waste Regulations;

iii. waste oil retention facilities required by MGL c.21, §52A - Hazardous Waste;

iv. water remediation treatment works approved by the DEP in accordance with 314 CMR 5.0- Ground Water Discharge Permits for treatment of contaminated ground or surface waters.

e. Automobile graveyards, junkyards, and salvage yards, as defined in MGL c. 140B, §1 -*Control of Certain Junkyards.*

f. Stockpiling and disposal of snow or ice removed from highways and streets and parking areas outside of WRPD APZ that contains sodium chloride, chemically treated abrasives or other chemicals used for snow and ice removal.

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

h. Petroleum, fuel oil and heating oil bulk stations, and terminals such as gas stations, including but not limited to those listed under Standard Industrial Codes 5171 and 5983.

i. All lots in WRPD APZ shall have an area not less than 60,000 square feet.

3. WRPD APZ-SPECIAL PERMIT USES- Except as specified in Sections 6.4.4.3.1 and 6.4.4.3.2, those principal and accessory uses authorized in the underlying district are permitted in WRPD APZ upon issuance of a Special Permit by the Special Permit

Granting Authority (SPGA). The following uses and activities are prohibited in WRPD APZ, but may be allowed only upon the issuance of a Special Permit by the SPGA in conformance with the requirements stated below and under such other conditions as the SPGA may require:

a. Enlargement or alteration of existing uses and structures that do not conform to the WRPD provided the enlargement or alteration of all uses and structures with the exception of single and two family uses and structures does not increase the non-conformity or create a new non-conformity. Enlargement of existing structures shall not be permitted by a Special Permit if a variance from Title V of the State Sanitary Code is necessary.

b. Storage of sludge and septage, as defined by 310 CMR 32.05 - *Land Application of Sludge and Sewage,* unless such storage is in compliance with 310 CMR 32.30 and 310 CMR32.31.

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

d. Storage of animal manure, unless such storage is covered or contained in accordance with the specifications of the Natural Resources Conservation Service.

e. Storage of commercial fertilizers, as defined in MGL c.l28, §64 - *Agriculture,* unless such storage is within a structure Designate to prevent the generation and escape of contaminated runoff or leachate.

f. Storage of liquid hazardous materials, as defined in MGL c.21E, or storage of liquid petroleum products except that specified in 6.4.4.3.1(i) above, unless such storage is above ground level and on an impervious surface; and either in:

i. a free standing container or above ground tank(s) within a building, or

ii. outdoors in covered container(s) or above ground tank(s) in an area that has a containment system designed and operated to hold either 10% of the total possible storage capacity of all containers, or 110% of the largest container's storage capacity, whichever is greater.

g. Treatment or disposal works subject to 310 CMR 5.00 - Groundwater Discharge Permits for wastewater other than sanitary sewage. This prohibition includes, but is not limited to, treatment or disposal works related to activities under Standard Industrial Classification (SIC) codes set forth in 314 CMR 15.004(6) (Title V). The following uses only may be permitted with the issuance of a Special Permit from the SPGA:

i. The replacement or repair of an existing system(s) that will not result in a design capacity greater than the design capacity of the existing system(s);

ii. Treatment works approved by the Massachusetts Department of Environmental Protection designed for the treatment of contaminated groundwater or surface water and operated in compliance with 314CMR 5.05(3) or 5.05(13);

iii. Publically owned treatment works.

h. Automobile service and repair shops including those accessory to new and used car dealerships.

i. Any building, structure, excavation or other land disturbing activities within one hundred (100) feet of a "fresh water wetland" as defined by MGL c.l31, §40 Massachusetts Wetland Protection Act, or as a "wetland" as defined by 33 CFR 328.3 and 40 CFR 230.3, the regulations promulgated under Section 404 of the Federal Clean Water Act, except however, buildings, structures, excavation or other land disturbing activities that are necessary for:

i. Limited projects as defined by 310 CMR 10.53(3);

ii. Creation of wetland replacement or flood storage mitigation;

iii. Installation of drainage structures such as detention/retention basins, berms, water quality swales, where no practical alternative is available, and disturbs less than 15% of the 100 foot area;

iv. Maintenance and construction of trails, creation of public parks or resource improvement projects such as the cleaning of streams;

v. A primary use or use necessary but incidental thereto, provided that the majority of the disturbed area is located outside of the 100' area and there are no reasonable alternative and disturbs less than 15% of the 100' area within that portion of any lot may be permitted upon issuance of a Special Permit by the SPGA which shall consider the report and recommendations of the Board of Health, Planning Board, Conservation Commission, and Seekonk Water District. Such Special Permit may be conditional upon safeguards and requirements to protect water resources, health, safety and welfare, and shall be in compliance with the provisions of Section “j" below. No part of a subsurface sewerage disposal system shall be located within one hundred (100) feet of any wetland as defined herein. There shall be no building, structure or land disturbing activity within twenty-five (25) feet of the wetland as defined herein except that necessary for the following with the issuance of a Special Permit by the SPGA;

vi. Limited projects as defined by 310 CMR 10.53(3);

vii. Creation of wetland replacement or flood storage mitigation;

viii. Installation of drainage outfalls or outlet swales where no alternative is feasible due to elevation or hydraulic connection but not including primary drainage structures such as detention/retention basins, berms, water quality swales, etc.;

ix. Maintenance and construction of trails, creation of public parks or resource improvement projects such as the cleaning of streams;

j. Any use that will render impervious more than15% but not more than 25% of any lot provided that a system for groundwater recharge is provided to recharge the amount of water that was naturally recharged prior to development from the land area made impervious greater than 15% and which does not degrade groundwater quality. Predevelopment runoff rates from a lot shall not exceed post-development

runoff rates for storms up to and including the 100 year storm. Except for single or two (2) family residential uses, all parking areas shall be impervious and be equipped with oil, grease, and sediment traps to facilitate removal of contamination and these devices shall precede any infiltration structures or drainage outfalls. Storm water from parking areas required to be recharged shall be via infiltration basins or similar systems covered with natural vegetation and dry wells/leaching structures shall be used only where other methods are not feasible. The owner shall permanently maintain any and all recharge areas in full working order. Not less than 50% of any lot area shall be maintained as a Natural Vegetation Area.

6.4.4.4 SPLIT LOTS and DETERMINATION OF APPLICABILITY

1. Where the boundary line of the WRPD divides a lot or parcel, the requirements established by this By-law shall apply only to the portion of the lot or parcel located within the WRPD. The boundary line shall be shown on a site plan as required by this By- Law or through Site Plan Review and shall be acceptable to the reviewing authority in accordance with all applicable provisions of the Zoning By-law and any associated Rules and Regulations;

2. The applicant shall demonstrate, through the use of site plans, that development activity outside of the boundary shall not be connected to land within the boundary through post-development grading, storm water infrastructure, wastewater infrastructure or other potential connections that could lead to the contamination of groundwater within the WRPD. Where development practices create a hydrologic connection across the WRPD boundary, the applicant shall demonstrate that any water moving into or away from the WRPD is accounted for in any of the required pollutant loading calculations and meets all of the standards associated with the WRPD. Where a Special Permit may be required, the Zoning Board of Appeals may impose such conditions as are reasonably required to ensure that these standards are met.

6.4.5 SPECIAL PERMITS and PROCEDURE-After public notice and public hearing, and after due consideration of any reports and recommendations of other boards or agents, the Zoning Board of Appeals may grant a Special Permit provided that the application is submitted in accordance with Sections 6.4.5.1 and 6.4.5.2; and the proposed vote or work meets the standards provided for in 6.4.5.3 and 6.4.5.4.

6.4.5.1 Upon receipt of the application, including plans, related information and calculations, the SPGA shall transmit one copy of all submitted materials to the Water District, Planning Board, Health Department, Building Department, Conservation Commission, and Department of Public Works for their written recommendations. Boards, Commissions, the Water District and Departments shall have 30 days to comment to the SPGA.

Where applicable, the following information shall be submitted with every application for a Special Permit:

(a) Site plan prepared specifically for a WRPD Special Permit stamped by both a Registered Land Surveyor and a Professional Engineer including but not limited to: existing and proposed topography, the extent of impervious areas, extent and area of natural vegetated areas, existing and proposed drainage facilities, layout and design of sewerage disposal facilities;

(b) Pre- and post-development drainage calculations for surface runoff and groundwater recharge, including calculations for all drainage designs;

(c) Location of and distance to the public supply wells affected by the subject site;

(d) Soil characteristics underlying the site and within the area between the site and the public supply wells;

(e) Provisions and conditions designed to prevent and correct conditions detrimental to public and private water supply, health, safety and welfare;

(f) A storm water management plan as outlined by DEP Storm water Management Standards and any additional requirements of the Town of Seekonk;

(g) A plan with calculations for any spill containment structures required herein;

(h) Evidence adequate to demonstrate that the project in no way, during construction or thereafter, will adversely affect the existing or potential quality or quantity of water that is available in the WRPD or otherwise impact the water resources of the Town;

(i) Evidence that the project has been designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site;

(j) Methods to prevent against loss of recharge such as preservation of ground cover, infiltration of pollution, alternative runoff, minimization of laws, making area of natural vegetative areas;

(k) The SPGA may require additional information including but not limited to calculations, on-site testing, groundwater monitoring, groundwater modeling, etc., necessary to evaluate impacts from the proposed project.

6.4.5.2 The SPGA shall not grant a Special Permit under this section unless the application materials include, in the SPGA's opinion, sufficiently detailed, definite, and credible information to show compliance with the requirements, purpose and intent of this By-law and information to support positive findings in relation to the standards given in this section.

6.4.5.3 After notice and public hearings, and after due consideration of the reports and recommendations to the Town boards/departments, the SPGA may grant such a Special Permit provided that the proposed use meets the standards specified in this By-law, and any regulations or guidelines adopted by the SPGA and provided that the SPGA finds that the proposed use:

(a) Is in harmony with the purpose and intent of the WRPD By-law and will promote the purposes of this WRPD.

(b) Will not adversely affect an existing water supply.

(c) Is consistent with the Town’s water supply needs, as expressed by the Seekonk Water District Board.

(d) Is appropriate to the natural topography, soils and other characteristics of the site to be developed.

(e) Will not, during construction or thereafter, have an adverse environmental impact on the aquifer, recharge areas or water resources of the Town.

6.4.6 PERFORMANCE and DESIGN STANDARDS FOR ALL ACTIVITIES

Where applicable, the following performance and design standards shall apply to any activity that may be allowed by-right or through a Special Permit in the WRPD.

6.4.6.1 CONSTRUCTION ACTIVITIES

Erosion and sediment control measures shall be taken to ensure that exposed earth and debris are not displaced by stormwater runoff or other conditions in accordance with the requirements for Site Plan Review or the Rules and Regulations associated with a WRPD Special Permit.

6.4.6.2 SAFEGUARDS

Provision shall be made to adequately protect against toxic or hazardous substance discharge or loss through corrosion, accidental damage, spillage, or vandalism. Such measures may include provision for spill control in the vicinity of chemical or fuel delivery points, secure storage areas for toxic or hazardous materials, and indoor or outdoor storage for liquid petroleum products shall be in covered and secure container(s) in an area that has a containment system. Said containment system shall be designed and operated to hold the larger of the following two volumes:

a. 10% of the cumulative storage capacity of all containers; or

b. 110% of the single largest container's storage capacity.

6.4.6.3 PESTICIDES, FERTILIZER and MANURE

Storage of pesticides, as defined in M.G.L. c. 132B, of commercial fertilizers and soil conditioners, as defined in M.G.L. c.l28, s.64, and animal manure shall only be permitted within a structure with an impermeable cover and liner designed to prevent the generation of contaminated runoff or leachate.

6.4.6.4 DISPOSABLE of Hazardous Wastes

No disposal of Hazardous Wastes within the WRPD shall occur. All provisions of M.G.L. Chapter 21C (the Massachusetts Hazardous Waste Management Act) shall be satisfied.

6.4.6.5 FILL

Fill material used in the WRPD shall contain no solid waste, toxic or hazardous materials, or Hazardous Waste. Adequate documentation shall be provided to ensure proper condition of the fill. Where a Special Permit is required, the SPGA may require soils testing by a certified laboratory at the applicant's expense as part of the application process or during construction.

6.4.6.6 SEPARATION FROM GROUNDWATER

Permanent removal, or regrading of the existing soil cover shall be prohibited where these activities shall result in a finished grade elevation less than four (4) feet above the historical high groundwater level.

a. Excavations for: 1) building foundations; 2) roads or utility work; or 3) the installation of Storm water BMPs shall be exempt from this requirement.

b. The high groundwater elevation may be determined by:

i. Soil color using the Munsell system, the abundance, size and contrast of redoximorphic features, if present;

ii. Observation of actual water table during times of annual high water table; or

iii. Use of USGS wells for correlating comparisons in water tables during times when the water table is not at the annual high range.

c. Groundwater elevations depicted on plans shall be stamped by a Massachusetts Registered Professional Engineer.

d. Where these requirements would severely limit the development potential of a particular parcel, an applicant may apply for permanent removal or regarding of the existing soil cover to a finished grade which is less than four (4) feet above the historical high groundwater elevation through a WRPD Special Permit application.

6.4.6.7 STORMWATER MANAGEMENT

Stormwater runoff from impervious surfaces shall be recharged on-site in accordance with the standards and guidelines included in the latest version of the Massachusetts Stormwater Management Standards unless in conducting an application review it is determined that either recharge is not feasible because of site conditions or is undesirable because of uncontrollable risks to water quality from such recharge.

6.4.7 PERFORMANCE and DESIGN STANDARDS FOR SPECIAL PERMIT APPLICATIONS

In addition to those performance and design standards listed in Section 9.4.6, the following performance and design standards shall apply to any activity that may be allowed through a Special Permit in the WRPD as applicable.

6.4.7.1 NITROGEN LOADING

All applicants required to obtain a Special Permit, and all applicants for any permit for any use or structure to be located on land which is within the WRPD and which is shown on a definitive subdivision plan, filed on or after January 1, 2015, shall demonstrate by written report to the satisfaction of the SPGA that the concentration of nitrate or nitrogen resulting from wastewater disposal, animal waste, runoff and fertilizer application, when diluted by rainwater recharge on the lot or subject property as a whole, shall not exceed five (5) milligrams per liter (mg/L). Nitrogen loading, for the purpose of this requirement, shall be calculated in accordance with generally accepted engineering standards.

6.4.7.2 EMERGENCY RESPONSE PLAN (ERP)

For industrial and commercial uses, an emergency response plan to prevent contamination of soil or water in the event of accidental spills or the release of toxic or hazardous materials shall be submitted to the SPGA, if deemed necessary by the SPGA, for approval prior to granting of a Special Permit. Recommendations from the Fire Department, Conservation Commission, Board of Health and the Seekonk Water District on said plan shall be sought. At a minimum, the ERP shall include:

a. 24-hour contact information for a designated emergency response coordinator (typically the owner or facility manager), who can respond to the site within one hour of notification;

b. 24-hour emergency contact information for the facilities designated hazardous waste transporter, if the facility is a licensed hazardous waste or regulated waste generator;

c. A list of the hazardous products or hazardous wastes present at the facility, including volume and location of any aboveground or underground storage containers;

d. A facility map showing hazardous waste accumulation areas, aboveground or underground storage containers, sinks and drains, emergency exits, fire extinguisher locations, and locations of spill clean-up supplies. The facility map shall be posted in the building and shall include emergency contact numbers.

6.4.7.3 MONITORING

Periodic monitoring shall be required when the site location and land use activities in the area indicate a significant risk of contamination to the water supply as determined by the SPGA based upon recommendation of the Department of Public Works, Board of Health, Conservation Commission, and Water District. Such monitoring may include analysis of water for chemical constituents determined by the SPGA to be appropriate and the installation of groundwater monitoring wells constructed and located by a registered professional engineer with expertise in hydrology, or by directly testing effluent. All testing and engineering costs shall be borne by the applicant for Special Permit.

6.4.7.4 WASTEWATER FLOWS THAT EXCEED 2,000 gpd

For those uses that require a Special Permit where a previously developed site is being redeveloped, applicants shall demonstrate that there is no net increase in the concentration of nitrogen when nitrogen loading analyses are performed for both the previous and proposed use.

6.4.8 ADMINISTRATIVE PROCEDURES

The Zoning Board of Appeals as the SPGA, may adopt Rules and Regulations relative to its role in governing activities within the WRPD, which may be amended from time to time and filed with the Town Clerk. Where a Special Permit application is being considered, the Board shall follow the procedural requirements for Special Permits as set forth in M.G.L. Chapter 40A, Section 9.

6.4.9 ADMINISTRATION

This By-law shall be administered by the Inspector of Buildings as follows:

6.4.9.1 Review proposed development within this WRPD to assure that all necessary permits have been received from all governmental agencies from which approval is required by local, state, and federal laws, prior to issuing a certificate of occupancy.

6.4.9.2 The development of each lot within this WRPD shall conform to the area, yard, and other regulations of the underlying zone, the more restrictive being applied. Where this section conflicts with the intent, purpose, or administration of other sections of these By-laws, in particular Section 9.2, Wetland and Floodplains, the more restrictive regulation shall apply.

6.4.9.3 Submittal requirements of a site plan shall, at a minimum, be in accordance with Section 9.2.4.1 of these By-laws, and Subdivision Rules and Regulations, when necessary.

6.5 Adult Entertainment Overlay District

6.5.1 Authority

This By-law is enacted pursuant to M.G.L. Chapter 40A and pursuant to the Town's authority under the Home Rule Amendment to the Massachusetts Constitution to serve the compelling Town interests of limiting the location of and preventing the clustering and concentration of certain adult entertainment enterprises, as defined and designated herein, because of their deleterious effect in generating crime and blight.

6.5.2 Purpose

It is the purpose of the Adult Entertainment Overlay District to address and mitigate the secondary effects of the adult entertainment establishments and sexually oriented businesses that are referenced and defined herein. Secondary effects have been shown to include increased crime, adverse impacts on public health, adverse impacts on the business climate of the Town, adverse impacts on the property values of residential and commercial properties, and adverse impacts on the quality of life in the Town. All of said secondary impacts are adverse to the health, safety and general welfare of the Town of Seekonk and its inhabitants.

The provisions of this By-law have neither the purpose nor intent of imposing limitation on the content of any communicative matter or materials, including sexually oriented matter or materials. Similarly, it is not the purpose or intent of this By-law to restrict or deny access by adults to adult entertainment establishments or to sexually oriented matter or materials that are protected by the Constitutions of the United States of America or of the Commonwealth of Massachusetts, nor to restrict or deny rights that distributors or exhibitors of such matter or materials may have to sell, rent, distribute or exhibit such matter or materials. Neither is it the purpose or intent of this By-law to legalize the sale, rental, distribution or exhibition of obscene or other illegal matter or materials.

6.5.3 Adult Entertainment Uses by Special Permit in the Adult Entertainment Overlay District

Notwithstanding any other provision in this By-law to the contrary, adult entertainment uses shall be prohibited in all Zoning districts in the Town of Seekonk except in the Adult Entertainment Overlay District, which shall have the boundaries defined in Section 3 of this By-law and shall overlay the underlying industrial district, and, furthermore shall be permitted in the Adult Entertainment Overlay District only upon issuance of a special permit by the SPGA. Such a special permit shall only be granted upon a showing, by the applicant, that the application is consistent with the purpose of these By-laws as set forth in section 1.2 and that each of the following standards has been met.

6.5.3.1 The application for a special permit for an adult use shall provide the name and address of the legal owner of the establishment, the legal owner of the property, and the manager of the proposed establishment.

6.5.3.2 No adult use special permit shall be issued to any person convicted of violating the provisions of M.G.L. Chapter 119, Section 60 or M.G.L. Chapter 272, Section 28.

6.5.3.3 Adult uses shall not be located within:

a.) 400 feet from the nearest residential zoning district; or

b.) 400 feet from the nearest church, school, park, playground, play field, youth center or other location where groups of minors regularly congregate; or

c.) 400 feet from the nearest adult entertainment use as defined herein; or

d.) 400 feet from the nearest establishment licensed under M.G.L. Chapter 138, Section 12.

The distances specified above shall be measured by a straight line from the nearest property line of the premises on which the proposed adult entertainment use is to be located to the nearest boundary line of a residential zoning district or to the nearest property line of any of the other designated uses set forth above.

6.5.3.4 All building openings, entries and windows shall be screened in such a manner as to prevent visual access to the interior of the establishment by the public.

6.5.3.5 No adult use shall be allowed to display for advertisement or other purpose any signs, placards or other like materials to the general public on the exterior of the building or on the interior where the same may be seen through glass or other like transport material any sexually explicit figures or words as defined in M.G.L. Chapter 272, Section 31.

6.5.3.6 No adult use shall be allowed to disseminate or offer to disseminate adult matter or paraphernalia to minors or suffer minors to view displays or linger on the premises.

6.5.3.7 No adult use shall be allowed within a building containing other retail, consumer or residential uses.

6.5.3.8 No adult use shall be allowed within a shopping center, shopping plaza or mall.

6.5.3.9 The proposed adult entertainment use shall comply with the off-street parking requirements set forth in Section 8.1 of the Zoning By-laws.

6.5.3.10 No adult entertainment use shall have any flashing lights visible from outside the establishment.

6.5.3.11 No adult entertainment use shall have a free-standing accessory sign.

6.5.3.12 No adult entertainment use shall be established prior to submission and approval of a site plan by the Planning Board. The site plan shall depict all existing and proposed buildings, parking spaces, driveways, service areas and other open uses. The site plan shall show the distances between the proposed adult entertainment use and the boundary of the nearest residential zoning district and the property line of each of the uses set forth in Section 6.5.3.3.

6.5.4 Conditions

The special permit granting authority may impose reasonable conditions, safeguards, and limitations on time or use of any special permit granted and shall require that any such special permit granted shall be personal to the applicant, shall not run with the land and shall expire upon sale or transfer of the subject property.

6.5.5 Expiration

A special permit to conduct an adult entertainment use shall expire after a period of three calendar years from its date of issuance and shall be automatically renewable for successive three-year periods thereafter, provided that a written request for such renewal is made to the special permit granting authority not less than 30 days prior to said expiration date and that no objection to said renewal is made and sustained by the special permit granting authority based upon the public safety factors applied at the time that the original special permit was granted.

6.5.6 Retroactive Application

Each adult use in existence upon the effective date of this section shall apply for an adult use special permit within 90 days of the adoption of this By-law.

6.5.7 Severability

The provisions of this section are severable and, in the event that any provision of this section is determined to be invalid for any reason, the remaining provisions shall remain in full force and effect.

6.6 Multifamily Development Overlay District

6.6.1 Purpose

The purpose of this Section, Multifamily Development Overlay District (MDOD), is to protect the value of real property; to promote more sensitive siting of buildings and better overall site planning; to allow landowners a reasonable return on their investment; to facilitate the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner; and to promote the development of varied housing opportunities.

6.6.2 Overlay District

The MDOD is an overlay district superimposed on all underlying zoning districts. All uses permitted by right or by special permit in the pertinent underlying zoning district shall be similarly permitted in the MDOD subject to the provisions of this Section. Where the MDOD

authorizes uses not otherwise allowed in the underlying district, the provisions of the MDOD shall control.

6.6.3 Minimum Area

The parcel or set of contiguous parcels containing the MDOD shall not be less than forty (40) acres, all of which shall be located exclusively in the Town of Seekonk.

6.6.4 Multifamily Development Project

Within the MDOD, a Multifamily Development Project (MDP), as defined herein, may be constructed as of right, upon site plan approval by the Planning Board, as set forth below. A MDP shall meet all of the standards set forth in this By-law.

6.6.5 Procedures

An applicant for site plan approval of a MDP shall file with the Planning Board six (6) copies of a Development Plan conforming to the requirements for a preliminary subdivision plan under the Subdivision Regulations of the Planning Board. Such plan shall also include:

6.6.5.1 Existing and proposed topography;

6.6.5.2 Wetland areas; where wetland delineation is in doubt or dispute, the Planning Board shall require the applicant to submit to the Conservation Commission a request for determination of applicability pursuant to G.L., c. 131, §40, and 310 CMR 10.05(3), the Wetlands Protection Act.

6.6.5.3 Unless the development is to be sewered, the results of deep soil test pits and percolation tests. The Planning Board shall refer data on proposed wastewater disposal to the Board of Health for their review and recommendation.

6.6.5.4 Specifications demonstrating that access roads and drainage facilities shall meet the functional requirements of the Planning Board's Rules and Regulations.

6.6.5.5 Notwithstanding the provisions of Section 2.8.5, the applicant shall not be required to submit the parking plan otherwise required therein.

6.6.5.6 The applicant may be required to submit any additional information necessary to make the determinations and assessments cited herein.

6.6.6 Dwelling Units

The following standards shall govern dwellings and dwelling units:

6.6.6.1 Density: The maximum number of units allowed in a MDP shall be the greater of a) the total area of the subject property in square feet divided by 10,000 sq. ft. or b) the total upland area of the subject property in square feet divided by 5,000 sq. ft. Upland area "shall mean land not regulated by the provisions of G.L.C. 131 S.40 as protected resource area. The unit count of (a) in excess of (b) or (b) in excess of (a) will be constructed as 55 and over units.

6.6.6.2 Buildings: No individual structure within a MDP shall contain more than forty-eight (48) dwelling units, unless a special permit for more dwelling units is granted by the Planning Board.

6.6.6.3 Height: No building shall exceed four (4) stories or fifty-five (55) feet in height, unless a special permit for greater height is granted by the Planning Board.

6.6.6.4 Parking: Each dwelling unit shall be served by two (2) parking spaces.

6.6.7 Open Space Requirements

A minimum of 20% of the parcel shown on the Development Plan shall be contiguous open space, excluding required yards and buffer areas. Such open space may be separated by the road(s) constructed within the MDP.

6.6.7.1 Use: The required open space shall be used for conservation, historic preservation and education, outdoor education, recreation, park purposes, agriculture, horticulture, forestry, or for a combination of these uses, and shall be served by suitable access for such purposes.

6.6.7.2 Cover: The required open space shall remain un-built upon, provided that 10% of such open space may be paved or built upon for structures accessory to the dedicated use or uses of such open space, pedestrian walks, and bike paths, and agriculture.

6.6.7.3 Utilities: Underground utilities to serve the MDP may be located within the required open space.

6.6.7.4 Ownership: The required open space shall, at the owner's election, be conveyed to the Town or its Conservation Commission; a nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above; or a corporation or trust owned jointly or in common by the owners of units within the MDP. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the units in perpetuity.

6.6.8 Standards

The following standards shall apply for the design of a MDP:

6.6.8.1 Buffer Areas: All dwellings and structures shall be located a minimum of twenty-five (25) feet from adjacent properties, and fifty (50) feet from adjacent surface waters or wetlands. Buffer areas shall be retained in their natural vegetative state to the maximum extent feasible, except where adjacent to agriculturally used property.

6.6.8.2 Utilities: The MDP shall be served by a public water supply.

6.6.8.3 Irrigation: Water for irrigation purposes may be provided on-site and not by the public water supply.

6.6.8.4 Accessory Buildings: Permitted accessory buildings may include property management office, common recreational facilities (including fitness center, swimming pool, meeting rooms, etc.), physical plant and maintenance facilities, wastewater treatment facility, water treatment facilities, water storage tank or

tanks and the like, as well as, community parking and storage structures erected for the use of the residents of the multifamily development in which such structures are located. Freestanding garages or sheds intended for use by individual tenants or residents of a multifamily development are prohibited.

6.6.8.5 Stormwater Management: Stormwater management shall be consistent with the requirements for subdivisions set forth in the Rules and Regulations of the Planning Board.

6.6.8.6 Roadways: The principal roadway(s) serving the MDP shall be adequate for the intended use and vehicular traffic and shall be maintained by an association of unit owners or by the applicant or the applicant's successor(s) in interest.

6.6.8.7 Maximum Coverage: Not more than 45% of the MDP shall be covered by an impervious surface.

6.6.9 Decision

The Planning Board shall render its decision regarding the site plan within (60) days of the date of the application, which such deadline may only be extended by agreement in writing. If no extension is agreed upon and no decision is rendered within 60 days, the application will be considered and deemed to have been approved. Such decisions (or a certification that no decision has been timely made) shall be filed with the office of the Town Clerk. Site plans will be accepted for review immediately following the passage of this zone change by Town meeting and the 60 day time period will start immediately upon submission of those plans. Site plan approval for a MDP shall be granted upon determination by the Planning Board that new building construction or other site alteration satisfies all of the following objectives:

6.6.9.1 Minimize the volume of cut and fill, the number of removed trees 6" caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion, and threat of air and water pollution;

6.6.9.2 Maximize pedestrian and vehicular safety both on the site and egressing from it;

6.6.9.3 Minimize obstruction of scenic views from publicly accessible locations;

6.6.9.4 Minimize visual intrusion by controlling the visibility of parking, storage, HVAC or other outdoor service areas viewed from public ways or premises residentially used or zoned;

6.6.9.5 Minimize glare from headlights and lighting intrusion and light overspill into the night sky;

6.6.9.6 Provide adequate access to each structure for fire and other emergency service equipment;

6.6.9.7 Provide adequate stormwater management consistent with the functional design standards in the Planning Board's Subdivision Rules and Regulations;

6.6.9.8 Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places; and,

6.6.9.9 Minimize contamination of ground-water from on-site wastewater disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances.

6.6.10 Appeal

Any decision of the Planning Board pursuant to this Section shall be appealed in accordance with G.L., c. 40A, §17 to a court of competent jurisdiction.

6.6.11 Relation to Other Requirements

The submittals and permits of this section shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of this Zoning By-law.

6.7 Telecommunication Facilities Overlay District

6.7.1 Establishment of District

This section establishes a Telecommunication Facilities Overlay District. The District is established as a special district, which may overlay any other zoning district. The provisions of this Section shall apply in addition to the requirements of the underlying zoning district.

6.7.2 Purpose

The Telecommunication Facilities Overlay District is established for the purpose of permitting telecommunication facilities in specific areas of Seekonk, in order to minimize visual impacts from such towers and facilities on the Town's rural, residential and village areas.

6.7.3 Location

The Telecommunication Facilities Overlay District consists of all lands zoned as "Industry" or "Highway Business," and any other areas that may be added thereto by amendment to the Zoning Map duly adopted in accordance with the law.

6.7.4 Use Regulations

Land within the Telecommunication Facilities Overlay District may be used for all the purposes permitted in the underlying zoning district, as modified by any other overlay district, and for telecommunication facilities subject to the provisions of this Section. All development shall be subject to the regulations of the underlying zoning district, and of any applicable overlay district that are not specifically modified by the provisions of this Section.

6.7.5 General Provisions for Telecommunication Facilities

6.7.5.1 Special Permit Requirement: Telecommunication facilities may be erected only in a Telecommunication Facilities Overlay District or enclosed within or attached to existing structures, such as, but not limited to, steeples, utility stanchions or water tanks, upon the issuance of a special permit by the SPGA, subject to the conditions of this By-law and other reasonable conditions that may be applicable.

6.7.5.2 Applicability: The provisions of this Section shall apply to any Telecommunication facility except the following:

a.) An antenna structure used by a federally licensed amateur radio operator, provided that the (1) tower shall be set back from property lines a distance at least equal to its height, and (2) the tower must be removed if the use is discontinued for six months.

6.7.6 Standards for Towers

Construction of telecommunication facilities shall be subject to all of the following conditions:

6.7.6.1 Only self-supporting towers shall be permitted. Guyed towers are specifically prohibited. The towers shall be designed to utilize internally-mounted antennas.

6.7.6.2 Tower height shall not exceed 100 feet above the mean finished grade of the tower base. Variance applications to exceed this height limit cannot be requested.

6.7.6.3 A tower shall not be erected nearer to any property, not owned by the applicant, than a distance equal to the vertical height of the tower (inclusive of any appurtenant devices), measured at the mean finished grade of the tower base. This distance shall be increased to one and half times the vertical height of the tower when abutting a residential zoning district.

6.7.6.4 A tower shall be set back from any public way, except interstate highways, a distance at least equal to one and one-half times the vertical height of the tower, measured at the mean finished grade of the tower base.

6.7.6.5 Telecommunication facilities shall be designed to allow for up to three separate telecommunication carriers, as defined in the Telecommunications Act of 1996, and the original telecommunication facility owner shall allow co-location by these said additional carriers.

In addition to the above, at the time of application for any communications tower, a minimum of 10’ of antennae location space shall be made available on the tower for town police, fire, rescue or public works communications needs related to public safety, health, and welfare, at no cost to the town. The communications tower owner and wireless service carriers shall assist the town, when deemed necessary, in the enhancement of existing public safety communication systems by providing for the acquisition and installation of related equipment. Any such space allotted for public safety use shall remain available to the Town for the life of the facility regardless of any change in ownership of the telecommunications facility.

6.7.6.6 Towers shall not include facilities for microwave transmission and shall comply with all lawful and applicable FCC regulations concerning radio frequency emissions. This prohibition shall not apply to any facilities for microwave transmission erected by or on behalf of the Town of Seekonk.

6.7.6.7 All network interconnections from the lot on which the tower is located shall be via landlines.

6.7.6.8 One Telecommunication facility accessory building, not to exceed in the aggregate 300 square feet gross floor area per telecommunication carrier, as defined in the Telecommunications Act of 1996, may be constructed, provided that the building is similar in architectural style and materials to other structures in the

neighborhood. Such an accessory building must comply with the setbacks of the underlying zoning district.

6.7.6.9 Any electrical generators shall be shielded so as to prevent unreasonable noise impacts on neighboring properties.

6.7.6.10 Tower lighting shall not be permitted unless required by the FAA.

6.7.6.11 Existing on-site vegetation shall be preserved to the maximum extent practicable and all fencing shall be entirely screened by landscaping.

6.7.6.12 Towers shall be enclosed by a fence which shall be locked at all times and have a sign identifying the owner of the facility and information regarding contact for a responsible party in the event of an emergency. No other signs shall be allowed except those indicating no trespassing/private property or any other signage required by law or regulation, including without limitation, FCC regulations.

6.7.7 Special Permit Procedures

6.7.7.1 Submittal Requirements

An application for a permit for a telecommunication facility shall include a site plan, with the number of copies prescribed on a SPGA application, prepared by a professional engineer or land surveyor registered to do business in the Commonwealth of Massachusetts, which shall show the following at a minimum:

(a) Ownership, zoning, use, the general location of structures and topography within two hundred feet of the property line of the lot; and

(b) All major site features; including:

(i) Driveways, including widths;

(ii) Parking areas;

(iii) Street line, including widths;

(iv) Roadways, including widths;

(v) Pedestrian walks, including widths;

(vi) Wetlands;

(vii) Drainage, including detail design data, pipe sizing, etc.;

(viii) Stone walls.

The applicant shall also describe the number and types of antennas that the telecommunications facility can accommodate and any accessory structures.

6.7.7.2 Required Findings: The SPGA may grant a special permit for a telecommunication facility only if it makes all of the following findings:

a.) Existing or approved towers or structures cannot accommodate the telecommunication facility planned for the proposed tower.

b.) The design of the telecommunication facility will minimize adverse visual effects on the environment to the maximum extent feasible.

c.) Traffic associated with the telecommunication facility shall not adversely affect abutting ways.

6.7.7.3 Conditions: The SPGA may impose reasonable conditions on a special permit granted under this section, including fencing requirements and painting and lighting standards.

6.7.8 Modification of an Approved Telecommunication Facility

6.7.8.1 Additional antennas and equipment may be added, by-right, to a telecommunication facility that has received a special permit under this section, unless specifically prohibited in the special permit decision. Thirty (30) days prior to such addition, the telecommunication facility owner shall, in writing, notify the Zoning Enforcement Officer regarding the name and address of the entity adding the antennas or equipment. Any modification to an approved telecommunications facility for additional antennas or equipment which does not necessitate an on-site change to any of the design standards containing in this Section or Section 8 may be permitted as of right. Any modification to an approved telecommunications facility for additional antennas or equipment which would necessitate an on-site change to any of the design standards containing in this Section or Section 8 shall be subject to Site Plan Review by the Planning Board.

6.7.8.2 Any modifications to an approved telecommunication facility must be consistent with the requirements of this Section.

6.7.9 Non-Use

Any telecommunication facility which has not been used for 6 months shall be dismantled and removed at the telecommunication facility owner's expense. A removal bond shall be posted in an amount consistent with a cost removal estimate issued by a registered professional engineer, which shall be approved by the Zoning Board, to cover to the cost of removal of said telecommunication facility in the event the owner does not remove the telecommunication facility within 6 months after cessation of use.

6.8 Solar Photovoltaic Overlay District

6.8.1 Purpose

The purpose of the Solar Photovoltaic Facility (SPF) Overlay District is to promote the creation of new large-scale ground-mounted SPFs by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such facilities, which standards address public safety, minimize impacts on scenic, natural and historic resources and providing adequate financial assurance for the eventual decommissioning of such facilities.

The provisions set forth in this section shall apply to the construction, operation, repair and/or eventual removal of large-scale ground-mounted SPFs.

6.8.2 Applicability

This section applies to large-scale ground-mounted SPFs proposed to be constructed after the effective date of this section within the SPF Overlay District. This section also pertains to physical modifications that materially alter the type, configuration, or size of these facilities or related equipment.

6.8.3 Location

The SPF District shall be defined as all lands within the Industry District as shown on the Seekonk, Massachusetts, Zoning Map dated June 2014 and amendments.

6.8.4 Compliance with laws, Ordinances, and Regulations

The construction and operation of all large-scale ground-mounted SPFs shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a large-scale ground-mounted SPF shall be constructed in accordance with the State Building Code.

6.8.5 Solar Photovoltaic Facility Site Plan Review

The following section applies only to Site Plan Review procedures and requirements related to applicants proposing to develop large-scale ground-mounted SPFs within the SPF District. Applicants within the SPF District proposing to develop a large-scale ground-mounted SPF shall abide by this section and shall not be subject to Section 2.8, Site Plan Review, of these Zoning By-laws.

6.8.5.1 Purpose

The purpose of the SPF Site Plan Review is to protect the safety, public health, convenience and general welfare of the inhabitants of the Town of Seekonk by providing detailed review of the design and layout of large-scale ground-mounted SPFs with 250 kW or larger of rated nameplate capacity. These facilities shall undergo Site Plan Review prior to construction, installation or modification as provided in this section.

6.8.5.2 Powers and Administrative Procedure

All site plans are subject to the review and approval by the Planning Board (Board), which shall be administrative. The Board shall impose any reasonable conditions they find appropriate to improve the site design as based on the design standards below.

6.8.5.3 Pre-Application Review

The applicant is strongly encouraged to request a Pre-Application Review with the Town Planner, Conservation Agent, Building Official, Health Agent, Fire Chief, Water Superintendent, Public Works Superintendent, or other Town official. The applicant's consultants are strongly encouraged to attend. The purpose of this review is to outline the applicant's preliminary plan and receive comments from the members of the Town staff listed above so as to minimize the applicant's costs for engineering and other technical experts that may arise throughout the development process.

6.8.5.4 Procedure

Applicants shall submit an application for SPF Site Plan Review in accordance with the rules and regulations effectuating the purposes of this By-law adopted and periodically amended by the Board. Said application shall be deemed complete by the Town Planner in accordance with the required items for a completed

application as outlined in the rules and regulations. An application will be deemed either complete or incomplete within one week of its receipt. Applicants who have submitted incomplete applications will then be notified in writing of which required items are missing.

When reviewing an application for approval, the Board may determine that the assistance of outside consultants is warranted due to a project's potential impacts. The cost of such outside consultants shall be borne by the applicant.

No large-scale ground mounted SPF shall be constructed, installed or modified as provided in this section without first obtaining a building permit. A building permit shall not be issued without either an approved plan signed by the Clerk of the Board that is compliant with any conditions put forth as part of the approval by the Board or by indicated approval as follows.

If the Board does not act upon such plan within three-hundred-sixty five (365) days after receipt of a completed application, it shall be deemed to be acceptable and the plan shall be signed "Approved by Default" by the Town Clerk.

Site Plan approvals are valid for one year following the date of approval. Construction shall commence within this timeframe. A one-year extension may be granted by the Board upon receipt of written correspondence by the applicant seeking said extension. Prior to construction, erosion and sedimentation control measures shall be in place in accordance with these By-laws.

6.8.5.5 Compliance with Approved Plan

Before the issuance of a permanent occupancy permit, the Building Official, in consultation with the Town Planner, shall verify compliance with the approved site plan and an as-built plan, certified by a registered professional land surveyor or engineer, which shall be submitted to the Board and Building Official. The as-built plan shall attest to a development's conformity to its approved site plan by indicating landscaping, buildings, drainage flow, number of parking stalls, and limits of parking areas and drives.

Any changes in the approved site plan or in the activity to be conducted on the site that would cause a change to any of the standards in Section 6.8.6 shall be submitted to the Board for review and approval. The Town Planner may administratively approve any changes to the approved site plan that do not cause non-compliance with any of the standards in Section 6.8.6

6.8.5.6 Appeals

Any person aggrieved by a decision of the Board under this section, may appeal this decision to the SPGA. Subsequent appeals shall be brought forth to Superior Court, the Land Court or the District Court pursuant to Chapter 40A, Section 17 of the Massachusetts General Laws.

6.8.6 Dimensional and Design Standards

The following elements, in addition to any standards prescribed elsewhere in this By-law, shall be utilized by the Board in considering all site plans.

6.8.6.1 Dimensional Standards

a.) Setbacks

b.) All construction shall comply with the yard, space, and height requirements of the underlying zoning district(s).

6.8.6.2 Design Standards

a.) Parking Requirements

The application shall demonstrate that adequate access, parking, and circulation are provided for service and emergency vehicles as determined by the Board.

b.) Drainage

Erosion and sedimentation control shall conform to Category 20B – Stormwater Management – Construction of the General By-laws. Runoff control shall conform to Category 20C – Stormwater Management – Post-Construction of the General By-laws.

c.) Landscaping

(i) A minimum 10-foot landscaped buffer around the perimeter of all sites shall be provided. A 25-foot buffer containing landscaping, a grassed earth berm, a fence, masonry wall or some combination of these screening devices, shall be provided on each side which adjoins or faces the side or rear lot line of a parcel in residential use or in a residential district.

(ii) Any double row of parking spaces shall be terminated by landscaped islands which measure not less than ten feet in width and not less than 36 feet in length. The interior of parking lots shall have at a minimum landscaped center islands at every other double row as applicable. Pedestrian paths may be incorporated within the landscaped area provided a minimum of four feet, exclusive of paved areas, is maintained for all landscaped areas. Said double rows of parking spaces shall not exceed twenty (20) adjacent spaces or ten (10) spaces in each row.

(iii) The interior of parking areas shall be shaded by deciduous trees to the maximum extent practicable without limiting sunlight exposure of the SPF.

(iv) Landscaping shall be so designed as to prevent parking or driving on any portion of a landscaped area except grassed areas to be used as overflow parking areas.

(v) Landscaping, which shall all be live, shall include trees or shrubs of a potential height of at least three (3) feet sufficiently spaced to define and screen the area in the event the landscaping is inadequately maintained. Landscaping shall not interfere with a safe view of traffic or pedestrian flow.

(vi) Utility areas as well as garbage collection, recycling areas, and other outside storage areas shall be screened by a planted buffer strip along three

sides of such a facility. Planting material should include a mixture of evergreen trees and shrubs.

d.) Lighting

The minimum illumination levels measured in foot-candles for all parking spaces serving the designated uses of the SPF District is 1.0 foot-candle.

The maximum spillover illumination to adjacent property shall be 1.0 foot-candle. No areas shall be floodlit. Drives and parking areas shall not be illuminated by lighting fixtures higher than twenty (20) feet. Sidewalks shall not be illuminated by lighting fixtures higher than fifteen (15) feet. All lighting fixtures shall be shielded to have a total cutoff of all light at less than ninety (90) degrees. The total cutoff of all light shall occur within the property lines of the parcel to be developed. A lighting plan showing the location and type of lighting fixtures as well as a photometric plan conforming to this section shall be submitted.

e.) Architectural Guidelines

The design of the proposed large-scale ground-mounted SPFs and associated appurtenant structures shall complement, whenever feasible, the general setback, roof line, arrangement of openings, color, and exterior materials, proportion and scale of existing buildings in the vicinity.

f.) Signage

Signs on large-scale ground-mounted SPFs shall comply with Section 8.8 of these By-laws. A sign consistent with Section 8.8 shall be required to identify the owner and provide a 24-hour emergency contact phone number. SPFs shall not be used for displaying any advertising except for reasonable identification, as determined by the Board, of the manufacturer or operator of the SPF.

g.) Utility Connections

Reasonable efforts, as determined by the Board, shall be made to place all utility connections from the SPF underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

6.8.7 Safety and Environmental Standards

6.8.7.1 Emergency Services

The applicant shall submit a plan clearly marking all means of shutting down the SPF and identification of a responsible person for public inquiries throughout the life of the facility to the Board, Fire Chief and Police Chief.

6.8.7.2 Land Clearing, Soil Erosion, and Habitat Impacts

Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large-scale ground-mounted SPF or as otherwise prescribed by applicable laws, regulations, and By-laws.

6.8.8 Operation and Maintenance Plan

The applicant shall submit a plan for the operation and maintenance of the large-scale ground-mounted SPF, which shall include measures for maintaining safe access to the facility, stormwater controls, as well as general procedures for operational maintenance of the facility. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures.

6.8.9 Utility Notification

No large-scale ground-mounted SPF shall be constructed until evidence has been given to the Board that the utility company that operates the electrical grid where the facility is to be located has been informed of the SPF owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

6.8.10 Abandonment and Decommissioning

6.8.10.1 Removal Requirements

Any large-scale ground-mounted SPF which has reached the end of its useful life or has been abandoned consistent with Section 6.8.10.2 of this By-law shall be removed. The owner or operator shall physically remove the facility no more than 180 days after the date of discontinued operations. The owner or operator shall notify the Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

a.) Physical removal of all large-scale ground-mounted SPFs, structures, equipment, security barriers and transmission lines from the site.

b.) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.

c.) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

6.8.10.2 Abandonment

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the SPF shall be considered abandoned when it fails to operate for more than one year without the written consent of the Board. If the owner or operator of the large-scale ground-mounted SPF fails to remove the facility in accordance with the requirements of this section within 180 days of abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the facility.

6.8.11 Financial Surety

Applicants proposing to develop large-scale ground-mounted solar photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the Town must remove the facility and restore the landscape, in an amount and form determined to be reasonable by the Board, but in no event to exceed more than 125

percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the applicant. As a condition of approval, an applicant shall bind itself to grant the necessary license or easement to the Town to allow entry to remove the structure. The Town shall have the right but not the obligation to remove the facility. Such surety will not be required for municipally- or state-owned facilities. The applicant 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.

6.9 Economic Development Area Overlay District

6.9.1 Purpose

It is the purpose of this Section to encourage economic development within the EDAOD, specifically for the establishment of restaurants with liquor licenses.

6.9.2 Overlay District

The EDAOD is established as an overlay district and includes that area designated on a map entitled "Economic Development Area Overlay District, Seekonk, MA" that is on file with the Town Clerk and the Building Commissioner and which, together with any explanatory material thereon, is hereby incorporated in and made a part of these By-laws. This map shall be considered as superimposed over other districts established by these By-laws.

6.9.3 Applicability

Buildings and land uses within the EDAOD shall be governed by the pertinent regulations within the underlying districts and any other applicable regulations of these By-laws.

6.10 Medical Marijuana Overlay District (MMOD)

6.10.1 Establishment

The Medical Marijuana Overlay District ("MMOD") is established as an overlay district. The boundaries of the MMOD are shown on the Zoning Map on file with the Town Clerk. Within the MMOD, all requirements of the underlying district(s) remain in effect, except where this section provides an alternative to such requirements. Land within the MDOD may be used either for (1) a Registered Marijuana Dispensary ("RMD"), in which case the requirements set forth in this section shall apply; or (2) a use allowed in the underlying district, in which case the requirements of the underlying district shall apply. If the provisions of the MMOD are silent on a zoning regulation, the requirements of the underlying district shall apply. If the provisions of the MMOD conflict with the requirements of the underlying district, the requirements of the MMOD shall control.

6.10.2 Purpose

To provide for the placement of RMDs, in accordance with the Humanitarian Medical Use of Marijuana Act, G.L. c.94C, App. §1-1, et seq., in locations suitable for lawful medical marijuana facilities and to minimize adverse impacts of RMDs on adjacent properties, residential neighborhoods, historic districts, schools, playgrounds and other locations where minors congregate by regulating the siting, design, placement, security, and removal of RMDs.

6.10.3 Definitions

Where not expressly defined in the Zoning By-laws, terms used in the MMOD By-law shall be interpreted as defined in the Humanitarian Medical Use of Marijuana Act, G.L. c.94C, App. §1-1, et seq. and the Department of Public Health Regulations promulgated thereunder, 105 CMR 725.001, et seq., and otherwise by their plain language.

6.10.3.1 Registered Marijuana Dispensary (RMD)

Also known as a Medical Marijuana Treatment Center, means a not-for-profit entity registered under 105 CMR 725.100, that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana-infused products ("MIPs"), tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

6.10.3.2 Location

a.) RMDs may be permitted in the MMOD pursuant to a Special Permit.

b.) RMDs may not be located within 1,000 feet of the following:

(i) School, including a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university;

(ii) Child Care Facility;

(iii) Library;

(iv) Playground;

(v) Public Park;

(vi) Youth center;

(vii) Public swimming pool

(viii) Video arcade facility; or

(ix) Similar facility in which minors commonly congregate.

c.) The distance under this section is measured in a straight line from the nearest point of the property line of the protected uses identified in Section 4.b. to the nearest point of the property line of the proposed RMD.

d.) The distance requirement may be reduced by twenty-five percent or less, but only if:

i. The applicant demonstrates that the RMD would otherwise be effectively prohibited within the municipality;

ii. The applicant demonstrates that the RMD will employ adequate security measures to prevent diversion of medical marijuana to minors who are not qualifying patients pursuant to 105 CMR 725.004.

6.10.3.3 Procedure

The Zoning Board of Appeals shall be the Special Permit Granting Authority (SPGA) for a RMD special permit.

a.) Application: In addition to the materials required under Section 2.2. Special Permits, the applicant shall include:

i. A copy of its registration as an RMD from the Massachusetts Department of Public Health ("DPH");

ii. A detailed floor plan of the premises of the proposed RMD that identifies the square footage available and describes the functional areas of the RMD, including areas for any preparation of MIPs;

iii. Detailed site plans that include the following information:

(1) Compliance with the requirements for parking and loading spaces, for lot size, frontage, yards and heights and coverage of buildings, and all other provisions of this By-law;

(2) Convenience and safety of vehicular and pedestrian movement on the site and for the location of driveway openings in relation to street traffic;

(3) Convenience and safety of vehicular and pedestrian movement off the site, if vehicular and pedestrian traffic off-site can reasonably be expected to be substantially affected by on-site changes;

(4) Adequacy as to the arrangement and the number of parking and loading spaces in relation to the proposed use of the premises, including designated parking for home delivery vehicle(s), as applicable;

(5) Design and appearance of proposed buildings, structures, freestanding signs, screening and landscaping; and

(6) Adequacy of water supply, surface and subsurface drainage and light.

iv. A description of the security measures, including employee security policies, approved by DPH for the RMD;

v. A copy of the emergency procedures approved by DPH for the RMD;

vi. A copy of the policies and procedures for patient or personal caregiver home-delivery approved by DPH for the RMD;

vii. A copy of the policies and procedures for the transfer, acquisition, or sale of marijuana between RMDs approved by DPH;

viii. A copy of proposed waste disposal procedures; and

ix. A description of any waivers from DPH regulations issued for the RMD.

b.) The SPGA shall refer copies of the application to the Building Department, Fire Department, Police Department, Board of Health, the Conservation Commission, the Highway Department, Board of Water Commissioners, and the Planning Board. These boards/departments shall review the application and shall submit

their written recommendations. Failure to make recommendations within thirty-five (35) days of referral of the application shall be deemed lack of opposition.

c.) After notice and public hearing and consideration of application materials, consultant reviews, public comments, and the recommendations of other town boards and departments, the SPGA may act upon such a permit.

6.10.3.4 Special Permit Conditions on RMDs

The SPGA shall impose conditions reasonably appropriate to improve site design, traffic flow, public safety, protect water quality, air quality, and significant environmental resources, preserve the character of the surrounding area and otherwise serve the purpose of this section. In addition to any specific conditions applicable to the applicant's RMD, the SPGA shall include the following conditions in any special permit granted under this By-law:

a.) Hours of Operation, including dispatch of home deliveries.

b.) The permit holder shall file a copy of any Incident Report required under 105 CMR 725.110(F) with the Zoning Enforcement Officer and the SPGA within 24 hours of creation by the RMD. Such reports may be redacted as necessary to comply with any applicable state or federal laws and regulations.

c.) The permit holder shall file a copy of any summary cease and desist order, cease and desist order, quarantine order, summary suspension order, order limiting sales, notice of a hearing, or final action issued by DPH or the Division of Administrative Law Appeals, as applicable, regarding the RMD with the Zoning Enforcement Officer and SPGA within 48 hours of receipt by the RMD.

d.) The permit holder shall provide to the Zoning Enforcement Officer and Chief of the Police Department, the name, telephone number and electronic mail address of a contact person in the event that such person needs to be contacted after regular business hours to address an urgent issue. Such contact information shall be kept updated by the permit holder.

e.) The special permit shall lapse within two years of its issuance. If the permit holder wishes to renew the special permit, an application to renew the special permit must be submitted at least 120 days prior to the expiration of the special permit.

f.) The special permit shall be limited to the current applicant and shall lapse if the permit holder ceases operating the RMD.

g.) The special permit shall lapse upon the expiration or termination of the applicant's registration by DPH.

h.) The permit holder shall notify the Zoning Enforcement Officer and SPGA in writing within 48 hours of the cessation of operation of the RMD or the expiration or termination of the permit holder's registration with DPH.

6.10.3.5 Exemption from RMD Special Permit Requirement

RMDs that demonstrate that they are protected pursuant to the agricultural exemption under G.L. c.40A §3 are not required to obtain a special permit, but shall apply for Site Plan Approval pursuant to Section 2.8 Site Plan Review.

6.10.3.6 Prohibition Against Nuisances

No use shall be allowed in the MMOD which creates a nuisance to abutters or to the surrounding area, or which creates any hazard, including but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.

6.10.3.7 Severability

The provisions of this By-law are severable. If any provision, paragraph, sentence, or clause of this By-law or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this By-law.

6.11 CONTINUING CARE RESIDENCY CAMPUS OVERLAY DISTRICT (CCRCOD)

6.11.1 PURPOSE

The purpose of this Section, Continuing Care Residency Campus Overlay District (CCRCOD), is to:

1. Provide for the development of the various residential opportunities including continuing care as set forth herein in a manner that conserves environmental features, woodlands, wet areas, open space, areas of scenic beauty, views and vistas; and

2. Develop such residential opportunities in a manner harmonious with the surrounding land uses while protecting natural resources and open space; and

3. Protect the value of real property; and

4. Promote sensitive siting of buildings and better overall site planning; and

5. Allow landowners a reasonable return on their investment; and

6. Facilitate the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner.

6.11.2 DEFINITIONS

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

ASSISTED LIVING FACILITY (ALF): A facility as defined in 651 CMR 12.02, which offers supportive services to individuals who are unable to live independently in the community by supervising and/or assisting with basic activities of daily life, such as, but not limited to, dressing, bathing, toileting, and nutrition.

CONGREGATE CARE OR INDEPENDENT LIVING FACILITY: A facility reserved for occupancy by persons who are able to care for themselves, but with some common facilities as described herein in a multifamily dwelling.

DWELLING: A structure containing no more than 100 dwelling units or other residential facilities. Each dwelling shall be constructed on one level, or constructed with an elevator; not to exceed two bedrooms.

DWELLING UNIT: A residence containing a living area, bathroom or bathrooms, and one or two bedrooms, which may contain a kitchen area or combination kitchen/living area.

NURSING HOME: Any facility defined in and licensed under G.L. c. 111, s. 71.

CONTINUING CARE RESIDENCY CAMPUS (CCRC): A combination of any of the uses permitted in Section 6.11.5, below, meeting all of the standards set forth in this By-law on a single property or set of contiguous properties in common control, or subject to an agreement to operate as a common entity or in concert.

UPLAND AREA: Land not wetlands.

WETLANDS: Land subject to the provisions of G.L. c. 131, ss. 40 and 40A and Seekonk Wetland By-law.

6.11.3 OVERLAY DISTRICT

The CCRCOD is an overlay district superimposed on all underlying zoning districts pertinent to the locus. All uses permitted by right or by special permit in the pertinent underlying zoning district shall be similarly permitted in the CCRCOD subject to the provisions of this Section. Where the CCRCOD authorizes uses not otherwise allowed in the underlying district, the provisions of the CCRCOD shall control. The boundaries of the CCRCOD are shown on the Zoning Map on file with the Town Clerk.

6.11.4 MINIMUM AREA

The parcel or set of contiguous parcels containing the CCRCOD shall not be less than thirty-five (35) acres, all of which shall be located exclusively in the Town of Seekonk.

6.11.5 PERMITTED USES

The first phase of a project in a Continuing Care Residency Campus must include an Assisted Living Facility and may include any of the other permitted uses. Within the CCRCOD, a Continuing Care Residency Campus may be constructed as of right, upon site plan approval by the Planning Board, as set forth below. A Continuing Care Residency Campus may include in combination three or more of the following permitted uses, whether located in the same structure or not:

1. Assisted Living Facility
2. Congregate Care or Independent Living Facility
3. Nursing Home
4. Independent Care Dwellings

5. Golf course open to the general public, and to the residents of the CCRC and other private members, with accessory facilities normally associated therewith including a pub or tavern with a license pursuant to G.L. c. 138, subject to approval of the licensing board.

6. Structures and uses accessory to the Continuing Care Residency Campus may also be provided in the same or in a freestanding building, or in outdoor areas set aside to enhance the same uses, including, but not limited to, the following: beauty and barber salons; recreational, physical fitness and therapy services; nondenominational chapel; library; bank automated teller machine; management offices; office buildings, specialty shops, such as: flower, donut, coffee, juice bar, liquor, postage or shipping, pet, candle, t-shirt, clothing, tailor, golf, photo, pharmacy, ice cream, antique, candy, arcade, art studio, pottery, jewelry, medical supplies, general store, convenience store, video, music, book, bakery, gift; day care, adult day care or adult day health facility; hospice residence; food service; laundry, dry cleaners, tanning salon, and restaurants, including pizza, deli, diner, sandwich, breakfast and covered parking areas. Except for swimming pools, tennis courts, and other outdoor recreational uses, including a health club, such accessory uses shall be in designated outdoor areas or within a structure, and shall comply with the signage requirements of the Zoning By-law or any other use that is allowed by the underlying Mixed Use Zone. Any use other than that stated in paragraph 6 or in the underlying zone will require a special permit from the Zoning Board of Appeals.

6.11.6 PROCEDURES

An Applicant for site plan approval of a Continuing Care Residency Campus shall file with the Planning Board ten (10) copies of a Development Plan conforming to the requirements for a site plan review under the Zoning By-laws of the Town of Seekonk. Such plan shall also indicate:

6.11.6.1 Existing and proposed topography;

6.11.6.2 Wetlands; where wetland delineation is in doubt or dispute, the Planning Board shall require the applicant to submit to the Conservation Commission a request for determination of applicability pursuant to G.L. c. 131, §40 and 310 CMR 10.05(3), the Wetlands Protection Act;

6.11.6.3 Unless the development is to be sewered, the results of deep soil test pits and percolation tests. The Planning Board shall refer data on proposed wastewater disposal to the Board of Health for their review and recommendation;

6.11.6.4 Specifications demonstrating that access roads and drainage facilities shall meet the functional requirements of the Planning Board's rules and regulations;

6.11.6.5 Notwithstanding the provisions of Section 2.8.3, the applicant shall not be subject to Site Plan Review otherwise required therein.

6.11.6.6 The applicant may be required to submit any additional information necessary to make the determinations and assessments cited herein.

6.11.7 DWELLING UNITS

The following standards shall govern dwellings and dwelling units:

6.11.7.1 Density: Congregate Care/Independent Living and Multifamily Structures. The maximum number of dwelling units allowed in any Congregate Care/Independent Living and Multifamily Structures in a CCRC shall not exceed 300 units.

6.11.7.2 Density: Assisted Living Facility or Nursing Home. The maximum number of beds allowed in any Assisted Living Facility or Nursing Home in a CCRC shall not exceed 160 beds.

6.11.7.3 Density: The combined total density of dwelling units and beds shall not exceed the amount of dwelling units allowed in any Congregate Care/Independent Living and Multifamily Structures in Section 6.11.7.1 together with the maximum number of beds allowed in any Assisted Living Facility or Nursing Home in Section 6.11.7.2 for a maximum density of three hundred dwelling units and 160 beds.

6.11.7.4 Structures: No individual structure within a Continuing Care Residency Campus shall contain more than one hundred (100) dwelling units or 160 beds, as the case may be, unless a special permit for more dwelling units or beds is granted by the Planning Board. The Assisted Living Facility must be the first structure constructed, as defined as the first building permit drawn for the Continuing Care Residency Campus. However, the sewer connection must be completed, prior to obtaining any building permits.

6.11.7.5 Height: No structure shall exceed four stories or 55 feet in height, unless a special permit for greater height is granted by the Planning Board

6.11.7.6 Parking: The number of parking spaces to be provided for independent living dwelling units shall be at a ratio of parking space per two independent living dwelling units. The Planning Board may require additional visitor parking spaces if deemed necessary. The number of parking spaces to be provided for any assisted living facility or nursing home shall be equal to the number of employees on the largest shift, plus one space per every 5 beds. The number of parking spaces to be provided for any offices, commercial establishments or other uses listed in Section 9.10.5 shall be at least one space per 500 square feet but not more than one space per 250 square feet of gross floor area.

6.11.7.7 Setbacks: Each structure shall be a minimum of 30 feet from adjacent properties.

6.11.7.8 Multiple Structures on a Lot or Parcel: Except as provided in Section 6.11.7.2, the Continuing Care Residency Campus may be a single lot or parcel, or in the alternative, a structure or multiple structures may be placed on separate lots or parcels. The requirements of the underlying districts shall not apply with regard to such lots or parcels.

6.11.8 OPEN SPACE REQUIREMENTS

6.11.8.1 Minimum Area: A minimum of 40% of the parcel shown on the Development Plan shall be contiguous open space, excluding required yards and buffer areas, including wetland areas and planted/landscape area. Such open space may be separated by roadways or driveways either proposed or constructed within the Continuing Care Residency Campus.

6.11.8.2 Use: The required open space shall be used for conservation, historic preservation and education, outdoor education, recreation, golf course, park purposes, agriculture, horticulture, forestry, or for a combination of these uses, and shall be served by suitable access for such purposes.

6.11.8.3 Cover: The required open space shall remain unbuilt upon, provided that ten percent (10%) of such open space, other than any golf course, may be paved or built upon for structures accessory to the dedicated use or uses of such open space, pedestrian walks, and bike paths, and agriculture.

6.11.8.4 Utilities: Underground utilities to serve the Continuing Care Residency Campus may be located within the required open space. All utilities within a continuing care residency campus shall be located underground; excluding a waste water treatment facility and any other such improvements that cannot be constructed underground.

6.11.9 STANDARDS

The following standards shall apply for the design of a Continuing Care Residency Campus:

6.11.9.1 Buffer Areas: All dwellings and structures shall be located a minimum of 30 feet from adjacent properties, and 50 feet from adjacent wetlands, subject to approval from the Conservation Commission pursuant to 310 CMR 10.00 and the Seekonk Wetlands Protection By-law. Buffer areas shall be retained in their natural vegetative state to the maximum extent feasible, except where adjacent to agricultural or recreational used property. Parking areas will have a 10 foot minimum landscaped buffer from adjacent properties.

6.11.9.2 Utilities: A Continuing Care Residency Campus shall be served by a public water supply, electricity, natural gas, a combined heat and power system and shall be served by a sewage disposal system or a wastewater treatment facility (WWTF) within two miles of the CCRC provided that the WWTF has adequate excess capacity available. The WWTF must obtain all necessary permits from the Massachusetts Department of Environmental Protection (MADEP) for the conveyances and treatment of wastewater from the CCRC. The CCRC may install a sanitary sewer force main within the CCRC, public highways or roads, public sidewalks and public or private easements to convey sanitary sewage and treated effluent between the CCRC and WWTF provided that the installation and repair of all disturbances to roadway improvements are made in accordance with the Seekonk Department of Public Works and Mass Highway Standards and Specifications for Roadways and Bridges. The sanitary sewer force main will be constructed and installed within roadway crossings as perpendicular as possible, and off of the traveled way and in the shoulder or sidewalk area wherever feasible.

6.11.9.3 Irrigation: Water for irrigation purposes will be provided on-site and not by the public water supply.

6.11.9.4 Accessory Buildings: Permitted accessory buildings may include property management office, structures to serve allowed accessory uses, common recreational facilities (including fitness center, swimming pool, meeting rooms,

etc.), physical plant and maintenance facilities, wastewater treatment facility, water treatment facilities, water storage tank or tanks and the like.

6.11.9.5 Stormwater Management: Stormwater management shall be consistent with the requirements for subdivisions set forth in the Rules and Regulations of the Planning Board, Section 8.3 of the Zoning By-law and any other applicable federal or state standards and the Seekonk Wetlands Protection By-laws.

6.11.9.6 Roadways: The principal roadway(s) serving the Continuing Care Residency Campus shall be adequate for the intended use and vehicular traffic and shall be maintained by the Applicant.

6.11.9.7 Maximum Coverage: Not more than 55% of the Continuing Care Residency Campus shall be covered by an impervious surface.

6.11.9.8 Lighting: Lighting shall comply with Section 8.5 of the Zoning By-law.

6.11.10 DECISION

The Planning Board shall render its decision regarding the site plan within sixty (60) days of the date of the application, as may be extended by agreement in writing. Such decision shall be filed with the office of the Town Clerk. Site plan approval for a Continuing Care Residency Campus shall be granted upon determination by the Planning Board that new building construction or other site alteration satisfies all of the following objectives.

6.11.10.1 Minimize the volume of cut and fill, the number of removed trees 6" caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion, and threat of air and water pollution;

6.11.10.2 Maximize pedestrian and vehicular safety both on the site and egressing from it;

6.11.10.3 Minimize obstruction of scenic views from publicly accessible locations;

6.11.10.4 Minimize visual intrusion by controlling the visibility of parking, storage, HVAC or other outdoor service areas viewed from public ways or premises residentially used or zoned;

6.11.10.5 Minimize glare from headlights and lighting intrusion and light overspill into the night sky;

6.11.10.6 Provide adequate access to each structure for fire and other emergency service equipment;

6.11.10.7 Provide adequate stormwater management consistent with the functional design standards in the Planning Board’s Subdivision Rules and Regulations;

6.11.10.8 Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places;

6.11.10.9 Minimize contamination of groundwater from on-site wastewater disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances.

6.11.11 APPEAL

Any decision of the Planning Board pursuant to this Section shall be appealed in accordance with G.L. c. 40A, s. 17 to a court of competent jurisdiction.

6.11.12 RELATION TO OTHER REQUIREMENTS; SEVERABILITY

The submittals and permits of this section shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of this Zoning By-law. In the event any provision of this Section 6.11 is deemed unconstitutional or invalid, it is the intention that such decision shall not affect the validity of this Section 6.11 as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 7. RESERVED

Section 8. Development and Design Standards

8.1 Parking

8.1.1 Number of Spaces

Off-street parking shall be provided in all districts for uses where off-street parking is required, according to the standards set forth in the following schedule.

8.1.2 Shared Parking

Where mixed primary uses occur, applicants may propose a reduction in parking requirements based on an analysis using data from the Institute of Traffic Engineers (ITE). For peak demands of non-competing uses, a reduction up to 25% of the parking requirements in Section 8.1.3 may be approved by the Planning Board. For peak demands of competing uses, a reduction up to 10% of the parking requirements in Section 8.1.3 may be approved by the Planning Board.

8.1.3 Parking Space Schedule

Land Use	**Minimum**	**Maximum**
Hotel or Motel	1 per guest room	1.2 per guest room
Place of assembly, church, meeting hall or room, club, lodge and country club	1 per five seats	1 per three seats
Restaurant, stadium, gymnasium, auditorium, arena	1 per five seats	1 per three seats
Theater	1 per four seats	1 per two seats
Bank	1 per 400 square feet of gross floor area	1 per 150 square feet of gross floor area
Commercial establishments at least 20,000 square feet	1 per 500 square feet of gross floor area	1 per 250 square feet of gross floor area
Commercial establishments less than 20,000	1 per 400 square feet of gross floor area	1 per 200 square feet of gross floor area

Land Use	Minimum	Maximum
square feet		
Automotive retail and service	1 per 2000 square feet of gross floor area	1 per 1000 square feet of gross floor area
Wholesale, warehouse, or storage establishment	1 per each employee on the largest shift	1.2 per each employee on the largest shift
Medical or dental office	2 per each doctor plus one for each employee	3 per each doctor plus one for each employee
Hair, Nail, Massage, Tattoo establishment	2 per each practitioner plus one for each employee	3 per each practitioner plus one for each employee
Hospital	1.5 per bed	2 per bed
Nursing Home	0.25 per bed	0.5 per bed
Business, trade or industrial school or college	1 per 400 square feet of gross floor area	1 per 200 square feet of gross floor area
School or college dormitory facilities	1 per resident	1.2 per resident
Other schools	2 per classroom	4 per classroom
Office	1 per 500 square feet of gross floor area	1 per 300 square feet of gross floor area
Golf course	1.5 per green	2 per green
Tennis court	1.5 per court	2 per court
Swimming pool or skating rink	1 per four spectator capacity	1 per four spectator capacity plus one per each 1000 square feet of gross floor area
Sports field	1 per six spectator capacity	1 per four spectator capacity
Amusement park	1 per each 600 square feet of amusement area	1 per each 300 square feet of amusement area
Ranges (golf, batting, etc.)	1 per station	1.5 per station
Campgrounds	2 per campsite	2.5 per campsite
Public utility	1 per 400 square feet of gross floor area	1 per 200 square feet of gross floor area
Manufacturing or industrial establishments	1 per each three employees of the largest working shift	2 per each three employees of the largest working shift

The Planning Board shall determine the closest similar use for any use permitted by these By-laws not interpreted to be covered by this schedule. Only the primary land use needs to be considered in calculating the required parking spaces. The Planning Board may suggest an appropriate number of spaces for a specified land use within the range of minimum and maximum parking spaces based on historical demand. Handicapped spaces shall be in conformance with 521 CMR and an appropriate notation stating such conformance shall be placed on the prepared site plan.

8.1.4 Dimensions

Each off-street parking space shall be a minimum of nine (9) feet in width by twenty (20) feet in length. In the case of angle parking, the minimum dimensions for stalls and aisles shall be in compliance with the Institute of Traffic Engineers (ITE) standards.

8.1.5 Aisle and Entrance Dimensions

The minimum width of aisles and entrance drives providing access to more than two spaces shall be at least 24 feet wide. On lots where one entrance and exit driveway or access is constructed, the access shall not exceed fifty-four (54) feet in width. Where two or more driveways or accesses are constructed, the accesses shall each not exceed thirty (30) feet in width. For automotive service stations, the maximum width shall be thirty-two (32) feet for each driveway or access.

8.1.6 Off-Street Loading

For every building hereafter erected and for every use hereafter established in an existing building or area, the off-street loading requirements presented in the Loading Space Schedule apply. Provided however, that for any building existing prior to October 2, 1973, but not expanded after such date, the Zoning Board of Appeals may grant a variance to allow for on or off loading on the street where conditions unique to the use reasonably justify such loading.

8.1.7 Loading Space Schedule

Use	**Minimum number of loading spaces per units**
All uses under 5000 square feet	No minimum, sufficient provision to eliminate all on or off loading on the street pursuant to normal economic activity
Retail trade, manufacturing and hospital establishments with over 5000 square feet of gross floor area	1 per 20,000 square feet or fraction thereof of gross floor area up to two spaces; one additional space for each 60,000 square feet or fraction thereof of gross floor area over 40,000 square feet; spaced used for ambulance receiving at a hospital is not to be used to meet these loading requirements.
Business services, other	1 per 75,000 square feet or fraction thereof of gross floor area up to two spaces; one additional space for each 20,0000 square feet or fraction thereof of gross floor area over 150,000 square feet

8.1.8 Dimensions

Each space for off-street loading shall be a minimum of five (5) feet longer than and four (4) feet wider than the largest vehicle which shall use the loading space. Each loading space shall have a vertical clearance of at least fourteen (14) feet. Each loading space shall have an additional area adequate for parking, loading, and maneuvering off any public street, sidewalk, or any portion thereof.

8.1.9 Computation of Spaces

When the computation of required parking or loading spaces results in the requirements of a fractional space, any fraction over ½ shall require one additional space.

8.1.10 Location of Parking Spaces

Required off-street parking spaces shall be provided on the same lot as the principal use they are required to serve, or when practical difficulties prevent their establishment upon the same lot, the Planning Board shall rule upon the acceptability of alternative plans.

8.1.11 Rental Spaces

No lot in common ownership shall contain more than two spaces for rental or lease except as an understood accessory to rental of a room on the same lot.

8.1.12 Other Parking Requirements

8.1.12.1 The location of spaces shall be suitably marked by painted lines or other appropriate markings.

8.1.12.2 A substantial bumper of concrete, steel, or heavy timber, or a concrete curb or berm curb which is backed, or a natural berm, shall be so located at the edge of surfaced areas except driveways as to protect abutting structures, properties, sidewalks, and landscaping.

8.1.12.3 No parking or loading area shall be used for the sale, repair, display, storage, dismantling or servicing of any vehicle, equipment, merchandise, material or supplies except as specifically permitted by these By-laws in conjunction with uses directly involving sale, servicing, storage or repair of vehicles in districts where such uses are permitted.

8.1.12.4 Parking and loading spaces other than those for single-family or two family dwellings shall be so arranged as not to require backing of vehicles onto any public street.

8.1.12.5 No portion of any entrance or exit driveway shall be closer than fifty (50) feet to the nearest edge of the legal layout of an intersecting street.

8.1.12.6 All parking areas shall have clearly defined traffic flow into and out of the area and throughout the lot. Traffic moving in one direction may be required to be separated from traffic moving in an opposite direction at the entrance and exit to the parking lot by barrier, striping, rumble strip or the like, as determined to be necessary by the Planning Board. The flow pattern shall direct traffic into parking units. All driveways shall be clearly identified as to exit and/or entrance and direction of traffic flow. Where possible, curb-cuts shall be located on secondary roads and limited to only one on primary roads.

8.1.12.7 Curbing and walkways wherever developed shall meet all standards for curbing and walkways specified in the effective Rules & Regulations Governing the Subdivision of Land in the Town of Seekonk.

8.1.12.8 All parking spaces shall be accessible from the driving aisles or lanes by a single turn.

8.1.12.9 If the proposed development may generate 100 or more additional peak hour trips, based on the Institute of Traffic Engineers (ITE) Trip Generation Handbook, or if the Board determines that a safety or capacity deficiency exists, a traffic impact analysis prepared by a registered professional engineer shall be submitted by the applicant of existing conditions and future conditions with the proposed development.

8.1.12.10 The Planning Board may require that parking lots of adjacent properties be connected so as to prevent multiple entrances and exits on to the public streets by consumers.

8.2 Drive-Through Businesses

8.2.1 Drive-through facilities shall provide a minimum of 10 stacking spaces for donut shops, fast-food restaurants and banks and a minimum of 4 stacking spaces for pharmacies. If an order board and a transaction window are proposed, a minimum of 4 spaces between the two shall be provided. If more than one board and/or window are proposed, the stacking spaces may be divided between said boards and/or windows. A minimum of 3 stacking spaces to exit the facility shall also be provided.

8.2.2 Each stacking space shall be a minimum of 20 feet in length and 10 feet in width along straight portions and 12 feet in width along curved segments of the stacking lanes.

8.2.3 Stacking lanes shall be delineated from traffic aisles, other stacking lanes and parking areas with striping, curbing, landscaping, alternative paving materials, or raised medians. Said lanes shall be designed to prevent circulation congestion and shall not impede access into or out of parking spaces or create conflicts with pedestrian traffic, refuse/recycling areas and loading areas. An emergency by-pass lane shall be provided with all drive-through facilities.

8.3 Drainage

Erosion and sedimentation control shall conform to Category 20B – Stormwater Management – Construction of the General By-laws. Runoff control shall conform to Category 20C – Stormwater Management – Post-Construction of the General By-laws.

8.4 Landscaping

8.4.1 Local Business District Requirements

8.4.1.1 Screening: All outdoor storage areas or facilities for fuels, materials and products, shall be enclosed by a wall of solid appearance or tight evergreen hedge not less than 6 feet high, erected and maintained where necessary to conceal such areas or facilities from adjoining residence districts and uses.

8.4.2 Highway Business District Requirements

8.4.2.1 Screening: Any highway business use not conducted wholly within a building shall be permitted only if a wall of solid appearance or tight evergreen hedge not less than 6 feet high is erected and maintained between such use and any adjoining residence district or use.

8.4.3 Luther’s Corners Village District Requirements

8.4.3.1 All outdoor storage areas or facilities shall be enclosed by a wall of solid appearance or tight evergreen hedge not less than 6 feet high, erected and maintained where necessary to conceal such areas or facilities from adjoining residence districts or uses.

8.4.4 Industrial District Requirements

8.4.4.1 Where a lot in an industry district adjoins a residence district and wherever an industrial building, use or associated parking space is to be within 300 feet of the residence district there shall be erected and maintained within 10 feet of and parallel to the common district a wall of solid appearance or a tight evergreen hedge not less than 6 feet in height which shall extend for the full length of the common zone boundary except for that portion within 25 feet of a street.

8.4.5 Requirements for Site Plan Review

8.4.5.1 A minimum 10 foot landscaped buffer around the perimeter of all sites shall be provided. A 25 foot buffer containing landscaping, a grassed earth berm, a fence, masonry wall or some combination of these screening devices, shall be provided on each side which adjoins or faces the side or rear lot line of a parcel in residential use or in a residence district to buffer non-residential sites from residential areas.

8.4.5.2 Each double row of parking spaces shall be terminated by landscaped islands which measure not less than ten feet in width and not less than 36 feet in length. The interior of parking lots shall have at a minimum landscaped center islands at every other double row. Pedestrian paths may be incorporated within the landscaped area provided a minimum of four feet, exclusive of paved areas, is maintained for all landscaped areas. Said double rows of parking spaces shall not exceed twenty (20) adjacent spaces or ten (10) spaces in each row.

8.4.5.3 The interior of parking areas shall be shaded by deciduous trees, which at maturity, each tree shall be presumed to shade a circular area having a radius of 15 feet with the trunk as the center. There must be sufficient trees so that, using this standard, 30 percent of the parking will be shaded.

8.4.5.4 Landscaping shall be so designed as to prevent parking or driving on any portion of a landscaped area except grassed areas to be used as overflow parking areas.

8.4.5.5 Landscaping, which shall all be live, shall include trees or shrubs of a potential height of at least three (3) feet sufficiently spaced to define and screen the area in the event the landscaping is inadequately maintained. Landscaping shall not interfere with a safe view of traffic or pedestrian flow.

8.4.5.6 Garbage collection, recycling areas, utility areas and other outside storage areas shall be screened by a planted buffer strip along three sides of such a facility. Planting material should include a mixture of evergreen trees and shrubs.

8.4.5.7 Display lots for motor vehicle sales shall be exempt from section 8.4.5.2 and 8.4.5.3 as long as a landscaped setback area not less than twenty (20) feet in depth except the area covered by access drives is provided. No vehicle shall be parked in the landscaped area or nearer than twenty (20) feet from the street lot line.

8.5 Lighting

8.5.1 Commercial Districts Requirements

8.5.1.1 Exterior lighting shall not shine directly on properties and streets beyond the property line.

8.5.2 Industry District Requirements

8.5.2.1 Exterior lighting shall not shine directly on properties and streets beyond the property line.

8.5.3 Requirements for Site Plan Review

The following shall be the minimum illumination levels measured in foot-candles for all parking spaces serving the designated uses:

- Industrial - 1.0
- Commercial - 2.0
- Shopping Centers - 3.0

The maximum spillover illumination to adjacent property shall be 1.0 foot-candle. No areas shall be floodlit. Drives and parking areas shall not be illuminated by lighting fixtures higher than twenty (20) feet. Sidewalks shall not be illuminated by lighting fixtures higher than fifteen (15) feet. All lighting fixtures shall be shielded to have a total cutoff of all light at less than ninety (90) degrees. The total cutoff of all light shall occur within the property lines of the parcel to be developed. A lighting plan showing the location and type of lighting fixtures as well as a photometric plan conforming to this section shall be submitted.

8.6 Buildings

8.6.1 Architectural Guidelines

The design of proposed buildings, structures and additions shall complement, whenever feasible, the general setback, roof line, arrangement of openings, color, exterior materials, proportion and scale of existing buildings in the vicinity.

8.7 Sustainable Design

8.7.1 Sustainable Design Incentives for Site Plan Review

In review of a Site Plan Review Application, the Board may waive any of the standards within Sections 8.1 through 8.6 if any LEED certified standards or LID techniques are provided on the subject property.

8.8 Signs

8.8.1 Purpose

8.8.1.1 This section is adopted for the regulation of signs, and advertising devices, within the town in order to protect and enhance the visual environment of Seekonk, by creating a balanced sign texture, diminishing any visual confusion, enhancing a particular building, or total streetscape, and stimulating responsible business activity. This section shall also serve to protect and enhance the safety, convenience, and welfare of all residents, businesses and consumers alike, and to prevent and minimize damage to the environment.

8.8.1.2 Any sign or advertising device hereafter erected or maintained shall conform to the provisions of this zoning By-law, and the provisions of the State Building Code, and any other By-laws, or regulations of the municipality. The term “sign” shall include any advertising device.

8.8.2 Sign Definitions

Sign definitions with example images are provided as Appendix C. Sign Definitions.

8.8.3 Administration and Enforcement

8.8.3.1 A permit from the Building Official is required prior to the erection of all signs except those specifically exempt under Section 8.8.3.2. Application for said sign permit shall specify the proposed sign location by street and number, the name(s) and address (es) of the owner(s), the sign contractor or erector and initial display date. Applicant shall also file a site plan, except for temporary signs, showing, at a scale of at least 1" = 40', the location(s) of all proposed signs, and lot and building dimensions. No permit shall be required to refinish an existing sign or to change the lettering on a changeable letter sign, so long as they meet the further requirements of these By-laws.

8.8.3.2 Exemptions from Permit

a.) Signs erected or maintained by local, state, or federal law;

b.) Highway directional or traffic control signs required or allowed by law;

c.) Signs exempt under M.G.L. c. 93, Section 32;

d.) Flags or insignia of the United Nations, United States or any political subdivision thereof, or any other nation or country, provided it shall not be used for commercial promotion, display, or as an inducement to promote, or attract attention to, a particular business or person;

e.) One sign displaying the street number of the occupant of any premises, not to exceed one square foot in display area;

f.) Two “For Sale” or “For Rent” signs not exceeding a combined total display area of six square feet placed only on the premises for which each sign advertises, and which shall be removed from the premises within seven calendar days from completion of sale or rent;

g.) One developer's or contractor's sign not to exceed six (6) square feet in area in a residential or Mixed Use Zone, and not to exceed thirty-two (32) square feet in other zones, maintained on the premises while construction is in process and containing information relevant to the project or premises. Such sign shall be removed promptly and within seven calendar days after completion of the construction.

h.) Directional signs on the pavement and within parking and entrance areas;

i.) Off premise commercial and noncommercial temporary signs which have been authorized to be erected and maintained on municipal or town owned property

under the jurisdiction of either the Board of Selectmen, School Committee, or Recreation/Youth Committee.

8.8.3.3 Prohibited Signs

a.) Off premise commercial signs are hereby prohibited. All noncommercial signs shall comply with the provisions of this By-law.

b.) Those which obstruct or impede the immediate use of a fire escape, a fire or other emergency exit, or any emergency escape route;

c.) Those which obstruct the free passage of air, sunlight, or other means of lighting to any door, window, skylight or other opening of similar nature, or to mechanical means for providing a source of solar energy to an adjacent building or any other building on the same or adjoining lot, either passive or active;

d.) Those defined as roof signs;

e.) Those abandoned for a period of at least two continuous years;

f.) Those which advertise or call attention to any product, business, or activity which is no longer sold, leased, or carried on, whether generally in town or elsewhere, or at that particular premises;

g.) Those which have not been repaired or properly maintained within thirty days after written notice to that effect has been given to the owner of said sign by the Building Official;

h.) All temporary signs except those described in Section 8.8.8;

i.) Those placed within any public right-of-way or upon any sidewalk;

j.) Those projecting over any public right-of way or over a sidewalk;

k.) Those painted or composed of fluorescent, phosphorescent or similar material;

l.) Those, either in whole or in part, that are moving, mobile, or revolving;

m.) Those considered as strings, streamers, flags, pennants, revolving or flashing lights, spinners, or other similar devices which are attached or strung across, upon, over, or along any premises or building, whether as part of a sign of not;

n.) Those that are painted on the exterior surface of any wall or roof;

o.) Those that are attached to any tree, utility pole, or natural feature on any street, highway, or right-of-way unless expressly permitted elsewhere in this section.

8.8.3.4 Legal Nonconforming Signs

Those legal nonconforming signs existing prior to the adoption of this section at Town Meeting are granted exemption. Existing nonconforming signs shall not be enlarged, reworded, redesigned, or altered in any way, excluding repainting to a similar color or manner, except to conform to the revised requirements of this section. Further, any such nonconforming sign which has deteriorated or been destroyed to such extent that the cost of restoration would exceed 50% of the replacement cost of the sign at the time of restoration shall not be repaired, rebuilt, or altered except in compliance with this By-law.

8.8.3.5 Enforcement

a.) The Building Official is hereby designated as the enforcing officer for this By-law. The Building Official is hereby authorized to order the repair or removal of any sign and/or its supporting structure which is obstructive, hazardous, or dangerous due to age, damage, or poor construction, in disrepair or neglected contrary to the intent of this By-law.

The Office of Outdoor Advertising within the Massachusetts Department of Transportation shall be informed of the name and address within ten working days upon the designation of a new or acting Building Official.

b.) The permit required of the applicant through the Building Official mentioned in Section 8.8.3.1 shall be issued only if the Building Official determines that the sign complies or will comply with this By-law and in accordance with the requirements of the current edition of the State Building Code, 780 CMR, as amended. Such application of the permit must be filed either by the owner of the land or building or by any person showing written proof from the owner of said land that he has the authority to erect a sign on the premises.

c.) The Building Official shall act within thirty (30) days of the receipt of said application for a permit and shall assign a reasonable administrative fee during that time frame. The Building Official's action on this, or other elements of this section of By-law, or failure to act, may be appealed to the Zoning Board of Appeals under the provisions of the Massachusetts General Laws, Chapter 40A. A schedule of fees for such permits may be established from time to time by the Board of Selectmen.

d.) Penalties - Violation of any provision of these Zoning By-laws shall be subject to a fine pursuant to Category 39 of the Town of Seekonk General By-laws.

8.8.4 Signs – Local Business, Highway Business and Industrial Districts and Uses

8.8.4.1 There shall be no temporary or permanent special promotion signs, banners, streamers, or placards erected, suspended, posted or affixed in any manner outdoors or on the building exterior of premises in Local Business, Highway Business, or Industrial Districts, except as permitted elsewhere in this By-law.

8.8.4.2 On each premises in a Local Business, Highway Business, or Industrial District, there is permitted one sign affixed to the exterior of a building for each occupancy therein. The top edge of each such sign shall not be higher than either the roof ridge of the building of the highest point of the roof excluding ornamental portions thereof, if no ridge pole, or higher than the plate of a flat roof.

a.) One sign affixed to the exterior of a building is permitted provided it shall not exceed an area of two hundred (200) square feet or five (5) percent of the face of the wall below the plate on the side of the building on which the sign is mounted, whichever limit is smaller.

b.) If a building faces on more than one street, a second sign may be affixed to the building similar to the first sign but with the restriction that total area of both signs will not exceed one hundred fifty (150) percent of the maximum allowable

area of the first sign, nor will the area of the second sign exceed five (5) percent of the area of the wall below the plate on the side of the building on which the sign is mounted.

c.) Exception to the area limitation is allowed for individually mounted letters mounted directly on the face of the building for the simple purpose of displaying the occupying company name. Such letters shall not exceed twenty (20) percent of the height of the building face below the plate on the side of the building on which the letters are mounted. The maximum height of individually-mounted letters shall be four (4) feet.

d.) Either the affixed signs or the individually lettered name may be used, but not both, for the same building occupant.

8.8.4.3 Free-standing signs are limited in number to one per contiguous land ownership, not per lot. Only one free-standing sign is permitted for the whole combination of any number of lots mutually adjoining in a single or common ownership on one side of a street.

a.) An exception allowing two free-standing signs on property as previously described is permitted where the property fronts on two or more streets. One such sign is permitted on each of the two streets.

8.8.4.4 The top edge of any free-standing sign shall not be higher than twenty-five (25) feet vertical measured above the average level of the ground between the supports of each sign exclusive of base planters.

8.8.4.5 For public safety, the whole of the signboard or display elements of any free-standing sign shall be either below three (3) feet height, or above seven (7) feet height, above average ground level. Such free-standing sign or its supports shall be located a minimum of twelve (12) feet from any lot line.

a.) An exception to 8.8.4.5 is permitted only if a front yard of less than twelve (12) feet deep from the lot line to the front of the building is a pre-existing condition or caused by land taking. In this case a low profile double-face sign is permitted. This sign shall be no longer than four (4) feet or no higher than three (3) feet above average ground level. Any lighting shall be directed from the front toward the sign and the building so as to not pose a safety hazard for any vehicles passing the site.

8.8.4.6 No free-standing sign shall have a single face area for display or signs in excess of sixty (60) square feet in Local Business Zones or one hundred twenty (120) square feet in Highway Business or Industrial Zones measured from the tops of the topmost display elements to the bottoms of the lowest display elements, and from exterior side to exterior side of display elements, and including in such measurements any blank spaces between display elements. These measurements apply to the overall sign size and not just to display area. The signs may be double-faced. There shall be no printing or display on the thickness dimension.

a.) The maximum allowed thickness from face to face of a double-faced sign is twelve (12) inches, plus ten (10) percent of either the height or width, whichever is smaller.

b.) The support members shall not extend beyond the vertical planes of the faces and ends of free-standing signs, except single-pole cantilever mounted signs wherein such pole shall not exceed twelve (12) inches in diameter.

c.) All support members shall be rigidly secured in the ground at every point of contact with the ground.

d.) Protective bumpers or bases shall not exceed eighteen (18) inches from the surface of support members or from the plane between the faces of adjacent supporting members unless such base is of a built-in-place planter type. Such planter is not limited.

8.8.4.7 No sign shall be animated or otherwise moving, except as permitted in Section 8.8.7.

8.8.5 Signs – Residential Districts

8.8.5.1 No sign shall be erected, posted, or otherwise displayed external of a residence except as permitted as follows.

8.8.5.2 Residence identification by name or address or both is permitted for each family in a dwelling. Such signs shall not exceed one (1) square foot per face and may be double-faced.

8.8.5.3 One double-faced sign not in excess of one (1) square foot per face is permitted to advertise taking of boarders, earth removal or home occupation. Such signs may be combined with the residence identifications sign for a single double-face sign not in excess of two (2) square feet per face.

8.8.5.4 For permitted uses, other than residential, in Residential Districts or as limited otherwise, one double-faced sign of not over twelve (12) square feet per face is permitted.

8.8.5.5 Only one real estate, developer's or contractor's sign on the premises may be double-faced but shall not exceed six (6) square feet per face, nor shall it be allowed less than twelve (12) feet from the street or lot line.

a.) An exception shall be the advertising of a subdivision as defined in Chapter 41, Section 81K, M.G.L. Such exception shall permit a double-faced sign not to exceed thirty-two (32) square feet per face, or ten (10) feet in any direction erected. Construction and mounting shall conform to the provisions of Section 2.11.2 of this By-law. One such sign is permitted near each entrance to the subdivision except that not more than one such sign shall face the same street. This sign will be removed from the premises within seven (7) days from the completion of the purpose.

8.8.5.6 Nonconforming legal land uses in residential districts shall be allowed signs normally permitted in the most restrictive districts in which the particular land use would conform, but only with the permission of the Board of Appeals. The Board of Appeals shall stipulate any limits or additional restrictions they deem necessary or desirable to ensure compatibility with the surrounding area.

8.8.6 Signs – Mixed Use District

a.) Free-standing signs shall conform with the requirements of Section 8.8 of these By-laws and, in addition, shall be of a colonial or rustic design of a size not to exceed 12 square feet. Approval by the SPGA shall be required as a part of the special permit process.

b.) Signs affixed to the building(s) shall conform with the requirements of Section 8.8 of these By-laws.

8.8.7 Illumination of Signs: Local Business, Highway Business, Industrial and Residential

8.8.7.1 Any signs permitted may be steadily illuminated either from within or by some outside source, subject to the following further provisions:

a.) No sign shall be intermittently illuminated, nor have traveling, flashing or animated lighting, except that there may be displayed to the public by changing or intermitting letters, numbers or lights, information as to the time of day (or night), temperature, weather forecast, visibility, or pollution index or other similar information. The public information section intermittently illuminated in any sign shall not exceed forty (40) square feet in any zoning district. No sign shall rotate.

b.) Signs shall neither emit nor reflect light with an intensity greater than fifty (50) foot candles at one hundred (100) feet from the sign.

c.) The illumination of signs for commercial or business or industrial purposes shall be permitted in Residence or Local Business Zones only between seven o'clock in the morning and eleven o'clock in the evening and in the Highway Business and Industrial Zones during the hours such business is open and/or operating.

8.8.7.2 The source of illumination for any sign shall be placed or hooded so that the lighting source itself is not visible at any point beyond the lot lines or leasehold lines of the premises.

a.) Source is herein designated to mean the light-emitting element and any elements designed or employed for the purpose of reflecting and directing emitted light.

8.8.8 Temporary Signs

8.8.8.1 Temporary exterior signs are permitted to advertise the opening of a business at its new location; to advertise a special event at its intended location; or to advertise political candidates, campaigns, or programs.

8.8.8.2 Such signs shall not exceed thirty-two (32) square feet.

8.8.8.3 No two or more such signs shall be closer than five hundred (500) feet apart on land in contiguous ownership.

8.8.8.4 Any illumination of such permitted sign shall not exceed the allowed limits in the district in which it is located.

8.8.8.5 All temporary signs require a permit from the Building Official.

8.8.8.6 All such temporary signs as herein described must meet the approval of the Building Official regarding safety of construction, placement, mounting and lighting. By written notice specifying the corrections needed, the Building Official shall order the immediate action of the displayer to either make the corrections or

remove the sign. If immediate action is not taken, the Building Official may, at his own initiative or with the enlisted aid of any other Town Department remove such sign.

8.8.8.7 All such temporary signs as permitted in this section shall be permitted on the same premises for not more than thirty (30) days, or each subsequent election, in the same calendar year. At the end of the period of permitted use, the sign shall be removed by the initiative of the company, organization, individual, or their agents, as indicated by the displayed information.

8.9 Kennels

8.9.1 Septic systems: Septic systems associated with kennels must be approved by the Board of Health.

8.9.2 Drainage: Adequate drainage that conforms with Section 8.2.3 of these zoning By-laws must be provided for all kennels regardless of size.

8.9.3 Setbacks: Any structures or enclosed areas associated with kennel operations shall not be located in any required front or side yard, or within ten feet of any rear lot line, or within ten feet from any other building.

8.10 Corner Visibility

Within any required front or corner side yard on any corner lot, no wall, fence, sign post, structure, hedge, shrub, or other obstruction to visibility shall be permitted between the heights of 2½ feet and 10 feet above the existing grade within 60 feet of the intersection of any street right of way lines or their extension so as to preserve adequate sight distances and public safety.

8.11 Additional Site Plan Standards for the Luther's Corners Village District

8.11.1 Front yards shall not be used for parking. The parking standards in section 8.1.3 can be waived by the Planning Board if in the Board's opinion they will have a detrimental effect on the neighborhood character.

8.11.2 Front, side, or rear yards of commercial and mixed use buildings may be used as seasonal outdoor seating areas for businesses, provided that such areas are regularly cleaned and maintained, with trash removed on a daily basis. Seasonal outdoor seating areas may be installed during warm weather months. All related temporary furnishings and fixtures, including but not limited to tables, chairs, umbrellas, light fixtures, freestanding signs and menu boards, etc., shall be stored indoors off season; however any fencing, bollards, planters, or other means of delineating the boundaries of such outdoor seating areas may remain in place permanently.

8.11.3 Service alleys shall be provided behind mixed-use, commercial, or multi-family residential buildings to provide access for parking, loading, and garbage collection. Alleys will typically be narrower than primary streets and need not include sidewalks, street trees, or parking lanes.

8.11.4 On streets with mixed and non-residential uses, sidewalks should be approximately 6 feet wide; for residential uses, approximately 5 feet wide. Smooth or aggregate concrete pavement, or unit pavers of brick, stone, or similar materials are preferred (unit pavers should be easily negotiable by wheelchairs); color-tinted asphalt stamped

to resemble unit pavers may also be considered, but smooth black asphalt is discouraged. Accessible curb cuts shall be provided at all intersections and pedestrian crosswalks.

8.11.5 Crosswalks shall be provided at all intersections where heavy volumes of pedestrian and vehicular traffic are expected to intersect, and are encouraged for all street crossings along primary routes of pedestrian travel through this District. Crosswalks shall be constructed to provide both a change in color and texture from the regular roadway surface; such changes shall be A.D.A. compliant.

8.11.6 All streets trees shall be planted in a landscaped belt at least 5 feet wide between the street curb and the sidewalk. New development should consider utilizing existing mature trees for this purpose, particularly if such trees already frame or can be used to frame an important vista. New trees shall have a minimum 4-inch caliper at a level of 4 feet above grade, and shall be planted at intervals of approximately 40 feet or less. Hardy, climate-appropriate, deciduous species that will grow to a mature height of approximately 60 feet and will provide shade are preferred; smaller, ornamental trees may be interspersed with larger trees. Lower branches shall be trimmed to a height of at least 7 feet, so as not to interfere with pedestrians and to provide good visibility for drivers.

8.11.7 Buildings may vary in size and form and should provide that a comfortable pedestrian scale is maintained; variety in massing is specifically encouraged in developments containing multiple buildings. Vertical proportions are generally preferred, especially for windows and doors on horizontally massed buildings. Buildings with 100 feet or more of frontage should utilize design techniques that will create the appearance of a several smaller buildings, such as variations in the plane of the façade, in materials, in ornamentation, and/or in fenestration patterns (windows and doors).

8.11.8 Buildings shall be sited with their primary façade and main entrance facing either a street or a public open space; a sidewalk shall be provided to access the main entrances of all buildings. Rear elevations may face a service alley but shall not face a main road or a public open space. In a residential development with multiple buildings, consider varying the positioning of buildings within individual lots to provide visual interest along the streetscape.

8.11.9 A variety of roof lines is encouraged, including front gable, side gable, hip, and flat (with or without a parapet), particularly where buildings are to be sited close together within the same development. All buildings shall have a defined cornice.

8.11.10 Dormers are permitted on residential and mixed use buildings, provided that the ridge of any dormer shall be below the ridge of the main roof.

8.11.11 Buildings sited at the intersection of two or more streets may have a clock tower at the corner(s) nearest that intersection(s), to create a focal point on a streetscape. The height of any such clock tower shall not exceed 55 feet.

8.11.12 All buildings shall be designed with varied and articulated facades to provide visual interest; decorative patterning in exterior wall materials should be considered. Long expanses of blank walls facing the street or public open space are not permitted, either on the ground floor or on upper floors. Where building frontage along a street

is greater than 100 feet, architectural elements such as vertical piers, bay windows, and recessed entrances should be used to maintain pedestrian scale.

8.11.13 Mixed use and non-residential buildings shall provide continuous storefronts at the ground floor level, with at least sixty percent (60%) of the storefront containing transparent clear glass. Storefront windows may either provide views into the interior space used by a business, or be used for display only, enclosed on the interior by opaque walls. Storefront entrances may be recessed.

8.11.14 Awnings and/or Canopies may be provided above storefront windows and entrances, and may incorporate signage for a business. Preferred materials are opaque canvas, metal, or glass. Exterior illumination for awnings and canopies is preferred; gooseneck lamps or other decorative fixtures should be considered.

8.12 Construction and Operation Standards and Limitations

8.12.1 Industry District Requirements

8.12.1.1 Hazard to Adjacent Property: Any industrial operation shall be carried on in such a manner and with such precautions against fire and explosion hazards as to produce no such hazard to a use on adjacent property.

8.12.1.2 Odors: No objectionable odors shall be observable at the property line. Detailed plans for the elimination of odors may be required before the issuance of any building permit. It is the intent of this paragraph that odors from any industrial use hereafter begun shall not be observable at the property line to a greater degree than those from plants for the manufacture or fabrication of books, clothing, jewelry, light metals, and other plants in which operations do not result in greater nuisances from the creation of odors.

8.12.1.3 Gases: No noxious, toxic or corrosive fumes or gases shall be emitted. Detailed plans for the elimination of fumes or gases may be required before the issuance of any building permit.

8.12.1.4 Dust and Smoke: No observable dust or smoke created by any industrial operation shall be exhausted into the air. Detailed plans for the elimination of dust or smoke may be required before the issuance of any building permit.

8.12.1.5 Glare: Any operation producing heat or glare shall be shielded so that the operation is not visible beyond the property line.

8.12.1.6 Waste Disposal: Approval of the Board of Health of all waste disposal plans shall be required before the issuance of any building permit.

8.12.1.7 Vibration: No industrial operation shall cause inherent and recurrently generated vibration perceptible at the property line.

8.12.1.8 Radiation: No industrial operation shall cause dangerous radiation at the property line.

8.12.1.9 Accessory Buildings and Uses

Within any industry district, buildings, accessory buildings and uses of the land consistent with the principal land use are permitted. Accessory buildings shall not be located in any required front, side, or rear yard. Accessory buildings and uses include but are not limited to:

a.) Garage for storage or repairs of appurtenant motor vehicles;

b.) Offices pertaining to the industrial operation;

c.) Employee restaurant and athletic facilities;

d.) Laboratories; and

e.) Retail sales when such sales comprise a minor part (less than 10%) of the industrial operation and/or gross floor area, and sale of any of these items to be directly manufactured by that particular firm and/or corporation on that particular lot. No lot shall be further subdivided in order to meet the intent of this section. The gross floor area of the anticipated retail sales shall have parking, in addition to that required for the industrial use, in conformance with Section 8.1 of these By-laws, and as part of a parking plan approved by the Planning Board.

Section 9. Special Regulations

9.1 Home Occupations

Home occupations customarily conducted entirely within a dwelling such as custom dressmaking, millinery, tailoring, and fabric sewing; foster family care of not more than four children; office in which goods, wares or merchandise are not commercially created or handled; and rooming and boarding of not more than two persons are permitted in all Residence Districts provided that any such home occupation:

9.1.1 Shall be operated entirely within a dwelling unit and shall have no exterior display or storage;

9.1.2 Shall be operated only by the person or persons residing within the dwelling unit;

9.1.3 May display only one sign of not more than 3 square feet lighted only by non-flashing and non-animated incandescent illumination;

9.1.4 Shall utilize not more than 20% of the gross area in the dwelling unit but in any event not more than 300 square feet;

9.1.5 Shall have not more than one employee or regular assistant not residing in the dwelling unit.

9.2 Conservation Subdivision Design

9.2.1 Purposes

The purposes of Conservation Subdivision Design are:

1. To encourage the preservation of open land for its scenic beauty and to enhance agricultural, open space, forestry, and recreational use;
2. To preserve historical and archeological resources;
3. To protect the natural environment;
4. To protect the value of real property;

5. To promote more sensitive siting of buildings and better overall site planning;
6. To perpetuate the appearance of Seekonk's traditional New England natural landscape;
7. To allow landowners a reasonable return on their investment; and
8. To facilitate the construction and maintenance of streets, utilities and public services in a more economical and efficient manner.

9.2.2 Applicability

Any subdivision of five (5) or more lots, from a parcel or set of contiguous parcels held in common ownership and located within a Residence District other than an R-1 zoning district may be permitted by right as a Conservation Subdivision upon approval by the Planning Board (Board).

9.2.3 Pre-application Review

The applicant is strongly encouraged to request a pre-application review with the Town Planner, Conservation Agent, Building Official, Health Agent, Fire Chief, Water Superintendent and Public Works Superintendent. The applicant's consultants are strongly encouraged to attend. The purpose of this review is to outline the applicant's preliminary plan and receive comments from the members of the town staff listed above so as to minimize the applicant's costs for engineering and other technical experts that may arise throughout the development process.

9.2.4 Procedures

Applicants for a Conservation Subdivision shall file with the Board a Preliminary Plan and Definitive Plan, conforming to the contents specified in the Rules and Regulations Governing the Subdivision of Land in Seekonk, Massachusetts.

9.2.5 Number of Dwelling Units

The maximum number of dwelling units allowed shall be equal to the number of lots which could reasonably be expected to be developed upon that parcel under a conventional plan in full conformance with all zoning, subdivision regulations, health regulations, wetlands regulations and other applicable requirements. The Board shall review the proposed maximum number of dwelling units through the submittal of a Yield Plan as described in the Rules and Regulations Governing the Subdivision of Land in Seekonk, Massachusetts.

9.2.6 Site Design Process

Each Development Plan shall follow a four-step design process, as described below. When the Development Plan is submitted, applicants shall be prepared to demonstrate to the Board that these four design steps were followed by their site designers in determining the layout of their proposed streets, house lots, and open space.

9.2.6.1 *Designing the open space*. First, the open space is identified. The open space shall include, to the extent feasible, the most sensitive and noteworthy natural, scenic, and cultural resources on the property as identified on plans submitted to the Board through the subdivision review process.

9.2.6.2 *Location of house sites.* Second, potential house sites are tentatively located. House sites should be located not closer than 100 feet to wetlands areas, but may be situated within 50 feet of open space areas, in order to enjoy views of the latter without negatively impacting the former.

9.2.6.3 *Street and lot layout.* Third, align the proposed streets to provide vehicular access to each house in the most reasonable and economical way. When lots, access and streets are laid out, they shall be located in a way that avoids or at least minimizes adverse impacts on open space. To the greatest extent practicable, wetland crossing and streets traversing existing slopes over 15% shall be avoided.

9.2.6.4 *Lot lines.* Fourth, draw in the lot lines. These are generally drawn midway between house locations.

9.2.7 Site Design Standards

9.2.7.1 Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject parcel.

9.2.7.2 The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal/alteration. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas.

9.2.7.3 All open space shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.

9.2.7.4 The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.

9.2.7.5 Building orientation for residential uses shall be such that at least 75% or more of the buildings shall have one axis at least 1.5 times longer than the other, and such that the longer axis is within 15 degrees of the geographical east/west axis. The length to width ratio shall be applied only to the length of walls enclosing conditioned spaces; walls enclosing unconditioned spaces such as garages, arcades, or porches shall not be counted in these calculations.

9.2.7.6 Where a building meets the standard for subsection 5 above, the roof shall be designed so that that any protuberances, dormers or other features shall not preclude the future installation of solar power generating technology.

9.2.7.7 Walkways, trails and bicycle paths shall be provided to link residences with recreation facilities (including parkland and open space) and adjacent land uses where appropriate.

9.2.8 Lot Dimensions

Each lot shall contain not less than 15,000 square feet of area if serviced by town water and not less than 20,000 square feet if not serviced by town water. Said lots shall have frontage of not less than 50 feet, front yards of at least 20 feet and rear and side yards of at least 10 feet.

9.2.9 Access to Lots

Lots within a Conservation Subdivision may only be accessed from roads within the subdivision.

9.2.10 Minimum Open Space Requirements

A minimum amount of dedicated open space is required as part of any Conservation Subdivision in accordance with the following table and shall meet all the requirements of this By-law for design, restriction of use, and ownership. The percentage of this open space that can be wetland shall not exceed the percentage of wetland for the entire site under existing conditions shown on the Development Plan. Land area within any regulated buffer areas to wetlands or waterways shall not be counted toward computation of the existing wetland area.

District	Minimum Dedicated Open Space
R-2	40%
R-3	50%
R-4	60%

9.2.11 Design of Open Space

Dedicated open space in any Conservation Subdivision shall meet the following design standards:

9.2.11.1 Open space shall not include required yards and buffer areas and shall not consist of narrow strips of land around the perimeter of the site which do not meet the intent of this By-law.

9.2.11.2 As part of the subdivision review process, the Board may require interconnected open space on adjacent subdivisions to encourage biodiversity by maximizing habitat size and minimizing edge effects. Such open space may be separated by the road(s) constructed within the Conservation Subdivision.

9.2.11.3 A physical demarcation between residential properties and the required open space shall be included to prevent said open space from being absorbed by adjacent residential properties. Suggested examples include split rail fences, stone walls, boulders or other impediments as approved by the Board.

9.2.12 Allowable Uses within Dedicated Open Space

The required open space shall be used for conservation, historic preservation, agriculture, horticulture, forestry, or for a combination of these uses, and shall be served by suitable access for such purposes. Existing underground utilities, as of the date of adoption of this section, to serve the Conservation Subdivision site may be located within the required open space.

9.2.13 Ownership of Dedicated Space

The required open space shall, at the owner's election, be owned by any of the following entities:

9.2.13.1 A private owner for agricultural, horticultural, forestry or any other purpose not inconsistent with the conservation restriction;

9.2.13.2 A non-profit organization or agency of the Commonwealth, with their consent, whose principal purpose is the conservation of open space for any of the purposes set forth herein;

9.2.13.3 The Town of Seekonk Conservation Commission; or

9.2.13.4 A homeowners association (HOA) as defined in the Zoning By-law owned jointly or in common by the owners of lots or units within the project.

9.2.13.5 If option four is selected the following shall apply:

a.) The documents organizing the HOA shall be drafted and approved by the Board before final approval of the Conservation Development, recorded prior to the issuance of building permits, comply with all applicable provisions of state law, and pass with conveyance of the lots or units in perpetuity. Each individual deed, and the deed, trust, or articles of incorporation, shall include language designed to effect these provisions.

b.) Membership must be mandatory for each property owner, who must be required by recorded covenants and restrictions to pay fees to the HOA for taxes, insurance, and maintenance of common open space, private roads, and other common facilities.

c.) The HOA must be responsible in perpetuity for liability insurance, property taxes, the maintenance of recreational and other facilities, private roads, and any shared driveways.

d.) Property owners must pay their pro rata share of the costs in subsection c above, and the assessment levied by the HOA must be able to become a lien upon individual properties within the Conservation Development.

e.) The HOA must be able to adjust the assessment to meet changed needs.

f.) The applicant shall make a conditional grant to the Town of Seekonk, binding upon the HOA, of the fee interest to all open space to be conveyed to the HOA. Such offer may be accepted by the Town of Seekonk, at the discretion of the Board of Selectmen, upon the failure of the HOA to take title to the open space from the applicant or other current owner, upon dissolution of the association at any future time, or upon failure of the HOA to fulfill its maintenance obligations hereunder or to pay its real property taxes.

g.) Ownership shall be structured in such a manner that real property taxing authorities may satisfy property tax claims against the open space lands by proceeding against individual property owners in the HOA and the dwelling units they each own.

h.) Municipal counsel must find that the HOA documents presented satisfy the conditions in subsections a through g above, and such other conditions as the Board shall deem necessary.

9.2.13.6 Selection of ownership option one, two, or four requires:

a.) The conveyance of a conservation restriction as outlined herein; and

b.) The granting of an access easement over such land sufficient to ensure its perpetual maintenance as agricultural, conservation, or recreation land. Such easement shall provide that in the event the trust or other owner fails to maintain the open space in reasonable condition, the Town of Seekonk may, after notice to

the lot owners and public hearing, enter upon such land to maintain it in order to prevent or abate a nuisance. The cost of such maintenance by the Town of Seekonk shall be assessed against the properties within the development and/or to the owner of the open space. Pursuant to G.L. Chapter 40 Section 58 the Town of Seekonk may file a lien against the lot or lots to ensure payment for such maintenance. Pursuant to G.L. Chapter 40 Section 57 the Town of Seekonk may also deny any application for, or revoke or suspend a building permit or any local license or permit, due to neglect or refusal by any property owner to pay any maintenance assessments levied.

9.2.14 Maintenance of Open Space

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

9.2.15 Density Bonus Option

9.2.15.1 Eligible Projects: For any proposed Conservation Subdivision of 8 or more units that is not within the Groundwater Aquifer Protection District, the developer may voluntarily elect to provide affordable housing units and receive a density bonus upon grant of a special permit by the Planning Board. The Planning Board shall require as a condition of such a density bonus the following:

a.) The provision within the Conservation Subdivision of affordable housing units amounting to a minimum of ten (10) percent of the development's total number of dwelling units. Fractions of a unit will be rounded up to the next whole number.

b.) The affordable units to be provided shall be equivalent in size, quality, and characteristics to the other units in the development.

c.) The affordable units shall not be grouped together; they shall be distributed among all units.

9.2.15.2 Alternative Provision of Units: The Planning Board may allow, as a condition of said density bonus that, in lieu of all or some of the affordable housing units being provided within the Conservation Subdivision, the developer shall:

a.) Provide all or some of the affordable housing units on a site different from the Conservation Subdivision; or

b.) Provide all or some of the affordable housing units through an alternative means, such as the purchase of existing units with the addition of deed restrictions or some other legally enforceable instrumentality acceptable to the Planning Board ensuring its continuing affordability; or

c.) Provide the equivalent value of all or some of the affordable housing units through a "fee-in-lieu" paid to the Town of Seekonk's Community Preservation Act Community Housing fund, which will be dedicated to the provision of affordable housing; or

d.) Provide all or some of the affordable housing units through a combination of any or all of the methods in this Section.

e.) The Planning Board shall ensure that the affordable units to be provided through alternative methods shall be equivalent in size, quality, and characteristics to the units within in the Conservation Subdivision. The Planning Board will also ensure that these alternative methods will encourage the most appropriate use of land and buildings, and/or will avoid undue hardship to land and buildings.

f.) The value of a "fee-in-lieu" payment shall be equal to the price of a unit that is affordable to a qualified purchaser, assuming a household size of 1.49 persons per bedroom. Bedrooms will be determined by the average number of bedrooms per unit in the Conservation Subdivision. In the case of multiple affordable units, the price shall be multiplied by the number of affordable units created by the Conservation Subdivision.

9.2.15.3 Density Bonus: Under the voluntary special permit, the Planning Board will allow an increase in the maximum number of on-site market rate dwelling units in the Conservation Subdivision established under Section 9.2.5 of this By-law. The number of these bonus market rate units will be equal to the number of affordable units created by the Conservation Subdivision. Fractions of a unit will be rounded up to the next whole number.

9.2.15.4 Schedule/Timing of construction or provision of affordable units or lots: The Planning Board may impose conditions on the special permit requiring construction of affordable housing according to a specified time table, so that affordable housing units shall be provided coincident to the development of market-rate units, but in no event shall the development of affordable units be delayed beyond the schedule noted below:

MARKET-RATE UNIT %	AFFORDABLE HOUSING UNIT %
Up to 30%	None required
30% plus 1 unit	At least 10%
Up to 50%	At least 30%
Up to 75%	At least 50%
75% plus 1 unit	At least 70%
Up to 90%	100%

9.2.15.5 Qualified Purchasers/Tenants: To ensure that only eligible households purchase or lease affordable housing units, the purchaser or lessee shall be required to submit copies of his/her household's last three years' federal and state income tax returns and certify, in writing and prior to transfer of title, to the developer of the Conservation Subdivision or his/her agent, and within thirty (30) days following transfer of title, to the Seekonk Housing Authority, that his/her household's annual income level does not exceed the maximum level as established by the Commonwealth's Department of Housing and Community Development, and as may be revised from time to time. The maximum housing cost for affordable units created under this By-law is as established by the Commonwealth's Department of Housing and Community Development, Local Initiative Program or as revised by the Town.

9.2.15.6 Preservation of Affordability: Each affordable housing unit created in accordance with this subsection and offered for sale or rent to the general public shall have deed restrictions or some other legally enforceable instrumentality acceptable to the Planning Board ensuring its continuing affordability in perpetuity.

a.) Resale Price: Sales beyond the initial sale to a qualified affordable income purchaser shall include the initial discount rate between the sale price and the unit's appraised value at the time of resale. This percentage shall be recorded as part of the deed restriction or other chosen legally enforceable instrumentality on the property.

b.) Right of first refusal: The purchaser of an affordable housing unit developed as a result of this By-law shall agree to execute a deed rider prepared by the Town, consistent with model riders prepared by Department of Housing and Community Development, granting the municipality's right of first refusal to purchase the property in the event that a subsequent qualified purchaser cannot be located.

9.2.16 Decision

The Board may approve, approve with conditions, or deny an application for a Conservation Subdivision, after assessing whether the Conservation Subdivision better promotes the objectives herein, than would a conventional subdivision.

9.2.17 Relation to Other Requirements

The submittals and permits of this section shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of this Zoning By-law.

Appendix A. Chronological List of Rezones Since February, 1959

2/24/59	Annual Town Meeting Plat 32, Lot 10, Pond Street	From Residence A to Industrial	
10/19/59	Special Town Meeting Newman Avenue between Tower Road and Railroad tracks	From Industrial to Highway Business	
9/26/60	Special Town Meeting Plat 31, Lots 150, 151	From Residence A to Local Business	
7/31/61	Special Town Meeting Central Avenue (Central Shopping Plaza)	From Residence A to Local Business	
3/5/62	Annual Town Meeting Central Avenue, Plat 31, Lots 150 & 151	From Residence A to Local Business	
10/8/62	Special Town Meeting Rezone Plat 16, Lots 16, 18, 20, 49, 50 west side of Lincoln and north of County	From Local Business to Residence AA	
1/7/63	Special Town Meeting Plat 8, Lot 37, Bell Property	From Industrial to Highway Business	
4/22/63	Special Town Meeting Highland Avenue - southerly side 120,000 sq. ft.	From Industrial to Highway Business	
10/28/63	Special Town Meeting Plat 18, Lot 129, Arcade Avenue, Penacho Property	From Residential AA to Local Business	
8/10/64	Special Town Meeting Maple Avenue, Attleboro Dyeing & Finishing Corp.	From Residential AA to Industrial	Plat 32, Lot 7,
8/10/64	Special Town Meeting 470 & 596, Taunton Avenue & Pleasant Street, Banna Property	From Residential AA to Local Business	Plat 20, Lots
8/10/64	Special Town Meeting 118, 117, 582, 589, 590 & Portion 585 (K-Mart)	From Residential AA to Local Business	Plat 20, Lots

3/8/65	Annual Town Meeting Plat 11, Port. of Lot 2, Taunton Avenue, Plat 12, Portion of 51 Plat 12, Lot 427 S. F. Treacy	From Residence A to Industrial
10/18/65	Special Town Meeting Plat 6, Lots 9 & 32, County & Olney Street	From Residence AA to Local Business
5/6/68	Special Town Meeting Plat 32, Pond Street	From Residence A to Industrial
7/14/69	Special Town Meeting Plat 8, Lots 33-35, Highland Ave.	From Industrial to Highway Business
6/15/70	Special Town Meeting Plat 14, Lot 81, Taunton Avenue	From Local Business to Highway Business
5/24/71	Special Town Meeting Lots 420 & part of 498 Taunton Avenue	From Local Business & Plat 12, Industrial to Highway Business
5/24/71	Special Town Meeting Plat 20, Lot 208, K-Mart	From Residence A to Local Business
9/25/73	Special Town Meeting Plat 1, Lot 22	From Residential A to Industrial
9/25/73	Special Town Meeting Plat 1, Lot 31	From Residential A to Industrial
5/12/75	Special Town Meeting Plat 27, Lot 41, Brook and Newman Avenue	From Residential A to Planned District
5/12/75	Special Town Meeting Plat 7, Lot 25, Bay State Racquet Club	From Residential A to Highway Business
8/25/75	Special Town Meeting Plat 7, Lots 29 and 30, Fall River Avenue	From Residence A to Highway Business
7/26/76	Special Town Meeting Plat 7, Lot 54, Colfall Street by Joseph and Ludres Ferreira	From Highway Business to Residential A
4/11/77	Annual Town Meeting Plat 1, Lot 20, Fall River Avenue by Samuel Hilton	From Residential A to Highway Business

6/25/79	Special Town Meeting Town wide Rezone in Conjunction with Master Plan	
10/22/79	Special Town Meeting Plat 1, Lot 125, Rho-Phi	From Residential R-3 to Mixed Use/R-3
10/20/80	Annual Town Meeting Plat 29, Lots 36, 37, 38 Pine Street, Robert T. Fuller	From R-1 (Residential) to Industrial
10/2/84	Annual Town Meeting Plat 12, Lots 420, 501 Taunton Avenue, George A. Butler	From Local Business to Highway Business
10/2/84	Annual Town Meeting Plat 12, Lot 421 Taunton Avenue, J. Howe & T. Dyson, III	From Local Business to Highway Business
10/2/84	Annual Town Meeting Plat 12, Portion of Lot 502 Taunton Avenue, Louis Romano	From Local Business to Highway Business
10/14/87	Special Town Meeting Plat 8, Lots 53, 130, 137 Mink Street, Armand & Shirley Ricci	From Industrial to Highway Business
10/14/87	Special Town Meeting Plat 36, Portion of Lot 1 Florence Brigham Trust	From Industrial to R-4 (Residential)
10/14/87	Special Town Meeting Plat 36, Lots 2, 11 Plat 35, Lot 20 Edmund St. Laurent	From Industrial to R-4 (Residential)
5/14/90	Annual Town Meeting Plat 12, Lot 496 Plat 11, Part of Lot 50 Plat 11, Lot 56 Plat 11, Lot 1 Fall River Avenue, (F.R.A. Development Corporation)	 From Industrial From R-3 From Industrial/R-1 From R-1 to Planned District
11/13/90	Annual Town Meeting Plat 8, Lot 135 Mink Street, M. Robles	From Industrial to Highway Business

9/20/93	Special Town Meeting Plat 3, Lot 16 Allen Avenue, A. Rotondo & Sons	From R-4 to Industrial
1/16/95	Second Annual Town Meeting Plat 12, Lots 498, 1-9 Taunton Avenue & Morris Street Robert T. Butler	From Local Business to Highway Business
5/5/97	Annual Town Meeting Article 9	Addition of Adult Entertainment Overlay District
5/5/97	Annual Town Meeting Plat 8, Lots 15-17 Cavallaro, et al	From R-1 to Highway Business Fall River Avenue
5/5/97	Annual Town Meeting Plat 12, Lots 489-495 Taunton Avenue & Eldon Street Robert T. Butler	From Local Business to Highway Business
6/6/98	Special Town Meeting Plat 9, Lots 102-104, 165-177 Development District J. D. Anthony	From R-3 to Planned Unit Fall River Avenue
11/16/98	Special Town Meeting Plat 34, Lots 1 & 2 Central & Border Avenue Roger & Mark Brouchu	From Local Business to Residential R-1
5/21/01	Annual Town Meeting Plat 10, Lots 7, 68, 213-214, 217-234 Plat 5, Lots 30, 30A, 31, 38, 40, 54-69 71-73, 98-156, 158-160	From Residential R-3 to Residential R-1 From Residential R-4 to Residential R-1
5/21/01	Annual Town Meeting Plat 4, Lots 17, 200-201, 212-220 224-230, 248, 252-255, 257, 261-268 272-291, 294-296 Willard Avenue & Wagonwheel Road Rezone in Conjunctions with Master Plan	From Residential R-4 to Residential R-1
05/28/02	Special Town Meeting Article 2	Readjust Map R-2 Mixed Use Zoning

	Plat 18, Lots 15, 87 Taunton Avenue Jenkins Realty Trust	Boundary Line
05/27/03- 06/02/03	Annual Town Meeting Plat 29, Lots 60 & 61	From Local Business to Residential R-1
11/08/04	Special Town Meeting Article 9 Plat 9, Lots 159-164 Fall River Avenue Janice Serpa	From R-3 to Highway Business
11/08/04	Special Town Meeting Article 10 Plat 15, Lots 60 & 61 Arcade Avenue Stephen E. Navega	From R-2/Mixed Use to Local Business
11/08/04	Special Town Meeting Article 11 Plat 7, Lots 44 & 79 Mink Street Domenico Cassisi & Francesco Cassisi	From Industrial to Highway Business
05/23/05	Annual Town Meeting Article 14 Plat 14, Lot 82 Fall River Avenue Tasca Automotive Group	From Local Business to Highway Business
08/15/05	Special Town Meeting Article 3 Plat 10, Lot 1 Fall River Avenue/Rachel Avenue H. Charles Tapalian	Addition of Multifamily Development Overlay District
05/27/09	Annual Town Meeting Article 21	Addition of Telecommunication Facilities Overlay District
05/24/10	Annual Town Meeting Article 10	Addition of Solar Photovoltaic Overlay District
05/24/10	Annual Town Meeting Article 11 Plat 9, Lots 181, 185, 186,	Addition of Luther's Corners Village District From Local Business to Luther's

	187, 188, 189, 190, 191, 193, 194, 195, 196, 197, 222, 223, 224, 225, 226, 227, 228, 229, portions of 230, 246, 247, 248, 250, 254, 256, 260, 262, 263, 264 in Conjunction with Amended Zoning Map	Corners Village District
11/28/11	Annual Town Meeting Article 15	Addition of Economic Development Area Overlay District
11/13/12	Annual Town Meeting Article 24 Plat 12, lots 10-17 Morris Street Patricia Pine	From R-1 to Highway Business District
11/13/12	Annual Town Meeting Article 29 Plat 14, Lots 78, 87, & 96 320 Fall River Avenue, LLC	Addition of Continuing Care Residency Campus Overlay District
06/10/13	Annual Town Meeting Article 16 Plat 35, Lot 26 Woodland Avenue Fisk Family Realty Trust	From R-4 to Industrial District
06/09/14	Annual Town Meeting Article 14	Addition of Medical Marijuana Overlay District
06/15/15	Annual Town Meeting Article	Deletion of Groundwater Aquifer Protection Overlay district Adoption of Water Resource Protection District

Appendix B.List of Revisions Since July, 1963

Town Meeting Date	Section and Description
1/7/63	§6 to change lot sizes from 10,000 to 14,400 and various other sizes and dimensions in §6
1/7/63	§7.1 Highway Business District
1/7/63	§8 Planned District
3/9/64	§6 to add subsection 6.14
10/28/68	§14 adding subsection 1.
7/14/69	§10 Off street parking adding 10.8.6
5/24/71	§14 to add subsection 14.1
9/25/73	§10.1 to add subsection 10.5.9.6
10/2/73	§12 to add new section regarding signage
10/2/73	§10 Parking Regulations
5/12/75	§4.7, General Provisions
5/26/76	Amend §10, Parking
10/19/81	§10.5.1 Amended to clarify traffic dividers.
10/18/82	§6.12 Accessory Building redefined. §12.1.4.1 Signs: size allowance increased. §12.1.4.6 Allows temporary signs twice per year. §12.2.3.3 Defines lettering size. §12.4.1 Lighting, individually mounted letters.
10/2/84	§12.1.1 Clarifies off-premise signs. §12.1.4 §12.2.4 §12.2.1 Deleted.
10/21/85	§1 Purpose: Adds “housing for all income levels” and “quality of environment”.

Town Meeting Date	Section and Description
10/21/85	§2 Amends and/or adds definitions of Base Flood Level, Corporations, Story. §3.2.1 Add: “Maps at Planning Office”. §4.3 Addresses “dwelling units”. §§5.3, 5.4 Order reversed. §6.2.2 Amends “dwellings” to “dwelling units”. §6.14.1 Plan scale to be at least 1" = 40'. §6.14.2.3 To include existing buildings. §7.3 Adds “uses”. §7.6 Adds “50' minimum lot width for Local and Highway Business”. §7.7 Adds “15' sideyard requirement”. §8.5.3 Adds “50' lot width” and clarifies “50' front depth”. §8.6 Adds “accessory buildings”. §8.6.5 (New Section.) Provides for limited retail sales adjunct to industrial operation. §9.2.2.2 Includes Flood Zones A and B. §10.1.1 Employee space requirements transferred to “Land Use Activity” and increased requirement to one space per employee. §10.1.3 Adds “Employee and handicapped parking”; increases requirements for wholesale, office, commercial establishments.
1/13/87	§9.4 Adds “Aquifer Protection District”.
10/19/87	§2 Adds, “definitions mandated by FEMA”. §§3.1, 3.2 Updated referencing added district per §9.4. §4.8 Establishes requirement for Certified Plot Plan. §9.2 Incorporates new FEMA regulations. §10.3.10 Establishes fee for parking plan submittal. §12 Sign By-law rewritten.
6/20/88	§2 Dwelling definition amended. §4.8.2 Certified plot plan amended. §§6.3.1, 6.3.2 Added to prevent porkchop lots. §7.1 Disallows mini-storage in Local and Highway Business. §8.2 Adds mini-storage as an allowed use in Industrial §8.4.1 Deleted.

Town Meeting Date	Section and Description
4/11/89	§9.4.4.3.1 Wastewater discharge clarified to six gallons/1000 feet per day. §10.3.9.1 (New Section) Time limitation. §10.3.11 (New Section) Requiring P.E. stamp. §10.4.1.2 To allow permeable surface in Aquifer District. §14.3 Amends ZBA time limit to 100 days.
5/13/91	§6.3.1 Amends to 60' square in R-1 only. §12.4.5 Adds waiver for certain temporary signs.
11/18/91	§2 Accessory building: garden/yard shed location specs deleted (transferred to §6.12). §6.3.2 Porkchop lot prohibition transferred to new §4.9, to include industrial and business property. §6.12 Location specs (exemption) added for garden/yard sheds. §9.3.4.2.8.1 Amended to reduce maximum sign size to 12 square feet in Mixed Use Zone. §12.4.5 Amended to change 10′ height requirement to 7'. §12.4.5.1 (New Section) Sign placement exception for pre-existing condition of insufficient front yard setback.
10/18/93	§2 Add under structure language after the full sentence, "specifically excepting canopies and dispensing islands for gasoline filling stations". §6.9 Add under Maximum Height, "However, with respect to buildings or structures used for municipal purposes, including water and sewerage, no restrictions relative to height shall apply".
11/6/95	§6.2 Add under "Uses Permitted after approval by the Zoning Board of Appeals": 19 Bed and Breakfast establishment provided that: 19.1 It shall be operated by the family residing on the premises. 19.2 It is a property with historical significance and the building is in existence as of this date. 19.3 It is on one lot with a minimum of 3 acres of land. 19.4 No more than eight bedrooms will be approved for use by Bed and Breakfast guests. 19.5 Off street parking will meet the standards set in §10 of the Zoning By-laws. 19.6 The sewage disposal system shall be approved by the Board of Health. 19.7 The use be appropriate and maintain the character of the neighborhood.

Town Meeting Date	Section and Description
5/5/97	§3.1 Add under "Districts" 5. Adult Entertainment Overlay District. §3.2.1 Add metes and bounds description of Adult Entertainment Overlay District. §9.5 Adult Entertainment Overlay District §9.5.1 Authority §9.5.2 Purpose §9.5.3 Definitions §9.5.4 Adult Entertainment uses by Special Permit in the Adult Entertainment Overlay District. §9.5.5 Conditions §9.5.6 Expiration §9.5.7 Retroactive Application §9.5.8 Severability
08/15/05	§3.2.6 Add the Boundaries of the Multifamily Development Overlay District §9.6 Multifamily Development Overlay District §9.6.1 Purpose §9.6.2 Overlay District §9.6.3 Minimum Area §9.6.4 Multifamily Development Projects §9.6.5 Procedures §9.6.6 Dwelling Units §9.6.7 Open Space Requirements §9.6.8 Standards §9.6.9 Decision §9.6.10 Appeal §9.6.11 Relation to Other Requirements
11/03/08	§10 Site Plan Review §10.1 Purpose §10.2 Powers and Administrative Procedures §10.3 Applicability §10.4 Pre-Application Review §10.5 Procedures §10.6 Design Standards §10.7 Compliance §10.8 Appeals §25 Conservation Subdivision Design §25.1 Purpose §25.2 Applicability §25.3 Pre-Application Review §25.4 Procedures §25.5 Design Process

	§25.6 Lot Dimensions §25.7 Number of Dwelling Units §25.8 Access to Lots §25.9 Open Space Requirements §25.10 Decision §25.11 Relation to Other Requirements
05/27/09	§9.2.2.2 Wetlands and Floodplain Protection District §9.7 Telecommunications Facilities §9.7.1 Establishment of District §9.7.2 Purpose §9.7.3 Location §9.7.4 Use Regulations §9.7.5 General Provisions for Telecommunications Facilities §9.7.6 Standards for Towers §9.7.7 Special Permit Procedures §9.7.8 Modification of an Approved Telecommunications Facility §9.2.9 Non Use §3.1 Districts
05/24/10	§3.1 Districts §7 Luther's Corners Village District §7.1 Uses Permitted Luther's Corners Village District §7.3 Screening §7.4 Maximum Lot Coverage §7.5 Minimum Depth of Front Yard §7.6 Minimum Lot Width at Street Line §7.7 Minimum Width of Side Yard §7.10 Maximum Height Requirement §9.8 Solar Photovoltaic Facility Overlay District §9.8.1 Purpose §9.8.2 Applicability §9.8.3 Definition of Terms §9.8.4 Location §9.8.5 Compliance with Laws, Ordinances, and Regulations §9.8.6 Solar Photovoltaic Facility Site Plan Review §9.8.7 Dimensional and Design Standards §9.8.8 Safety and Environmental Standards §9.8.9 Operation and Maintenance Plan §9.8.10 Utility Notification §9.8.11 Abandonment and Decommissioning §9.8.12 Financial Surety §10.3 Additional wording pertaining to Solar Photovoltaic Facility Overlay District §10.6.8 Additional Site Plan Standards for the Luther's Corners Village District

06/20/11	§12.1 Signs – Purpose §12.2Definition of Signs
11/28/11	§9.9 Economic Development Area Overlay District §9.9.1 Purpose §9.9.2 Overlay District §9.9.3 Applicability
11/13/12	§2 Amends and/or adds definitions of Affordable Housing Unit, Low-and Moderate-Income Household, Qualified Purchaser §3.2.7 Boundaries of the Continuing Care Residency Campus Overlay District §9.10 Continuing Care Residency Campus Overlay District §9.10.1 Purpose §9.10.2 Definitions §9.10.3 Overlay District §9.10.4 Minimum Area §9.10.5 Permitted Uses §9.10.6 Procedures §9.10.7 Dwelling Units §9.10.8 Open Space Requirements §9.10.9 Standards §9.10.10 Decision §9.10.11 Appeal §9.10.1 Relation to Other Requirements; Severability §25 Conservation Subdivision Design §25.1Purpose §25.2 Applicability §25.3 Pre-Application Review §25.4 Procedures §25.5 Design Process §25.6 Lot Dimensions §25.7 Number of Dwelling Units §25.8 Access to Lots §25.9 Open Space Requirements §25.10 Density Bonus Option §25.11 Decision §25.12 Relation to Other Requirements §25.13 Severability
6/10/13	§26 Temporary Medical Marijuana Treatment Center Moratorium §26.1 Purpose §26.2 Definition §26.3 Temporary Moratorium §9.8 Solar Photovoltaic Facility Overlay District §9.8.4 Location

6/09/14	§26 Medical Marijuana Overlay District
	§26.1 Establishment
	§26.2 Purpose
	§26.3 Definitions
	§26.4 Location
	§26.5 Procedure
	§26.6 Special Permit Conditions
	§26.7 Exemption from Special Permit Requirements
	§26.8 Prohibition Against Nuisances
	§26.9 Severability
	§9.2.2.2 Wetlands and Floodplain Protection District
	(FEMA updates)
11/17/14	Reorganization of entire Zoning By-laws
6/15/15	§ 6.4 Groundwater Aquifer Protection District deleted in its entirety
	§6.4 Water Resource Protection District
	§6.4.1 PURPOSE and INTENT
	§6.4.2 DEFINITION OF TERMS
	§6.4.3 DEFINITION OF THE WATER RESOURCE PROTECTION DISTRICT
	§6.4.4 USES REGULATED
	§6.4.5 SPECIAL PERMITS and PROCEDURE
	§6.4.6 PERFORMANCE and DESIGN STANDARDS FOR ALL ACTIVITIES
	§6.4.7 PERFORMANCE and DESIGN STANDARDS FOR SPECIAL PERMIT APPLICATIONS
	§6.4.8 ADMINISTRATIVE PROCEDURES
	§6.4.9 ADMINISTRATION
11/23/15	
	Table of Contents (Add CCRCOD as §6.11)
	§ 1 Authority, Purposes and General Provisions (retitled)
	§ 1.3 Definitions (ACCESSORY USE amend “building” to “use”
	§1.4 General Provisions (relocation of former §7 and FEMA cite update)

§2.2.2 Powers (citation correction)

§2.2.3 Procedures (citation correction)

§2.3.1 Definitions, Powers (citation correction)

§2.4 Public Hearing (insert Seekonk and remove “of the city of town”

§2.5 Repetitive Petitions (remove “the”)

§4.2.2 Use Table, Institutional, Utility and Recreational Uses (Child Care Facility M.G.L. citation)

§6.2.2.2 Wetlands and Floodplain Protection District (FEMA citation update)

§6.5.3 Adult Entertainment Overlay District (language revisions per Office of the Attorney General comments)

§6.5.3.12 Adult Entertainment Overlay District (site plan review by Planning Board)

§6.6.8.4 Multifamily Development Overlay District (accessory parking and storage structures)

§6.6.8.6 Multifamily Development Overlay District (add “or the applicant’s successor in interest”)

§6.7.6.5 Telecommunications Facility Overlay District (public collocation provision)

§6.7.6.6 Telecommunications Facility Overlay District (public microwave equipment exemption)

§6.7.8.1 Telecommunications Facility Overlay District (approved site plan revision)

§6.10.1 Medical Marijuana Overlay District Establishment (replace “these regulations” with “this section”)

§6.11 CONTINUING CARE RESIDENCY CAMPUS OVERLAY DISTRICT (re-adoption see 11/13/12)
§6.11.1 PURPOSE
§6.11.2 DEFINITIONS
§6.11.3 OVERLAY DISTRICT
§6.11.4 MINIMUM AREA
§6.11.5 PERMITTED USES
§6.11.6 PROCEDURES
§6.11.7 DWELLING UNITS
§6.11.8 OPEN SPACE REQUIREMENTS
§6.11.9 STANDARDS

§6.11.10 DECISION
§6.11.11 APPEAL
§6.11.1 RELATION TO OTHER REQUIREMENTS; SEVERABILITY

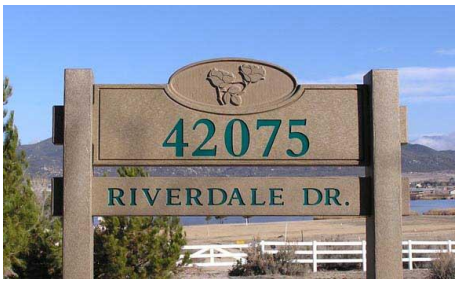
§7 RESERVED (see §1.4 for relocated general provisions)

Appendix C. Sign Definitions

Abandoned Sign - Any sign associated with a use which has ceased operations for sixty (60) or more days and/or contains or exhibits broken panels, visible rust, visible rot, damaged support structures, missing letters, or which is otherwise dilapidated, unsightly, or unkempt shall be deemed an abandoned sign

Accessory Sign - A sign that provides information pertaining to, but that does not specifically identify a business, product or activity, including signs such as, "open," "closed," "VISA," phone number, website, email or other similar information.

Address Sign - A sign indicating the numerical location, or numerical and street location, of a particular property.



Ad Step - Advertising placed on the riser or treads of stairs.

Advertising Device - (excluding Balloon Signs)
Any principally non-verbal device designed for advertising purposes, such as caricatures, animals, ice cream cones, arches etc.

AdWalk - Advertising placed on or within a sidewalk.

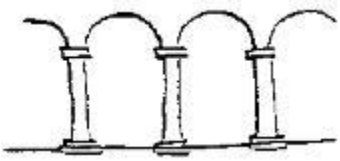
A-Frame Sign - A sandwich sign that is connected at the top or bottom.

<u>Animated Sign</u> - A sign employing actual motion, or the illusion of motion.

Animated signs, which are differentiated from changeable signs as defined and regulated by this code, include the following types:

1. Environmentally Activated: Animated signs or devices motivated by wind, thermal changes, or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.
2. Mechanically Activated: Animated signs characterized by repetitive motion, and/or rotation, activated by a mechanical system powered by electric motors, or other mechanically induced means.
3. Electrically Activated: Animated signs producing the illusion of movement by means of electronic, electrical, or electrical-mechanical input, and/or illumination capable of simulating movement through employment of characteristics of one, or both of the classifications noted below:
    a. Flashing: Animated signs, or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as, or less than the period of non-illumination. For the purposes of this ordinance, flashing will not be defined as occurring, if the cyclical period between on-off phases of illumination exceeds seven (7) seconds.
    b. Patterned Illusionary Movement: Animated signs, or animated portions of signs, whose illumination is characterized by simulated movement, through alternate, or sequential activation of various illuminated elements, for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

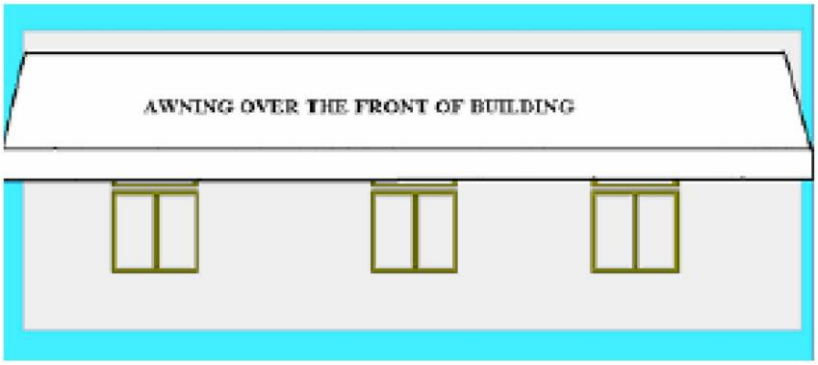
<u>Arcade</u> - A series of arches supported by columns or piers that may be attached to a wall or freestanding.



Area of a Sign - The area of a sign shall be calculated by measuring the entire face of a sign including the advertising surface and any framing, trim or molding, but excluding supports which do not bear advertising. Where a sign consists of individual letters, symbols or multiple panels (i.e. a multiple faced sign), the area shall be considered to be the smallest rectangle which encompasses all the letters, symbols or panels. Only one (1) face of a double-faced sign shall be used in computing the area of that sign.

Audible Sign - Any sign which emits a sound which is audible or emits a signal which can be converted into audible sounds, whether by radio or other means.

Awning - Any device, fixed or retractable, of any material, which extends over or otherwise covers a sidewalk, courtyard, walkway, eating area, driveway, or other area or space whether that area or space is intended for pedestrians, vehicles or other purposes. Also known as a "canopy."



Awning Sign - Any sign that is a part of, attached to, or displayed on an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service area.

Balloon Sign - A type of advertising device consisting of a bag made of lightweight material supported by helium, hot air, pressurized air, or other gaseous substance having a greatest dimension in excess of 24 inches, or containing more than four (4) cubic feet of air.

Banner - A sign having characters, letters or illustrations applied to cloth, paper or fabric of any kind, with only such non-rigid material for backing or background, placed above or across a public or private street, or way, with the prior written permission of the Building Commissioner or designee, the Building Commissioner shall determine the terms and conditions for the use of such sign, including, but not limited to, dimensional and length of time of allowances. Neither flags nor awning signs are considered banners.

Banners, Flags, Streamers with Logos – Includes other advertising features, or any other banners, teardrop banners, and flags not specifically identified. Any fabric or similar flexible material containing distinctive colors or patterns attached at least one end of the material, usually to a staff or pole that contain distinctive colors, patterns, symbols, emblems, insignia or other symbolic devices.

Banners, Flags, Streamers without Logos – Includes other advertising features, including "Open" Flags and unmarked flags or a non-commercial message. Any fabric or similar flexible material containing distinctive colors or patterns attached at, at least one end of the material, usually to a staff or pole, that contain distinctive colors, patterns, symbols, emblems, insignia or other symbolic devices.

Barber Sign - Rotating barber poles.

Beacon – A stationary revolving light that flashes or projects illumination, single color or multicolored, in any manner that is intended to attract or divert attention; not including any type of lighting device required or necessary under the safety regulations described by the Federal Aviation Administration or similar agencies.

Billboard - A sign that directs attention to a business, product, service, or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

Billboard - Portable - A sign designed to be readily relocated, that directs attention to a business, product, service, or entertainment conducted, sold or offered either on or off the premises on which the sign is located. Portable billboard signs also include signs on wheels, or on portable structures such as

trailers, tent signs, and normal advertising placed on motor vehicles designed specifically to be used as mobile billboards. Portable billboard signs do not include A-Frame Signs, Sandwich Signs, Menu Signs, and V-Shaped Signs, but may include Changeable Copy Signs if they are not permanently attached to a structure.

Building Commissioner -The Building Commissioner of the Town of Seekonk, or the Commissioner's designee.

Business Establishment - Any non-residential use, whether or not consisting of one (1) or more buildings. In a building with more than one (1) non-residential tenant, each tenant shall constitute a separate business establishment.

Building Front -The portion of a building facing the road, or any portion of a building that has separate businesses, and separate egress and ingress for the public facing a parking lot, or another public way.

Building Sign - Any sign attached to any part of a building, as contrasted to a ground sign.

Canopy - A roof-like cover, often of fabric, plastic, metal, or glass on a support, that provides shelter over a doorway.

Changeable Copy - Any lights, lettering, or images that may be electronically or manually changed to form a sign message or messages.

Changeable Sign - A sign with capability of content change by means of manual or remote input. Includes the following types:

1. Manually Activated- Changeable sign whose message copy or content can be changed manually on a display surface.
2. Electrically Activated: Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic, or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps, or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also: Electronic Message Sign or Center.

Commercial Message - Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

Construction Signs - A sign identifying an architect, builder, contractor, subcontractor, material supplier, financing entity, or others participating in construction, design or alteration on the property on which the sign is located. Said signs may also include a picture of the building under construction.

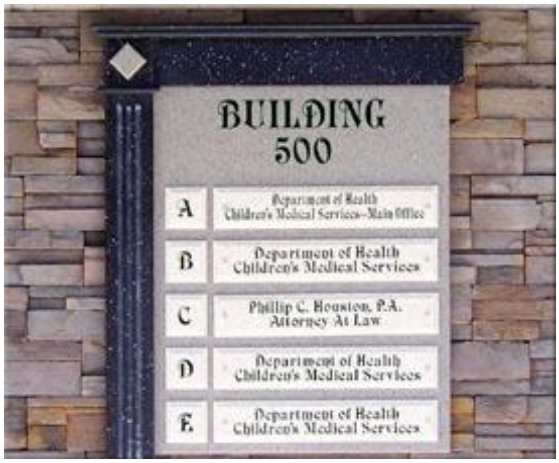
Directional Signs - Any sign limited solely to directing both vehicular and pedestrian traffic within or setting out restrictions on the use of parking areas.

Directional or Traffic Safety Signs with Logos - A sign identifying entrances, exits, parking areas or other operational features of premises, and/or providing directions for the safe and/or efficient flow of vehicular or pedestrian traffic. (Directional or traffic safety signs within public roadway layouts are governed by the Massachusetts Department of Transportation and Highways Manual on Uniform Traffic Control Devices.)

Directional or Traffic Safety Signs without Logos - A sign identifying entrances, exits, parking areas or other operational features of premises, and/or

providing directions for the safe and/or efficient flow of vehicular or pedestrian traffic. (Directional or traffic safety signs within public roadway layouts are governed by the Massachusetts Department of Transportation and Highways Manual on Uniform Traffic Control Devices.)

Directory Sign - A sign which may be utilized by multiple business establishments occupying a single building with a shared public entrance.



Display Surface - The area of the sign measured by exterior dimension of established bordering available for the advertising message.

Double-Faced Sign - A sign with two faces or panels, neither that is visible at the same time, nor that, unlike a V-shaped sign, are directly back to back.

Drive-through Menu Sign - A sign associated with drive-through windows or kiosks, and directed to drive-through traffic.

Electronic Message Sign or Center - A sign on which the characters, letters or illustrations can be changed automatically, or through electronic or mechanical means. Electronic message centers exclude time and temperature signs. See also Changeable Copy Signs.

Electric Sign - Any sign activated, or illuminated by means of electric energy.

Entrance - A means of accessing a building. For the purpose of regulating signage the following are types of entrances:

1. Public Entrance - An entrance to a single business establishment available for use by the general public during hours of operation.
2. Principal Entrance - The primary public entrance to a single business establishment.
3. Secondary Entrance - A public entrance to a single business establishment that is additional to the principal entrance.
4. Shared Public Entrance - A common public entrance that provides access to multiple business establishments but does not directly access any single business establishment.

Erect - To attach, build, paint, construct, reconstruct, alter, enlarge, or relocate.

Externally Illuminated Sign - A sign illuminated by an external light source directed solely toward such sign.

Facade of the Business Establishment - That portion of the building wall facing a street or containing a public entrance, which corresponds to the height and width of the interior space rented or owned by the tenant of the business establishment.

Flag - Any fabric or bunting containing colors, patterns, or symbols used as a symbol of a government or other entity or organization.

Flashing Sign - A sign that contains an intermittent or sequential flashing light source, but excluding changeable-copy signs, electronic message centers, animated signs or signs that, through reflection or other means, create an illusion of flashing or intermittent light.

Free-Standing Ground Sign - A freestanding sign that is supported by one (1) or more uprights or braces that are in or upon the ground.

Garage Bay Signs – Signs over the entry way to service bays at a gasoline station or garage.

Government Signs - Any sign erected and maintained by a duly constituted government agency.

Grade - Height above ground level as determined by the crown of the closest public road.

Ground Sign - Any sign, supported by structures or supports that are placed on or anchored in the ground, independent from any building or other structure.

Halo Lighting - Light showing from the back of, or from within a letter or graphic shape, out towards the surface that the letter or graphic is mounted on, without having any light visible through the face of the letter or graphic.

Height of a Sign - The vertical distance including landscape features and mounding measured from the highest point of a sign to the grade.

Historic or Commemorative Plaque - Any sign or plaque indicating the name of a building, the date of erection and/or incidental information about its construction, also known as memorial signs or markers.

Home Occupation Sign - An on-premises sign indicating a business, trade, occupation or profession conducted at the proprietor's residence or within a structure accessory to the residence.

Illegal Sign - A sign that does not meet the requirements of this code.

Illuminated Sign - A sign lighted or exposed to artificial light either by lights on or in the sign or directed towards the sign including Halo Lighting, Direct/External Lighting, Indirect Lighting, Internal Illumination, Flashing or Intermittent Lighting.

Indirect Lighting - Illumination by means of a concealed light source, whereby all devices are shielded from view by opaque or translucent materials, and including reflected lighting.

Individually Lettered Sign -A sign made of separate and distinct lettering, promoting, or as part of the same message, the dimensions of which shall be the height of the tallest letter, and the width of all combined letters fully displayed.

Institutional Use - For the purpose of Section 8.8, shall mean any religious or educational use.

Internally Illuminated Sign - A sign illuminated by an internal light source, utilizing translucent panels, canvas or other fabric, letters, devices or other similar components to create an image by allowing light to pass through. A "Reverse Lit" sign is not an internally illuminated sign.

Ladder (Directory) Signs - A freestanding ground sign with two (2) vertical supports and two (2) or more crosspieces serving as individual signs.

Location - No sign or any part thereof shall be within the layout of a public way or sidewalk or shall obstruct highway vision.
No signs permitted or temporary shall be erected or placed on public property, unless exempted hereunder, including all municipal and all other allowed governmental signs, including all governmental street devices.

Logo - A distinctive emblem, symbol or insignia identifying a particular product, service, business, activity or entity.

Maintenance Sign - A sign identifying an architect, builder, contractor, subcontractor, material supplier or others participating in maintenance on the property on which the sign is located.

Maintaining a Sign - The cleaning, painting, or repair or replacement of defective parts of a sign in a manner that does not alter the basic information, design or structure of the sign.

Marquee - Any sign attached to a roof, side of building and extending perpendicular to a wall, or awning, which then projects over the entrance, or other portion of the building.

Mechanically Activated Sign - Signs that have moving parts other than Barber signs.

Menu Signs - A sign illustrating the menu or specials for an establishment.

Moving Sign - Any and every sign, any part of which that is animated by mechanical or other means.

Multi-Faced Sign - Any sign consisting of more than one (1) sign face.

Municipal Signs- Municipal signs are exempt from the provisions of Section 8.8.

Neon Signs - An illuminated sign containing a glass tube filled with neon, phosphors or other gaseous substance that is bent to form letters, symbols or other shapes. Exposed Neon Signs shall include tubes, and other materials that mimic neon such as fiber optic, that are visible either through exposed lighting on the sign face, or through transparent or translucent material from a light source within the sign. This includes said signs whether or not they are enclosed in a box or other framing material.

Non-Conforming Sign - Any sign legally erected prior to the adoption of Section 8.8, or any amendment thereof, which does not conform to the requirements of Section 8.8 or such future amendments.

Normal Grade - The lower of 1) existing grade prior to construction or, 2) the newly established grade after construction, exclusive of any filling, bermming, mounding, or excavating solely for the purpose of locating the sign.

Off-Premise Signs - A sign that identifies or provides information pertaining to a business, lessor, lessee, service, owner, product or activity that is not located on the premises where such sign is located.

On-Premise Sign - A sign which identifies or provides information pertaining to a business, lessor, lessee, service, owner, product or activity, which is located on the premises where such sign is located.

Open House Signs – A sign promoting an “Open House”.

Out-of-Store Marketing Device - An out-of-store marketing device is any facility or equipment which is located outside of a primary building on a site zoned for nonresidential uses, which is used for the primary purpose of providing a product or service without the owner's or agent's immediate presence, and which is manufactured to include a color, form, graphic, illumination, symbol, and/or writing thereon to communicate information regarding the product or service provided thereby to the public. Examples of out-of-store marketing devices include: fuel pumps, bank ATM units, vending machines, newspaper racks, drink machines, ice boxes, and phone booths.

Painted Wall Sign -A wall sign that is applied with paint, or similar substance on the face of a wall; such sign shall be considered a wall sign for calculation purposes.

Pennant - Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind. Also known and referred to as a streamer.

Permanent Sign - Any sign of a type and construction as not to be easily or readily removed, which, when installed, is intended for permanent use. Types of permanent signs include, but are not limited to, standing signs, wall signs, awning signs, and window signs.

Portable Sign - A sign which is not permanently affixed to the ground or to a structure, including but not limited to signs on trailers which are parked in such a manner as to serve the purpose of a sign.

Preexisting Nonconforming Sign - Any sign that conformed to the provisions of the Sign Code By-law, if any, at the time it was erected, but does not conform to the current requirements of this By-law.

Projecting Sign - A type of wall sign which is perpendicular to the wall to which it is attached and projects away from such wall.

Public Service Signs - A sign that exclusively promotes an activity or event of general interest to the community and that contains no advertising features.

Real Estate Signs - Any sign that is used for the sale, lease or rental of real property.

Residential Decorative Signs - A sign indicating a name for a residence at the premises, and not advertising any products or services.

Residential Identification Signs - A sign indicating a name for a residence at the premises, and not advertising any products or services.

Regulatory or Safety Signs - A sign that provides directions or regulations for the safe and legal conduct of activities on the premises.

Reverse Lit - A type of sign and/or sign illumination using an opaque face and sides, generally constructed of aluminum, and a clear polycarbonate back or no back. Light does not pass through the face of the sign, but rather comes out of the back of the sign and is cast off the wall behind the sign, thereby creating a silhouette of the outline of the sign face. Also known and referred to as "Reverse Back Lit", "Halo", or "Halo Lit" sign or sign illumination.

Roof Sign - Any sign erected and constructed above, or projecting above, the lowest point of the eave or the top of a parapet wall of any building, or which is painted, or otherwise attached, or affixed to a roof.

Sandwich Board Signs - A self-supporting, double-paneled sign, whose panels are not parallel but that are connected along one (1) edge and separated along the opposite edge. If connected on a side edge, it is a V-shaped sign. If connected at the top or bottom, it is an A-frame sign.

Seasonal -The regular cyclic seasons of the year, whether winter, spring, summer or fall; or special "holiday seasons" such as Christmas, Easter etc. Unless otherwise specified, seasonal shall refer to the normal summer tourist season – generally the time period between Easter and Columbus Day.

Seasonal Display - An outdoor display for the purpose of celebration of the holidays, or seasons.

Seasonal Sign - A Temporary Sign used by a business that operates on a seasonal basis.

Special Purpose Sign - A sign giving warning, prohibition or instruction, such as "no hunting", "no turning", "no trespassing" or "beware of dog".

Subdivision Lot Plan Sign - A sign depicting the lot plan of a subdivision.

Subsidiary Sign - A sign that is attached to and smaller than another sign.

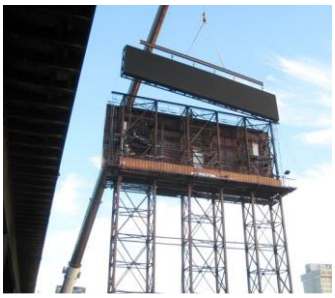
Sign or Advertising Device -Any permanent or temporary device, billboard, placard, painting, drawing, poster, letter, word, banner, striping, denoting a particular firm, pennant, insignia, trade flag, article, object, or other representation used as an advertisement, announcement, direction, calling attention to, or indicating and identifying any premises, firm, person, or activity, whatever the nature of the material used, and manner of composition or construction, and used to communicate information of any kind to the public.

Sign Face - That part of a sign that is or can be used for the purpose of advertising, identification or conveying a message.

Sign Officer, Sign Committee, or Designee - Individuals appointed by the Board of Selectmen to represent the Board. The Sign Officer or designee is responsible for permitting signs and enforcing compliance.

Sign Permit - A permit issued by the Building Commissioner for the erection, construction, display, removal, enlargement, alteration, repair or improvement of any sign.

Sign Structure - The support, uprights and braces of any sign and display area, term use, containing no reflecting elements, flags, or projections and which, when erect, stands at a height not greater than six (6) feet. Sandwich board signs shall be considered to be a type of standard informational sign.



Standard Informational Sign - A sign with no one side consisting of an area greater than six (6) square feet, with a sign face made for short term use, containing no reflecting elements, flags, or projections and which, when erect, stands at a height not greater than six (6) feet. Sandwich board signs shall be considered to be a type of standard informational sign.

Standing Sign - A permanent sign erected on or affixed to the ground and not attached to a building.

Temporary Sign – Any sign, banner, valance or advertising display, intended to display either commercial or non-commercial messages of a transitory or temporary nature. Portable signs, or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs. Ok with additions.

Time & Temperature Signs - A sign or portion thereof that is designed to illustrate the current time and temperature.

Under Canopy Sign – A sign suspended beneath a canopy, ceiling, roof or marquee.

Vehicle Signs - Signs on or affixed to a bus, car, boat, trailer or other motorized vehicle. A sign on an inoperative vehicle or on a vehicle that is not used in the activities of the business and parked on public or private property with the primary purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby premises. This provision is not intended to prohibit signs painted upon or applied directly to a vehicle that is actively used in the regular function of a business, as long as it is parked within a legal parking space on the site.

Vending Machine Sign - A Sandwich Sign that is connected at a side edge, with two panels, neither of which is visible at the same time, and that unlike a double-faced sign, are not flush or parallel.

V-Shaped Signs - A Sandwich Sign that is connected at a side edge, with two panels, neither of which is visible at the same time, and that unlike a double-faced sign, are not flush or parallel.

Wall Sign - A permanent building sign not considered to be a roof sign, window sign, temporary sign, temporary window sign, or directory, attached to or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building. Wall signs may be mounted parallel or perpendicular to a wall, subject to the requirements herein.

Wall or Fascia Sign – A sign that is in any manner affixed to any exterior wall of a building or structure, and that projects not more than eighteen (18) inches from the building or structure wall. Also includes signs affixed to architectural projections that project from a building, pro façade, or to the face, or faces of the architectural projection to which it is affixed, provided the copy area of such signs remains on a parallel plane to the face of the building.

Window Sign - Any sign attached, painted or otherwise similarly affixed directly to the glass surface of a window or door, either inside or outside the building, and designed to be visible from the exterior of the structure.

Yard or Garage Sale Signs - A sign advertising a yard, barn or garage sale.